

**POLICY STATEMENT AND MANUAL**

in respect of

**ACCESS TO INFORMATION, PROTECTION  
OF PERSONAL INFORMATION AND THE  
RETENTION OF DOCUMENTS**

for

**INTEGRATED AQUACULTURE PROPRIETARY LIMITED**

(hereinafter “the **Company**” or “InteAqua”)

**PREPARED IN ACCORDANCE WITH  
SECTION 51 OF THE PROMOTION OF ACCESS  
TO INFORMATION ACT, 2 OF 2000  
AND TO ADDRESS REQUIREMENTS OF  
THE PROTECTION OF PERSONAL  
INFORMATION ACT, 4 OF 2013**

<b>TABLE OF CONTENTS</b>
--------------------------

1.	<b>DEFINITIONS</b> .....	4
2.	<b>INTRODUCTION</b> .....	7
3.	<b>SCOPE AND PURPOSE</b> .....	7
4.	<b>AMENDMENTS TO THIS MANUAL</b> .....	9
5.	<b>PAIA AND POPIA PROVISIONS</b> .....	9
6.	<b>BACKGROUND</b> .....	9
7.	<b>APPLICABILITY AND AVAILABILITY OF THIS MANUAL</b> .....	10
8.	<b>PAIA PROVISIONS</b> .....	10
9.	<b>PARTICULARS REQUIRED IN TERMS OF SECTION 51(1)(a) OF PAIA</b> .....	12
10.	<b>THE LATEST NOTICE IN TERMS OF SECTION 52(2) OF PAIA</b> .....	12
11.	<b>LIST OF RECORDS AND INFORMATION</b> .....	13
12.	<b>WHO MAY REQUEST INFORMATION OR RECORDS</b> .....	13
13.	<b>REQUEST</b> .....	13
14.	<b>PRESCRIBED FEES</b> .....	14
15.	<b>DECISION ON REQUEST</b> .....	15
16.	<b>GROUND FOR REFUSAL</b> .....	16
17.	<b>THE PRESCRIBED FORMS AND FEES</b> .....	17
18.	<b>RECORDS THAT CANNOT BE FOUND</b> .....	17
19.	<b>BACKGROUND</b> .....	18
20.	<b>IDENTITY AND RESPONSIBILITIES OF THE INFORMATION OFFICER</b> .....	18
21.	<b>CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION</b> .....	19
22.	<b>PERSONAL INFORMATION OF CLIENTS</b> .....	21
23.	<b>PERSONAL INFORMATION OF EMPLOYEES</b> .....	22
24.	<b>DISCLOSURE OF PERSONAL INFORMATION</b> .....	22
25.	<b>PERSONAL INFORMATION SECURITY</b> .....	23
26.	<b>ACCESS TO PERSONAL INFORMATION</b> .....	24

27.	<b>INTRODUCTION</b> .....	25
28.	<b>ACCESS TO DOCUMENTS</b> .....	25
29.	<b>STORAGE OF DOCUMENTS</b> .....	27
30.	<b>DESTRUCTION OF DOCUMENTS</b> .....	28
	<b>SCHEDULE A</b> .....	28
	<b>SCHEDULE B</b> .....	32
	<b>SCHEDULE C</b> .....	34

## POLICY STATEMENT AND MANUAL

for

## INTEGRATED AQUACULTURE PROPRIETARY LIMITED

### 1. DEFINITIONS

- 1.1 The following words, unless otherwise defined, shall bear the same meaning as under PAIA and POPIA, as the case may be:
- 1.1.1 “**Consent**” means a voluntary, specific and informed expression of will in terms of which a Data Subject agrees to the Processing of Personal Information relating to him or her;
- 1.1.2 “**Data Subject**” means the person to whom Personal Information relates, who may be a natural or juristic person;
- 1.1.3 “**Information Officer**” means the chief executive officer or equivalent officer of the Company, or any person duly authorised by that officer or the person acting as such or any person duly authorised by such acting person, being **Mr Lance A. Quiding**, whose further particulars appear in clause 8.2.2 of this Manual;
- 1.1.4 “**Information Regulator**” the Information Regulator established in terms of section 39 of POPIA;
- 1.1.5 “**Manual**” this Access to, and Protection of, Personal Information Manual prepared in accordance with section 51 of PAIA and to address the requirements of POPIA;
- 1.1.6 “**PAIA**” the Promotion of Access to Information Act No. 2 of 2000, as amended from time to time;

- 1.1.7            **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person including, but not limited to:
- 1.1.7.1            information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
  - 1.1.7.2            information relating to the education or the medical, financial, criminal or employment history of the Data Subject;
  - 1.1.7.3            any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
  - 1.1.7.4            the blood type or any other biometric information of the person;
  - 1.1.7.5            the personal opinions, views or preferences of the person;
  - 1.1.7.6            correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
  - 1.1.7.7            the views or opinions of another individual about the person; and
  - 1.1.7.8            the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 1.1.8            **“Personal Requester”** means a person who requests information about himself/herself/itself;
- 1.1.9            **“POPIA”** means the Protection of Personal Information Act No. 4 of 2013;
- 1.1.10           **“Private Body”** means a natural person who carries or has carried on any trade, business or profession in that capacity, a partnership or juristic person, whether existing or terminated, but excluding a Public Body;

- 1.1.11            **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 1.1.11.1            the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 1.1.11.2            dissemination by means of transmission, distribution or making available in any other form; or
- 1.1.11.3            merging, linking, as well as blocking, degradation, erasure or destruction of information,
- and **“Processed”** shall have a corresponding meaning;
- 1.1.12            **“Public Body”** means any department or state or administration in the national, provincial or local sphere of government or functionary exercising public power;
- 1.1.13            **“Representative Requester”** means a person who requests information relating to and on behalf of another person;
- 1.1.14            **“Responsible Party”** means a Public Body or Private Body (as the case may be) or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
- 1.1.15            **“Requester”** means any person, including, but not limited to, a Public Body or an official thereof, making a request for access to a record of the Company; or a person acting on behalf of such a person;
- 1.1.16            **“RSA”** means the Republic of South Africa;
- 1.1.17            **“Services”** means the business of operating and building environmentally-conscious and sustainable aquaponic farming systems and related service offerings including but not limited to imparting knowledge by way of training courses next to promoting aquaponically grown produce.

- 1.1.18            **“Third Party Requester”** means a person who requests information about another person.

## A. GENERAL

### 2. INTRODUCTION

2.1            PAIA seeks to give effect to the constitutional right to access information as contained in section 32 of the Bill of Rights. PAIA seeks to advance the values of transparency and accountability and establishes certain statutory rights of Requesters to access records of a Public Body or Private Body if:

2.1.1            that record is required for the exercise or protection of any rights;

2.1.2            that Requester complies with all the procedural requirements; and

2.1.3            access is not refused in terms of any ground referred to in PAIA.

2.2            POPIA seeks to give effect to the constitutional right to privacy as contained in section 14 of the Bill of Rights. POPIA seeks to safeguard Personal Information by regulating the manner in which it may be Processed by Public and Private Bodies. POPIA provides that Data Subjects have the right to have their Personal Information Processed in accordance with the conditions for the lawful Processing of Personal Information, which are set out in POPIA.

2.3            One of the requirements specified in PAIA, is the compilation of an information manual that provides information which includes the types and categories of records held by a Private Body (this relates to PAIA) as well certain information relating to the Processing of Personal Information (this relates to POPIA). Furthermore, section 17 of POPIA states that a Responsible Party must maintain documentation of all processing operations under its responsibility as referred to in section 14 or 51 of PAIA.

### 3. SCOPE AND PURPOSE

3.1            This Manual serves as the Company’s information manual and provides reference to the records held by the Company as well as the Personal Information Processed by the Company from time to time.

3.2            The purpose of this Manual is to:

- 3.2.1 ensure that the Company complies with PAIA by giving effect to the right to information;
  - 3.2.2 provide a non-exhaustive list of Personal Information, records and other details held or to be collected by the Company, in terms of, inter alia, the provisions of POPIA;
  - 3.2.3 set out the requirements on how to request Personal Information in terms of PAIA and POPIA, as well as the grounds on which a request may be refused; and
  - 3.2.4 define the manner and form in which a request for Personal Information must be provided.
- 3.3 This Manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA and/or POPIA. A person seeking any Personal Information or any other specified information of the Company (“**Applicant**”) as referred to in POPIA and/or PAIA (as the case may be) as the “*Requester*”, under the control of the Company, must familiarise himself with the provisions of PAIA and/or POPIA before submitting a written request to the Company.
- 3.4 The Company makes no representation and gives no undertaking or warranty that the information referred to in this Manual or any information provided by it to an Applicant is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk. The Company shall not be liable for any loss, cost, expense, liability or claims, howsoever arising and/or of whatsoever nature, arising from the application of this Manual or of any information provided by the Company or from any error or omission therein.
- 3.5 Any person lawfully accessing and/or using any information supplied by the Company pursuant to a formal request, hereby acknowledges and consents to the fact that he shall abide by these terms and conditions as set out in this Manual, only use the information for the purpose disclosed and for no other purpose, shall treat such information as confidential, within the prescribed limitations of the request and the provisions of applicable laws and hereby irrevocably agree to submit (on an exclusive basis) to the laws of the RSA



and to the exclusive jurisdiction of the South African courts in respect of any dispute arising out of the use of this Manual or any Personal Information provided by the Company pursuant to a formal request.

#### **4. AMENDMENTS TO THIS MANUAL**

- 4.1 Amendments to or a review of this Manual will take place on an ad hoc basis but in any event at least once a year.
- 4.2 Clients, employees and other third parties are advised to access the Company website periodically to inform themselves of any changes to the Manual. Where material changes to the storage and retention procedures are effected, the Company shall ensure that the relevant Data Subject (including employees and clients) are notified in writing.

#### **5. PAIA AND POPIA PROVISIONS**

- 5.1 PAIA affords natural and/or juristic persons the right of access to records held by either a Private or Public Body, subject to certain limitations, in order to enable them to exercise or protect their rights.
- 5.2 Conversely, POPIA affords Data Subjects the right to request access, in accordance with the provisions of POPIA, to their Personal Information from any Responsible Party.
- 5.3 POPIA requires that when Processing Personal Information, a Responsible Party should give effect to the constitutional right to privacy by safeguarding Private Information subject to justifiable limitations that are aimed at balancing the right to privacy against other rights, particularly the right of access to information.

#### **B. POLICY PREPARED IN ACCORDANCE WITH SECTION 51 OF PAIA**

##### **6. BACKGROUND**

- 6.1 It is the Company's policy to conduct its operations in compliance with all legal and regulatory requirements.
- 6.2 This Manual regulates access to information and records owned, held by or otherwise under the control of the Company, and the release of any such

information or records in accordance with the provisions of POPIA read with the provisions of PAIA.

## 7. APPLICABILITY AND AVAILABILITY OF THIS MANUAL

- 7.1 PAIA gives effect to the constitutional right of access to any information in records held by Public Bodies or Private Bodies that is required for the exercise or protection of any rights. PAIA sets out the procedural requirements attached to requests for information, the requirements which requests must meet, as well as the grounds for refusing requests. This Manual informs Requesters of procedural and other requirements which a request must meet.
- 7.2 PAIA also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.
- 7.3 This Manual is available for inspection, free of charge, at the Company's head offices as stipulated in clause 9.

## 8. PAIA PROVISIONS

- 8.1 Section 51 of PAIA requires Private Bodies to compile a Manual setting out the procedure and requirements to be adhered to in seeking to obtain access to information held by that Private Body. It also stipulates the minimum requirements a manual has to comply with. To this end, section 51 of PAIA requires the Manual to contain, amongst others, the following:
- 8.1.1 contact details of the Head of the Private Body;
- 8.1.2 categories of information available without formal request, if any ("**Schedule A**");
- 8.1.3 a description of the records available in accordance with other legislation ("**Schedule B**");
- 8.1.4 a description of the guide referred to in section 10 of PAIA and how to obtain access to it;

- 8.1.5 sufficient detail to facilitate a formal written request for access to a record of a Private Body;
  - 8.1.6 a description of the subjects on which the Private Body holds records and the categories of records held on each subject; and
  - 8.1.7 such other information as may be prescribed.
- 8.2 As provided for in terms of section 51(2) of PAIA, this Manual will be updated as and when the need arises and as soon as any amendments have been finalised, the latest version of the Manual will be made public:
- 8.2.1 through the Company's website: [www.integratedaquaculture.co.za](http://www.integratedaquaculture.co.za); or alternatively
  - 8.2.2 on request from:
    - The Information Officer: **Mr Lance A. Quiding**
    - Tel number: +27 82 561 0013
    - E-mail: [contact@inteaqua.co.za](mailto:contact@inteaqua.co.za)
    - Address: 111, 10<sup>th</sup> Street, Parkmore, Johannesburg, South Africa, 2196

9. **PARTICULARS REQUIRED IN TERMS OF SECTION 51(1)(a) OF PAIA**

<b>Company Registration</b>	Integrated Aquaculture Proprietary Limited (registration number: 2014/106095/07)
<b>Head of the Company:</b>	<b>Lance A. Quiding (Public Officer)</b>
Street Address	111, 10th Street, Parkmore, Johannesburg, South Africa, 2196
Telephone	<b>+27 82 561 0013</b>
Email	<a href="mailto:contact@inteaqua.co.za">contact@inteaqua.co.za</a>
<b>Authorised Privacy &amp; Information Officer</b>	<b>Lance A. Quiding</b>
Street Address	111, 10th Street, Parkmore, Johannesburg, South Africa, 2196
Postal Address	111, 10th Street, Parkmore, Johannesburg, South Africa, 2196
Telephone	<b>+27 82 561 0013</b>
Email	<a href="mailto:contact@InteAqua.co.za">contact@InteAqua.co.za</a>
Website	<a href="http://www.integratedaquaculture.co.za">www.integratedaquaculture.co.za</a>

10. **THE LATEST NOTICE IN TERMS OF SECTION 52(2) OF PAIA**

- 10.1 PAIA provides for the automatic availability of certain records. Should records be automatically available, a formal request for such records will not be necessary.
- 10.2 In terms of PAIA, this automatic availability of certain records by Private Bodies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of section 52(2) of PAIA.

- 10.3 At this stage the Company has not submitted a description of the categories of records that are automatically available without a person having to request access in terms of PAIA.

## 11. LIST OF RECORDS AND INFORMATION

- 11.1 The information held by the Company has been divided into different categories. The categories of information are not exhaustive but are merely meant to give a broad indication of the information subject and categories held by the Company, without specification.
- 11.2 The list of the categories of records held by the Company appears in SCHEDULE A annexed hereto.
- 11.3 The list of the description of records held by the Company in accordance with other legislation appears in SCHEDULE B annexed hereto.

## 12. WHO MAY REQUEST INFORMATION OR RECORDS

- 12.1 PAIA provides that a person may only request information in terms thereof if that information is required for the exercise or protection of a right.
- 12.2 In this regard, the Requester must:
- 12.2.1 state that the record requested is required in order to exercise or protect a right;
- 12.2.2 identify the right and provide details of the nature of the right to be exercised or protected;
- 12.2.3 provide an explanation of why the requested record is required for the exercise or protection of that right.

## 13. REQUEST

- 13.1 A request on the prescribed form (a copy of which is annexed as SCHEDULE C) ("**Request**") for access to a record must be made on the prescribed form delivered to the Information Officer at his address, e-mail address as provided for in this Manual.

- 13.2 The Requester must provide sufficient detail on the request form to enable the Information Officer to identify:
- 13.2.1 the record requested;
  - 13.2.2 the identity of the Requester; and
  - 13.2.3 the form of access required if the request is granted.
- 13.3 When completing a Request on the prescribed form, the Applicant/Requester should also indicate:
- 13.3.1 the preferred language if applicable;
  - 13.3.2 whether the Requester wishes to be informed of the decision in another manner in addition to a written reply and the particulars thereof; and
  - 13.3.3 a facsimile number, e-mail and/or postal address.
- 13.4 If a Request is made by a Representative Requester, then the Representative Requester must submit proof of the capacity in which the Representative Requester is making the request to the reasonable satisfaction of the Information Officer.
- 13.5 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally to the Information Officer.
- 13.6 Any Request must be directed to the Information Officer or any other authorised persons.
- 13.7 The Request on the prescribed form must be delivered to the Company by hand, via mail, facsimile or e-mail.
- 13.8 The Requester shall be liable to pay the prescribed fee, before any further processing of the Request can be effected/implemented.

#### 14. **PRESCRIBED FEES**

- 14.1 PAIA makes provision for the raising of 2 types of fees, namely:

- 14.1.1 a request fee, which will be a standard fee; and
- 14.1.2 an access fee, which must be calculated by taking into account reproduction costs, search time, identification and preparation time and cost, as well as postal (delivery) costs.
- 14.2 When the request is received by the Information Officer, such officer shall by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee (if any), before further processing of the request.
- 14.3 If the search for the record has been made and the preparation of the record for disclosure, including any arrangement to make the record available as required in the request form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the Requester to pay as a deposit the prescribed portion of the access fee payable.
- 14.4 The Information Officer shall be entitled to withhold a record until the Requester has paid the required fee.
- 14.5 A requester whose request for access to a record has been granted, shall be liable to pay an access fee for the reproduction and for the search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the required form.
- 14.6 If a deposit has been paid in respect of a Request for access, which is refused, then the Information Officer shall be liable to repay the deposit to the Requester within a reasonable period after access will have been refused.

## 15. **DECISION ON REQUEST**

- 15.1 The Company shall, within 30 days or such shorter period as may be feasible in the circumstances, of receipt of a request form, make a decision as to whether to grant or decline the Request and inform the Requester of its decision with adequate reason for the refusal.
- 15.2 The 30 day period within which the Company has to decide whether to grant or refuse the Request, may be extended for a further period not exceeding

30 days if the Request is for a large amount of records, the Request requires a search for through a large number of records, or the Request requires a search for records held at another premises, in which event the required records cannot reasonably be obtained within the initial 30 day period.

- 15.3 The Company shall notify the Requester in writing should an extension of the prescribed period be required and the reasons for the extension.

## 16. **GROUNDINGS FOR REFUSAL**

- 16.1 The Company may refuse a Request on, amongst others, the following basis:

16.1.1 the mandatory protection of the privacy of a third party who is a natural person, in order to avoid the unreasonable disclosure of Personal Information concerning that natural person (including a deceased individual);

16.1.2 the mandatory protection of certain records of the South African Revenue Service in accordance with section 35 of PAIA;

16.1.3 the mandatory protection of the commercial information of a third party, if the record contains:

16.1.3.1 trade secrets of that third party;

16.1.3.2 financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or

16.1.3.3 information supplied in confidence by a third party, the disclosure of which could reasonably be expected:

16.1.3.3.1 to put that third party at a disadvantage in contractual or other negotiations; or

16.1.3.3.2 to prejudice that third party in commercial competition;



- 16.1.4 the mandatory protection of certain confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement;
- 16.1.5 the mandatory protection of the safety of individuals and the protection of property;
- 16.1.6 the mandatory protection of records which would be privileged from production in legal proceedings;
- 16.1.7 the protection of the Company's commercial activities including, without limitation, records that contain:
  - 16.1.7.1 the Company's trade secrets;
  - 16.1.7.2 financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to the Company's commercial or financial interests;
  - 16.1.7.3 information, the disclosure of which could reasonably be expected:
    - 16.1.7.3.1 to put the Company's at a disadvantage in contractual or other negotiations; or
    - 16.1.7.3.2 to prejudice the Company in commercial competition.

## 17. THE PRESCRIBED FORMS AND FEES

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za) under the legislation section.

## 18. RECORDS THAT CANNOT BE FOUND

- 18.1 If the Company searches for a record and it is believed that the record either does not exist or cannot be found, the Requester will be notified by way of an affidavit or written affirmation.
- 18.2 The affidavit or affirmation shall detail the steps which were taken to locate the requested record.

## C. POLICY ON THE PROTECTION OF PERSONAL INFORMATION ACT

### 19. BACKGROUND

- 19.1 In terms of the provisions of POPIA, the Company must inform Data Subjects formally of the manner in which it collects, uses, discloses and destroys any Personal Information it is required by law to hold.
- 19.2 The type of Personal Information to be collected and retained by the Company will depend on the purpose for which such Personal Information is collected and used. The Company will only collect such Personal Information which it needs to fulfil the relevant purpose and as required by law.
- 19.3 The Data Subject will be informed of the Personal Information that will be required to provide the Company.
- 19.4 The Company guarantees its commitment to use all such reasonable steps to protect the privacy of each Data Subject and ensure that his/her Personal Information will be used appropriately, transparently, securely and in accordance with POPIA.
- 19.5 This Manual sets out how the Company will deal with the Personal Information of Data Subjects as well as the purpose for which the said Personal Information will be used. This Manual is available on the website of the Company – [www.integratedaquaculture.co.za](http://www.integratedaquaculture.co.za).

### 20. IDENTITY AND RESPONSIBILITIES OF THE INFORMATION OFFICER

- 20.1 The Information Officer of the Company is **Mr Lance A. Quiding**, his contact details appear in clause 9 of this Manual.
- 20.2 The appointment of the Information Officer will be authorised by the Chairman of the Company.
- 20.3 The Information Officer's responsibilities include:
- 20.3.1 the encouragement of compliance by the Company, with the conditions for the lawful processing of Personal Information;

- 20.3.2 dealing with requests made to the Company pursuant to the provisions of POPIA;
- 20.3.3 working with the Information Regulator in relation to investigations conducted pursuant to the provisions of POPIA in relation to the Company;
- 20.3.4 otherwise ensuring compliance by the Company with the provisions of POPIA;
- 20.3.5 maintaining this Manual in accordance with the provisions of POPIA, as amended from time to time;
- 20.3.6 ensuring that POPIA induction training takes place for and in respect of those staff members who are in a position to receive and/or control Personal Information;
- 20.3.7 ensuring that periodic communication awareness in respect of the provisions of the POPIA and the responsibilities arising thereunder takes place;
- 20.3.8 ensuring that the appropriate policies and controls are in place for ensuring the quality of Personal Information;
- 20.3.9 ensuring that the appropriate security safeguards for Personal Information are in place, in accordance with the provisions of POPIA;
- 20.3.10 providing direction to any junior Information Officer, if and when appointed; and
- 20.3.11 any other responsibilities as may be prescribed from time to time.

## **21. CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION**

- 21.1 The Company will comply with POPIA in respect of the rights of Data Subjects with regard to their Personal Information, be open and honest in respect of the Personal Information collected, stored and disposed of by the Company as well as provide training and support for staff, if and when needed, so that such staff members can act confidently when dealing with Personal Information.

- 21.2 The Company is aware that, under POPIA, priority is given to prevent causing harm to Data Subjects by securely holding Personal Information and retaining a good standard of quality of information. The Company is further aware that legitimate concerns exist among Data Subjects in respect to how their Personal Information is handled. The Company strives towards upholding the eight conditions for the lawful Processing of Personal Information listed in POPIA as well as the remaining provisions of POPIA in general.
- 21.3 In accordance with section 10 of POPIA, Personal Information may only be Processed if, given the purpose for which it is Processed, it is adequate, relevant and not excessive.
- 21.4 Personal Information must be collated for a specific, explicitly defined and lawful purpose and any further Processing of Personal Information must be in accordance or compatible with the purpose for which it was collected.
- 21.5 A Responsible Party must take reasonably practicable steps to ensure that the Personal Information is complete, accurate, not misleading and updated when necessary and must secure the integrity and confidentiality of Personal Information by taking appropriate, reasonable technical and organisational measures.
- 21.6 In accordance with conditions 6 and 8 of POPIA, the Company is committed to ensuring that all Data Subjects are aware of what Personal Information relating to them is being Processed, for what purpose it is being processed; what types of disclosures are likely to occur and how to exercise their rights in relation to the said Personal Information.
- 21.7 To the extent that there is a cross-border transfer of Personal Information held by the Company, the Company shall ensure that all such steps as may be necessary in terms of POPIA shall be taken.
- 21.8 The Company undertakes to adhere to the requirements stipulated in POPIA in respect of the Processing of special Personal Information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasions, health or sex life or biometric information of a Data Subject.

## 22. PERSONAL INFORMATION OF CLIENTS

- 22.1 The Company collects and processes the Personal Information of its clients mainly to provide its clients with access to the services offered by it in relation to the Services.
- 22.2 The type of Personal Information which the Company may collect from its clients includes, but is not limited to:
- 22.2.1 client company name, registration number, head office address, postal address, e-mail and telephone numbers
  - 22.2.2 client contact person and his/her contact details;
  - 22.2.3 description of client business and financial information; and
  - 22.2.4 any other information required by the Company in order to provide the client for the purposes of the Services.
- 22.3 The Company is committed to use the Personal Information obtained from its clients for the purpose for which it was collected or agreed to with the client, and may include (but is not limited to):
- 22.3.1 the Services;
  - 22.3.2 for purposes of legal proceedings;
  - 22.3.3 compliance with applicable legislation;
  - 22.3.4 execution of the obligations of the Company in terms of any contractual arrangements relevant to the Company and the client;
  - 22.3.5 responses to client's queries or comments; and
  - 22.3.6 compliance with legal and regulatory requirements or industry codes to which the Company subscribes or which applies to the Company or when it is otherwise prescribed by law.
- 22.4 Where the Company collects the Personal Information of a client for a specific purpose, the Company shall not retain same for longer than

necessary to fulfil the particular purpose, unless the Company is required by law or otherwise to keep same for legitimate business or legal purposes.

- 22.5 Clients may opt out of receiving communications from the Company at any time. Any direct marketing communications that the Company sends to clients will provide the clients with the information and the means necessary to decline receipt of such communication.

### **23. PERSONAL INFORMATION OF EMPLOYEES**

- 23.1 The Company collects and Processes the Personal Information of its employees for purposes of recruitment, promotion and prescribed health and safety requirements (whether prescribed by law or otherwise) within the Company.

- 23.2 The type of Personal Information which the Company collects from its employees includes, but is not limited to:

23.2.1 employee's identity number, name, surname, address, postal code, marital status, number of dependants and bank accounts; and

23.2.2 the employee's qualifications, biometric information, criminal records, credit records, details of previous employment.

- 23.3 Where the Company collects the Personal Information of an employee for a specific purpose, the Company will not keep it for longer than necessary to fulfil that purpose and otherwise as may be prescribed by law.

### **24. DISCLOSURE OF PERSONAL INFORMATION**

- 24.1 The Company may disclose a Data Subject's Personal Information to any of its group companies or subsidiaries and/or approved product or third-party service providers whose services or products clients elect to use, subject always to the Data Subjects prior consent, whether in writing or otherwise.

- 24.2 The Company shall take such steps reasonably necessary to ensure that these third parties comply with confidentiality and privacy conditions as prescribed by law.

24.3 The Company may disclose the Personal Information of Data Subjects where the Company has a duty or a right to disclose in terms of applicable legislation, industry codes or where it may be necessary to protect the rights of the Company.

## 25. PERSONAL INFORMATION SECURITY

25.1 The Company is legally obliged to provide adequate protection in respect of the Personal Information it holds and to prevent unauthorised access, disclosure and use of any Personal Information.

25.2 The Company shall, on an on-going basis, review its security controls and related processes to ensure that the Personal Information of Data Subjects is secure and retained only for so long as is required by law or needed for record-keeping purposes.

25.3 The Company's security policies and procedures include:

25.3.1 lawful and reasonable processing of Personal Information as contemplated in section 9 of POPIA;

25.3.2 limited access to Personal Information;

25.3.3 computer and network security;

25.3.4 investigation of and prompt response to breaches of security;

25.3.5 monitoring of access and usage of Personal Information;

25.3.6 physical security;

25.3.7 appropriate procedures in respect of retention and disposal of information;

25.3.8 secure communications; and

25.3.9 proper security arrangements in contracting out of ancillary services or functions.

25.4 When the Company contracts with third parties in relation to the management of Personal Information, the Company imposes appropriate security, privacy

and confidentiality obligations on them to ensure that the Personal Information under the Company's control will be kept secure at all times.

- 25.5 The Company will ensure that anyone to whom Personal Information is disclosed, agrees to treat that Personal Information with the same level of protection as the Company is obliged to.

## 26. ACCESS TO PERSONAL INFORMATION

- 26.1 POPIA provides that a Data Subject may, upon proof of identity, request the Responsible Party to confirm, free of charge, all the Personal Information it holds about the Data Subject and may request access to such Personal Information, including information about the identity of third parties who have or have had access to such Personal Information.

- 26.2 POPIA further requires that where the Data Subject is required to pay a fee for services provided to him/her/it arising from the provisions of POPIA, the Responsible Party:

- 26.2.1 must provide the Data Subject with a written estimate of the amount payable before providing the service; and

- 26.2.2 may require that the Data Subject pay a deposit for all or part of the amount so payable.

- 26.3 The capacity under which a Requester requests documentation/information will determine the category he/she/it falls in.

- 26.4 If a Data Subject objects to the Processing of his/its Personal Information, the Company shall no longer Process the Data Subject's Personal Information, unless otherwise required by law.

- 26.5 The Company shall take all reasonable steps to confirm the identity of a Data Subject before providing details of its Personal Information or making changes to its Personal Information.

- 26.6 A Data Subject must contact the Information Officer, whose contact details appear in clause 9 of this Manual to request access to, correction of, or deletion of the Personal Information, pertaining to the Data Subject.



- 26.7 The request must be in writing, contain sufficient detail for the Information Officer to ascertain and/or identify with a proper degree of certainty the Personal Information to which such request relates.
- 26.8 Any such request for access to Personal Information may be subject to a payment of a fee (as permitted by law) and as further set out in this Manual.

#### **D. POLICY ON THE RETENTION AND CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS**

##### **27. INTRODUCTION**

- 27.1 This Manual applies to all documents and electronic transactions generated within and/or received by the Company.
- 27.2 The Company has proper procedures and mechanisms in place for the purpose of exercising effective control over the retention of documents and electronic transactions relating directly and indirectly to Personal Information as prescribed by legislation and as dictated by business practice.
- 27.3 Documents and Personal Information need to be retained for substantial periods of time (and in certain instances as prescribed by law) in order to prove the existence of the factual position at a particular point in time and to provide the Company with the necessary protection to exercise any rights it may have in relation to any matters arising in respect of and/or in relation to the Personal Information.
- 27.4 Retention of Personal Information is:
- 27.4.1 necessary for the defence in a legal dispute and reputational risks;
  - 27.4.2 required to protect the privacy rights of the Company and its Data Subjects.

##### **28. ACCESS TO DOCUMENTS**

- 28.1 All information relating to the Company as well as the Personal Information of Data Subjects must be dealt with in the strictest confidence and may only be disclosed, without fear or redress, in the following circumstances:

- 28.1.1 where disclosure is required by law;
  - 28.1.2 where there is a legal duty of disclosure to the public;
  - 28.1.3 where the interests of the Company require disclosure; and
  - 28.1.4 where disclosure is made with the express or implied consent of the Data Subject.
- 28.2 All employees of the Company have a duty of confidentiality in relation to the Company, its business activities and its clients.
- 28.3 The Company's Data Subjects' right to confidentiality is protected in the Constitution, PAIA, POPIA and in terms of Electronic Communications and Transactions Act, 25 of 2002 ("ECTA").
- 28.4 Requests for information relating to the Company:
- 28.4.1 requests in respect of information relating to the Company are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information which is required for the exercise or protection of a party's rights. Private Bodies, like the Company, are entitled and may be obliged by law to refuse access to certain records if disclosure would constitute a breach of the duty of confidentiality owed to a third party;
  - 28.4.2 requests for Personal Information must be made in writing on the prescribed form to the Information Officer. The Requester has to state the reasons for requiring the information and may be required to pay the prescribed fee; and
  - 28.4.3 requests for Personal Information should further be made in accordance with this Manual and queries may be referred to the Information Officer.
- 28.5 Confidential company and/or business information relating to the Company may not be disclosed to any third parties without the consent of the board of directors of the Company as this could constitute industrial espionage. The affairs of the Company must at all times be kept strictly confidential.

- 28.6 The Company views any contravention of this Manual or a breach of confidentiality in respect of its Personal Information or any Personal Information it holds in respect of a third party very seriously and any person, including personnel who are guilty of contravening this Manual will be subject to disciplinary procedures, which may lead to the dismissal of the offending party.

## 29. STORAGE OF DOCUMENTS

### 29.1 Hard Copies

- 29.1.1 Documents are stored in storage facilities, primarily located at the head office, the details of which are set out in clause 8.2.2 of this Manual.

- 29.1.2 All documents stored by the Company are kept in hard copy at the Company's head office and requests for the retrieval of stored documents must be sent to the Information Officer who will process the application and, if permitted, retrieve the necessary information in accordance with the provisions of this Manual. Any document(s) delivered to a Requester must be returned to the Information Officer as soon as reasonably possible after use, unless otherwise agreed to in writing.

### 29.2 Electronic Storage

- 29.2.1 The internal procedure conducted by the Company in respect of the storage of Personal Information is that same is stored, as far as reasonably possible, on an electronic storage facility.

- 29.2.2 Important documents and sensitive information must be referred to and discussed with the Information Officer who will arrange for the indexing, storage and retrieval thereof. This will be done in conjunction with the relevant department concerned.

- 29.2.3 Any document containing information on the particulars of an employee, including employee's name and occupation, time worked by each employee, remuneration and date of birth of an employee, tax details and health and medical records, must be retained for a period of at least 3 years after termination of employment.

- 29.2.4 Section 51 of the ECTA requires that personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information and a record of any third party to whom the information was disclosed, must be retained for as long as the information is used and for a period of at least 1 year thereafter.

### **30. DESTRUCTION OF DOCUMENTS**

- 30.1 Any and all Personal Information which has become obsolete must be destroyed within a reasonable period after same will have become obsolete.
- 30.2 The Information Officer will request each department to attend to the destruction of documents under its control and these requests shall be attended to as soon as possible.
- 30.3 Each department of the Company shall be responsible to attend to the destruction of documents under its control, which destruction must be done on a regular and consistent basis. Prior to destruction, each file must be verified in order to ensure that such file may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the owner thereof, failing which, they should be retained by the Company pending such return.

END OF DOCUMENT

### **SCHEDULE A**

#### **CATEGORIES AND TYPES OF INFORMATION HELD BY THE COMPANY**

The following categories of records are held by the Company and access may be granted to such records upon proper request and payment of a fee in terms of PAIA and this Manual, unless the Company is entitled to refuse access to such records, or the records are exempted in terms of PAIA:

##### **1. Administration**

- shareholder records, share register minutes of meetings of the directors of InteAqua;
- records relating to the incorporation of InteAqua; and
- minutes of meetings of committees and sub-committees.

## 2. **Management**

- minutes of meetings of management committee; and
- resolutions of the directors of InteAqua.

## 3. **Finance**

- accounting records;
- tax records;
- debtors' records;
- creditors' records;
- insurance records;
- auditors' reports;
- interim and annual financial statements;
- bank statements and other banking records for business and trust accounts;
- invoices issued in respect of debtors and billing information; and
- records regarding InteAqua's financial commitments.

## 4. **Human Resources**

- list of employees;
- statistics regarding employees;
- employment contracts;
- conditions of employment;

- information relating to prospective employees including curricula vitae and application forms;
- personnel records including personal details, disciplinary records, performance and internal evaluation records;
- employee tax information;
- records of unemployment;
- insurance fund contributions;
- records regarding group life assurance and disability income protection;
- provident fund records;
- payroll records;
- health and safety records;
- employment equity plan;
- skills development plan;
- loan agreement between InteAqua and certain employees;
- codes of conduct;
- disciplinary code and procedure;
- grievance procedure;
- appeal procedure;
- remuneration policy;
- internal policies and procedures;
- training schedules and material; and
- correspondence relating to personnel.

## 5. Clients

- files relating to client matters;
- documents prepared for clients including agreements, memoranda, training documents and reports;
- correspondence with clients; and
- correspondence with third parties.

## 6. **Suppliers**

- supplier lists and details of suppliers;
- agreements with suppliers; information technology computer software;
- support and maintenance agreements;
- records regarding computer systems; and
- programmes including software licence agreements.

## 7. **Property**

- asset registers;
- lease agreements in respect of immovable property;
- records regarding insurance in respect of movable property; and
- records regarding insurance in respect of immovable property.

## 8. **Miscellaneous**

- internal correspondence;
- business publications;
- training and intellectual property documents

**SCHEDULE B****SUMMARY OF APPLICABLE LEGISLATION IN RESPECT OF  
WHICH RECORDS ARE TO BE KEPT**

The Company retains records in accordance with the following current RSA legislation and any amendments thereto (only to the extent that the relevant statute is applicable and makes disclosure of records compulsory):

- Basic Conditions of Employment Act No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Disease Act No. 130 of 1993
- Consumer Protection Act 68 of 2008
- Employment Equity Act No. 55 of 1998
- Hazardous Substances Act No. 15 of 1973
- Labour Relations Act No. 66 of 1995
- National Water Act No. 36 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Promotion of Access to Information Act No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Protection of Personal Information Act No. 4 of 2013
- Regulation of Interception of Communications and Provision of Communication - Related Information Act No. 70 of 2002
- Skills Development Levies Act No. 9 of 1999 Skills Development Act No. 97 of 1998
- Trademarks Act No. 194 of 1993



- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Water Services Act No. 108 of 1997
- Alien and Invasive Species Regulations, 2014 (Government Notice R 598 of 01 August 2014)
- The Animal Diseases Act, 1984 (Act 35 of 1984)
- The Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)
- The Fertilizers, Farm Feeds, Agricultural Remedies and Stock Remedies Act, 1947 (Act No. 36 of 1947)
- The Medicines and Related Substances Act, 1965 (Act No. 101 of 1965)
- The Animal Health Act, 2002 (Act No. 7 of 2002)

**SCHEDULE C**

**REQUEST FORM**

**REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**

**(Section 53(1) of the Promotion of Access to Information Act No. 2 of 2000)**

[Regulation 10]

**A. Particulars of Private Body**

The Information Officer:

.....  
.....  
.....

**B. Particulars of Person Requesting Access to the Record**

- a) The particulars of the person who requests access to the record must be given below.
- b) The physical and/or email address in the Republic to which the information is to be sent must be given.
- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Names and Surname:

.....

Identity Number:

.....

Postal Address:

.....

.....

Telephone Number: (.....) .....

E-mail Address: .....

Capacity in which request is made, when made on behalf of another person:

.....  
.....

**C. Particulars of Person on Whose Behalf Request is Made**

*(This section must be completed ONLY if a request for information is made on behalf of another person)*

Full names and surname: .....

Identity number: .....

**D. Particulars of Record**

- a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

Description of record or relevant part of the record:

.....  
.....  
.....  
.....  
.....

Reference number, if available:

.....

Any further particulars of record:

.....

.....

.....

.....

.....

**E. Fees**

- a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- b) You will be notified of the amount required to be paid as the request fee.
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

.....

.....

.....

.....

.....

.....

## F. Form of access to records

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:		Form in which record is required:					
<p>Mark the appropriate box with an <b>X</b>.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>							
<b>1.</b>	<b>If the record is in written or printed form:</b>						
	<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	<input type="checkbox"/>	Inspection of record		
<b>2.</b>	<b>If record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):						
	<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy the images*	<input type="checkbox"/>	Transcription of the images*	
<b>3.</b>	<b>If record consists of recorded words or information which can be reproduced in sound:</b>						
	<input type="checkbox"/>	Listen to soundtrack (audio cassette)	<input type="checkbox"/>	<input type="checkbox"/>	Transcription of soundtrack* (written or printed documents)		
<b>4.</b>	<b>If record is held on computer or in an electronic or machine-readable form:</b>						
	<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)	
<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p><b>Postage is payable.</b></p>				<input type="checkbox"/>	YES	<input type="checkbox"/>	NO

**G. Particulars of Right to be Exercised or Protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

**The requester must sign all the additional folios.**

Indicate which right is to be exercised or protected:

.....  
.....  
.....  
.....

Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....  
.....  
.....  
.....

**H. Notice of Decision Regarding Request for Access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....  
.....  
.....  
.....

SIGNED at \_\_\_\_\_ on \_\_\_\_\_ 20\_\_

For and on behalf of

**[insert]**

\_\_\_\_\_  
Signature of Requester

\_\_\_\_\_  
Name of Signatory

\_\_\_\_\_  
Designation of Signatory