



PROTECTION OF PERSONAL INFORMATION AND THE RETENTION OF DOCUMENTS MANUAL FOR MY COURIER SA (PTY) LTD.

(Company Registration Number: CK# 2014/058579/07)

Last Update: 01ST July 2021

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (HEREIN AFTER “POPI”)

1. POPI POLICY

1.1. Introduction

My Courier (PTY) Ltd. is a registered Logistics / Transport service provider that is obligated to comply with The Protection of Personal Information Act 4 of 2013. POPI requires the company to inform their clients as to the manner in which their personal information is used, disclosed and destroyed. The company guarantees its commitment to protecting its client's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws. The Policy sets out the manner in which the company deals with their client's personal information as well as and stipulates the purpose for which said information is used. The Policy is made available on request from the company's head office.

1.2. Personal Information Collected

Section 9 of POPI states that “Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.” The company collects and processes client's personal information pertaining to the client's operational and security needs. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, the company will inform its client as to the compulsory information required and the information deemed optional. Examples of personal information we collect include, but is not limited to:

The Client's Identity number, name and surname, address, postal code, employment or business name and contact details. Description of the client's residence, alternative key holders, business, assets; banking details, etcetera. Any other information required by the company, suppliers and other service providers in order to provide clients with an accurate analysis of their security requirements. The company also collects and processes the client's personal information for marketing purposes within the

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company group of subsidiary companies in order to ensure that our products and services remain relevant to our clients and potential clients. The company aims to have agreements in place with all suppliers and third party service providers to ensure a mutual understanding with regard to the protection of the client's personal information. The company's suppliers will be subject to the same regulations as applicable to the company. For purposes of this Policy, clients include potential and existing clients.

1.3. The Use of Personal Information

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed. This may include but will not be limited to:

- Analysing clients' security and related services needs
- Providing security products and related security services to clients
- Confirming, verifying and updating client details
- Conducting market or customer satisfaction research
- In connection with legal proceedings
- Providing the company's services to clients, to render the services requested and to maintain and constantly improve the relationship
- Providing communication in respect of the company and regulatory matters that may affect clients; and
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law or regulations.

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for the company's processing of Personal Information:

- a) The clients consent to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship;
- b) The necessity of processing: in order to conduct an accurate analysis of the client's needs.
- c) Processing complies with an obligation imposed by law;
- d) Processing protects a legitimate interest of the client — it is in the client's best interest to have a full and proper needs analysis performed in order to provide them with an applicable and beneficial product or service.



e) Processing is necessary for pursuing the legitimate interests of the company or of a third party to whom information is supplied — in order to provide the company's clients with products and or services both the company and any of our product suppliers require certain personal information from the clients in order to make an expert decision on the unique and specific product and or service required.

1.4. Disclosure of Personal Information

The company may disclose a client's personal information to any of the company's group companies or subsidiaries, joint venture companies and or approved product or third party service providers whose services or products clients elect to use. The company has agreements in place to ensure compliance with confidentiality and privacy conditions. The company may also share client personal information with, and obtain information about clients from third parties for the reasons as indicated above. The company may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect the rights of the company.

1.5. Safeguarding Client Information

It is a requirement of POPI to adequately protect personal information. The company will continuously review its security controls and processes to ensure that personal information is secure. The following procedures are in place in order to protect personal information:

1.5.1 The company's Information Officer

Caròn Minnie is the company's Information Officer and her details are available below. She is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI.

1.5.2 This policy has been put in place throughout the company and subsidiaries and training on this policy and the POPI Act and will be conducted during 2021 by the Information Officer;

1.5.3 Each new employee will be required to sign an Employment Contract with a Non - Disclosure Agreement containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

1.5.4 Every employee currently employed within the company will be required to sign an addendum to their Employment Contracts containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;



1.5.5 The company archived client information is stored on site which is also governed by POPI, access is limited to these areas to authorized personal.

1.5.6 The company's suppliers, clients and other third party service providers will be required to sign a Service Level Agreement guaranteeing their commitment to the Protection of Personal Information; this is however an ongoing process that will be evaluated as needed.

1.5.7 All electronic files or data are backed up internally and externally on a weekly basis.

1.6. Access and Correction of Personal Information

Clients have the right to access the personal information the company holds about them. Clients also have the right to ask the company to update, correct or delete their personal information on reasonable grounds. Once a client objects to the processing of their personal information, the company may no longer process said personal information. The company will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

The details of the Information Officer and the company's Head Office are as follows:

INFORMATION OFFICER DETAILS NAME: Caron Minnie

TELEPHONE NUMBER: 021 951 6454

FAX NUMBER: None

E-MAIL ADDRESS: caron@mycouriersa.co.za

HEAD OFFICE DETAILS TELEPHONE NUMBER: 021 951 6454

FAX NUMBER: None

POSTAL ADDRESS: P O BOX 6875, WELGEMOED, 7538

PHYSICAL ADDRESS: Unit 13 & 14, Dundas Office Park, 23b Junction Road, Parow Industria, Cape Town

E-MAIL ADDRESS: caron@mycouriersa.co.za

WEBSITE: www.mycouriersa.co.za



2. Amendments to This Policy

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year. Clients are advised to access the website of the company periodically to keep abreast of any changes. Where material changes take place, clients will be notified directly or changes will be stipulated on the website.

3. Availability of The Manual

This manual is made available in terms of Regulation Number R187 of 15 February 2002. The manual is available at the offices of the South African Human Rights Commission and shall be published in three of the official languages in the Government Gazette.

4. Information as may be prescribed under Section 51(1)(F)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

5. Information Required in Terms of Section 52(2)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

6. Records That Cannot Be Found

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 affirmation. This will include the steps that were taken the attempt to locate the record.

7. 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 under the regulations section.



POLICY ON THE RETENTION & CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS

1. PURPOSE

- 1.1. To exercise effective control over the retention of documents and electronic transactions:
 - 1.1.1. as prescribed by legislation; and
 - 1.1.2. as dictated by business practice.
- 1.2. Documents need to be retained in order to prove the existence of facts and to exercise rights the Company may have. Documents are also necessary for defending legal action, for establishing what was said or done in relation to business of the Company and to minimize the Company's reputational risks.
- 1.3. To ensure that the Company's interests are protected and that the Company's and clients' rights to privacy and confidentiality are not breached.
- 1.4. Queries may be referred to the Information Officer.

2. SCOPE & DEFINITIONS

- 2.1. All documents and electronic transactions generated within and/or received by the Company.
- 2.2. **Definitions**
 - 2.2.1. Clients includes, but are not limited to, shareholders, debtors, creditors as well as the affected personnel and/or departments related to a service division of the Company.
 - 2.2.2. Confidential Information refers to all information or data disclosed to or obtained by the Company by any means whatsoever and shall include, but not be limited to:
 - 2.2.2.1. financial information and records; and
 - 2.2.2.2. all other information including information relating to the structure, operations, processes, intentions, product information, know-how, trade secrets, market opportunities, customers and business affairs but excluding the exceptions listed in clause 4.1 hereunder.
 - 2.2.3. Constitution: Constitution of the Republic of South Africa Act, 108 of 1996.
 - 2.2.4. Data refers to electronic representations of information in any form.



- 2.2.5. Documents include books, records, security or accounts and any information that has been stored or recorded electronically, photographically, magnetically, mechanically, electro-mechanically or optically, or in any other form.
- 2.2.6. ECTA: Electronic Communications and Transactions Act, 25 of 2002.
- 2.2.7. Electronic communication refers to a communication by means of data messages.
- 2.2.8. Electronic signature refers to data attached to, incorporated in, or logically associated with other data and which is intended by the user to serve as a signature.
- 2.2.9. Electronic transactions include e-mails sent and received.
- 2.2.10. PAIA: Promotion of Access to Information Act, 2 of 2000.

3. ACCESS TO DOCUMENTS

- 3.1. All Company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances (also see clause 3.2 below):
 - 3.1.1. where disclosure is under compulsion of law;
 - 3.1.2. where there is a duty to the public to disclose;
 - 3.1.3. where the interests of the Company require disclosure; and
 - 3.1.4. where disclosure is made with the express or implied consent of the client.
- 3.2. Disclosure to 3rd parties: All employees have a duty of confidentiality in relation to the Company and clients. In addition to the provisions of clause 3.1 above, the following are also applicable: +
 - 3.2.1. Information on clients: Our clients' right to confidentiality is protected in the Constitution and in terms of ECTA. Information may be given to a 3rd party if the client has consented in writing to that person receiving the information.
 - 3.2.2. Requests for company information:
 - 3.2.2.1. These are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like the Company, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party.

- 3.2.2.2. In terms hereof, requests must be made in writing on the prescribed form to the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee.
- 3.2.2.3. The Company's manual in terms of PAIA, which contains the prescribed forms and details of prescribed fees, is available from the company on request.
- 3.2.3. Confidential company and/or business information may not be disclosed to third parties as this could constitute industrial espionage. The affairs of the Company must be kept strictly confidential at all times.
- 3.2.4. The Company views any contravention of this policy very seriously and employees who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

4. STORAGE OF DOCUMENTS

4.1. Hard Copies

- 4.1.1. Documents are stored in an archive in a different location.
- 4.1.2. Companies Act, No. 71 of 2008 With regard to the Companies Act, No. 71 of 2008 and the Companies Amendment Act No. 3 of 2011, hardcopies of the documents mentioned below must be retained for 7 years:
- 4.1.2.1. Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;
 - 4.1.2.2. Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities;
 - 4.1.2.3. Copies of reports presented at the annual general meeting of the company;
 - 4.1.2.4. Copies of annual financial statements required by the Act;
 - 4.1.2.5. Copies of accounting records as required by the Act;
 - 4.1.2.6. Record of directors and past directors, after the director has retired from the company;
 - 4.1.2.7. Written communication to holders of securities and,
 - 4.1.2.8. Minutes and resolutions of directors' meetings, audit committee and directors' committees. Copies of the documents mentioned below must be retained indefinitely: Registration certificate, Memorandum of Incorporation and alterations and amendments.
- 4.1.3. Consumer Protection Act, No. 68 of 2008 The Consumer Protection Act seeks to promote a fair, accessible and sustainable marketplace and therefore requires a retention period of 3 years for information provided to a consumer or client.

4.1.4. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993: Section 81(1) and (2) of the Compensation for Occupational Injuries and Diseases Act requires a retention period of 4 years for the documents mentioned below:

4.1.4.1. Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees. Section 20(2) documents with a required retention period of 3 years:

4.1.4.2. Health and safety committee recommendations made to an employer in terms of issues affecting the health of employees and of any report made to an inspector in terms of the recommendation;

4.1.4.3. Records of incidents reported at work.

4.1.5. Basic Conditions of Employment Act, No. 75 of 1997: The Basic Conditions of Employment Act requires a retention period of 3 years for the documents mentioned below: Section 29(4):

4.1.5.1. Written particulars of an employee after termination of employment;

4.1.5.2. Section 31: - Employee's name, surname and occupation; Time worked by each employee and remuneration paid to each employee;

4.1.6. Employment Equity Act, No. 55 of 1998:

4.1.6.1. Section 26 and the General Administrative Regulations, 2009, Regulation 3(2) requires a retention period of 3 years for the documents mentioned below:

4.1.6.2. Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act; Section 21 and Regulations 4(10) and (11) require a retention period of 3 years for the report which is sent to the Director General as indicated in the Act. 5.1.10 Labour Relations Act, No 66 of 1995:

4.1.7. Sections 53(4), 98(4) and 99 require a retention period of 3 years for the documents mentioned below:

4.1.7.1. The Bargaining Council must retain books of account, supporting vouchers, income and expenditure statements, balance sheets, auditor's reports and minutes of the meetings;

4.1.7.2. Registered Trade Unions and registered employer's organizations must retain books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets, auditor's reports and minutes of the meetings;

- 4.1.7.3. Registered Trade Unions and employer's organizations must retain the ballot papers; Records to be retained by the employer are the collective agreements and arbitration awards.
- 4.1.8. Sections 99, 205(3), Schedule 8 of Section 5 and Schedule 3 of Section 8(a) require an indefinite retention period for the documents mentioned below:
- 4.1.8.1. Registered Trade Unions and registered employer's organizations must retain a list of its members;
- 4.1.8.2. An employer must retain prescribed details of any strike, lock-out or protest action involving its employees;
- 4.1.8.3. Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions;
- 4.1.8.4. The Commission must retain books of accounts, records of income and expenditure, assets and liabilities.
- 4.1.9. Unemployment Insurance Act, No. 63 of 2002: The Unemployment Insurance Act, applies to all employees and employers except:
- 4.1.9.1. Workers working less than 24 hours per month; - Learners; - Public servants; - Foreigners working on a contract basis;
- 4.1.9.2. Workers who get a monthly State (old age) pension;
- 4.1.9.3. Workers who only earn commission.
- 4.1.10. Section 56(2)(c) requires a retention period of 5 years, from the date of submission, for the documents mentioned below:
- 4.1.11. Employers must retain personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed.
- 4.1.12. Tax Administration Act, No. 28 of 2011: Section 29 of the Tax Administration Act, states that records of documents must be retained to:
- 4.1.12.1. Enable a person to observe the requirements of the Act;
- 4.1.12.2. Are specifically required under a Tax Act by the Commissioner by the public notice;
- 4.1.12.3. Will enable SARS to be satisfied that the person has observed these requirements. Section 29(3)(a) requires a retention period of 5 years, from the date of submission for

taxpayers that have submitted a return and an indefinite retention period, until the return is submitted, then a 5-year period applies for taxpayers who were meant to submit a return, but have not. Section 29(3)(b) requires a retention period of 5 years from the end of the relevant tax period for taxpayers who were not required to submit a return, but had capital gains/losses or engaged in any other activity that is subject to tax or would be subject to tax but for the application of a threshold or exemption. Section 32(a) and (b) require a retention period of 5 years but records must be retained until the audit is concluded or the assessment or decision becomes final, for documents indicating that a person has been notified or is aware that the records are subject to an audit or investigation and the person who has lodged an objection or appeal against an assessment or decision under the TAA.

4.1.13. Income Tax Act, No. 58 of 1962: Schedule 4, paragraph 14(1)(a) - (d) of the Income Tax Act requires a retention period of 5 years from the date of submission for documents pertaining to each employee that the employer shall keep:

4.1.13.1. Amount of remuneration paid or due by him to the employee;

4.1.13.2. The amount of employees' tax deducted or withheld from the remuneration paid or due;

4.1.13.3. The income tax reference number of that employee;

4.1.13.4. Any further prescribed information;

4.1.13.5. Employer Reconciliation return. Schedule 6, paragraph 14(a) - (d) requires a retention period of 5 years from the date of submission or 5 years from the end of the relevant tax year, depending on the type of transaction for documents pertaining to:

4.1.13.6. Amounts received by that registered micro business during a year of assessment.

5. ELECTRONIC STORAGE

5.1. The internal procedure requires that electronic storage of information: important documents and information must be referred to and discussed with who will arrange for the indexing, storage and retrieval thereof. This will be done in conjunction with the departments concerned.

5.2. Scanned documents: If documents are scanned, the hard copy must be retained for as long as the information is used or for 1 year after the date of scanning, with the exception of documents pertaining to personnel. Any document containing information on the written particulars of an



employee, including: employee's name and occupation, time worked by each employee, remuneration and date of birth of an employee under the age of 18 years; must be retained for a period of 3 years after termination of employment.

- 5.3. Section 51 of the Electronic Communications Act No 25 of 2005 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 a period of 1 year or for as long as the information is used. It is also required that all personal information which has become obsolete must be destroyed.

6. DESTRUCTION OF DOCUMENTS

- 6.1. Documents may be destroyed after the termination of the retention period specified in the relevant sections above. Registration will request departments to attend to the destruction of their documents and these requests shall be attended to as soon as possible.
- 6.2. Each department is responsible for attending to the destruction of its documents, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by the Company pending such return.
- 6.3. After completion of the process in 6.2 above, the Manager of the department shall, in writing, authorise the removal and destruction of the documents in the authorisation document. These records will be retained by Registration.
- 6.4. The documents are then made available for collection by the removers of the Company's documents, who also ensure that the documents are shredded before disposal. This also helps to ensure confidentiality of information.
- 6.5. Documents may also be stored off-site, in storage facilities approved by the Company.

7. RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION - SECTION 51(1)(b)(iii)

7.1. Records are available in terms of the following legislation, as amended from time to time:

- 7.1.1. Basic Conditions of Employment Act 75 of 1997 (and Amendment Act)
- 7.1.2. Broad-Based Black Economic Empowerment Act 53 of 2003 (and Amendment Act and Regulations)
- 7.1.3. Broad-Based Black Economic Empowerment Revised Codes of Good Practice 2014 Companies Act 71 of 2008
- 7.1.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 7.1.5. Competition Act, No 89 of 1998 Consumer Protection Act 68 of 2008
- 7.1.6. Copyright Act 98 of 1978
- 7.1.7. Drugs and Drug Trafficking Act 140 of 1992
- 7.1.8. Electronic Communications and Transactions Act 25 of 2002
- 7.1.9. Employment Equity Act 55 of 1998
- 7.1.10. Employment Tax Incentive Act 26 of 2013
- 7.1.11. Firearms Control Act, 60/2000
- 7.1.12. Income Tax Act 58 of 1962
- 7.1.13. Prevention and Combating of Corrupt Activities Act 12 of 2004
- 7.1.14. Prevention of Organised Crime Act 121 of 1998
- 7.1.15. Promotion of Access to Information Act 2 of 2000
- 7.1.16. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 7.1.17. Protection of Personal Information Act 4 of 2013



7.1.18. Skills Development Levies Act 9 of 1999 Unemployment Insurance Contributions Act 4 of 2002

Value-Added Tax Act 89 of 1991

DISCLAIMER

While all reasonable endeavours have been made to provide a complete list of applicable legislation above, it is possible that the above list may be incomplete. Wherever it comes to the Companies' attention that existing or new legislation allows a requester access on a basis other than that set out in the PAIA, the above list will be updated.

Contact us if there are any queries about this document or believe we have not adhered to it, or if there is a need for further information about our privacy practices or wish to give or withdraw consent, exercise preferences or access or correct your personal information, please contact us at info@mycouriersa.co.za or landline telephone number 021 951 6454.