

POPIA MANUAL (including Procedures)**Subject: Data Protection and Information Sharing**

Functional Area: Corporate Business Solutions (Pty) Ltd, CBS Rentals (Pty) Ltd, North Business Systems (Pty) Ltd ("CBS")

Purpose: To guide CBS in ensuring confidentiality and security of information in compliance with the Protection of Personal Information Act, 2013 (POPIA)

Authority: Directors

Responsibility: Information Officer

Applicable to All Staff

Effective date: 30 June 2021

1. INTRODUCTION

This Manual should be read and used in conjunction with the Data Protection and Information Sharing Policy.

CBS collects and uses (processes) different types of personal information of the individuals and entities (data subjects) with whom it engages in order to operate effectively. This includes employees, clients, contractors, suppliers and possibly other data subjects.

CBS is committed to protecting the privacy of data subjects and ensuring that personal information is used appropriately, transparently, securely and in accordance with applicable laws.

2. PROCESSING OF PERSONAL INFORMATION

CBS will only process Personal Information in accordance with the procedures as set out in ANNEXURE A hereof.

2.1 Purpose of Processing

CBS uses the Personal Information it collects for the following purposes:

- 2.1.1 Administration of agreements
- 2.1.2 Staff administration
- 2.1.3 Keeping of accounts and records

- 2.1.4 Providing services to clients
- 2.1.5 Marketing and sales
- 2.1.6 Conducting financial checks and assessments of prospective clients
- 2.1.7 Complying with legal and regulatory requirements
- 2.1.8 In connection with legal proceedings
- 2.1.9 Detecting and prevention of fraud, crime, money laundering and other malpractice.

2.2 Conditions of Processing

CBS acknowledges that personal information may only be processed if certain conditions are met, i.e. one of the following:

- 2.2.1 The data subject consents to the processing or there is a justifiable reason; or
- 2.2.2 The processing is necessary for concluding a contract or in terms of a contract; or
- 2.2.3 The processing complies with an obligation imposed by law on CBS; or
- 2.2.4 The processing protects a legitimate interest of the data subject; or
- 2.2.5 The processing is necessary for pursuing the legitimate interests of CBS or of a third party to whom information is supplied.

2.3 Personal information collected

Section 9 of POPIA states that “Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.”

- 2.3.1 CBS collects and processes personal information pertaining to the needs of its business activities and services. The type of information depends on the needs for which it is collected and will be processed for that purpose only. Whenever possible, CBS will advise data subjects (see 2.4 below) as to the information required and the information deemed optional.
- 2.3.2 CBS aims to have agreements in place with all contractors, suppliers, and third-party service providers to ensure a mutual understanding with regard to protection of the personal information of all data subjects.
- 2.3.3 CBS may also supplement the information provided with the information that it receives over time via staff members if not directly from data subjects.

2.4 Categories of Data Subjects and their Personal Information

CBS processes records relating to clients, contractors, suppliers, service providers, staff and consultants:

Data subjects / Entity Types

Clients and Financiers (Natural Persons)

Personal Information Processed

Names; date of birth; ID number; nationality; gender; contact details; physical and postal addresses; financial and tax-related information; confidential correspondence.

**Financiers / Sureties / Medical Aid Schemes
(Juristic Persons / Entities)**

Names of contact persons; name of legal entity; registration number; physical and postal address and contact details; financial information; tax-related information; authorized signatories; beneficiaries; ultimate beneficial owners; shareholding information

**Contractors / Suppliers / Service Providers
(Juristic Persons / Entities)**

Names of contact persons; name of legal entity; registration number; founding documents; physical and postal address and contact details; financial (banking) and tax-related information; authorized signatories

**Staff / Consultants / Individual Contractors /
Directors (Natural Persons)**

Names; date of birth; ID number; nationality; gender; marital status; race; disability; age; language; education information; financial (banking) and tax-related information; education; employment history; ID number; pregnancy*; well-being; physical and postal addresses; contact details; criminal record*

* Special personal information

2.5 Categories of Recipients for Processing the Personal Information

CBS may share Personal Information with its agents, and contracted parties to whom CBS may have assigned or transferred any of its rights or obligations under any agreement, to render the following services:

2.5.1 Sending of emails and other correspondence to clients and agents;

2.5.2 Storing of data; and

2.5.3 Sending of client information packs to financial institutions for deals to be discounted.

2.6 Retention of Personal Information Records

CBS shall retain the Personal Information records to the extent permitted or required by law as per ANNEXURE B.

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2.7 Disclosure of Personal Information

CBS may

- 2.7.1 share personal information of employees, clients, contractors or suppliers or other data subjects with third parties as well as obtain information from such third parties for the reasons set out herein; and
- 2.7.2 disclose such personal information where there is a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect CBS's rights.

2.8 Objecting to processing of Personal Information

- 2.8.1 Where a data subject objects to CBS processing their Personal Information, they must provide reasons for the objection.
- 2.8.2 CBS must explain the consequences of non-processing of the Personal Information before the data subject confirms the objection for implementation.
- 2.8.3 Once an objection has been confirmed in writing, CBS may no longer process said Personal Information.
- 2.8.4 In instances where non-performance in terms of any contract may result due to the non-processing of information, it might lead to the termination of the contract with the data subject.

To object, the data subject must use FORM 1 at the end of this manual and forward to the Information Officer (see contact details in item 3.1.2 below).

3. ACCESS AND CORRECTION OF PERSONAL INFORMATION

3.1 All data subjects have the right to request

- 3.1.1 access to any Personal Information that CBS holds about them;
- 3.1.2 CBS to update, correct or delete their personal information on reasonable grounds. Such requests should in the first instance be directed to CBS's Information Officer (see details below).

Deputy Information Officer

Denzil Gramani

Telephone number 011 444 8111

Postal address P.O. Box 1987 Kelvin 2054

Physical address 19 Commerce Crescent East, Sandton 2090

Email address denzilg@cbs.co.za

To request any correction or deletion of information, the data subject must use FORM 2 at the end of this manual and forward it to the Information Officer.

4. GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES

4.1 CBS shall ensure the safeguarding and protection of all personal information it processes.
4.2 CBS (also through its service providers) employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information it processes. The measures CBS uses include:

4.2.1 Physical access control, i.e. limited office access, lockable cabinets, passwords on computers;

4.2.2 Access to Personal Information is limited to authorized personnel only;

4.2.3 Firewalls for computer and network protection;

4.2.4 Virus protection software and update protocols;

4.2.5 Secure setup of hardware and software comprising the IT infrastructure;

4.2.6 Outsourced Service Providers who process Personal Information on behalf of CBS are contractually bound to implement security controls;

4.2.7 All electronic files or data shall be backed up, off site on to cloud based services.

4.3 CBS must review its security controls and processes on a regular basis, at least annually to ensure that personal information is secure. For this purpose, it will use ANNEXURE C.

5. SECURITY BREACHES

5.1 Should CBS become aware of a security breach on any of its systems that contain Personal Information, CBS shall take the required steps to assess the nature and extent of the breach in order to ascertain if any information has been compromised.

5.2 CBS shall notify affected parties should it have reason to believe that their information has been compromised. This shall only be done where CBS can identify the data subject to whose information has been compromised. Where it is not possible, it may be necessary to consider a website-based publication and whatever procedure the Information Regulator prescribes.

5.3 Notification will be provided in writing by means of either:

5.3.1 email;

5.3.2 registered mail;

5.3.3 Website notice.

5.4 The notification shall provide the following information where possible:

5.4.1 description of possible consequences of the breach:

5.4.2 measures taken to address the breach:

5.4.3 recommended actions to be taken by the data subject to mitigate adverse effects:

5.4.4 the identity of the party responsible for the breach, if available.



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5.5 In addition to the above, CBS shall notify the Regulator of any breach and/or compromise to Personal Information in its possession and work closely with and comply with any recommendations issued by the Regulator.

ANNEXURE A1

PROCEDURE: PERSONAL INFORMATION of an EMPLOYEE

1. For the purposes of this Manual, employees include potential, past and existing employees, Temporary and Casual employees. CBS will use and process such employee information, as set out in its Data Protection and Information Sharing Manual (Manual) for, but not limited to, its employment records and to make lawful decisions in respect of that employee and CBS's business.

2. Collection

CBS will, when recruiting and appointing new employees, require information, including, but not limited to that listed in the Manual, from the prospective employee in order to process the information on CBS's systems. Such information is reasonably necessary for CBS to ascertain if the prospective employee meets the requirements for the position which he or she is being considered for or appointed to, and is suitable for appointment, and also for record purposes.

The information is processed by the Deputy Information Officer or his nominated staff member.

3. Use

Employees' personal information will only be used for the purpose for which it was collected and intended. This would include, but is not limited to:

- for purposes of
 - considering an applicant for employment
 - contracting with a successful applicant
 - Record keeping

- in connection with
 - legal proceedings
 - legal and regulatory requirements
 - disciplinary action or action in respect of employee's conduct or capacity
 - administrative functions of CBS
 - employment benefits, including pension fund
 - pre and post-employment checks and screening

- submissions to
 - Department of Labour
 - South African Revenue Service

- any other relevant purpose.

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4. Store

Employees

Format	Where	Post-employment	Where
Hard Copies	Admin Office	Archive	Off site – Document Warehouse
Electronic info	BDB Payroll	Archive	Seven C Cloud Storage

Directors

Format	Where	Post-employment	Where
Hard Copies	Admin Office	Archive	Off site – Document Warehouse
Electronic info	BDB Payroll	Archive	Seven C Cloud Storage

Volunteers/Temps

Format	Where	Post-employment	Where
Hard Copies	Admin Office	Archive	Off site – Document Warehouse
Electronic info	BDB Payroll	Archive	Seven C Cloud Storage

5. Delete

Hard copies must be shredded and electronic copies deleted post the period stipulated in ANNEXURE B. For documents stored at Document Warehouse, a certificate of destruction of records is received for all records authorised to be destroyed.

ANNEXURE A2

PROCEDURE: PERSONAL INFORMATION of a CONSULTANT, CONTRACTOR or SUPPLIER

1. For the purposes of this Manual, Consultants, Contractors and Suppliers include potential, past and existing Consultants, Contractors and Suppliers of CBS. CBS will use and process information of Consultants, Contractors and Suppliers, as set out in Data Protection and Information Sharing Manual (Manual) for, but not limited to, its administrative and accounting records and to make lawful decisions in respect of the Consultants, Contractors and Suppliers for CBS's business.

2. Collection

CBS will, when proposing to and when contracting with Consultants, Contractors and Suppliers, require information, including, but not limited to that listed in its Manual, from prospective Consultants, Contractors and Suppliers. The information is reasonably necessary for CBS's assessment as well as to ascertain if the prospective Consultants, Contractors and Suppliers meet the requirements for the services and or products required by CBS. It will further be used on CBS's systems as stated below and for record purposes.

The information is processed by the Information Officer or his nominated staff member.

3. Use:

Personal Information of Consultants, Contractors and Suppliers will only be used for the purpose for which it was collected and intended. This would include, but is not limited to:

- for purposes of
 - opportunities to quote
 - Contracting
 - administration
 - Record-keeping
 - remittance and communication
- in connection with
 - administrative functions of CBS
 - accounting functions of CBS
 - legal proceedings
 - legal and regulatory requirements
 - pre and post-contracting checks and screening
- submissions to
 - South African Revenue Service



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- any other relevant purpose.

4. Store

Format	Where	Post contract	Where
Hard Copies	Admin Office	Archive	Off site – Document Warehouse
Electronic info	Pastel Evolution/BPO	Archive	Seven C Cloud Storage

5. Delete

Hard copies must be shredded and electronic copies deleted post the period stipulated in ANNEXURE B.

ANNEXURE B

RETENTION PERIODS

Basic Conditions of Employment Act

Section 29(4):

-Written particulars of an employee after termination of employment

3 YEARS

Section 31:

-Employee's name and occupation;

-Time worked by each employee;

-Remuneration paid to each employee;

-Date of birth of any employee

3 years

Employment Equity Act

Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act;

Section 21 report which is sent to the Director General

3 YEARS

Labour Relations Act

Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions

INDEFINITE

Unemployment Insurance Act

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

5 YEARS

Tax Administration Act

Section 29 documents which:

-Enable a person to observe the requirements of the Act;

-Are specifically required under a Tax Act by the Commissioner;

5 YEARS

Income Tax Act

- Amount of remuneration paid or due by him to the employee;
- The amount of employee's tax deducted or withheld from the remuneration paid or due;
- The income tax reference number of that employee;
- Any further prescribed information; Employer Reconciliation return.

5 YEARS

Value Added Tax Act

- The vendor shall prepare lists of debtors and creditors showing the amounts owing to the creditors at the end of the tax period immediately preceding the changeover period;
- Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS;
- Vendors are obliged to retain records of all goods and services, rate of tax applicable to the supply, list of suppliers or agents, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques;
- Documentary proof substantiating the zero rating of supplies;
- Where a tax invoice, credit or debit note, has been issued in relation to a supply by an agent or a bill of entry as described in the Customs and Excise Act, the agent shall maintain sufficient records to enable the name, address and VAT registration number of the principal to be ascertained.

5 YEARS

Occupational Health and Safety Act, and Compensation for Occupational Injuries and Diseases Act

- A Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.

4 YEARS

General Administrative Regulations, 2003

Section 20(2) documents

- 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;
- Records of incidents reported at work.

10 YEARS

Financial Intelligence Centre Act

- Whenever a reportable transaction is concluded with a customer, the Company must keep record of the identity of the customer;
- If the customer is acting on behalf of another person, the identity of the person on whose behalf the customer is acting and the customer's authority to act on behalf of that other person;
- If another person is acting on behalf of the customer, the identity of that person and that other person's authority to act on behalf of the customer;



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-The manner in which the identity of the persons referred to above was established;
-In the case of a transaction, the amount involved and the parties to that transaction;
Any document or copy of a document obtained by the accountable institution.
5 YEARS

Electronic Communications and Transactions Act 25 of 2002

E-Invoices

5 YEARS

FORM 1**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT No. 4 of 2013)****REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]****Note:**

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A DETAILS OF DATA SUBJECT

Name(s) and surname/ registered name of data subject:.....

Company/ Identity Number :.....

Residential, postal or business address :.....

Code :.....

Contact number(s):.....

Fax number / E-mail address:.....

B DETAILS OF RESPONSIBLE PARTY

Name(s) and surname :.....

Residential, postal or business address :.....

Code :.....

Contact number(s) :.....

Fax number/ E-mail address :.....

C REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

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Signed at this day of20.....

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Signature of data subject/designated person

FORM 2**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT No. 4 OF 2013)****REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]****Note:**

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for: Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party. Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorized to retain the record of information.**A DETAILS OF DATA SUBJECT**

Name(s) and surname/ registered name of data subject:.....

Company/ Identity Number :.....

Residential, postal or business address :.....

Code :.....

Contact number(s): :.....

Fax number / E-mail address: :.....

B DETAILS OF RESPONSIBLE PARTY

Name(s) and surname :.....

Residential, postal or business address :.....

Code :.....

Contact number(s) :.....

Fax number/ E-mail address :.....



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C INFORMATION TO BE CORRECTED/ DELETED/ DESTROYED/ DESTROYED

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D REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORIZED TO RETAIN.

(Please provide detailed reasons for the request)

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Signed at this day of20.....

.....
Signature of data subject/ designated person

ANNEXURE C

MONITORING AND EVALUATION

DATE COMMENT RECOMMENDATION FOLLOW-UP

PREMISES

- Inspection of physical security & access
- Access control and biometrics
- Burglar bars
- Alarm and deactivation codes
- Armed response
- No-go areas – demarcated
- Risk analysis of security issues

FILING AND PHYSICAL RECORD KEEPING

- Locked offices & cabinets
- No-go areas
- Proper disposal of records/files/hard copies - policy
- Work/document flow - data remains secure
- File integrity & lockup

STAFF

- Keys to authorised staff only
- Alarm codes
- Area specific access
- Staff awareness re POPI obligations
- Confidentiality declaration and undertaking

THIRD PARTY PROCESSING

- External operators all have written contracts
- External operators are aware of data usage security and limitations
- External operations Confidentiality requirements

IT & DATA

- Computers physically secured
- Password policy
- Encryption of data
- Back-up policy & schedule
- Person appointed to manage backups
- Off-site storage
- Proper disposal of damaged devices / data drivers
- Network, Internet & www security



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MOBILE DEVICES

No flash drives / removable media in restricted areas
Private devices not permitted to sync on networks
Laptop - data encrypted
Laptop - password secured
Theft prevention strategy

SECURITY BREACHES

Any loss of data / security breach - Information Regulator
Any loss of data / security breach - Data subjects