



PAIA and POPI Manual

This manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

**This manual applies to ENGINEERING TOP TECH Co (PTY) LTD
Registration Number: 2000/023349/07
Registered Office Address: 6 Brass Link, Alton, Richards Bay, 3900**

ENGINEERING TOP TECH Co PTY LTD

6 Brass Link, Alton, Richards Bay, 3900, KwaZulu-Natal, South Africa

PO Box 1849, Richards Bay, 3900, KwaZulu-Natal, South Africa

T +27 35 751 1630

E info@ett.com

www.ett.com

Directors: R.A.J. Everingham, L. Bothma, A.R. McDuling (Managing). Registration Number: 2000/023349/07. VAT Number: 455 014 8052.

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ENGINEERING TOP TECH Co (PTY) LTD

6 Brass Link, Alton, Richards Bay, 3900

035 751 1630

info@ett.co.za

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Contents

1. Introduction
 2. Guide of The South African Human Rights Commission
 3. Access to Documents Held by ENGINEERING TOP TECH Co (PTY) LTD
 - 3.1 Personal Requester
 - 3.2 Other Requester
 - 3.3 Request Procedure
 - 3.4 Decision
 - 3.5 Grounds for Refusal of Access to Documents in Terms of PAIA
 - 3.6 Remedies Available to The Requester Upon Refusal of a Request for Access of PAIA
 4. Fees
 5. Categories of Documents Held by The Company: Section 51(1)(E)
 - 5.1 Companies Act Documents
 - 5.2 Financial Documents
 - 5.3 Agreements and / or Contract Documents
 - 5.4 Employees
 - 5.5 Company Policies and Directives
 - 5.6 Regulatory
 - 5.7 Customer Information
 - 5.8 Systems, Solutions, and Information Technology
 - 5.9 Reference Materials
 6. Protection of Personal Information That Is Processed by ENGINEERING TOP TECH Co (PTY) LTD
 - 6.1 Conditions of Processing
 - 6.2 Purpose of the Processing of Personal Information by ENGINEERING TOP TECH Co (PTY) LTD
 - 6.3 Categories of Data Subjects and Personal Information/special Personal Information relating thereto
 - 6.4 Recipients of Personal Information
 - 6.5 Cross-Border Flows Of Personal Information
 - 6.6 Description of information security measures to be implemented by ENGINEERING TOP TECH Co (PTY) LTD
 - 6.7 Objection to the Processing of Personal Information by a Data Subject
 - 6.8 Request for correction or deletion of Personal Information
 - Appendix 1
 - Appendix 2
 - Appendix 3
 - A. Purpose of Processing
 - B. Categories of Data Subjects and their Personal Information
 - C. Actual or Planned Transborder Flows of Personal Information
 - D. General Description of Information Security Measures
 - Appendix 4
 - Appendix 5
-

1. Introduction

The promotion of Access to Information Act, 2000 (the "Act") gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the Documents containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

The core business of **Engineering Top Tech Co (Pty) Ltd** is our proficiency in the disciplines of innovation, design and world class manufacturing of specialised support equipment for mining and industry set us apart from our competitors. Our solutions are aimed at improving productivity and safety and are currently deployed in over 20 countries around the world.

In addition to our globally leading mining and industrial equipment, we also manufacture premier smelter equipment suitable for aluminium and steel applications as well as downstream production operations.

Name of Body: **Engineering Top Tech Co (Pty) Ltd**

Head of Body: Andrew Staniland

Information Officer: Andrew Staniland / Michelle Genis

Physical Address: 6 Brass Link, Alton, Richards Bay, 3900

Postal Address: P O Box 1849, Richards Bay, 3900

Telephone Number: 035 751 1630

Email Address: info@ett.co.za

2. Guide of The South African Human Rights Commission

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: <https://www.sahrc.org.za>

E-mail: PAIA@sahrc.org.za

3. Access to Documents Held by ENGINEERING TOP TECH Co (PTY) LTD

Documents held by **ENGINEERING TOP TECH Co (PTY) LTD** may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a Document of **ENGINEERING TOP TECH Co (PTY) LTD** and in this regard, the Act distinguishes between two types of requesters:

3.1 Personal Requester

A personal requester is a requester who is seeking access to a Document containing personal information about the requester. Subject to the provisions of the Act and applicable law, **ENGINEERING TOP TECH Co (PTY) LTD** will provide the requested information, or give access to any Document about the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by **ENGINEERING TOP TECH Co (PTY) LTD**.

3.2 Other Requester

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, **ENGINEERING TOP TECH Co (PTY) LTD** is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by **ENGINEERING TOP TECH Co (PTY) LTD**.

3.3 Request Procedure

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to any Document. A requester must complete the request form enclosed herewith in **Appendix 1** and submit it, as well as the payment of a request fee, if applicable to the information officer at the physical address, or electronic mail address as stated herein. The request form must be filled in with enough information to at least enable the information officer to identify:

- The Document or Documents requested
- The identity of the requester
- What form of access is required?
- The postal address or fax number of the requester.

A requester must state that he or she requires the information to exercise or protect a right, and clearly state what the nature of the right is, so to be exercised or protected. The requester must also provide an explanation of why the requested Document is required for the exercise or protection of that right.

ENGINEERING TOP TECH Co (PTY) LTD will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this period not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the way it is required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

3.4 Decision

ENGINEERING TOP TECH Co (PTY) LTD will decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which **ENGINEERING TOP TECH Co (PTY) LTD** has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information that has been backup up and stored offsite and the information cannot reasonably be obtained within the original 30-day period. The information officer will notify the requester in writing should an extension be necessary.

3.5 Grounds for Refusal of Access to Documents in Terms of PAIA

The following are the grounds on which ENGINEERING TOP TECH Co (PTY) LTD may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- 3.5.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
- 3.5.2 Mandatory protection of the commercial information of a third party, if the Documents contain:
 - a) Trade secrets of that third party
 - b) Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - c) Information disclosed in confidence by a third party to ENGINEERING TOP TECH Co (PTY) LTD, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
- 3.5.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- 3.5.4 Mandatory protection of the safety of individuals and the protection of property.
- 3.5.5 Mandatory protection of Documents that would be regarded as privileged in legal proceedings.
- 3.5.6 Protection of the commercial information of ENGINEERING TOP TECH Co (PTY) LTD, which may include:
 - a) Trade secrets
 - b) Financial/commercial, scientific, or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of ENGINEERING TOP TECH Co (PTY) LTD.
 - c) Information which, if disclosed, could put ENGINEERING TOP TECH Co (PTY) LTD at a disadvantage in contractual or other negotiations or prejudice ENGINEERING TOP TECH Co (PTY) LTD in commercial competition; and/or
 - d) Computer programs which are owned by JT, and which are protected by copyright and intellectual property laws.
- 3.5.7 Research information of ENGINEERING TOP TECH Co (PTY) LTD or a third party, if such disclosure would place the research or the researcher at a serious disadvantage, and
- 3.5.8 Requests for Documents that are clearly frivolous or vexatious, or which involve an unreasonable diversion of Resources.

3.6 Remedies Available to The Requester Upon Refusal of a Request for Access Of PAIA

3.6.1 Internal remedies

ENGINEERING TOP TECH Co (PTY) LTD does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

3.6.2 External remedies

In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

4. Fees

The Act provides for two types of fees:

Fees can be scrutinised in [Appendix 2](#).

A request fee, (which will be a standard fee) and an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the information officer of ENGINEERING TOP TECH Co (PTY) LTD, the information 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 can take place. If a search for the information is necessary and the preparation and disclosure of the information for disclosure, requires more time than prescribed in the regulations for this purpose, the information officer shall notify the requester to pay a deposit if the request is granted.

The information officer shall withhold information until the requester has paid the fee or fees indicated. A requester whose request for access to information has been granted, must pay an access fee reproduction, for search, preparation, and for any time in excess of the prescribed hours to prepare the information for disclosure including making arrangements to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

5. Categories of Documents Held by The Company: Section 51(1)(E)

5.1 Companies Act Documents

- Company Incorporation
- Names of Directors
- Salaries of Directors
- Minutes of Board Meetings
- Documents relating to the appointment of directors / auditor / secretary / public officer and other officers

5.2 Financial Documents

- Financial Statements
- Documents relating to taxation of the company
- Accounting Documents
- Financial Agreements

5.3 Agreements or Contract Documents

- Standard Agreements
- Contracts concluded with Companies
- Contracts concluded with Customers
- Third Party Contracts (such as Service Level Agreements etc.)
- Suppliers Contracts

5.4 Employees

- List of Employees
- Personal Information of Employees
- Employee Contracts of Employment
- Salaries of Employees
- Leave Documents

5.5 Company Policies and Directives

- Internal relating to employees and the company
- External relating to clients and other third parties

5.6 Regulatory

- Licenses or Authorities

5.7 Customer Information

- Customer Details
- Contact details of individuals within Customers
- Communications with Customers

5.8 Systems, Solutions, and Information Technology

- Intellectual property pertaining to solutions and products developed.
- Usage of solutions and products

5.9 Reference Materials

- Newsletters and Journal Articles
- Magazines
- Newspaper Articles

6. Protection of Personal Information That Is Processed by ENGINEERING TOP TECH Co (PTY) LTD

6.1 Conditions of Processing

Chapter 3 of POPI provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPI. Below is a description of the eight Conditions for Lawful Processing as contained in POPI:

- Accountability - the Responsible Party has an obligation to ensure that there is compliance with POPI in respect of the Processing of Personal Information.
- Processing limitation - Personal Information must be collected directly from a Data Subject to The extent applicable; must only be processed with the consent of the Data Subject and must only be used for the purposes for which it was obtained.
- Purpose specification - Personal Information must only be processed for the specific purpose for which it was obtained and must not be retained for any longer than it is needed to achieve such purpose.
- Further processing limitation - further processing of Personal Information must be compatible with the initial purpose for which the information was collected.
- Information quality - the Responsible Party must ensure that Personal Information held is accurate and updated regularly and that the integrity of the information is maintained by appropriate security measures.
- Openness - there must be transparency between the Data Subject and the Responsible Party.
- Security safeguards - a Responsible Party must take reasonable steps to ensure that adequate safeguards are in place to ensure that Personal Information is being processed responsibly and is not unlawfully accessed.
- Data Subject participation - the Data Subject must be made aware that their information is being processed and must have provided their informed consent to such processing.

6.2 Purpose of the Processing of Personal Information by ENGINEERING TOP TECH Co (PTY) LTD

As outlined in paragraph 6.1c, Personal Information may only be Processed for a specific purpose. The purposes for which ENGINEERING TOP TECH Co (PTY) LTD Processes or will Process Personal Information, is set out in [Appendix 3](#).

6.3 Categories of Data Subjects and Personal Information/special Personal Information relating thereto

As per section 1 of POPI, a Data Subject may either be a natural or a juristic person. [Appendix 3](#) sets out the various categories of Data Subjects that ENGINEERING TOP TECH Co (PTY) LTD Processes Personal Information on and the types of Personal Information relating thereto.

6.4 Recipients of Personal Information

Part 3 of Appendix 5 outlines the recipients to whom we may provide a Data Subjects Personal Information to.

6.5 Cross-Border Flows of Personal Information

Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa:

- a) If the recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially like the Conditions for Lawful Processing as contained in POPI; or
- b) If the Data Subject consents to the transfer of their Personal Information; or
- c) If the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- e) If the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- f) If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

ENGINEERING TOP TECH Co (PTY) LTD does not do any Cross-Border transfers of any Personal Information relating to employees, clients, companies, or organisation.

6.6 Description of information security measures to be implemented by ENGINEERING TOP TECH Co (PTY) LTD

[Section D of Appendix 3](#) sets out the types of security measures to implemented by ENGINEERING TOP TECH Co (PTY) LTD to ensure that Personal Information is respected and protected.

A preliminary assessment of the suitability of the information security measures implemented or to be implemented by ENGINEERING TOP TECH Co (PTY) LTD may be conducted in order to ensure that the Personal Information that is processed by ENGINEERING TOP TECH Co (PTY) LTD is safeguarded and processed in accordance with the Conditions for Lawful Processing.

6.7 Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPI and regulation 2 of the POPI Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as [Appendix 5](#) subject to exceptions contained in POPI.

6.8 Request for correction or deletion of Personal Information

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected and or deleted in the prescribed form attached as [Appendix 4](#) to this Manual.

Appendix 1

Request For Access to The Document to Be Completed by A Requester

Request For Access to Document of Private Body (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (Regulation 10)

A. Particulars of a Private Body

The Head:

B. Particulars of Person Requesting access to the Document

- a) The particulars of the person who requests access to the Document must be given below.
b) The address and/or Fax number in the Republic of South Africa 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:
- Fax Number:
- 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 Document

- a) Provide full particulars of the Document to which access is requested, including the reference number if that is known to you, to enable the Document 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.

1. Description of Document or relevant part of the Document:
 2. Reference number, if available:
 3. Any further particulars of Document:
-

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 paying fees:

F. Form of Access to Record

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 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which Record is required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. Is the Document in written or printed form			
<input type="checkbox"/>	Copy of Document*	<input type="checkbox"/>	Inspection of Document
2. If Document consists of visual images (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the Images
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the Images
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette, CD, DVD, or digital audio format)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form* (CD, DVD, or digital audio format)

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 that 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 _____ this _____ day _____ of 20 _____

Signature of Requester/Person on whose behalf the request is made

Appendix 2

Applicable Fees in Respect of Private Bodies in Relation to PAIA

Fees in respect of Private Bodies

- The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R0,00 for every photocopy of an A4-size page or part thereof.
- The fees for reproduction referred to in regulation 11 (1) are as follows:

a) For every photocopy of an A4-size page or part thereof	R
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R
c) For a copy in a computer-readable form on:	R
I. Compact Disc	R
II. DVD	R
III. Digital Audio Format	R
IV. For a transcription of visual images, for an A4-size page or part thereof	R
V. For a copy of visual images	R
VI. For a transcription of an audio record, for an A4-size page or part thereof	R
VII. For a copy of an audio record	R

- The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R0,00.
- The access fees payable by a requester referred to in regulation 11 (3) are as follows:

a) For every photocopy of an A4-size page or part thereof R	R
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R
c) For a copy in a computer-readable form on: R	R
VIII. Compact Disc R	R
IX. DVD R	R
X. Digital Audio Format R	R
XI. For a transcription of visual images, for an A4-size page or part thereof R	R
XII. For a copy of visual images R	R
XIII. For a transcription of an audio record, for an A4-size page or part thereof R	R
XIV. For a copy of an audio record R	R

d) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	R
1. For purposes of section 54 (2) of the Act, the following applies:	R
a) Six hours as the hours to be exceeded before a deposit is payable; and	
2. The actual postage is payable when a copy of a record must be posted to a requester.	

Appendix 3

Processing Of Personal Information in Accordance With POPI

A. Purpose of Processing

ENGINEERING TOP TECH Co (PTY) LTD uses personal information under its care in the following manner:

- Administration
- Rendering services according to contractual agreements
- Staff administration
- Complying with Tax Laws
- Keeping accounts of records

B. Categories of Data Subjects and their Personal Information

ENGINEERING TOP TECH Co (PTY) LTD may possess records relating to suppliers, shareholders, service providers, staff, vendors, and clients:

DATA SUBJECT	INFORMATION PROCESSED
Clients – Natural Persons	Names, contact details, postal address, date of birth, ID number, Tax related information, nationality, gender, confidential correspondence
Clients – Juristic Persons / Entities	Names of contact persons, Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding documents, Tax related information, authorised signatories
Service Providers	Names of contact persons; Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding document, Tax related information, authorised signatories, beneficiaries, ultimate beneficial owners
Vendors	Names of contact persons; Name of Legal Entity, Physical and Postal address and contact details, Registration Number, Founding document, Tax related information, authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender, Pregnancy, Marital Status, Ethnicity, Age, Language, Education information, Financial Information, Employment History, ID number, Physical and Postal address, Contact details, Criminal behaviour, Well-being

C. Actual or Planned Transborder Flows of Personal Information

ENGINEERING TOP TECH Co (PTY) LTD has no planned transborder flow of information.

D. General Description of Information Security Measures

ENGINEERING TOP TECH Co (PTY) LTD employs up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control
- Secure setup of hardware and software making up the IT infrastructure.

Appendix 4

Request For Amendment, Correction or Erasure of Personal Data

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted as held by us.

As a main rule, your request will be handled free of charge. However, if we were to find your request to be manifestly unfounded, excessive, or repetitive, we may charge a reasonable fee based on the administrative cost of providing the information and not exceeding R_____.

Please fill out the details below and we will get back to you 30 calendar days upon receipt of a fully completed form, proof of identity and other required documents, if applicable. The aforementioned documentation should be sent to the following address: Information Officer, P.O. BOX_____

Details of the person requesting Amendment, Correction or Erasure

Full Name	
Address	
Date of Birth	
E-mail Address	
Phone Number	

Your Role

	I am the data subject
	I am not the data subject, though I am acting on behalf of the data subject by virtue of a power of attorney
	I am not the data subject, but I am acting on behalf of a data subject as its parent or legal guardian.

Proof of Identity and Authority Submitted

	Driving License
	Passport
	Identity Document
	Confirmation of Employment
	Evidence of parental responsibility or legal guardianship
	Proxy Letter
	Banking Confirmation
	Company Registration

Amendment

	I wish to amend my personal data (proof of identity must be provided).
	I wish to amend personal data concerning a data subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the data subject must be provided).
	I wish to amend personal data concerning a data subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Type of personal data you wish to amend:	
Describe the amendment:	

Correction

	I wish to correct my personal data (proof of identity must be provided).
	I wish to correct personal data concerning a data subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the data subject must be provided).
	I wish to correct personal data concerning a data subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Type of personal data you wish to correct:	
Describe the correction:	

Erasure

	I wish to erase my personal data (proof of identity must be provided).
	I wish to erase personal data concerning a data subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the data subject must be provided).
	I wish to erase personal data concerning a data subject to whom I am a parent or legal guardian (Proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Describe the type of personal data you wish to erase:	

By signing this form, you certify that the information you have provided is correct to the best of your knowledge and that you are the company / person to whom it relates or that you are legally entitled to act on behalf of such company / person. You understand that it may be necessary to obtain further information in order to comply with this request.

Signature: _____

Date: _____

Appendix 5

Form To Object to The Processing of Personal Information in Terms Of POPI

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, 2017, Regulation 2(1)

Please Note:

- Affidavits or other documentary evidence in support of the object needs to be attached to this form.
- If more space is required add additional pages as appendices to this form.

Details of Data Subject	
Name and Surname	
Address	
Phone Number	
Fax Number	
E-mail	
Details of Responsible Party	
Name and Surname of the Responsible Person, Public, or Private Body	
Address	
Phone Number	
Fax Number	
E-mail	

