

NOURISH PROTECT SUSTAIN (PTY) LTD

(Registration Number: 2018/439126/07)

POPI Act Compliance Manual

This Manual is published in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA) as amended by the Protection of Personal Information Act 4 of 2013 (POPI)

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1. DEFINITIONS

For the purposes of this PAIA Manual, unless the context requires otherwise, the words and expressions set out below shall have the meaning assigned to them, namely:

- 1.1 “Act” means The Promotion of Access to Information Act, No. 2 of 2000. (“PAIA”)
- 1.2. “Data Subject” as defined in POPI, means the person, natural or juristic, to whom the Personal Information relates.
- 1.3 “Information Officer” - means the Information Officer designated by Nourish who is also responsible for assessing any requests to Nourish for access to information in terms of PAIA as well as to oversee any other obligations which Nourish may have under PAIA and POPI.
- 1.4 “Requester” means any person making a request for access to a record of Nourish.
- 1.5 “Manual” means this information manual.
- 1.6 “Personal information” which is as defined in POPI, namely:
 - 1.6.1 Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person;

Information relating to the education or the medical, financial, criminal or employment history of the person;

Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

The biometric information of the person;

The personal opinions, views or preferences of the person;

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;

The views or opinions of another individual about the person; and 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.

- 1.7 “POPI” means the Protection of Personal Information Act 4 of 2013.
- 1.8 “Processing information” means the automated or manual activity of collecting, recording, organising, storing, updating, distributing and removing or deleting personal information.
- 1.9 Words and expressions defined in the Act and/or POPI which are not defined in this PAIA Manual, shall bear the same meanings in this PAIA Manual as those ascribed to them under the Act and/or POPI.

2. INTRODUCTION

- 2.1 NOURISH PROTECT SUSTAIN (PTY) LTD (Registration Number: 2018/439126/07) is a private company which operates two separate business entities which sell beauty products and toys online. (“Nourish”)
- 2.2 In terms of the operation of its business and the products provided, Nourish holds certain records (information and documents), which include personal information.
- 2.3 PAIA and POPI provide for certain records and/or information to be accessed where certain circumstances are met and in accordance with certain procedures and at prescribed fees, giving effect to the right of access to information in terms of the Constitution of the Republic of South Africa.
- 2.4 This Manual, which includes all annexures and subsequent amendments thereto from time to time has been prepared in accordance with section 51 of PAIA as read with POPI.
- 2.5 It provides an overview of the records (information and documents) held by Nourish and details of how such records may be accessed, including in relation to giving effect to the rights granted under POPI terms of which a data subject

or requester may access their or its personal information, object to processing and request the correction of any of its personal information held by Nourish.

- 2.6 Nourish has appointed an Information Officer in accordance with POPI. In addition to its obligations prescribed under POPI, the designated Information Officer is also responsible for assessing any requests to Nourish for access to information in terms of PAIA as well as to oversee any other obligations which Nourish may have under PAIA.

3. PROTECTION OF PERSONAL INFORMATION

- 3.1 Chapter 3 of POPI provides for the minimum conditions for lawful "processing" of "personal information" by a "responsible party" (as such terms are defined under POPI). These conditions may not be derogated from unless specific exclusions apply as outlined in POPI.
- 3.2 Nourish requires personal information relating to both natural and legal persons in order to carry out its business and organizational functions.
- 3.3 The manner in which this information is processed and the purpose for which it is processed is determined by Nourish. Accordingly, Nourish is a responsible party for the purposes of POPI and will ensure that the personal information of a "data subject" (as defined in POPI), amongst other things as prescribed by POPI:
- a. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data is collected by Nourish, in the form of privacy or data collection notices. Nourish must also have a legal basis (for example, but not limited to, consent) to process personal information;
 - b. is processed only for the purposes for which it was collected;
 - c. will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
 - d. is adequate, relevant and not excessive for the purposes for which it was collected;
 - e. is accurate and kept up to date;
 - f. will not be kept for longer than necessary;
 - g. is processed in accordance with integrity and confidentiality principles – this includes physical and organizational measures to ensure that personal information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by Nourish, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage; and
 - h. is processed in accordance with the rights of data subjects, where applicable.
- 3.4 Data Subjects have the right to:
- a. be notified that their personal information is being collected by Nourish. The data subject also has the right to be notified in the event of a data breach;
 - b. know whether Nourish holds personal information about them and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;

- c. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
 - d. object to Nourish's use of their personal information and request the deletion of such personal information;
 - e. object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
 - f. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.
- 3.5 Personal information held by Nourish can only be processed for a specific purpose. The purpose for which Nourish processes or will process personal information is in respect of:
- a. Rendering of services to clients;
 - b. Transacting with the various suppliers and third party service providers;
 - c. Maintaining its website and all usage records pertaining to it;
 - d. General administration;
 - e. Compliance with relevant legal and regulatory requirements.
- 3.6 In terms of section 1 of POPI, a data subject may either be a natural or a juristic person. The various categories of Data Subjects that Nourish processes personal information in respect of and the types of personal information relating thereto includes but is not limited to those detailed in Cause 5.4.
- 3.7 Nourish may share a data subject's Personal Information with service providers to Nourish and third-party suppliers.
- 3.8 Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa if the:
- a. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
 - b. data subjects' consent to the transfer of their personal information; or
 - c. transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party; or
 - d. 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
 - e. 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 in all likelihood provide such consent.
- 3.9 It shall be ensured that with any cross-border transfers of personal information such information shall be adequately protected for ensuring that the processing of such information is lawful in terms of POPI.
- 3.10 Section 9 of this Manual sets out the types of security measures to be implemented by Nourish in order to ensure that personal information is respected and protected.

3.11 This is not an exhaustive list and is subject to change. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by Nourish may be conducted in order to ensure that the personal information that is processed by Nourish is safeguarded and processed in accordance with the Conditions for Lawful Processing under POPI.

3.11 The POPI Regulations provide that a Data Subject may, at any time object to the processing of his/her/its personal information.

3.12 The POPI Regulations provide that a data subject may request for their personal information to be corrected or deleted.

4. NOURISH CONTACT DETAILS

Name: Nourish Protect Sustain (Pty) Ltd.

Physical Address: 7 Ellingham Drive
La Lucia
Durban
4051

Postal Address: As Above.

Information Officer: Sharon Andrew

4.1 The South African Human Rights Commission (SAHRC) has issued a guide on how to use the Act (as prescribed by section 10 of PAIA) , which guide is available on the SAHRC website (www.sahrc.org.za). This Manual complies with the requirements of the guide (defined below) and recognises that the Information Regulator established under POPI will be responsible for regulating compliance with PAIA, POPI and their regulations.

4.2 See contact details below:

PAIA	South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 Houghton Johannesburg 2041 Telephone: +27 11 887 3600
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	Email: paia@sahrc.org.za ;
POPI	<p>Information Regulator Physical address:</p> <p>JD House 27 Stiemens Street Braamfontein, Johannesburg 2001</p> <p>Postal address: P.O Box 31533 Braamfontein Johannesburg 2017 Email:</p> <p>Complaints: complaints.IR@justice.gov.za</p> <p>General enquiries: inforeg@justice.gov.za</p>

5. RECORDS HELD BY NOURISH

5.1 The following records are Records which are freely available to the general public and need not be requested in accordance with the procedure outlined in this Manual:

- a. The Nourish and business entities websites at www.prettyimpressed.co.za;
- b. Nourish marketing brochures, product lists and newsletters.

5.2 In terms of Section 51(1)(d) of PAIA Nourish retains a number of records in accordance with legislation which applies to it, which includes but is not limited to the following legislation:

Basic Conditions of Employment Act No 75 of 1997;
Companies Act No 71 of 2008;
Compensation for Occupational Injuries and Diseases Act No 130 of 1993;
Consumer Protection Act No 68 of 2008;
Copyright Act No 98 of 1978;
Electronic Communications and Transactions Act No 25 of 2002;
Employment Equity Act No 55 of 1998;
Financial Intelligence Centre Act No 38 of 2001;
Income Tax Act No 58 of 1962;

Labour Relations Act No 66 of 1995;
 Medical Schemes Act No 131 of 1998;
 National Credit Act No 34 of 2005;
 Occupational Health and Safety Act No 85 of 1993;
 Pension Funds Act No 24 of 1956;
 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 Act No 97 of 1998;
 Skills Development Levies Act No 9 of 1999;
 Unemployment Insurance Act No 63 of 2001;
 B-BBEE Act No 53 of 2003; and Value Added Tax Act No 89 of 1991.

5.3 Where any information contained in any records retained by Nourish in terms of the above legislation is of a public nature, such records may be available for inspection without a person having to request access thereto in terms of PAIA.

5.4 The records held by Nourish include but are not necessarily limited to:

Human Resources	Employee Information including personal information, employment history and health records
	Employment Contracts
	Tax Records
	Training Records
	Payroll
Client Records	Full Names
	Identification Numbers
	Banking Details
	Physical and Postal Addresses
	Email addresses
	Cellphone and Home Telephone Numbers
	Correspondence
Information Technology	Software Licence Agreements
	Domain Information
	Website usage Statistics
	Stock Listings and Product Descriptions
	Costings of Hardware and Software
Company Information	CIPC Records
	Incorporation documentation including the MOI and Articles of Association
Finance and Accounts	Accounting Records
	Annual Financial Statements
	Tax Returns
	Creditors and debtors
	Invoices
	Salary Information
	Banking Records
	Bank Account Details
	Audit Reports

Marketing & Website	Product Lists and Pricing
	Newsletters and Publications

6. REQUESTS FOR INFORMATION

- 6.1 Any requests for access to records of Nourish are subject to PAIA and, in respect of personal information, POPI.
- 6.2 In terms of PAIA, a request for access is to be made on the prescribed form as annexed hereto. The request is to be made to the Information Officer addressed to the contact details as set out above.
- 6.3 The requester must provide sufficient detail on the form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal or email address. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- 6.4 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 6.5 In circumstances where the request for access is being made on behalf of another person, the requestor is obliged to prove the capacity in which the request is being made, with any submissions in support thereof being subject to the satisfaction of Nourish.
- 6.6 PAIA makes provision for a request for information or records about a third party. In considering such a request, Nourish will adhere to the provisions of sections 71 to 74 of PAIA. The requestor is to note the provisions of Chapter 5 of Part 3 of PAIA in terms of which Nourish is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of Nourish by referring the matter to the High Court.
- 6.7 The Information Officer will decide on whether or not to grant the request as soon as is reasonably possible (but in any event within thirty days of the request having been submitted) and notify the requester accordingly.
- 6.8 The Information Officer may decide to extend the period of thirty days for another period of not more than thirty days if the request is for a large number of records, or an extension is agreed to.
- 6.9 Should Nourish require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

- 6.10 If the Information Officer fails to respond (or extend the period within which the respond) within thirty days after a request has been received, it will, in terms of PAIA, be deemed to have refused the request.
- 6.11 Where access is granted the Information Officer will advise the requester of the access fee to be paid for the information as set out below prior to Nourish being able to process the request and grant the access. Nourish will inform the requester as to the format in which access will be given.
- 6.12 The requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted and access to the record requested will be given as soon as reasonably possible.
- 6.13 The following access and reproduction fees apply:

Request Fee (Other than for a requester seeking their personal information). This fee may be disputed by a requester in terms of Section 55 (3) (b) of PAIA	R50.00
If the request will require an excess of 6 hours to prepare and provide the information requested, a deposit may be requested in accordance with PAIA	To be determined
For every photocopy of an A4 size page or part thereof	R1,10
For every printed copy of an A4 size page or part thereof	R0,75
For a transcript of visual images for an A4 size page or part thereof	R40,00
For a copy of visual images	R60,00
For a transcript of an audio record, for an A4 size page or part thereof	R20,00
For a copy of an audio record	R30,00

7. RECORDS NOT FOUND

- 7.1 If a record cannot be found or if the records do not exist, the Information Officer shall notify the requester (providing full details of steps taken to find the record or determine its existence) that it is not possible to give access to the requested record.
- 7.2 If the record in question should later be found, the requester shall be given access to the record unless access is refused by Nourish.

8. REFUSAL OF ACCESS

- 8.1 Nourish may refuse to grant access on certain grounds, including:
- a. That the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege;
 - b. To protect the commercial information or the confidential information of a third party or Nourish;
 - c. That it is necessary to protect the safety of individuals or property;
 - d. That it is necessary to protect the research information of a third party or Nourish; or that granting access would result in the unreasonable disclosure of personal information about a third party.
 - e. That granting access would result in the unreasonable disclosure of personal information about a third party.
- 8.2 If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal, including adequate reasons for the refusal and that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request.
- 8.3 Upon the refusal by the Information Officer, any deposit paid by the requester will be refunded.
- 8.4 The requester may lodge an appeal with a court of competent jurisdiction in respect of such refusal.

9. SECURITY MEASURES

- 9.1 Nourish has implemented reasonable organisational measures to ensure that personal information is kept secure, including but not limited to encrypted payment for goods through the website, and controls aimed at preventing unauthorised access to personal information, or its loss and destruction.
- 9.2 Nourish also ensures that third party suppliers and providers who process personal information on behalf of Nourish apply appropriate safeguards to this information.

10. ANNEXURES

- 10.1 Form 1 – Objection to the Processing of Personal Information.
- 10.2 Form 2 – Request for Correction of Deletion of Personal Information.
- 10.3 Form C – Request for Access to record of Private Body.