



African Certification and Testing (Pty) Ltd

# Manual

as prescribed by the provisions of

**THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA)**

and

**THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (POPIA)**



African Certification and Testing (Pty) Ltd

Last updated: 15<sup>th</sup> April 2021

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## DEFINITIONS

- **Company** means African Certification and Testing (Pty) Ltd (Reg no: 2016/392051/07), here in ACT, a Company duly registered and incorporated in accordance with the Company laws of the Republic of South Africa
- **Conditions for Lawful Processing** means the Conditions for the Lawful Processing of Personal Information as fully set out in chapter 3 of POPIA
- **Constitution** means the Constitution of the Republic of South Africa, 1996
- **Customer** refers to any natural or juristic person that received or receives services from the Company
- **Data Subject** means the person to whom Personal Information relates
- **Information Officer** means the head of a private body as contemplated in section 1 of PAIA
- **Manual** means this Manual prepared in accordance with section 51 of PAIA and regulation 4(1) of the POPIA Regulations



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- **PAIA** means the Promotion of Access to Information Act 2 of 2000
- **Personal Information** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person
- **Personnel** refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conduction the business of the Company, which includes, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers
- **POPIA** means the Protection of Personal Information Act No. 4 of 2013
- **POPIA Regulations** means the regulations promulgated in terms of section 112(2) of POPIA
- **Private Body** means a natural person or partnership who/which carries or has carried on any trade, business or profession or a former or existing juristic person (excluding a public body)
- **Processing** means any operation or activity or any set of operations
- **Responsible Party** means a public or private body or any other person which determines the purpose of and means for processing Personal Information
- **Record** means any recorded information in the possession or under the control of a Responsible Party
- **Requester** means any person or public body making a request for access to a Record
- **Request for Access** means a request for access to a Record in terms of section 11 or section 50
- **SAHRC** means the South African Human Rights Commission

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

## INTRODUCTION

On 1<sup>st</sup> July 2021, the Protection of Personal Information Act (POPIA) is enforceable for all persons, bodies, entities and organisations Processing the Personal Information of citizens of the Republic of South Africa. The regulation aims to protect the privacy interests of South African citizens and regulate the Processing and use of Personal Information. The regulation requires data controllers to comply



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with certain Conditions for Lawful Processing of Personal Information. These conditions are briefly outlined below.

- **Lawfulness, Fairness and Transparency**

Personal Information must be processed lawfully, fairly and in a transparent manner in relation to the Data Subject

- **Purpose Limitation**

Personal Information must be collected for a specified, explicit and legitimate purpose and not further processed in a manner that is incompatible with those purposes

- **Data Minimization**

Personal Data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which it is Processed

- **Accuracy**

Personal Information must be accurate and, where necessary, kept up-to-date. Reasonable steps must be taken to ensure that the Personal Information which is inaccurate, is erased or rectified in a reasonable manner

- **Storage Period Limitation**

Personal Information must be kept for no longer than is necessary for the purposes for which the Personal Information is processed

- **Integrity and Confidentiality**

Appropriate security, technical and organisational measures should be implemented in a manner that ensures the security of the Personal Information and the protection against accidental or unlawful destruction, loss, alteration, unauthorised access to or disclosure of the Personal Information

- **Accountability**

Data controllers must be responsible for and be able to demonstrate compliance with the principles outlined above

This Manual is likewise created to demonstrate ACT compliance with the above conditions for the lawful Processing of Personal Information, as well as to give effect to the rights of the Data Subjects from which we process Personal Information.



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## PURPOSE OF THE MANUAL

- For the purposes of PAIA, details the procedure to be followed by a Requester and the manner in which a Request for Access will be facilitated.
- For the purposes of POPIA, amongst other things, details the purpose for which Personal Information may be Processed; a description of the categories of Data Subjects for whom the Company Processes Personal Information, as well as the categories of Personal Information relating to such Data Subjects; and the recipients to whom Personal Information may be supplied.

## SCOPE OF THE MANUAL

Technical information security measures for ACT is controlled, implemented and maintained by the Company, and complies to ensure that Personal Information is processed lawfully, fairly and in a transparent manner, giving effect to the rights of the Data Subjects concerned and maintaining the confidentiality, integrity and availability of the information collected.

## COMPANY AND REGULATION AUTHORITIES CONTACT DETAILS

- The contact details of the Company and Information Officer are attached as **Appendix 1**.
- The contact details of the Information Regulator and the South African Human Rights Commission are attached as **Appendix 2**.

## THE COLLECTION OF PERSONAL INFORMATION

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### The categories of Personal Information collected by the Company

- Schedule of Records

The subjects and Records as contained in **Appendix 3** of this Manual details the Records that are held and/or Processed by the Company for the purposes of PAIA and POPIA respectively. Access to such Records may not be granted if they are subject to the grounds of refusal which are specified in the following clause.

- List of applicable legislation

The Company retains Records which are required in terms of legislation other than PAIA.



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Certain legislation provides that private bodies shall allow certain persons access to specified Records, upon request. Legislation that may be consulted to establish whether the Requester has a right of access to a Record other than in terms of the procedure set out in the PAIA are set out in applicable legislation as contained in **Appendix 4**.

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### **Grounds of refusal of access to Records**

The following are the grounds on which the Company may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- 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.
- Mandatory protection of the commercial information of a third party, if the Records contain:
  - 1) Trade secrets of that third party
  - 2) 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
  - 3) Information disclosed in confidence by a third party to the Company, 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
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- Mandatory protection of the safety of individuals and the protection of property
- Mandatory protection of Records that would be regarded as privileged in legal proceedings
- Protection of the commercial information of the Company, which may include:
  - 1) Trade secrets
  - 2) Financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company
  - 3) Information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition



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- 4) Computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws
- Research information of the Company of a third party, if such disclosure would place the research or the researcher at a serious disadvantage
  - Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources
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### **Information or Records not found**

If the Company cannot find the Records that the Requestor is looking for despite reasonable and diligent search and it believes either that the Records are lost or that the Records are in its possession but unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

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### **Remedies available to the Requester upon refusal of a Request for Access to a Record**

- The Company 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.
  - In accordance with sections 56(3)(c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.
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### **Procedure for a Request for Access to a Record**

- A Requester must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record.
  - A Requester must complete the prescribed Request for Access form attached as **Annexure 1**, and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the postal or physical address, or electronic mail address stated.
  - Completion of Access Request form:
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- 1) The Access Request form must be completed
  - 2) Proof of identity is required to authenticate the identity of the Requester. Attach a copy of the Requester's identification document
  - 3) Type or print in BLOCK LETTERS an answer to every question
  - 4) If a question does not apply, state "N/A"
  - 5) If there is nothing to disclose in reply to a question, state "NIL"
  - 6) When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.
- The Request for Access form must be completed with enough detail so as to enable the Information Officer to identify the following:
    - 1) The Record(s) requested
    - 2) The identity of the Requester
    - 3) The form of access that is required, if the request is granted
    - 4) The postal address of the Requester
    - 5) The right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right
  - If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable 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.
  - The Company will voluntarily provide the requested Records to a personal Requester (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a personal Requester will be charged in accordance with section 54(6) of PAIA and below.
  - The form required for objecting to the Processing of Personal Information is attached as **Annexure 2**.
  - The form required to request the correction, deletion or destroying of Personal Information is attached as **Annexure 3**.



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## Fees

- Prescribed request fees are set out in **Appendix 5**.
  - If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
  - The Information Officer will withhold a Record until the Requester has paid the fees set out in **Appendix 5**.
  - A Requester whose Request for Access to a Record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the Record for disclosure, including making arrangements to make it available in a requested form provided for in PAIA.
  - If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.
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## The Personal Information collected

- This Manual is made available in terms of section 51 of PAIA and section 4 of the Regulations to POPIA.
  - This Manual is also available at [www.africancertification.co.za](http://www.africancertification.co.za)
  - This Manual is available at the offices of the Company for inspection during normal business hours. No fee will be levied for inspection as contemplated in this clause.
  - Copies of the Manual can be obtained from the Information Officer. A fee will be levied for copies of the Manual in accordance with **Annexure 5**.
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## **The Personal Information collected and Processed by the Company**

Chapter 3 of POPIA 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 POPIA.

Personal Information data relating to a Data Subject received by or on behalf of the Company from the Customer, Customer affiliates and their respective representatives and related parties in the course of providing accounts and services to the Customer or in connection with a transaction or services. Customer personal data may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, bank account and transactional information (where legally permissible), to the extent that these amount to personal data under POPIA.

The Company needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by the Company. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject is Processed according to the following conditions:

### 1) Accountability

The Responsible Party must at all times ensure that the conditions and all the associated measures are Processed and complied with lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. ACT must also have a legal basis (for example, consent) to Process Personal Information

### 2) Limitation on Processing

Collected and Processed lawfully, in a reasonable manner that does not infringe the privacy of the Data Subject, protects the legitimate interest of the Data Subject, and only for the purposes for which it was collected. The Personal Information may only be processed if it is adequate, relevant, not excessive, if the Data Subject consents or an obligation in terms of law

### 3) Purpose specific

The Personal Information must be collected for specific explicitly defined and lawful purposes related to a function or activity of the Responsible Party. Will not be Processed for a secondary purpose unless that Processing is compatible with the original purpose. The Personal Information may not be retained any longer than necessary, but may be retained longer if authorised by law, for contract purposes, with consent, or for historical statistical research purposes

### 4) Further Processing Limitation

Adequate, relevant and not excessive for the purposes for which it was collected



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5) Information Quality

Accurate, complete, kept up to date and is not misleading, taking into consideration the purpose of the Personal Information.

6) Openness

Will not be kept for longer than necessary. Data Subjects have the right to be informed by the Responsible Party before information is collected (with exclusions if the Responsible Party previously complied and the information is the same and/or if consent, upholding of law or if not used in a way that could identify the Data Subject)

7) Safety Safeguards

Is Processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage

8) Data Subject participation

Is Processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:

- a) Be notified that their Personal Information is being collected by the Company. The Data Subject also has the right to be notified in the event of a data breach
- b) Know whether the Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions in this Manual
- c) Request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information
- d) Object to the Company's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Company's Record keeping requirements)
- e) Object to the Processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications
- f) Complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information



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### **Personal Information categories collected in respected of Customers**

- Name and surname
- Business address
- Business telephone number
- Business tax numbers
- Business email address
- Banking details (bank account name, bank account number, bank account branch, bank account type)
- Client details (home postal address, home telephone number, personal cellular number, personal e-mail address)
- Identification data as contained in images of ID card, passport or other ID documents
- Images of Customer signatures
- Correspondence with and within the Company

### **Personal Information collected in respected of Personnel**

- Name and surname
- Employee ID number
- Business contact address
- Business telephone number
- Business tax numbers
- Business email address

### **Personal Information collected in respect of Employees**

- Personal contact details such as name, title, address, telephone numbers, email addresses
- Identity numbers



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- Date of birth
  - Gender
  - Copy of driving licence, passport, identity document
  - Marital status and dependants
  - Next of kin, emergency contact number and death benefit nominee(s) information
  - Bank account number, payroll Records, tax administration information
  - Salary and compensation history
  - Annual, sick, maternity, paternity & family responsibility leave
  - Information relating to pension and benefits
  - Recruitment information (information included in CV cover letter as part of the application process)
  - Full employment Records (contract, terms and conditions of employment, job titles, work history, working hours, promotion, absences, attendances, training Records, starting date and leaving date of employment, location of employment)
  - Performance and appraisal information
  - Disciplinary and grievance information
  - Secondary employment information
  - Clock card Records
  - Information about the use of ACT information and communication system
  - Photographs
  - Injury at the workplace and third-party accident information
  - Employee screening information
  - Video surveillance
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### **The purposes for which the information is collected**

As outlined above, Personal Information may only be Processed for a specific purpose. The purposes for which the Company Processes or will Process Personal Information:

- To provide services to the Customer in accordance with terms agreed to by the Customer
- To undertake activities relating to the provision of services and transactions, including:
  - a) To fulfil foreign and domestic legal, regulatory and compliance requirements and comply with any applicable treaty or agreement with or between foreign and domestic governments applicable to the Company
  - b) To verify the identity of Customer representatives who contact the Company or may be contacted by the Company
  - c) For risk assessment, information security management, statistical, trend analysis and planning purposes
  - d) To monitor and Record electronic communications with the Customer for quality, training, investigation and fraud prevention purposes
  - e) For crime detection, prevention, investigation and prosecution
  - f) To enforce or defend the Company's rights
  - g) To manage the Company's relationship with the Customer
- The purposes related to the authorised disclosure made in terms of agreement, law or regulation
- The fulfilment of contractual obligations between the Data Subject and ACT or ACT and third parties
- Contact details to communicate with Data Subjects (with their consent), and provide them marketing material in areas of their interest
- Ascertaining the identity of the Data Subject
- Communication with the Data Subject
- Making a decision about recruitment of employees
- Determining the terms and conditions of employment for employees
- Determining whether a prospective employee is legally entitled to work in the country
- Paying salaries and deducting tax and national insurance contributions



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- Liaising with pension providers of employees
- Business management planning, including accounting and auditing
- Conducting performance reviews and compensation
- Assessing qualifications for a particular job, task or promotion
- Gathering evidence and any other steps relating to possible grievance of disciplinary matters and associated hearings
- Making decisions about an employee's continued employment
- Dealing with legal disputes
- Determining fitness to work of employees and complying with health and safety obligations
- To provide access to and monitor business and personal use of information and communication systems
- To ensure network and information security and preventing access to network and communication systems
- Ensuring employment equity
- Access control and security purposes
- Any additional purposes as may be notified to the Customer or Data Subjects in any notice provided by the Company

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### **Special categories of Personal Information**

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person.

Although the Processing of Personal Information is generally prohibited, ACT is allowed to process your special Personal Information in the following circumstances:

- Where you have granted us consent to Process your special Personal Information
- Processing is necessary for the purposes of carrying out the obligations and exercising your specific rights in the field of employment and social security
- The Processing is necessary to protect your vital interests or another person where you are physically or legally incapable of consenting



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- The Processing is necessary for the purposes of preventive or occupational medicine, for the assessment of your working capacity

#### **Types of special Personal Information collected**

- Race or ethnicity
- Trade union membership
- Medical Records collected by Occusure, information about your health, including any medical condition
- Biometric data

#### **Purposes for which we collect your special Personal Information**

- We may Process Information relating to leave of absence, which may relate to illness, to comply with employment and other laws
- We may Process Information relating to your physical or mental health or disability status to assess your fitness to work and protect your health and safety in the workplace
- We may Process Information about your race or ethnic origin to comply with legal obligations regarding employment equity
- We may Process your Personal Information relating to comply with labour law obligations.

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#### **Cross-border flows of Personal Information**

- Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:
  - 1) 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 POPIA
  - 2) Data Subject consents to the transfer of their Personal Information
  - 3) Transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party



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- 4) 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
- 5) 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.

With regard to the conditions mentioned above, when making authorised or transfers of Personal Information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those Data Subjects as high as the level of protection as South Africa.

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### **Storage of Personal Information**

Information is stored in the following formats:

- Electronic documents (backed up on the network or cloud storage)
- Paper documents in a filing system
- In specific books designated by ACT
- Applications (backed up on the server or cloud)

### **The period for which the information is stored**

Personal Information of representatives of the Personnel and Customers are retained for as long as the relationship requires. Once a Personnel or Customer no longer wishes to conduct business with ACT, the information will be archived and no longer used by ACT and may be deleted upon their request.

Where information is collected in accordance with labour law, the legislation usually specifies a retention period for employee Records. Where there is no specific retention period, the Company will follow industry best practices with regard to retention of employee Personal Information.

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### **Information transferred to third parties**

- Employee information is transferred to tax authorities and other labour authorities in accordance with tax administration and labour regulations



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- Certain employee information may be transferred to an accounting/payroll service provider
  - Customer data is saved by ACT and can be only accessed by the bookkeeper of ACT with access to the Pastel Accounting system.
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### **Accuracy of information**

Information collected from the Data Subject is verified by the Data Subject and Data Subjects are encouraged to inform ACT of changes in their Personal Information.

## **SECURITY MEASURES IMPLEMENTED**

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### **Operational measures**

Persons responsible for ensuring the protection of Personal Information:

- **IT Operations Manager**  
Responsible for protecting ACT Ltd information by designing, implementing and enforcing security controls and safeguards.
- **Information Security Analyst**  
Monitor computer networks for security issues. Investigate security breaches and other cyber security incidents. Install security measures and operate software to protect systems and information infrastructure, including firewalls and data encryption programs.
- **Information Officer**  
Develops, initiates, maintains, and revises policies and procedures for the Information Security, Business Continuity and Quality Assurance operation of the IT Compliance Program and its related activities to prevent illegal or improper conduct.

### **Impact assessments**

Effectiveness of security contracts are measured annually during audit assessments.

### **Procedures**

Various procedures assist with regulating the manner in which information is processed, handled and stored as well as how access to confidential information is limited and controlled. ACT has implemented the following Information Security procedures:



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- Design and Development procedure
- HR, Staff Competence & Awareness procedure
- Employee Training procedure
- Administration & Finance procedure
- Information Technology procedure
- Records & Archiving procedure
- Supplier Development & Purchasing procedure
- Customer Feedback procedure

### **Duty of confidentiality**

Employees who have access to Personal Information processed by ACT are required to keep Personal Information strictly private and confidential.

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### **Technical and physical security measures**

The Company undertakes to institute and maintain the data protection measures to accomplish their objectives.

In order 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 the Company may be conducted in order to ensure that the Personal Information that is Processed by the Company is safeguarded and Processed in accordance with the Conditions for Lawful Processing. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. The Company may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

### **Format of data**

The Company shall implement a password encrypted format and location in order to limit the accessibility of the information to authorised persons only. The Information Technology procedure shall stipulate how personal information should be handled.

### **Access procedures**

An access control system on specific databases or software programmes, whereby access to certain information can be limited to authorised persons only, (i.e. persons who require access to Personal Information in order to carry out employment duties).



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### **Access Control of Persons**

The Company shall implement suitable measures in order to prevent unauthorised persons from gaining access to the data Processing equipment where the data is Processed.

### **Data Media Control**

The Company undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by the Company and containing personal data.

### **Data Memory Control**

The Company undertakes to implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

### **User Control**

The Company shall implement suitable measures to prevent its data Processing systems from being used by unauthorised persons by means of data transmission equipment.

### **Access Control to Data**

The Company represents that the persons entitled to use the Company's data Processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisations).

### **Transmission Control**

The Company shall be obliged to enable the verification and tracing of the locations / destinations to which the Personal Information is transferred by utilization of the Company's data communication equipment / devices.

### **Transport Control**

The Company shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorised persons during the transmission thereof or during the transport of the data media.

### **Organisational Control**

The Company shall maintain its internal organisation in a manner that meets the requirements of this Manual.



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### **Physical access procedures**

Access is granted to those employees who require the access as part of their employment duties.

### **Disposal and destruction of information**

Once information is no longer needed, it must be destroyed or disposed of as stipulated in the Documented Information procedure.

### **Physical security of information assets**

Users are required to ensure that their information assets are kept safe at all times.

### **Monitoring of security threats**

The Information Security Analyst is responsible for continually monitoring security threats posed to ACT, taking measures to prevent threats and alerting ACT of potential security breaches.

### **Security features on software, applications and assets**

Some of the security features employed by ACT include:

- Login Requirements to access computer
- Login requirements to access Pastel, where the information is kept.

## **BREACH AND SECURITY INCIDENTS**

ACT has implemented an Information Technology procedure regulating how security breaches should be handled. The procedure stipulates who is responsible for managing the incident, the measure which should be taken to prevent and minimize the occurrence of the incident, how the incident should be reported and who should be notified in the event of an incident. Incidents affecting the security of Personal Information must be reported to the relevant person within 72 hours.

## **INQUIRIES AND COMPLAINTS**

Data Subjects have the right to access a copy of their Personal Information Records held by ACT and request that information be rectified or erased if incorrect or unnecessary. A Data Subject may also withdraw his/her consent to process his/her Personal Information and request that ACT stop Processing his/her personal information.



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## Data Subject Access Requests

A Data Subject may request confirmation of the following via the Access Request Form:

- Whether ACT holds any personal data about them
- A description of the data held about them and, if permissible and practical, a copy of the data
- The purpose(s) for which that data is being Processed, and from where it was received
- Whether the information is being disclosed to anyone apart from the original recipient of the data; and if so, the identity of those recipients
- The right of data portability. Data subjects can ask that their personal data be transferred to them or a third party in machine readable format (Word, PDF, etc.). However, such requests can only be fulfilled if the data in question is:
  - 1) Provided by the Data Subject to ACT
  - 2) Is Processed automatically
  - 3) Is Processed based on consent or fulfilment of a contract
- Whether the data is being used to make automated decisions about the Data Subject, to be told what logic the system uses to make those decisions and to be able to request human intervention

ACT must provide a response to Data Subjects requesting access to their data within 30 calendar days of receiving the Data Subject Access Request unless local legislation dictates otherwise.

An individual does not have the right to access information Recorded about someone else, unless they are an authorised representative.

ACT is not required to respond to requests for information unless it is provided with sufficient details to enable the location of the information to be identified, and to satisfy itself as to the identity of the Data Subject making the request.

## Exemptions

In principle, ACT will not normally disclose the following types of information in response to an Access Request:

- **Information about other people**

An Access Request may cover information which relates to an individual or individuals other than the Data Subject. Access for such data will not be granted, unless the individuals involved consent to the disclosure of their data.



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- **Repeat requests**

Where a similar or identical request in relation to the same Data Subject has previously been complied with within a reasonable time period, and where there is no significant change in personal data held in relation to that Data Subject, any further request made within a six-month period of the original request will be considered a repeat request, and ACT will not normally provide a further copy of the same data.

- **Publicly available information**

ACT is not required to provide copies of documents which are already in the public domain.

- **Opinions given in confidence or protected by copyright law**

ACT does not have to disclose personal data held in relation to a Data Subject that is in the form of an opinion given in confidence or protected by copyright law.

- **Privileged documents**

Any privileged information held by ACT need not be disclosed in response to an Access Request. In general, privileged information includes any document which is confidential (e.g. a direct communication between a client and his/her lawyer) and is created for the purpose of obtaining or giving legal advice.

### **Submitting a request**

In order to enable ACT to respond to the Data Subject Access Requests in a timely manner, the Data Subject should:

- Submit his/her request using an Access Request form, provided in **Annexure 1**.
- Provide ACT with sufficient information to validate his/her identify (to ensure that the person requesting the information is the Data Subject or his/her authorised person)
- Data Subject Requests must be made to ACT Information Officer, via the contact details provided in **Appendix 1**.

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### **Data Subject complaints**

Every Data Subject shall have the right to lodge a complaint to the authorities, in particular, in the area of his/her habitual residence, place of work or of the alleged infringement. Contact details of the relevant authorities are included in Annex 3 below.



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## **EFFECTIVITY OF THE MANUAL**

This Manual shall be effective from 1<sup>st</sup> July 2021, and shall remain in effect until otherwise repealed. This Manual must be annually reviewed for compliance with the relevant data protection laws and kept up-to-date by ACT.



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## APPENDIX 1: COMPANY DETAILS

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### Contact details of the Company

Physical address: 1 Klaasen Road  
Merrivale  
Howick  
3291

Postal address: Suite 85  
P Bag X9118  
Pietermaritzburg  
3201

Email: [admin@africancertification.co.za](mailto:admin@africancertification.co.za)

Telephone: +333303418

Cellular: +833055108

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### Contact details of the Information Officer

Physical address: Jocelyn Tullis  
94 Henderson Road  
Athlone  
Pietermaritzburg

Postal address: Suite 85  
P Bag X9118  
Pietermaritzburg  
3201

Email: [jocelyn@africancertification.co.za](mailto:jocelyn@africancertification.co.za)

Telephone: +333303418

Cellular: +832.50601

## APPENDIX 2: CONTACT DETAILS OF REGULATION AUTHORITIES

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### Information Regulator

JD House  
27 Stiemens Street  
Braamfontein  
2001

P O Box 31533  
Braamfontein  
Johannesburg  
2017



African Certification and Testing (Pty) Ltd

Telephone: 010 023-5200

Monday to Friday

08:30 – 17:00

Email: [info@justice.gov.za](mailto:info@justice.gov.za)

Website: [www.justice.gov.za/info@](http://www.justice.gov.za/info@)

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### **The South African Human Rights Commission**

The SAHRC has compiled a guide, as contemplated in section 10 of the South African Human Rights Commission Act, 2013 (“**the Act**”) containing information to assist any person who wishes to exercise any right as contemplated in the Act. This guide is available from the SAHRC at:

Private Bag 2700

Houghton

Johannesburg

2041

Telephone: 011 877 3600

Fax number: 011 403 0684

Website: [www.sahrc.org.za](http://www.sahrc.org.za)



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## **APPENDIX 3: SUBJECTS & RECORDS**

Description of the subjects on which the Company holds Records in terms of Section 51(1)(e) of the Act, and the categories of Records held on each subject.

### **Client Services Records**

- Client correspondence
- Client fee files
- Client contracts
- Client business information
- Legal documentation
- Proposal documents
- Project plans
- Risk management Records
- Solution methodologies
- Standard terms and conditions of supply of goods and/or services
- Working papers

### **Corporate Governance**

- Codes of conduct
- Corporate social investment Records
- Board meeting minutes
- Executive committee meeting minutes
- Legal compliance Records
- Policies and procedures

### **Finance and Administration**

- Accounting Records
- Annual financial statements



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- Agreements
- Banking Records
- Correspondence
- Purchase orders
- Remittances
- Invoices and statements
- Tax Records and returns
- Statistics SA returns

#### **Human resources**

- BEE statistics
- Career development Records
- Personnel information
- Employment equity reports
- General terms of employment
- Letters of employment
- Leave Records
- PAYE Records and returns
- Performance management Records
- Assessments
- Policies and procedures
- UIF returns
- Retirement benefit
- Medical aid Records



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### **Information Management and Technology**

- Agreements
- Equipment registers
- Information policies, standards, procedures and guidelines

### **Learning and Education**

- Training material
- Training Records and statistics
- Training agreements
- Learnership programmes

### **Library and Information and Research Centre**

- External publications
- Internal publications
- Reference works
- Periodicals
- Research files and articles

### **Marketing and Communication**

- Proposal documents
- New business development
- Brand information management
- Marketing strategies
- Communication strategies
- Agreements
- Client relationship programmes
- Marketing publications and brochures



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- Sustainability programmes

### **Operations**

- Access control Records
- Agreements
- Archival administration documentation
- Communication strategies
- General correspondence
- Patents and trade mark documents
- Insurance documentation
- PABX management information
- Service level agreement
- Standard trading terms and conditions of supply of service and goods
- Travel documentation
- Procurement agreements and documentation
- Used order books
- Vehicle registration documents
- Cellphone registration documents, including RICA

### **Secretarial Services**

- Applicable statutory documents, including but not limited to, certificates of incorporation and certificates to commence business
- Annual reports
- Corporate structure documents
- Memoranda and Articles of Association
- Share registers



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- Statutory returns to relevant authorities
- Share certificates
- Shareholder agreements
- Minutes of meetings
- Resolutions passed



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## **APPENDIX 4: LIST OF APPLICABLE LEGISLATION**

Administration of Adjudication of Road Traffic Offences Act 46 of 1998  
Advertising on Roads & Ribbon Development Act 21 of 1940  
Auditing Profession Act 26 of 2005  
Basic Conditions of Employment Act No. 75 of 1997  
Bill of Exchange Act 34 of 1964  
Broad Based Black Economic Empowerment Act No. 53 of 2003  
Broadcasting Act 4 of 1999  
Close Corporations Act 69 of 1984  
Companies Act No. 71 of 2008  
Compensation for Occupational Injuries and Disease Act No. 130 of 1993  
Competition Act No. 89 of 1998  
Constitution of South Africa Act No. 108 of 1996  
Consumer Protection Act 98 of 2009  
Copyright Act No. 98 of 1978  
Criminal Procedure Act 51 of 1977 (updated 2008/04/15)  
Currency & Exchange Act 9 of 1933  
Customs and Excise Act 91 of 1964 (updated 2008/05/13)  
Deeds Registries Act No. 47 of 1937  
Electronic Communications Act 36 of 2005 Electricity Act 41 of 1987 (updated 2008/03/31)  
Electricity Regulation Act 4 of 2006 (updated 2008/04/30)  
Electronic Communications and Transactions Act 25 of 2002 (updated 2007/06/27)  
Engineering Profession Act 46 of 2000 (updated 2008/04/15)  
Employment Equity Act No. 55 of 1998  
Environment Conservation Act No. 73 of 1989



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Environmental Laws Rationalisation Act No. 51 of 1997  
Explosives Act No. 26 of 1956 (updated 2008/01/14)  
Financial Advisory & Intermediary Services Act 37 of 2002  
Financial Intelligence Centre Act 38 of 2001  
Financial Markets Act No. 9 of 2012  
Firearms Control Act No. 60 of 2000  
Formalities in respect of Leases of Land Act No. 18 of 1969  
Gas Act No. 48 of 2001  
Gas Regulator Levies Act 75 of 2002 (updated 2008/04/07)  
Hazardous Substances Act No. 15 of 1973  
Health act 63 of 1977 (updated 2007/04/10)  
Immovable Property (Removal or Modification of Restrictions) Act No. 94 of 1965  
Income Tax Act 58 of 1962  
Information Act No. 70 of 2002  
Labour Relations Act No. 66 of 1995  
Long-Term Insurance Act No. 52 of 1998  
Marketable Securities Act No. 32 of 1948 Medical Schemes Act No. 131 of 1998  
Medicines and Related Substances Act 101 of 1965 (updated 2008/05/08)  
Minerals Act 50 of 1991  
Mine Health and Safety Act No. 29 of 1996  
Mineral and Petroleum Resources Development Act No. 28 of 2002  
National Building Regulations and Buildings Standards Act No. 103 of 1997  
National Credit Act 34 of 2005 (updated 2007/08/31)  
National Environmental Management Act No. 107 of 1998  
National Environmental Management Act: Protected Areas Act 57 of 2003 (updated 2008/03/03)  
National Environmental Management: Air Quality Act No. 39 of 2004



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National Environmental Management: Biodiversity Act No. 10 of 2004

National Environment Management: Waste Act 59 of 2008

National Road Traffic Act No. 93 of 1996

National Water Act No. 36 of 1998

Occupational Diseases in Mines and Works Act 78 of 1973 (updated 2008/01/02)

Occupational Health and Safety Act No. 85 of 1993

Patents Act No. 57 of 1987

Pension Funds Act No. 24 of 1956

Petroleum Pipelines Levies Act 28 of 2004 (updated 2008/04/07)

Preferential Procurement Policy Framework Act No. 5 of 2000

Prescription Act 18 of 1943

Prevention & Combating of Corrupt Activities Act 12 of 2004

Prevention of Constitutional Democracy Against Terrorist & Related Activities Act 33 of 2004

Prevention of Organised Crime Act 121 of 1998

Promotion of Access to Information Act No. 2 of 2000

Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000

Protected Disclosures Act No. 26 of 2000

Protection of Personal Information Act 4 of 2013

Regulation of Interception of Communications and Provision of Communication Related Revenue Laws Amendment Act 35 of 2007

Revenue laws second amendment 36 of 2007 Sea Transport Documents Act No. 65 of 2000

Sales and Services Matters Act 25 of 1964

Second-Hand Goods Act 23 of 1955

Security Services Act 25 of 2004

Securities Transfer Act 25 of 2007 (added 2008/01/14)

Security by means of Movable Property Act No. 57 of 1993



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Short-Term Insurance Act No. 53 of 1998

Skills Development Act No. 97 of 1998

Skills Development Levy Act No. 9 of 1999

South African Reserve Bank Act No. 90 of 1989

Standards Act 29 of 1993 (updated 2008/04/14)

Stock Exchange Control Act No. 1 of 1985

The South African National Roads Agency Limited & National Roads Act 7 of 1998

Tobacco Products Control Act No. 12 of 1999

Trademarks Act No. 194 of 1993

Trade Metrology Act 77 of 1973 (updated 2007/07/24)

Transfer Duty Act 40 of 1949

Unemployment Insurance Act No. 63 of 2001

Unemployment Insurance Fund Contributions Act 4 of 2002 (updated 2008/02/04)

Value Added Tax Act No. 89 of 1991

**PLEASE NOTE:**

Although endeavours have been used to provide a complete list of applicable legislation herewith it is possible that the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a Requester access on a basis other than that set out in the Act we shall immediately update the list.



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## APPENDIX 5: PRESCRIBED FEES

The fee for a copy of the Manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

**The fees for reproduction** referred to in regulation 11(1) are as follows:

		R
(a)	For every photocopy of an A4-size page or part thereof	1.10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable format	0.75
(c)	For a copy in a computer-readable form:	
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	(ii) For a copy of visual images	60.00
(e)	(i) For a transcription of an audio Record an A4-size page or part thereof	20.00
	(ii) For a copy of an audio Record	30.00

The request fee payable by a Requester, other than a personal Requester, referred to in regulation 11(2) is R50.00

**The access fees payable by a Requester** referred to in regulation 11(3) are as follows:

		R
(a)	For every photocopy of an A4-size page or part thereof	1.10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable format	0.75
(c)	For a copy in a computer-readable form:	
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	(ii) For a copy of visual images	60.00
(e)	(i) For a transcription of an audio Record, for an A4-size page or part thereof	20.00
	(ii) For a copy of an audio Record	30.00
(f)	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.	

- For purposes of section 54(2) of PAIA, the following applies:

1) Six hours as the hours to be exceeded before a deposit is payable



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- 2) One third of the access fee is payable as a deposit by the Requester
- The actual postage is payable when a copy of a Record must be posted to a Requester

*All prices listed are inclusive of value added tax*



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## ANNEXURE 1: REQUEST FOR ACCESS TO A RECORD

### REQUEST FOR ACCESS TO A RECORD 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 PRIVATE BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below.

Information Officer:

Postal Address:

Street Address:

Business Phone:

Cellular Phone:

E-mail:

#### B. PARTICULARS OF THE PERSON REQUESTING ACCESS

Full Name	
ID Number <b><i>Proof of Identity must be attached</i></b>	
Postal Address	
Fax Number	
Telephone Number	
Email Address	
Capacity in which request is made, when made on behalf of another person <b><i>Proof of capacity in which the request is made must be</i></b>	



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<b>attached</b>	
-----------------	--

C. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

Where Requestor is a Juristic Person:

Entity Name	
Registration Number	
Postal Address	
Fax Number	
Telephone Number	
Email Address	
Capacity in which request is made, when made on behalf of another person  <b>Proof of capacity in which the request is made must be attached</b>	

D. 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 Name	
ID Number <b>Proof of Identity must be attached</b>	



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#### E. PARTICULARS OF RECORD

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.

Detailed description of the Record, information requested, or relevant part of the Record:	
Reference number, if available:	
Any further particulars of Record:	

#### F. FEES

- a) A Request for Access to a Record, other than a Record containing Personal Information about yourself, will be processed only after a non-refundable request of R57.00 has been paid
- b) 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
- c) You will be notified of the amount required to be paid as the access fee
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason for exemption from payment of fees:

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## G. FORM OF ACCESS TO RECORDS

If you are unable to read, listen or view the Record in the Request for Access form provided due to a disability, specify the disability and the required format below.

Disability: \_\_\_\_\_

Form in which Record is required: \_\_\_\_\_

**Mark the appropriate box with an x.**

Note:

- a) *Compliance with your Request for Access in the specified form may depend on the form in which the Record is available.*
- b) *Access in the form with your Request for Access in the specified form may depend on the form in which the Record is available.*
- c) *The fee payable for access to the Record, if any will be determined partly by the form in which access is required.*

1. For paper or electronic document

- Copy of Record
- Inspection of Record

2. If Record consists of visual images

- View Images
- Copy Images

3. If Record consists of Recorded words or information which can be reproduced as a sound file

- Listen to sound track
- Transcription of sound track



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4. If Record is stored on a computer or in an electronic or machine-readable format

- Printed copy of the Record
- Printed copy of the information derived from the Record
- Copy in computer readable format

• If you requested a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you?

- YES       NO

H. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

1. Indicate which right is to be exercised or protected
2. Explain why the Record requested is required for the exercise or protection of the aforementioned right.

I. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and the necessary contact details below.

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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Signature of Requester/ person on whose behalf request is made



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## ANNEXURE 2: OBJECTION TO PROCESSING OF PERSONAL INFORMATION

### 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

*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	
Unique Identifier/ Identity Number	
Residential, Postal or Business Address	
Contact Number(s)	
Fax number/Email Address	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and Surname/ registered name of responsible party	
Residential, postal or business address	
Contact number(s)	
Fax number/ Email 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 of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Signature of Data Subject/designated person



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## ANNEXURE 3: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

### 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

*Note:*

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

A	DETAILS OF DATA SUBJECT
Name(s) and Surname/ registered name of Data Subject	
Unique Identifier/ Identity Number	
Residential, Postal or Business Address	
Contact Number(s)	
Fax number/ Email Address	
B	DETAILS OF RESPONSIBLE PARTY



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Name(s) and Surname/ registered name of responsible party	
Residential, postal or business address	
	Code (    )
Contact number(s)	
Fax number/ Email Address	

C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED
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 AUTHORISED TO RETAIN. <i>(please provide detailed reasons for the request)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of Data Subject/designated person