Germiston Tanker Wash

Privacy Policy

1. INTRODUCTION

1.1 Germiston Tanker wash in order to carry out its goals and business objectives as a company which sources and trades in raw materials, by-products, grain and oil seeds for the animal feed markets of Southern Africa, does and will on an ongoing basis process personal information.

1.2 The Protection of Personal Information Act 4 of 2013 (hereinafter referred to as POPIA) aims to give effect to the constitutional right to privacy by introducing measures that regulate every step of how personal information belonging to both individuals and juristic entities is collected, stored, transferred and used by both private and public bodies from the moment of collection until the moment of destruction in order to ensure that personal information is processed and managed in a fair, transparent and secure manner.

1.3 Germiston Tanker Wash is committed to protecting individuals and juristic entities right to privacy and in consequence undertakes to responsibly process personal information in line with the provisions of POPIA. Germiston Tanker Wash does this not only to comply with the provisions of POPIA, but also to protect its reputation, as well as to comply with good corporate governance.

1.4 The purpose of this policy is to create a general framework aimed at setting out the manner in which Germiston Tanker Wash processes personal information.

1.5 This privacy policy is applicable to all of Germiston Tanker Wash electronic platforms and facilities, including but not limited to social media platforms, websites and emails.

1.6 This privacy policy is also applicable to all of Germiston Tanker Wash employees, clients, vendors, contractors, suppliers and any other third parties whose personal information may be collected, stored, transferred, used or processed in any other way by Germiston Tanker Wash.

2. DEFINITIONS

2.1 The following definitions apply to this policy;

2.1.1 **Client** - The term Client is expansively defined in this Privacy Policy and means the person to whom personal information relates which may include employees, clients, prospective clients, vendors, contractors, suppliers and any other third parties whose personal information may be lawfully processed by Germiston Tanker Wash.

2.1.2 **CPA** - means the Consumer Protection Act, 68 of 2008;

2.1.3 **Companies Act** - means the Companies Act, 71 of 2008;

2.1.4 **Competent person** - means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a minor;

2.1.5 **Consent** - means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information;

2.1.6 **Data Subject** - means the person to whom personal information relates;

2.1.7 **FICA** - mean the Financial Intelligence Centre Act, 38 of 2001;

2.1.8 **Information Officer** - means the Chief Executive Officer or the Managing Director or equivalent officer of Germiston Tanker Wash or any person duly authorised by the Chief Executive Officer or the Managing Director to act as Information Officer;

2.1.9 **Operator** - means a person who processes personal information for Germiston Tanker Wash in terms of a contract or mandate, without coming under the direct authority of Germiston Tanker Wash

2.1.10 **PAIA** - means the Promotion of Access to Information Act, 2 of 2000

2.1.11 **Personal Information** - means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—

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

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

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

2.1.11.4 the biometric information of the person;

2.1.11.5 the personal opinions, views or preferences of the person;

2.1.11.6 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;

2.1.11.7 the views or opinions of another individual about the person; and

2.1.11.8 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;

2.1.12 **POCDATARA Act** - means the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 33 of 2004

2.1.13 **Processing** - means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

2.1.13.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

2.1.13.2 dissemination by means of transmission, distribution or making available in any other form; or

2.1.13.3 merging, linking, as well as restriction, degradation, erasure or destruction of information;

2.1.14 **Responsible Party** - means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information;

2.1.15 **Special Personal Information** - means information relating to—

2.1.15.1 the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or

2.1.15.2 the criminal behaviour of a data subject to the extent that such information relates to—

2.1.15.2.1 the alleged commission by a data subject of any offence; or

2.1.15.2.2 any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

2.1.16 **UIF** - means the Unemployment Insurance Act, 63 of 2001.

3. PERSONAL INFORMATION COLLECTED

3.1 In order to conduct its business Germiston Tanker Wash may collect the following personal information and special personal information:

3.1.1 The Client's Identity number, name, surname, race, gender, address, postal code, email address, telephone number, marital status, and number of dependants.

3.1.2 A description of the Client's residence, business details, assets, financial information, and banking details.

3.1.3 Information relating to the education or the medical, financial, criminal or employment history of the Client.

3.2 Germiston Tanker Wash may collect additional pieces of personal information and special personal information by agreement between itself and the Client.

4. PROCESSING PURPOSES

4.1 Germiston Tanker Wash undertakes to process the personal information of the Client to the extent, and in such a manner as is necessary to provide the services agreed upon and in accordance with the written instructions of the Client, unless required to do otherwise by law.

4.2 Germiston Tanker Wash further undertakes to, at all times, reasonably process personal information and is accordingly committed to processing personal information in an adequate, relevant and non-excessive manner.

4.3 Germiston Tanker Wash will process the personal information of its Clients for the following purposes:

4.3.1 To act on or respond to instructions or requests for the provision of digital marketing and other related services;

4.3.2 To fulfil any contractual obligations and/or responsibilities which may arise in terms of a contract entered into with Germiston Tanker Wash as a Responsible Party, Operator, Data Subject or contracting party in any other capacity;

4.3.3 In order to comply with any compulsory obligations and/or responsibilities under South African laws and regulations, including but not limited to POPIA, FICA, POCDATARA Act, CPA, UIF and the Companies Act;

4.3.4 For Human Resources and Labour Relations purposes in the case of prospective, existing and former employees;

4.3.5 For market research, analytical and statistical purposes;

4.3.6 For general administrative purposes;

4.3.7 For direct marketing purposes;

4.3.8 For the purpose of identifying other products and services which might be of interest to Clients;

4.3.9 For business transaction purposes such as but not limited to a merger, acquisition or any form of sale of any assets;

4.3.10 For the purpose of helping Germiston Tanker Wash improve and customize Client's website experience, which will include but is not limited to the processing of personal information in the form of http cookies; and

4.3.11 For any other purpose related to the functions and activities of Trademore Feeds (Pty) Ltd.

5. PERSONAL INFORMATION SHARING

5.1 In order to perform the purposes described above, Germiston Tanker Wash may from time to time share a Client's personal information with the following parties;

5.1.1 Germiston Tanker Wash employees, which will only be done on a need to know basis;

5.1.2 Germiston Tanker Wash and vendors, which will only be done on a need to know basis;

5.1.3 Germiston Tanker Wash carefully selected business partners who provide products and services which may be of benefit to a Client, which will only be done on a need to know basis;

5.1.4 Germiston Tanker Wash operators such as service providers and agents who perform services on behalf of Germiston Tanker Wash , which will only be done on a need to know basis and in terms of Germiston Tanker Wash operator agreement.

5.2 Germiston Tanker Wash does not share or process Clients personal information with any third parties who have not been described in clause 5.1 above, unless:

5.2.1 Germiston Tanker Wash is legally obliged to provide such information to another to comply with an obligation imposed by law;

5.2.2 It is necessary for the purpose of fulfilling the contractual obligations of a contract entered into between the Client and Germiston Tanker Wash;

5.2.3 It is necessary for pursuing the legitimate interests of Germiston Tanker Wash or of a third party to whom the information is supplied;

5.2.4 it is necessary in order to protect a legitimate interest of the Client; or

5.2.5 where the consent of the Client has been obtained.

5.3 Under all the above mentioned circumstances Germiston Tanker Wash will take reasonable measures to ensure that such personal information is only provided to the

recipient, if such recipient undertakes to keep the personal information secure and confidential.

5.4 The duty of security and confidentiality held by the recipient will continue even after the termination or expiry of their services.

5.5 Germiston Tanker Wash is committed to ensuring that the personal information that it processes is obtained directly from its Clients.

5.6 Notwithstanding the provisions of clause 5.5, Germiston Tanker Wash may and will process personal information not obtained directly for its Clients in the following circumstances:

5.6.1 The personal information is contained in or derived from a public record or has deliberately been made public by the Client;

5.6.2 The Client or a competent person where the Client is a minor has consented to the collection of the information from another source;

5.6.3 The collection of the personal information from another source would not prejudice a legitimate interest of the Client;

5.6.4 The collection of the information from another source is necessary to comply with an obligation imposed by law;

5.6.5 The collection of the information from another source is necessary for the purpose of proceedings in any court of law or tribunal that has commenced or is reasonably contemplated;

5.6.6 The collection of the information from another source is necessary to maintain the legitimate interest of Germiston Tanker Wash or of a third party to whom the information is supplied;

5.6.7 Obtaining the personal information directly from the Client would prejudice the lawful purpose for which it is collected; and where

5.6.8 Obtaining the personal information directly from the Client is not reasonably practicable.

5.7 The personal information of Clients may also be further processed by Germiston Tanker Wash, but only in accordance or in a manner compatible with the purpose for which the personal information was obtained as provided for in clause 4.3 above.

6. INFORMATION OFFICER

6.1Germiston Tanker Wash has appointed and registered the following person as Information Officer:

6.1.1 Name : Kim T. Du Plessis

6.1.2 Contact Details: kim@trademorehouse.com

6.2 Germiston Tanker Wash (Pty) Ltd has appointed and registered the following person as Deputy Information Officer;

6.2.1 Name : A Dorfling

6.2.2 Contact Details : accounts@gtwashbay.co.za

6.3 The duties of the Information Officer include the following;

6.3.1 To encourage compliance, by Germiston Tanker Wash , with the conditions for the lawful processing of personal information as provided for in POPIA;

6.3.2 To comply with any requests made to Germiston Tanker Wash pursuant to POPIA;

6.3.3 To work with the Information Regulator in relation to investigations;

6.3.4 To ensure compliance by Germiston Tanker Wash with the provisions of POPIA;

6.3.5 To ensure that a compliance framework is developed, implemented, monitored and maintained;

6.3.6 To ensure that a personal information impact assessment is done to ensure that adequate measures and standards exist in order to comply with the conditions for the lawful processing of personal information;

6.3.7 To ensure that a manual is developed, monitored, maintained and made available as prescribed in PAIA;

6.3.8 To ensure that internal measures are developed together with adequate systems to process requests for information or access thereto; and

6.3.9 To ensure that internal awareness sessions are conducted regarding the provisions and Regulations of POPIA, codes of conduct, and information obtained from the Regulator.

6.4 The Information Officer has the authority to designate and delegate any power and duty to a Deputy Information Officer.

7. SECURITY SAFEGUARDS

7.1Germiston Tanker Wash has implemented the appropriate technical and organisational security measures which are required in order to protect all personal information which it holds, from and against unauthorised access, accidental or willful manipulation and loss or destruction.

7.2 While Germiston Tanker Wash takes all reasonable efforts to safeguard the personal information which it holds, it cannot be held responsible for any loss or unauthorised processing of personal information which is beyond Germiston Tanker Wash reasonable control.

7.3 Germiston Tanker Wash website may contain links to other website outside of Germiston Tanker Wash control, accordingly Germiston Tanker Wash is not responsible for the content, privacy or security of these other third party controlled websites;

7.4 Germiston Tanker Wash Ltd has placed cookies on its website which may make contact with a Client's device to help make the Germiston Tanker Wash social media and electronic platforms website better.

7.5 Germiston Tanker Wash makes use of social plugins of social networks such as Facebook, Youtube, Twitter, Instagram, LinkedIn and Google. Kindly note that Germiston Tanker Wash Ltd has no influence on or control over the extent of the data retrieved by the social networks interfaces and Germiston Tanker Wash can accordingly not be held responsible or liable for any processing or use of personal information transmitted via these social plugins.

7.6 For information on the purpose and extent of the data retrieval by the social network concerned, and about the rights and settings which are available to protect the personal information of Client, please refer to the privacy policy provided by the social network concerned.

8. DATA RETENTION

8.1 Germiston Tanker Wash will not retain the personal information of Clients for longer than is necessary for achieving the purpose for which the information was collected, stored, transferred, used or processed in any other way.

8.2 Personal information obtained for any of the purposes set out in clause 4.3 will be retained for as long as there is an active and existing relationship between Germiston Tanker Wash and the Client.

8.3 The personal information of inactive former Clients will be retained only when it is required or authorised by law, for any lawful purposes related to Germiston Tanker Wash (functions or activities, by a contract between Germiston Tanker Wash and the former Client, by consent of the former Client or a competent person where the information relates to a minor.

8.4 Should there be no valid reason as set out in 8.3 for retaining the personal information of former clients, the record of personal information will be destroyed or deleted or alternatively de-identified.

8.5 The destruction or deletion of a record of personal information in terms of clause 8.4 will be done in a manner that prevents its reconstruction in an intelligible form.

8.6Germiston Tanker Wash will not process personal information if its accuracy is contested by the Client.

9. CLIENT PARTICIPATION AND INFORMATION QUALITY

9.1 A Client, having provided adequate proof of identity, may request Germiston Tanker Wash to confirm, free of charge, whether or not Germiston Tanker Wash Ltd holds personal information about the Client.

9.2 A Client, having provided adequate proof of identity, may also request the record or description of the personal information about the Client that is held by Germiston Tanker Wash. This record or description of the record will be provided within a reasonable time, at a prescribed fee.

9.3 Whilst Germiston Tanker Wash will take reasonably practicable steps to ensure the integrity and accuracy of a Client's personal information, this may not at all times be possible. It is accordingly the responsibility of the Client to update Germiston Tanker Wash of any changes to their personal information.

9.4 Clients have the right to access or request a correction or deletion of any personal information which Germiston Tanker Wash may have and where applicable may ask Germiston Tanker Wash to update any inaccuracies in such personal information. Any such requests must be done by way of completing the appropriate form and be submitted to the Information Officer.

9.5 Clients have the right to request the destruction or deletion of any record of personal information which Germiston Tanker Wash may have. Any such request must be done by way of completing the appropriate form and must be submitted to the Information Officer.

10. PROCESSING OF PERSONAL INFORMATION BELONGING TO MINORS

10.1 If Germiston Tanker Wash Ltd collects, stores, transfers, uses or processes in any way the personal information of a minor, it will do so only with the consent of the minor's parent or legal guardian, unless the processing is necessary for the establishment, exercise or defence of a right or obligation in law.

11. CROSS BORDER TRANSFER OF PERSONAL INFORMATION

11.1 Germiston Tanker Wash not transfer personal information about a Client to a third party who is in a foreign country, unless the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that is the same or substantially similar to the level of projection offered by POPIA.

11.2 Germiston Tanker Wash may also transfer the personal information of a Client to a third party who is in a foreign country in the following circumstances;

11.2.1 Where the Client consents to the transfer;

11.2.2 Where the transfer is necessary for the performance of a contract between the Client and Germiston Tanker Wash ;

11.2.3 Where the transfer is for the benefit of the Client and it is not reasonably practicable to obtain the consent of the Client to that transfer and if it were reasonably practicable to obtain such consent, the Client would be likely to give it.

12. REVOCATION OF CONSENT

12.1 A Client may at any time withdraw their consent to the processing of any of their personal information held by Germiston Tanker Wash.

12.2 Clients have the right to request the withdrawal of their consent to the processing of any personal information held by Germiston Tanker Wash. Any such request must be done by way of completing the appropriate form and must be submitted to the Information Officer

12.3 The lawfulness of the processing of personal information before the withdrawal of consent will not be affected.

13. INCIDENT RESPONSE

13.1 Germiston Tanker Wash shall notify the Client within a reasonable time in writing and shall place notice on its website, if it becomes aware or has reasonable grounds to believe that the personal information of Clients has been accessed or acquired by unauthorised persons.

13.2 Germiston Tanker Wash undertakes further to promptly take action, at its own reasonable expense, to investigate any such suspected breach and to identify, prevent and mitigate the effects of any such breach.

13.3 Germiston Tanker Wash will as soon as is reasonably possible after the discovery of the compromise provided for in clause 13.1, in writing and in accordance with the provisions of POPIA notify the Information Regulator.

14. REVISION OF POLICY

14.1 Germiston Tanker Wash reserves the right to and may from time to time update or amend this Privacy Policy.

14.2 If material amendments are made in how personal information is collected, stored, transferred, used or processed in any other way, this Privacy Policy will be updated and notices will be provided where appropriate.

14.3 Any general updates or amendments of this Privacy Policy will be published as such on the Germiston Tanker Wash.

14.4 By continuing to use the Germiston Tanker Wash website or any of the other Germiston Tanker Wash services following any updates or amendments, the Client will be deemed to have agreed to such changes.

14.5 Clients are advised to visit and re-read this Privacy Policy on a regular basis.

15. COMPLAINTS

15.1 Should a client believe that Germiston Tanker Wash has used their personal information contrary to this Privacy Policy, Client's have the right to lodge a complaint with the Information Regulator.

15.2 Notwithstanding the provisions of clause 15.1, Germiston Tanker Wash encourages Clients to first follow internal complaints processes in order to resolve the complaint. In this regard Clients are encouraged to contact the information Officer.

15.3 If, thereafter, Clients feel that Germiston Tanker Wash has not adequately resolved their complaint, kindly contact the Information Regulator, whose contact details are as follows;

15.3.1 Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

15.3.2 Postal address; P.O Box 31533, Braamfontein, Johannesburg, 2017

15.3.3 Complaints email: complaints.IR@justice.gov.za

15.3.4 General enquiries email: inforeg@justice.gov.za