

# **PAIA AND POPIA MANUAL**

**The Designerie (Pty) Ltd**  
Registration Number 2017/007586/07  
(“THE COMPANY”)

## **PAIA and POPI MANUALS**

**PROMOTIONM OF ACCESS TO INFORMATION ACT POLICY MANUAL**  
In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000)  
(“PAIA”)

and

**PROTECTION OF PERSONAL INFORMATION POLICY MANUAL**  
In terms of the Protection of Personal Information Act 4 of 2013  
(“POPI”)

# PAIA MANUAL

## INDEX

1. **Preamble**
2. **Introduction to The Designerie (Pty) Ltd**
3. **Administration of the PAIA Act**
4. **Description of Guide for Requesters on how to use the Act**
5. **Automatic Availability of Certain Records**
6. **Record Available in terms of Other Legislation**
7. **Subjects and Categories of Records Held**
8. **Access Request Procedure**
9. **Annexure A: Access Request Form**
10. **Annexure B: Prescribed Fees**

### 1. **Preamble**

The Promotion of Access to Information Act of 2000 (“the Act”) was enacted to address Section 32 (2) of the Constitution. In terms of this section any person who has a legal right to have access to any information held by a public or private body must proceed in accordance with the Act. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

This document is the manual required by the Act that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person. This manual contains reference to documents held and the process to gain access to them.

### 2. **Introduction to The Designerie (Pty) Ltd**

THE COMPANY is an independent South African media agency.

### 3. **Administration of the PAIA Act**

Section 51(1)(a)

The details of the contact person (Information Officer) who will deal with all requests made in terms of the Act relating to any request for information is as follows:

Contact person: Sarah Pitman  
Postal address: Unit 5, Braehead Office Park Kloof, Durban  
Physical address: Unit 5, Braehead Office Park Kloof, Durban  
Phone number: 0633549815  
Email: [sarahpitman92@hotmail.com](mailto:sarahpitman92@hotmail.com)  
Website: [www.thedesignerie.co.za](http://www.thedesignerie.co.za)

### 4. **Description of Guide for Requesters on how to use the Act**

Section 51(1)(b)

The Act grants a requester access to the records of a public or private body, if the record is required for the exercise of or protection of any right. Requests for access must be made

in accordance with the prescribed procedures, and on payment of the fees prescribed. The forms and tariffs are dealt with in Annexures A and B below.

Anyone requesting information is also referred to the South African Human Rights Commission.

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

**Contact details:**

Postal address: 1<sup>st</sup> Floor, 136 Margaret Mncadi, Durban, 4001

Phone number: 031 304 7323

Email: [info@sahrc.org.za](mailto:info@sahrc.org.za)

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

## 5. Automatic Availability of Certain Records

Section 51(1)(c)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of the PAIA.

## 6. Records Available in Terms of Other Legislation

Section 51(1)(d)

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

## 7. Subjects and Categories of Records Held

Section 51(1)(e)

### COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers
- Share Register and other statutory registers

### FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

## **INCOME TAX RECORDS**

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

## **PERSONNEL DOCUMENTS AND RECORDS**

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

## **8. Access Request Procedure**

Section 51(e)

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by THE COMPANY.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an Access Request Form does not automatically allow the requester access to the requested record.

### **Note:**

If it is reasonably suspected that the requester has obtained access to the Company's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

### **Completion of Access Request Form**

In order for THE COMPANY to respond to requests in a timely manner, the Access Request Form (Annexure A) must be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

The Access Request Form must be completed in the English Language.

Type or print in BLOCK LETTERS an answer to every question.

If a question does not apply, state "N/A" in response to that question.

If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.

If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.

When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

All additional folios must be signed by the requestor.

### **Submission of Access Request Form**

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in Section 51(1)(a).

An initial, **non-refundable R50.00 request fee** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information.

### **Payment of Fees**

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

### **Note:**

If the request for access is successful, an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (Annexure B). The access fee must be paid prior to access being given to the requested record.

### **Notification**

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

### **Notification of Extension Period (if required)**

The requesters may be notified whether an extension period is required for the processing of their requests, including:

The required extension period, which will not exceed an additional 30 day period;

Adequate reasons for the extension; and

Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

### **Payment of Deposit (if applicable)**

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

The amount of the deposit payable (if applicable); and

That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Please note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

### **Decision on Request**

If no extension period or deposit is required, the requester will be notified, within 30 days, of the decision on the request.

If the request for access to a record is **successful**, the requester will be notified of the following:

The amount of the access fee payable upon gaining access to the record (if any);

An indication of the form in which the access will be granted;

Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful**, the requester will be notified of the following:

Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and

That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

### **Third Party Information**

If access is requested to a record that contains information about a third party, THE COMPANY is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third-party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

### **Grounds for Refusal**

THE COMPANY may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which THE COMPANY may refuse access include:

Protecting personal information that THE COMPANY holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;

Protecting commercial information that THE COMPANY holds about a third party or THE COMPANY (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);

If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;

If disclosure of the record would endanger the life or physical safety of an individual;

If disclosure of the record would prejudice or impair the security of property or means of transport;

If disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;

If disclosure of the record would prejudice or impair the protection of the safety of the public;

The record is privileged from production in legal proceedings, unless the legal privilege has been waived;

Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of THE COMPANY;

Disclosure of the record would put THE COMPANY at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;

The record is a computer programme; and

The record contains information about research being carried out or about to be carried out on behalf of a third party or THE COMPANY.

**Records that cannot be found or do not exist**

If THE COMPANY has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

**Availability of the Manual of THE COMPANY**

The Manual is available for inspection at the offices of THE COMPANY. A copy is also available at the South African Human Rights Commission.

**Chief Executive Officer  
The Designerie (Pty) Ltd**

ANNEXURE A  
FORM C

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000

[Regulation 10]

**A. Particulars of private body**

The Head:

.....  
.....  
.....  
.....

**B. Particulars of person requesting access to the record**

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

.....

Identity number:

.....

Postal address:

.....  
.....  
.....  
.....

Telephone number: .....

E-mail address: .....

Capacity in which request is made, when made on behalf of another person:

.....

**C. Particulars of person on whose behalf request is made**

Full names and surname:

.....

Identity number:



.....

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. Description of record or relevant part of the record.

.....  
.....  
.....  
.....  
.....

2. Reference number, if available:

.....

3. Any further particulars of record:

.....  
.....  
.....  
.....  
.....

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

.....  
 .....  
 .....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

.....  
 .....  
 .....  
 .....  
 .....

Form in which record is required:

.....  
 .....  
 .....  
 .....  
 .....

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

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

	Copy of record*		Inspection of record
<b>1. If record consists of visual images</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	View the images		transcription of the images*
<b>2. If record consists of recorded words or information which can be reproduced in sound:</b>			

	Listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	Printed copy of record*		printed copy of information derived from the record*
			copy in computer readable form* (stiffy or compact disc)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			<b>YES / NO</b>

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
**The requester must sign all the additional folios.**

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: .....

.....  
 .....  
 .....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

.....  
Signed at ..... this ..... day of ..... 20.....

.....  
SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

## ANNEXURE B

### FEES IN RESPECT OF PRIVATE BODIES

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

(a)	For every photocopy of an A4-size page or part thereof	R1.10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(c)	For a copy in a computer-readable form on	
	(i) stiffy disc	R7.50
	(ii) compact disc	R70.00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40.00
	(ii) For a copy of visual images	R60.00
(e)	(i) For a transcription of an audio record, for an A6-size page or part thereof	R20.00
	(ii) For a copy of an audio record	R30.00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
  - (1) (a) For every photocopy of an A4-size page or part thereof R 1,10
  - (b) For every printed copy of an A4-size page or part thereof R 0.75 held on a computer or in electronic or machine-readable form
  - (c) For a copy in a computer-readable form on -
    - (i) stiffy disc R 7,50
    - (ii) compact disc R70,00
  - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40.00
  - (ii) For a copy of visual images R60.00
  - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20.00
  - (ii) For a copy of an audio record R30.00
  - (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.
- (2). For purposes of section 54(2) of the Act, the following applies:
  - (a) Six hours as the hours to be exceeded before a deposit is payable; and
  - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

## PRIVACY POLICY

# PRIVACY POLICY

### PROTECTION OF PERSONAL INFORMATION PRIVACY POLICY in terms of the PROTECTION OF PERSONAL INFORMATION (POPI) ACT 4 OF 2013

#### 1. INTRODUCTION

POPI requires THE COMPANY to inform their clients as to the manner in which their personal information is used, disclosed and destroyed. THE COMPANY undertakes to protect its client's privacy and to ensure that their personal information is used appropriately, securely and in accordance with applicable laws. This policy applies to all personal information collected by THE COMPANY, howsoever collected, and whether from the use of our website, from emails, mobile applications, or any other digital means of communication, and will apply to all use of our sites and/or services.

This policy manual sets out the manner in which THE COMPANY collects and deals with its client's personal information and stipulates the purpose for which said information is used. This Policy is made available on THE COMPANY'S website and is available on request from THE COMPANY'S Information Officer.

THE COMPANY may change the contents of this Privacy Policy from time to time, in line with any changes that the law or its internal business operations require, without prior notice. The then current version of this Privacy Policy applies each time you visit and/or use our website and/or services, or communicate with us in any way, and it is your responsibility to consider the terms and conditions of our Privacy Policy each occasion. Should you disagree with any terms as contained in this Privacy Policy, you must immediately cease using our website and/or services.

#### 2. PERSONAL INFORMATION

"Personal Information" as referred to herein, shall mean all personal information that may be used directly or indirectly to identify you, and shall be deemed to include, but not be limited to, your name, surname, email address, identity number, contact details, photograph, banking details, location, account details and history of business dealings, and web-site activity and preferences.

#### 3. COLLECTING YOUR PERSONAL INFORMATION

We collect Personal Information about you from the following sources:

- directly from you when you use our website or use of any features or resources available on or through the site or any of our applications, or contact us in any other way, or through the course of our relationship with you, such as when submitting an enquiry, order or credit application, and the like;
- from public sources such as social media where you have made your Personal Information public; and
- from any third party when you interact with them through our website or apps, or your interaction with us or as requires of the third parties to share such Personal Information with us.

#### 4. CATEGORIES OF PERSONAL INFORMATION THAT WE PROCESS

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

THE COMPANY collects and processes Personal Information relating to its clients. For the purposes of this Policy, 'clients' include both potential and existing clients.

The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, THE COMPANY will inform you as to the information required and the information deemed optional. Examples of Personal Information we collect include, but are not limited to:

- General personal details: your name and surname, gender, date of birth, age, nationality, language preferences, identity and/or passport numbers.
- Contact details: your address, contact number, email address, public social media profile(s).
- User information: Personal Information included in correspondence, transaction documents, use of our services or other materials that we process in the course of providing our services.
- Consent records: records of any consents you have given us in respect of using your Personal Information and any related information, such as the specific details of the consent. We will also record any withdrawals or refusals of consent.
- Payment information: payment method, payment amount, banking details, date and reason for payment and related information.
- Data relating to your use of our website or application: such as the type of device you use to access the site, the operating system and browser, browser settings, IP address, dates and bank account details: such as your username, password, usage data, and aggregate statistical information.
- Content and advertising data: records of your interactions with our online advertising on the various websites which we advertise and records relating to content displayed on webpages displayed to you.
- Children's Personal Information: We do not knowingly collect Personal Information of any user that qualifies as a "child" in terms of the applicable laws and will act to remove such information from our servers if we become aware of such Personal Information. If you are a parent or guardian and you are aware that your child has provided us with Personal Information without your consent, then please contact us immediately so that we can take the relevant steps to remove such Personal Information from our servers.
- Sensitive Information: You may also provide us with information about yourself or third parties that is considered sensitive, such as political opinions, health information or religious beliefs. When you provide such information to us directly, we may seek your consent, where appropriate, to process this information. While you are under no obligation to provide us with such information, should you choose to withhold such information, we may not be able to provide you with some or all of our services.
- Any other information required by THE COMPANY, its service providers and associates, for us to provide you with the best possible service.

THE COMPANY aims to have agreements in place with all its third-party product and service providers to ensure a mutual understanding with regards to the protection of your Personal Information. THE COMPANY's service providers and associates will be subject to the same privacy provisions regulations as applicable to THE COMPANY.

## **5. THE USAGE OF PERSONAL INFORMATION**

The client's Personal Information will only be used for the purpose for which it was collected and as agreed. This may include:

- to providing its products and/or services to clients and to carry out the transactions requested

by its clients, and generally to perform its services to its clients in terms of any order or agreement with its clients, inclusive of providing its clients with updated information on their orders and the status of their accounts;

- monitor and analyse THE COMPANY's customer records, data base, and business operations to ensure that it is operating properly and efficiently, for financial management and for business-development purposes;
- contact its clients by email, SMS, phone, push notifications or other electronic means to inform its clients about our services, which includes potential trade and business opportunities that kits clients may be interested in, unless you have opted out of such communications (direct marketing). Each marketing communication we send you will contain instructions permitting you to "opt out" of receiving future marketing communications. Pursuant to becoming a member and opting-in for such communications, and should you at any time wish not to receive any future marketing communications or have your name deleted from our mailing lists, please contact us requesting same. If you opt out of receiving marketing communications or other information that we think may interest you, we can still send you emails about your account or any services you have requested or received from us;
- forming a view of its clients as unique individuals and to identify, develop or improve or website and services as applicable to its clients;
- carry out market research and surveys, business and statistical analysis and necessary audits;
- to confirm, verify and update client's details;
- for the detection and prevention of fraud, cyber-attacks, money laundering or other crimes or malpractices;
- perform other administrative and operational tasks, such as testing our processes and systems and ensuring that our security measures are appropriate and acceptable; and
- comply with our regulatory, legal or other obligations, whether this is in compliance with an obligation imposed by law or a contractual obligation;
- In addition to the above purposes, we may use your Personal Information for other purposes, should the law allow, or if you consent to it, or if it is in the public interest to do so. All purposes for the processing of your Personal Information will be compliant in terms of the POPI Act.

According to section 10 of POPI, Personal Information may only be processed if certain conditions, listed below, are met along with supporting information for THE COMPANY's processing of Personal Information:

- a. The client's consents to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship;
- b. The necessity of processing: to conduct an accurate analysis of the client's needs.
- c. Processing complies with an obligation imposed by law or a contractual obligation on THE COMPANY;
- d. Processing protects a legitimate interest of the client - it is in the client's best interest to provide our clients with an applicable and beneficial product or service;
- e. Processing is necessary for pursuing the legitimate interests of THE COMPANY.

## **6. DIRECT MARKETING**

We may process your Personal Information for purposes of contacting you in relation to providing you with information of our products and/or services we believe may be of interest to you. Where



we provide products or services to you, we may send information to you regarding our products and/or services and other information that may be of interest to you, using the contact details that you have provided to us. We will only send you direct marketing communications where you have consented to us sending you direct marketing information.

You may opt out from any direct marketing communications at any time, by clicking on the link that we include in every direct marketing communication, in your log-in settings on our website, or by contacting us and requesting us to do so.

After you opt out, we will not send you any direct marketing communications, but we will continue to contact you, when necessary, in connection with providing you with the supply of our goods or services or in connection with our business.

## **7. DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES**

THE COMPANY shall not disclose a client's Personal Information to any product or third-party service provider's where no agreements are in place to ensure proper compliance with confidentiality and privacy conditions.

THE COMPANY may disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, or where it may be deemed necessary in order to protect its rights.

We will keep your Personal Information confidential and only share it with others in terms of this Privacy Policy, or if you consent to it, or if the law requires. You agree and consent that we may disclose your Personal Information to:

- our business partners or third-party service providers in order to provide you with access to our website and/or services, such as data storage service providers, authorised service providers, and/or third-party payment processors (as it relates to any funds transferred by or to you in relation to any business you may conduct with us, in accordance with the relevant written agreements;
- any relevant party to the extent necessary for the establishment, exercise or defence of legal rights, or in relation to possible criminal offences, threats to public security, and the like;
- any relevant third party if we sell or transfer all or any portion of our business or assets; and
- any relevant third-party provider where our website uses third party advertising, plugins or content.

If we engage third party processors to process your Personal Information, the processors will only be appointed in terms of a written agreement which will require such third-party processors to only process Personal Information on our written instructions, to use appropriate measures to ensure the confidentiality and security of your Personal Information and to comply with any other requirements required by the law.

Our website may connect to various social media websites and apps, including, but not limited to, Whatsapp, Facebook, Twitter, LinkedIn, Instagram. Should you wish to use the website for social media integration, we will share your Personal Information with the relevant social media websites or apps.

## **8. INFORMATION RELATING TO THIRD PARTIES**

You may elect to provide us with Personal Information relating to third parties. For example, should you elect to share your dealings with us or our services with family and/or friends, we may acquire access to information stored in your emails and/or mobile device address books, such as names, email addresses, or phone numbers of your contacts (collectively, "Third-Party Data").

If you use any feature of our website or services that allows you to communicate with third parties

(such as to refer a third party to our site or to our services, either by submitting Third-Party Data on the website or in any other way permitting us to automatically access Third-Party Data in your possession, you acknowledge and agree that you have the authority of the relevant third party for us to access and use the relevant Third-Party Data and that you have notified these third parties and informed them how their information is collected and used by us to provide our services.

In such a case, we reserve the right to identify you as the person who has made the referral in any message that is sent to the third party. We use Third-Party Data to contact such third party using the Third-Party Data provided, and/or provide you with an editable template message designed to facilitate communication between you and such third party through our website or services. In addition to sending the foregoing communications, we may also send reminders or related messages to you and to third parties on your behalf from time to time. In each case, any such communications sent to third parties using Third-Party Data will provide a means to opt out of receiving further communication of the same nature.

## **9. INTERNATIONAL TRANSFERS OF PERSONAL INFORMATION**

Due to the nature of the services we provide and our business currently or potentially being established in different countries, we may need to transfer your Personal Information to and from such different countries for internal purposes.

We may transfer your Personal Information to recipients in other countries. We will only transfer Personal Information to third parties in countries with adequate data protection laws or do so in terms of a written agreement with the recipient which imposes data protection requirements on that party as required by the Applicable Law.

Should you personally transfer any of your own Personal Information directly to a third party in another country, we shall not be responsible for such transfer of Personal Information, and such transfer shall not be protected by this Privacy Policy. Any Personal Information that we receive from a third-party country will nevertheless be processed in terms of this Privacy Policy.

## **10. SAFEGUARDING CLIENT INFORMATION**

It is a requirement of POPI to adequately protect Personal Information. THE COMPANY will continuously review its security controls and processes to ensure that its client's Personal Information is secure.

We have implemented appropriate technical and administrative security measures designed to protect clients' Personal Information against accidental or unlawful disclosure, access, destruction, loss, alteration and other unlawful or unauthorised forms of processing.

The internet is an open and often susceptible system and the transfer of information via the internet is not entirely secure. Although we will implement all reasonable measures to protect our client's Personal Information, we cannot guarantee the security of your Personal Information transferred to us using the internet. Therefore, you acknowledge and agree that any transfer of Personal Information by the internet is at your own risk, and you are responsible for ensuring that any Personal Information that you send to us, is sent securely.

## **11. YOUR RIGHTS**

You have certain specific rights afforded in relation to your Personal Information. We will take all reasonable steps to confirm your identity before providing details of your Personal Information or making changes to your Personal Information. In terms of the POPI Act you have the following rights in respect of your Personal Information:

- the right to be informed of and request access to the Personal Information that we process about you;
- you may request that your Personal Information be amended or updated where it is inaccurate or incomplete. You may send an e-mail to our Information Officer to request such correction. This request may be subject to an access to information request in terms of the

PAIA and may require you to verify your identity, to identify the rights you are wishing to exercise and to pay a fee.

- the right to request that we delete your Personal Information, subject to applicable limitations and exceptions;
- the right to request that we temporarily or permanently stop processing your Personal Information;
- the right to object to us processing your Personal Information, and to your Personal Information being processed for direct marketing purposes;
- the right to request a copy of your Personal Information and request that information to be transmitted for use by another person; and
- where a decision that has a legal or other significant effect is based solely on automated decision making, including profiling, you may request that your Personal Information not be processed in that manner.
- Where you have provided consent for us to process your Personal Information, you may also withdraw your consent where our processing is based on your consent. However, we may continue to process your Personal Information should we be legally required to do so for the processing.

## **12. USE OF COOKIES AND SIMILAR TECHNOLOGIES**

When you use our website, we automatically receive and record information on our server logs from your browser. This information may include, amongst others, your location, IP address, cookie information and Google Analytics information. This is statistical data about browsing actions and patterns. We may also obtain information about your general internet usage through a cookie file which is stored on the hard drive of your computer. Cookies enable us to improve our website and our service to you, store information about your preferences and recognise when you return to the website, and to estimate our public reach and usage patterns.

In some instances, we collect and store information about your location through cookies (other than when you share your location with us). We convert your IP address or mobile GPS data into a rough geo-location, and we may use location information to improve and personalise the Site and Services for you.

You can set your web browser to refuse cookies, but if you do this you may not be able to enjoy the full use of the website and/or our services and you may not be able to take advantage of certain offers we may place on the website.

Please note that third parties may also use cookies, but we do not have access to, or control over them, and therefore cannot take responsibility for such third parties.

The various types of cookies (distinguished by their function, lifespan and origin) that we may collect include the following:

- first party cookies - cookies that are stored by the actual website or app you are visiting which are only visible to that website or app;
- necessary cookies - cookies that are necessary for the technical operation of a website or app;
- performance cookies - cookies that collect data on the performance of a website or app (such as the number of persons who visit a website or app, the time spent on the website or app, and errors that may arise during the use of the website or app);

- functionality or preference cookies - cookies that increase the usability of a website or app by remembering a visitor's choices, such as the language preference, login information, location of the visitor, and the like;
- targeting or advertising cookies - cookies that enable a website or app to send its visitors personalised advertising, often based on your browsing history; and
- session cookies - these are temporary cookies that are deleted once you close your browser. Permanent cookies are those that are stored on your device until you delete them or until your browser deletes them (after a period specified in the cookie).

### **13. LINKS ON THE SITE**

The Site may include links to other apps or third-party websites which are not under our control. We do not accept any responsibility for your privacy or the content of these third-party sites, but we display these links in order to make it easier for you to find information about specific subjects. Your use of and reliance on these links is entirely at your own risk.

### **14. CHILDREN'S INFORMATION AND SENSITIVE SPECIAL PERSONAL INFORMATION**

We do not intentionally collect or use children's Personal Information without the consent of a parent or guardian of the child unless the member is capable of consenting to the processing of his/her Personal Information in terms of the Applicable Laws in his/her/its jurisdiction.

Similarly, we do not intentionally collect or process special / sensitive Personal Information and will only do so with your consent, or if allowed by the Applicable Law.

### **15. RETENTION OF INFORMATION**

We take every reasonable step to ensure that your Personal Information is only processed for the minimum period necessary for the purposes set out in this Privacy Policy.

We retain Personal Information in accordance with the required retention periods in the POPI Act or for legitimate business purposes. We will only retain your Personal Information for the purposes explicitly set out in this Privacy Policy. We may keep Personal Information indefinitely in a de-identified format for statistical purposes, which may include, but is not limited to, statistics of how you use our website and/or our services.

This Privacy Policy also applies when we retain your Personal Information.

We may retain your Personal Information for the duration of any period necessary to establish, exercise or defend any of our legal rights.

### **16. COMMUNICATIONS**

You may be able to post comments, leave feedback, send thank-you notes, or otherwise communicate with other users through our website or apps. Any content, including such comments, feedback, and notes as you choose to post through these means are available to the public by default. You may also contact us by way of a contact form, e-mail, or by other means (such as with questions about our products or services, for customer support, or the like). When you do so, we collect the information you choose to provide us, such as your contact details, any images you choose to upload (if any) and the contents and nature of your contact.

Please remember that any information that is disclosed in these areas becomes public information for both us and other members to use and share. Please be considerate and respectful of others while using the community to share your opinions. We reserve the right, but do not have the obligation, to review and monitor such posting or any other content on our website and/or our services, and to remove postings or content that may be viewed as inappropriate or offensive to others.

### **17. SECURITY BREACH**

We will report any security breach to the applicable regulatory authority and to the individuals or companies whose Personal Information is involved in the breach. If you want to report any concerns about our privacy practices or if you suspect any breach regarding your Personal Information, you are required to notify us by sending an e-mail to our Information Officer.

## **18. COMPLAINTS**

Should you have any objection, or have any queries about our privacy practices, you can contact our Information Officer.

## **19. AMENDMENTS TO THIS POLICY**

Amendments to, or a review of this Policy, will take place on an *ad hoc* basis or at least once a year. Clients are advised to access our website periodically to keep abreast of any changes. Where material changes take place, changes will be indicated on our website.

## **20. RECORDS THAT CANNOT BE FOUND**

If we are requested to search for a record and it is believed that the record either does not exist or cannot be found, you will be notified by way of an affidavit or affirmation. This will include the steps that were taken the attempt to locate the record.

## **21. CONTACT DETAILS**

### **Information Officer**

Name: Sarah Pitman  
Telephone number: 0633549815  
E-mail address: sarahpitman92@hotmail.com

### **The Company**

Telephone number: 0633549815  
Postal address: Unit 5, Braehead Office Park Kloof, Durban  
Physical address: Unit 5, Braehead Office Park Kloof, Durban  
Email: sarahpitman92@hotmail.com  
Website: www.thedesignerie.co.za