

POLICY STATEMENT AND MANUAL OF:

ACCESS TO INFORMATION, PROTECTION OF PERSONAL
INFORMATION, PRIVACY POLICY AND PRINCIPLES AND THE
RETENTION OF DOCUMENTS

**Prepared in accordance with section 51 of the Promotion of Access to
Information Act, Act No. 2 of 2000**
(Private Company)

FOR

I-CAT HOLDINGS (PTY) LTD and all its subsidiaries
COMPANY REGISTRATION NUMBER: 2014/228621/07
(Hereinafter referred to as “I-Cat”)

Updated: **30 JUNE 2021**

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1. PREAMBLE:

- 1.1 In terms of Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No.108 of 1996 every person has a right to access information.
- 1.2 In order to fulfil this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 ("the Act") was assented to by Parliament.
- 1.3 The purpose of the Act is to give effect to the constitutional right of access to any information held by the state, public and private companies as well as information held by another person that is required for the exercise or protection of any right.
- 1.4 The Act provides for:
 - 1.4.1 the promotion of the protection of Personal Information processed by public and private bodies.
 - 1.4.2 Conditions so as to establish minimum requirements for the processing of Personal Information.
 - 1.4.3 the establishment of the information regulator to exercise certain powers and to perform certain duties and functions in terms of the Act.
 - 1.4.4 The issuing of codes of conduct.
 - 1.4.5 The rights of persons regarding unsolicited electronic communications and automated decision making.
 - 1.4.6 The regulation of the flow of Personal Information across the boards of the Republic of South Africa and matters connected therewith.
- 1.5 The motivation for giving effect to the right of access to information is to:
 - 1.5.1 Promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.
 - 1.5.2 Foster a culture of transparency and accountability in both public and private bodies.
 - 1.5.3 Section 9 of the Act however recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 1.5.3.1 Commercial confidentiality;
 - 1.5.3.2 Limitation aimed at the reasonable protection of privacy;

1.5.3.3 Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

1.6 The I-Cat group of companies endorses the spirit of the Act, coupled with relevant provisions of the Promotion of Access to Information Act, Act No. 2 of 2000, and is of the opinion that this manual will assist requesters in exercising their rights.

2. **PURPOSE OF THIS MANUAL:**

2.1 The purpose of this manual is to facilitate requests for access to information of the I-Cat group of Companies.

2.2 This manual is not exhaustive of, nor does it comprehensively deal with every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act prior to making requests to I-Cat in terms of the Act.

2.3 I-Cat makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and I-Cat shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by I-Cat or from any error therein.

3. **INFORMATION PERTAINING TO I-CAT:**

3.1 **General Information:**

3.1.1 **Registered Business Name:** I-Cat Holdings (Pty) Ltd

3.1.2 **Registered Address:** N4 Gateway Industrial Park, Erf 516
38 Amatole Street
Willow Park Manor
Pretoria
0181

3.1.3 **Telephone No:** 086 112 4228

3.1.4 **Email:** info@i-cat.co.za

3.1.5 **Website:** www.i-cat.co.za

3.2 Various business activities I-Cat are undertaken by the I-Cat group of companies, based on the purpose for which each respective company was created. The business companies and activities related to each are summarised as follows:

| Company | Registration Number | Business Activities |
|--|----------------------------|--|
| I-Cat Holdings (Pty) Ltd | 2014/22861/07 | Majority shareholder in: 1. I-Cat Prop Holdings (Pty) Ltd [100%] 2. I-Cat Environmental (Pty) Ltd [100%] 3. I-Cat International Consulting and Trading (Pty) Ltd [80%] |
| I-Cat Prop Holdings (Pty) Ltd | 2013/158954/07 | Property investment |
| I-Cat Environmental (Pty) Ltd | 2014/228619/07 | Environmental compliance |
| I-Cat International Consulting and Trading (Pty) Ltd | 2012/058514/07 | Supplier of specialised dust suppression, fire suppression and planting technologies across industries such as mining, agriculture, road construction and forestry. Develop efficient and cost effective sustainable solutions. Majority shareholder in Qualitools Africa (Pty) Ltd [100%] |
| Qualitools Africa (Pty) Ltd | 2016/005733/07 | sourcing and wholesale supply of quality tools and products related thereto. |

4. CONTACT DETAILS:

4.1 INFORMATION OFFICER

4.1.1 Name: **Johan Liebenberg**

4.1.2 Designation: **HR Manager – I-Cat**

- 4.1.3 Physical address: **N4 Gateway Industrial Park, Erf 516**
38 Amatole Street
Willow Park Manor
Pretoria
0181
- 4.1.3 Telephone No: **086 112 4228**
- 4.1.4 Email: info@i-cat.co.za

5. SOUTH AFRICAN HUMANS RIGHTS COMMISSION:

- 5.1 The guide referred to in Section 10 of the Act contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be accessed from the following link:
<https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>.
- 5.2 Any enquiries regarding this guide should be directed to the **SOUTH AFRICAN HUMAN RIGHTS COMMISSION, AT PAIA UNIT, THE RESEARCH AND DOCUMENTATION DEPARTMENT, Private Bag X2700, HOUGHTON, 2041; Telephone Number: (011) 484-8300, Facsimile Number: (011) 484-1360, Website: www.sahrc.org.za; E-mail Address: PIAI@sahrc.org.za.**

6. SECTION 51(1)(D) OF THE ACT: RECORDS AVAILABLE

- 6.1 I-Cat has the following records available in terms of Section 51(1)(D) of the Act:
- 6.1.1 Basic Conditions of Employment Act, No. 75 of 1997;
 - 6.1.2 Companies Act, No. 71 of 200;
 - 6.1.3 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
 - 6.1.4 Constitution of the Republic of South Africa Act, No. 108 of 1996;
 - 6.1.5 National Credit Act, No. 34 of 2005;
 - 6.1.6 Consumer Protection Act, No. 69 of 2008
 - 6.1.7 The Criminal Procedure Act, No. 51 of 1977;
 - 6.1.8 Deed Registries Act, No. 47 of 1937;
 - 6.1.9 Employment Equity Act, No. 55 of 1998;
 - 6.1.10 Financial Intelligence Centre Act, No. 38 of 2001;
 - 6.1.11 The Labour Relations Act, No. 66 of 1995;
 - 6.1.12 Unemployment Insurance Act, No. 63 of 2001;

- 6.1.13 Electronic Communication and Transactions Act, No. 25 of 2002;
- 6.1.14 Income Tax Act, No. 58 of 1962;
- 6.1.15 Occupational Health and Safety Act No. 85 of 1993;
- 6.1.16 Prevention of Organised Crime Act No. 121 of 1998;
- 6.1.17 Transfer Duty Act No. 40 of 1949;
- 6.1.18 Prescription Act No. 68 of 1969;
- 6.1.19 National Environmental Management: Air Quality Act, No 39 of 2004;
- 6.1.20 National Environmental Management: Waste Act, No 59 of 2008;
- 6.1.21 Protection of Personal Information Act, No 4 of 2013;

7. SECTION 52 OF THE ACT: INFORMATION AVAILABLE:

7.1 Company records and registers:

- 7.1.1 Memorandum of incorporation of I-Cat;
- 7.1.2 Company registration documents of I-Cat;
- 7.1.3 Directors and officers;
- 7.1.4 Interests of directors;
- 7.1.5 Shareholders;
- 7.1.6 Shareholder agreements;
- 7.1.7 Allotments;
- 7.1.8 Minutes of directors meetings (directors only)
- 7.1.9 Minutes of shareholder meetings (shareholders only)
- 7.1.10 Resolutions;
- 7.1.11 Power of Attorneys and list of persons authorised to bind I-Cat;
- 7.1.12 Licences and permits;
- 7.1.13 Stock remedies and poisonous materials;
- 7.1.14 Annual reports; and
- 7.1.15 Interim reports;
- 7.1.16 Statutory registers.

8. OTHER RECORDS HELD BY I-CAT:

8.1 Financial Records:

- 8.1.1 Accounting records, books and documents of I-Cat;
- 8.1.2 Interim and annual financial reports of I-Cat;

- 8.1.3 Details of the auditors of I-Cat;
- 8.1.4 Auditors' reports in respect of audits conducted on I-Cat;
- 8.1.5 Tax returns of I-Cat;
- 8.1.6 Other documents and agreements pertaining to tax.

8.2 Human Resources:

- 8.2.1 List of employees;
- 8.2.2 Employee benefits;
- 8.2.3 Information pertaining to share options, share incentives, bonus or profit sharing agreements of each employee;
- 8.2.4 Arbitration orders and agreements;
- 8.2.5 Attendance registers at working stations and head office;
- 8.5.6 Any other information pertaining to employees of I-Cat and the subsidiaries.

8.3 Pension and Provident Funds:

- 8.3.1 A manual regarding the processes and rules of the pension fund;
- 8.3.2 Lists of employees who belong to the respective funds;
- 8.3.3 Minutes of meetings of trustees/directors;
- 8.3.4 Financial records of the pension and provident funds.

8.4 Insurance Records:

- 8.4.1 Family insurance;
- 8.4.2 Group life insurance;
- 8.4.3 Spouse insurance;
- 8.4.4 Disability insurance;
- 8.4.5 Retirement insurance.

8.5 Property:

- 8.5.1 Asset register;
- 8.5.2 Title deeds of any land owned by I-Cat;
- 8.5.3 Agreements for the lease or sale of land and/or other immovable property by I-Cat;
- 8.5.4 Agreements for the lease of movable property by I-Cat;
- 8.5.5 Mortgage bonds, liens, notarial bonds or security interests on property.

8.5.6 Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.

8.6 Client Information/documentation:

- 8.6.1 Agreements for the supply of products and/or trading credit;
- 8.6.2 Products and distributions agreements and warranties;
- 8.6.3 Security agreements, deeds, guarantees, cession and bonds for credit;
- 8.6.4 Non-disclosure and confidentiality agreements;
- 8.6.5 Details of clients and correspondence;
- 8.6.6 Invoices, receipts, credit and debit notes;
- 8.6.7 Service level agreements;
- 8.6.8 Contractor and independent contract agreements;
- 8.6.9 Lease agreements;
- 8.6.10 Terms and conditions pertaining to purchasing or selling of products;
- 8.6.11 Suretyship agreements;
- 8.6.12 Third party agreements;
- 8.6.13 Credit facilities.

9. MANNER OF ACCESS TO CLAUSE 7 AND 8 RECORDS:

The above-mentioned records are available for public inspection at the offices of I-Cat during office hours, by prior arrangement with the Information Officer, subject to the grounds of refusal mentioned in the Act.

10. REMEDIES UPON REFUSAL TO ACCESS TO RECORDS:

10.1 Internal Remedies:

I-Cat does not have internal appeal procedures, the Courts will have to be approached if the request for information is refused. This would apply to any situation in which the requester wishes to appeal a decision made by the Information Officer.

10.2 External Remedies:

A requester who is dissatisfied with the Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant

a request for information, may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and the Magistrates Court.

11. REQUEST PROCEDURE AND ACCESS TO RECORDS:

- 11.1 A request for access to a record must be made on the prescribed form to the Information Officer at his/her address, e-mail address and the prescribed fee (request fee or access fee) paid in advance. The Information Officer shall withhold a record until the requester has paid the required fee.
- 11.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate:
 - 11.2.1 the preferred language if applicable;
 - 11.2.2 whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
 - 11.2.3 an email and/or postal address.
- 11.3 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 11.4 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- 11.5 The request will be processed within 30 days and a decision made by the expiration of the said period. The 30-day period may be extended for a further 30 days if the request is for a large amount of records. I-Cat will notify the requester in writing should an extension be sought.
- 11.6 The requester shall be informed whether access is granted or denied.
- 11.7 The requester must indicate that he/she requires the information in order to exercise or protect a right.

11.8 Records held by I-Cat may be accessed only through requests once the prerequisite requirements have been met.

12. GROUND FOR REFUSAL:

12.1 The main grounds for refusal of a request for information relate to the –

12.1.1 Mandatory protection of privacy of a third party who is a natural person;

12.1.2 Mandatory protection of the commercial information of a third party;

12.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

12.1.4 Mandatory protection of the safety of individuals and protection of property;

12.1.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;

12.1.6 Mandatory protection of the commercial activities of I-Cat;

12.1.7 The research information of I-Cat or a third party, if its disclosure would disclose the identity of I-Cat, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and

12.1.8 Requests for information that are clearly frivolous, or which involve an unreasonable diversion of resources shall be refused.

13. POLICY AMENDMENTS:

Amendments to or a review of this Policy will take place on an *ad hoc* basis or at least annually. Clients and suppliers are advised to access our website periodically to inform themselves of any changes. Where material changes take place clients will be notified directly or will be available on the I-Cat website.

14. AVAILABILITY OF THE MANUAL:

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002. The manual is available at the offices of the South African Human Rights Commission and shall be published in the Government Gazette.

15. SECTION 51(1)(F) INFORMATION:

15.1 The following applies to requests (other than personal requests):

15.1.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.

15.1.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).

15.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

15.1.4 Records may be withheld until the fees have been paid.

15.1.5 The fee structure and form is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

16. SECTION 52(2) INFORMATION:

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

17. RECORDS THAT CANNOT BE FOUND:

If I-Cat searches 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.

**PROTECTION OF PERSONAL INFORMATION IN TERMS OF THE PROTECTION OF
PERSONAL INFORMATION ACT 4 OF 2013**

18. INTRODUCTION:

- 18.1 The I-Cat Group is a group of companies functioning within the agricultural, road construction, mining and forestry industries who are obligated to comply with the Act.
- 18.2 the Act requires the I-Cat Group to inform their Clients as to how their Personal Information is used, disclosed and destroyed.
- 18.3 The I-Cat Group guarantees its commitment to protecting their Clients privacy and ensuring their Personal Information is used appropriately, transparently, securely and in accordance with applicable laws.
- 18.4 This Policy sets out how the I-Cat Group deals with their Client's Personal Information in addition for what purpose said information is used for. This Policy is made available on our company website www.i-cat.co.za and by request from our head office.

19. PERSONAL INFORMATION COLLECTED:

- 19.1 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.*"
- 19.2 I-Cat collects and processes Clients Personal Information pertaining to the relevant needs. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, I-Cat will inform the Client as to the information required and the information deemed optional. Examples of Personal Information we collect include, but is not limited to:
- 19.2.1 The Client's Identity number, name, surname, address, postal code, marital status, and number of dependants;
- 19.2.2 Description of the client's residence, business, assets; financial information, banking details and the like;
- 19.2.3 Company registered name, registration number, registered address and/or principle place of business addresses;
- 19.2.4 Any other information required by I-Cat in order to provide clients with proper and professional services.

- 19.3 I-Cat undertakes to treat the Clients Personal Information as strictly confidential, save where I-Cat is entitled to share it as set out in this Policy.
- 19.4 I-Cat will take appropriate technical and organizational measures to ensure that the Clients Personal Information is kept secure and is protected against unauthorized or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access.
- 19.5 I-Cat shall provide Clients with access to their Personal Information to view and/or update personal details.
- 19.6 I-Cat will promptly notify Clients if it becomes aware of any unauthorized use, disclosure or processing of his/her/its Personal Information.
- 19.7 I-Cat undertakes to provide Clients with reasonable evidence of compliance with the obligations under this Policy on reasonable notice and request.
- 19.8 Upon the Client's request, I-Cat will promptly return or destroy any and all of the Client's Personal Information in our possession or control, save for that which I-Cat is legally obliged to retain.
- 19.9 I-Cat will not retain the Client's Personal Information longer than the period for which it was originally needed, unless required by law to do so, or the Client consents to the retaining of such information for a longer period.
- 19.10 I-Cat undertakes never to sell or make the Client's Personal Information available to any third party other than as provided for in this Policy, unless I-Cat is compelled to do so by law. In particular, in the event of a fraudulent online payment, I-Cat is entitled to disclose relevant Personal Information for criminal investigation purposes or in line with any other legal obligation for disclosure of the Personal Information which may be required of it.
- 19.11 Whilst I-Cat will do all things reasonably necessary to protect the Client's rights of Privacy, I-Cat cannot guarantee or accept any liability whatsoever for unauthorized or unlawful disclosures of the Personal Information, whilst in our possession, made by third parties who are not subject to our control, unless such disclosure is as a result of our gross negligence.

19.12 I-Cat aims at having agreements in place with all our suppliers, insurers and third-party service providers to ensure there is a mutual understanding with regard to the protection of Personal Information. Our suppliers will be subject to the same regulations as we are subjected to.

19.13 For purposes of this policy, Client includes existing and potential Clients.

20. THE USAGE OF PERSONAL INFORMATION:

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

20.1.1 Providing products or services to Clients and to carry out the transactions requested;

20.1.2 Assessing and processing services to be rendered;

20.1.3 Conducting credit reference searches or- verification;

20.1.4 Confirming, verifying and updating client details;

20.1.5 For the detection and prevention of fraud, crime, money laundering or other malpractices;

20.1.6 For audit and record keeping purposes;

20.1.7 In connection with legal proceedings;

20.1.8 Providing services to Clients, to render the services requested and to maintain and constantly improve the relationship;

20.1.9 Conducting market or customer satisfaction research;

20.1.10 Providing communication in respect of I-Cat and regulatory matters that may affect clients;

20.1.11 In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law;

20.1.12 Providing communications in respect of the I-Cat Group and regulatory matters that may affect clients.

20.2 According to section 10 of the Act, Personal Information may only be processed if certain conditions, listed below, are met along with supporting information for I-Cat processing of Personal Information:

20.2.1 The client's consents to the processing: - consent is obtained from clients during

- the introductory, appointment and needs analysis stage of the relationship;
- 20.2.2 The necessity of processing: in order to conduct an accurate analysis of the client's needs for purposes of amongst other credit limits, services to be rendered, etcetera.
- 20.2.3 Processing complies with an obligation imposed by law on I-Cat;
- 20.2.4 Processing protects a legitimate interest of the client — it is in the client's best interest to have a full and proper needs analysis performed in order to provide them with an applicable and beneficial product or service.
- 20.2.5 Processing is necessary for pursuing the legitimate interests of I-Cat or of a third party to whom information is supplied — in order to provide I-Catclients with products and or services both I-Cat and any of our product suppliers or consultants require certain Personal Information from the clients in order to make an expert decision on the unique and specific product and or service required.

21. DISCLOSURE OF PERSONAL INFORMATION:

- 21.1 I-Cat may disclose a Client's Personal Information within the company to any one of its departments, subsidiaries or joint venture companies and or approved product- or third-party service providers whose services or products Clients elect to use. We have agreements in place to ensure that the third-party service providers comply with confidentiality and privacy conditions.
- 21.2 I-Cat may also share client Personal Information with and obtain information about Clients from third parties for the reasons already discussed above.
- 21.3 I-Cat may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect I-Cat's rights.

22. SAFEGUARDING CLIENT INFORMATION:

- 22.1 It is a requirement of the Act to adequately protect Personal Information. I-Cat will continuously review its security controls and processes to ensure that personal information is secure. In this regard, I-Cat backs up its internal server daily.
- 22.2 The following procedures are in place in order to protect Personal Information:

- 22.2.1 I-Cat's Information Officer is **Johan Liebenberg** whose details are available above and below and who is responsible for the compliance with the conditions of the lawful processing of Personal Information and other provisions of the Act. He is assisted by **Ilze van Zyl** who will function as the Company's Deputy Information Officer.
- 22.2.2 This policy has been put in place throughout the I-Cat group and throughout all departments and training on this policy and the Act has already taken place.
- 22.2.3 Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of the Act.
- 22.2.4 Every employee currently employed by I-Cat will be required to sign an addendum to their employment contracts containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of the Act.
- 22.2.5 I-Cat archived client information is stored on site which is also governed by the Act, access is limited to these areas to authorized personal.
- 22.2.6 I-Cat product suppliers, contractors, joint ventures other third party service providers will be required to sign a service level agreement guaranteeing their commitment to the Protection of Personal Information; this is however an ongoing process that will be evaluated as needed.
- 22.2.7 All electronic files or data are backed up by I-CAT's IT Division which is also responsible for system security that protects third party access and physical threats. The IT Division is responsible for Electronic Information Security.
- 22.2.8 All electronic files or data are Backed up by the Group IT Division who is also responsible for system security which protects third party access and physical threats. Group IT Division is responsible for Electronic Information Security.
- 22.2.9 A security incident management register will be kept to log any security incidents and to report on and manage said incidents this register will be maintained by an Appointed Security Manager.

22.2.10 Consent to process client information is obtained from clients (or a person who has been given authorization from the client to provide the client's Personal Information) during the introductory, appointment and needs analysis stage of the relationship.

23. ACCESS AND CORRECTION OF PERSONAL INFORMATION:

23.1 Clients have the right to access the Personal Information I-CAT holds about them. Clients also have the right to ask I-Cat to update, correct or delete their Personal Information on reasonable grounds. Once a client objects to the processing of their Personal Information, I-Cat may no longer process said Personal Information. I-Cat will take all reasonable steps to confirm its clients' identity before providing details of their Personal Information or making changes to their Personal Information.

23.2 The details of I-Cat's Information Officer and Head Office are as follows:

Information Officer:

Name: **Johan Liebenberg**
Designation: **HR Manager – I-Cat**
Physical address: **38 Amatole Road, N4 Gateway Industrial Park West,
Pretoria**
Telephone No: **086 112 4228**
Email address: [**johan.hr@I-Cat.co.za**](mailto:johan.hr@I-Cat.co.za)

Deputy Information Officer:

Name: **Ilze van Zyl**
Designation: **HR Manager Qualitools**
Physical address: **38 Amatole Road, N4 Gateway Industrial Park West,
Pretoria**
Telephone No: **086 112 4228**
Email address: [**ilze.hr@I-Cat.co.za**](mailto:ilze.hr@I-Cat.co.za)

Head Office Details:

Telephone Number: 086 112 4228
Fax Number: 086 516 5968

Postal Address: PostNet Suite 577
Private Bag 37
Lynnwood Ridge
0040

Physical Address 38 Amatole Road
N4 Gateway Industrial Park West
Willow Park Manor, Extension 65
Pretoria

Email Address: johan.hr@I-Cat.co.za

Website: www.I-Cat.co.za

24. POLICY ON THE RETENTION & CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS:

24.1 PURPOSE:

24.1.1 To exercise effective control over the retention of documents and electronic transactions:

- (a) as prescribed by legislation; and
- (b) as dictated by business practice.

24.1.2 Documents need to be retained in order to prove the existence of facts and to exercise rights I-Cat may have. Documents are also necessary for defending legal action, for establishing what was said or done in relation to business of I-Cat and to minimize the Company's reputational risks.

24.1.3 To ensure that I-Cat's interests are protected and that I-Cat and its clients' rights to privacy and confidentiality are not breached.

24.1.4 Queries may be referred to the Information Office or the Deputy Information Officer.

24.2 Scope and Definitions:

24.2.1 All documents and electronic transactions generated within and/or received by the Company.

24.2.2 Definitions:

24.2.2.1 **'Clients'** includes, but are not limited to, shareholders, debtors, creditors as well as the affected personnel and/or departments related to a service division of the Company.

24.2.2.2 **'Confidential Information'** means all information or data disclosed to or obtained by the Company by any means whatsoever and shall include, but not be limited to:

- (a) financial information and records; and
- (b) all other information including information relating to the structure, operations, processes, intentions, product information, know-how, trade secrets, market opportunities, customers and business affairs,

but excluding the exceptions listed in clause 24.3 hereunder.

24.2.2.3 **'Constitution'** means the Constitution of the Republic of South Africa Act, 108 of 1996.

24.2.2.4 **'Data'** means electronic representations of information in any form.

24.2.2.5 **'Documents'** include books, records, security or accounts and any information that has been stored or recorded electronically, photographically, magnetically, mechanically, electro-mechanically or optically, or in any other form.

24.2.2.6 **'ECTA'** means the Electronic Communications and Transactions Act, 25 of 2002.

24.2.2.7 **'Electronic communication'** means a communication by means of data messages.

24.2.2.8 **'Electronic signature'** means data attached to, incorporated in, or logically associated with other data and which is intended by the user to serve as a signature.

24.2.2.9 **'Electronic transactions'** include e-mails sent and received.

24.2.2.10 **'PAIA'** means Promotion of Access to Information Act, 2 of 2000.

24.3 Access to Documents:

24.3.1 All Company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- (a) where disclosure is under compulsion of law;
- (b) where there is a duty to the public to disclose;
- (c) where the interests of the Company require disclosure; and
- (d) where disclosure is made with the express or implied consent of the client.

24.3.2 Disclosure to third parties:

All employees have a duty of confidentiality in relation to I-Cat and its clients. In addition to the provisions of clause 24.3 above, the following are also applicable:

- (a) **Information on clients:** Our clients' right to confidentiality is protected in the Constitution and in terms of ECTA. Information may be given to a third party if the client has consented in writing to that person receiving the information.
- (b) **Requests for company information:** these are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like the Company, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party. In terms hereof, requests must be made in writing on the prescribed form to the Company Secretary, who is also the Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee. The Company's manual in terms of PAIA, which contains the prescribed forms and details of prescribed fees, is available at www.I-Cat.co.za.

24.3.3 Confidential company and/or business information may not be disclosed to third parties as this could constitute industrial espionage. The affairs of the Company must be kept strictly confidential at all times.

24.3.4 The Company views any contravention of this policy very seriously and personnel who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

25. STORAGE OF DOCUMENTS:

25.1 Hard Copies:

25.1.1 Documents are stored in the archive, which is located on the premises of I-Cat.

25.1.2 All documents stored are entered into the electronic filing system and requests for the retrieval of stored documents must be sent to the Information Officer who will forward the necessary information. The document(s) received must be returned to the Information Officer as soon as reasonably possible after use.

25.2 Companies Act, No 71 of 2008:

With regard to the Companies Act, No 71 of 2008 and the Companies Amendment Act No 3 of 2011, hardcopies of the documents mentioned below must be retained for 7 years:

- Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act;
- Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities;
- Copies of reports presented at the annual general meeting of the company;
- Copies of annual financial statements required by the Act;
- Copies of accounting records as required by the Act;
- Record of directors and past directors, after the director has retired from the company;
- Written communication to holders of securities and
- Minutes and resolutions of directors' meetings, audit committee and directors' committees.

Copies of the documents mentioned below must be retained indefinitely:

- Registration certificate ;
- Memorandum of Incorporation and alterations and amendments;
- Rules;
- Securities register and uncertified securities register;
- Register of company secretary and auditors and
- Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) – Register of disclosure of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued.

25.3 Consumer Protection Act, No 68 of 2008:

The Consumer Protection Act seeks to promote a fair, accessible and sustainable marketplace and therefore requires a retention period of 3 years for information provided to a consumer by an intermediary such as:

- Full names, physical address, postal address and contact details;
- ID number and registration number;
- Contact details of public officer in case of a juristic person;
- Service rendered;
- Intermediary fee;
- Cost to be recovered from the consumer;
- Frequency of accounting to the consumer;
- Amounts, sums, values, charges, fees, remuneration specified in monetary terms;
- Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided;
- Record of advice furnished to the consumer reflecting the basis on which the advice was given;
- Written instruction sent by the intermediary to the consumer;
- Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions;
- Documents Section 45 and Regulation 31 for Auctions.

25.4 National Credit Act, No 34 of 2005:

The National Credit Act aims to promote a fair and transparent credit industry which requires the retention of certain documents for a specified period. Retention for 3 years from the earliest of the dates of which the registrant created, signed or received the document or from the date of termination of the agreement or in the case of an application for credit that is refused or not granted for any reason, from the date of receipt of the application which applies to the documents mentioned below:

Regulation 55(1)(b):

- Records of registered activities such as an application for credit declined;

- Reason for the decline of the application for credit;
- Pre-agreement statements and quotes;
- Documentation in support of steps taken in terms of section 81(2) of the Act;
- Record of payments made;
- Documentation in support of steps taken after default by consumer.

Regulation 55(1)(c) in respect of operations:

- Record of income, expenses and cash flow;
- Credit transaction flows;
- Management accounts and financial statements.

Regulation 55(1)(d) with regard to the Credit Bureau:

- All documents relating to disputes, inclusive of but not limited to, documents from the consumer;
- Documents from the entity responsible for disputed information;
- Documents pertaining to the investigation of the dispute;
- Correspondence addressed to and received from sources of information as set out in section 70(2) of the Act and Regulation 18(7) pertaining to the issues of the disputed information.

Regulation 55(1)(a) with regard to Debt Counsellors:

- Application for debt review;
- Copies of all documents submitted by the consumer;
- Copy of rejection letter;
- Debt restructuring proposal;
- Copy of any order made by the tribunal and/or the court and a copy of the clearance certificate.

Regulation 56 with regard to section 170 of the Act:

- Application for credit;
- Credit agreement entered into with the consumer.

Regulation 17(1) with regard to Credit Bureau information:

Documents with a required retention period of the earlier of 10 years or a rehabilitation order being granted:

- Sequestrations
- Administration orders.

Documents with a required retention period of 5 years:

- Rehabilitation orders
- Payment profile.

Documents with a required retention period of the earlier of 5 years or until judgment is rescinded by a court or abandoned by the credit provider in terms of section 86 of the Magistrate's Court Act No 32 of 1944:

- Civil Court Judgments.

Documents with a required retention period of 2 years:

- Enquiries.

Documents with a required retention period of 1.5 years:

- Details and results of disputes lodged by the consumers.

Documents with a required retention period of 1 year:

- Adverse information.

Documents with an unlimited required retention period:

- Liquidation.

Documents required to be retained until a clearance certificate is issued:

- Debt restructuring.

25.5 Financial Intelligence Centre Act, No 38 of 2001:

Section 22 and 23 of the Act require a retention period of 5 years for the documents and records of the activities mentioned below:

- Whenever an accountable transaction is concluded with a client, the institution must keep record of the identity of the client;
- If the client is acting on behalf of another person, the identity of the person on whose behalf the client is acting and the clients authority to act on behalf of that other person;
- If another person is acting on behalf of the client, the identity of that person and that other person's authority to act on behalf of the client;

- The manner in which the identity of the persons referred to above was established;
- The nature of that business relationship or transaction;
- In the case of a transaction, the amount involved and the parties to that transaction;
- All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;
- The name of the person who obtained the identity of the person transacting on behalf of the accountable institution;
- Any document or copy of a document obtained by the accountable institution.

These documents may also be kept in electronic format.

25.6 Compensation for Occupational Injuries and Diseases Act, No 130 of 1993:

Section 81(1) and (2) of the Compensation for Occupational Injuries and Diseases Act requires a retention period of 4 years for the documents mentioned below:

- Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees.

Section 20(2) documents with a required retention period of 3 years:

- Health and safety committee recommendations made to an employer in terms of issues affecting the health of employees and of any report made to an inspector in terms of the recommendation;
- Records of incidents reported at work.

Asbestos Regulations, 2001, regulation 16(1) requires a retention period of minimum 40 years for the documents mentioned below:

- Records of assessment and air monitoring, and the asbestos inventory;
- Medical surveillance records.

Hazardous Biological Agents Regulations, 2001, Regulations 9(1) and (2):

- Records of risk assessments and air monitoring;
- Medical surveillance records.

Lead Regulations, 2001, Regulation 10:

- Records of assessments and air monitoring;
- Medical surveillance records.

Noise - induced Hearing Loss Regulations, 2003, Regulation 11:

- All records of assessment and noise monitoring;
- All medical surveillance records, including the baseline audiogram of every employee.

Hazardous Chemical Substance Regulations, 1995, Regulation 9 requires a retention period of 30 years for the documents mentioned below:

- Records of assessments and air monitoring;
- Medical surveillance records.

25.7 Basic Conditions of Employment Act, No 75 of 1997:

The Basic Conditions of Employment Act requires a retention period of 3 years for the documents mentioned below:

Section 29(4):

- Written particulars of an employee after termination of employment;

Section 31:

- Employee's name and occupation;
- Time worked by each employee;
- Remuneration paid to each employee;
- Date of birth of any employee under the age of 18 years.

25.8 Employment Equity Act, No 55 of 1998:

Section 26 and the General Administrative Regulations, 2009, Regulation 3(2) requires a retention period of 3 years for the documents mentioned below:

- Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act;

Section 21 and Regulations 4(10) and (11) require a retention period of 3 years for the report which is sent to the Director General as indicated in the Act.

25.8 Labour Relations Act, No 66 of 1995:

Sections 53(4), 98(4) and 99 require a retention period of 3 years for the documents mentioned below:

- The Bargaining Council must retain books of account, supporting vouchers, income and expenditure statements, balance sheets, auditor's reports and minutes of the meetings;
- Registered Trade Unions and registered employer's organizations must retain books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets, auditor's reports and minutes of the meetings;
- Registered Trade Unions and employer's organizations must retain the ballot papers;
- Records to be retained by the employer are the collective agreements and arbitration awards.

Sections 99, 205(3), Schedule 8 of Section 5 and Schedule 3 of Section 8(a) require an indefinite retention period for the documents mentioned below:

- Registered Trade Unions and registered employer's organizations must retain a list of its members;
- An employer must retain prescribed details of any strike, lock-out or protest action involving its employees;
- Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions;
- The Commission must retain books of accounts, records of income and expenditure, assets and liabilities.

26.9 Unemployment Insurance Act, No 63 of 2002:

The Unemployment Insurance Act, applies to all employees and employers except:

- Workers working less than 24 hours per month;
- Learners;
- Public servants;
- Foreigners working on a contract basis;
- Workers who get a monthly State (old age) pension;

- Workers who only earn commission.

Section 56(2)(c) requires a retention period of 5 years, from the date of submission, for the documents mentioned below:

- Employers must retain personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed.

25.10 Tax Administration Act, No 28 of 2011:

Section 29 of the Tax Administration Act, states that records of documents must be retained to:

- Enable a person to observe the requirements of the Act;
- Are specifically required under a Tax Act by the Commissioner by the public notice;
- Will enable SARS to be satisfied that the person has observed these requirements.

Section 29(3)(a) requires a retention period of 5 years, from the date of submission for taxpayers that have submitted a return and an indefinite retention period, until the return is submitted, then a 5 year period applies for taxpayers who were meant to submit a return, but have not.

Section 29(3)(b) requires a retention period of 5 years from the end of the relevant tax period for taxpayers who were not required to submit a return, but had capital gains/losses or engaged in any other activity that is subject to tax or would be subject to tax but for the application of a threshold or exemption.

Section 32(a) and (b) require a retention period of 5 years but records must be retained until the audit is concluded or the assessment or decision becomes final, for documents indicating that a person has been notified or is aware that the records are subject to an audit or investigation and the person who has lodged an objection or appeal against an assessment or decision under the TAA.

25.11 Income Tax Act, No 58 of 1962:

Schedule 4, paragraph 14(1)(a)-(d) of the Income Tax Act requires a retention period of 5 years from the date of submission for documents pertaining to each employee that the employer shall keep:

- Amount of remuneration paid or due by him to the employee;
- The amount of employees tax deducted or withheld from the remuneration paid or due;
- The income tax reference number of that employee;
- Any further prescribed information;
- Employer Reconciliation return.

Schedule 6, paragraph 14(a)-(d) requires a retention period of 5 years from the date of submission or 5 years from the end of the relevant tax year, depending on the type of transaction for documents pertaining to:

- Amounts received by that registered micro business during a year of assessment;
- Dividends declared by that registered micro business during a year of assessment;
- Each asset as at the end of a year of assessment with cost price of more than R 10 000;
- Each liability as at the end of a year of assessment that exceeded R 10 000.

26.12 Value Added Tax Act, No 89 of 1991:

Section 15(9), 16(2) and 55(1)(a) of the Value Added Tax Act and Interpretation Note 31, 30 March requires a retention period of 5 years from the date of submission of the return for the documents mentioned below:

- Where a vendor's basis of accounting is changed the vendor shall prepare lists of debtors and creditors showing the amounts owing to the creditors at the end of the tax period immediately preceding the changeover period;
- Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS;
- Vendors are obliged to retain records of all goods and services, rate of tax applicable to the supply, list of suppliers or agents, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques;
- Documentary proof substantiating the zero rating of supplies;
- Where a tax invoice, credit or debit note, has been issued in relation to a supply by an agent

or a bill of entry as described in the Customs and Excise Act, the agent shall maintain sufficient records to enable the name, address and VAT registration number of the principal to be ascertained.

26. ELECTRONIC STORAGE:

- 26.1 The internal procedure requires electronic storage of information.
- 26.2 Important documents and information must be referred to and discussed with the IT department who will arrange for the indexing, storage and retrieval thereof. This will be done in conjunction with the departments concerned.
- 26.3 Scanned documents: If documents are scanned, the hard copy must be retained for as long as the information is used or for 1 year after the date of scanning, with the exception of documents pertaining to personnel. Any document containing information on the written particulars of an employee, including: employee's name and occupation, time worked by each employee, remuneration and date of birth of an employee under the age of 18 years; must be retained for a period of 3 years after termination of employment.
- 26.4 Section 51 of the Electronic Communications Act No 25 of 2005 requires that Personal Information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information and a record of any third party to whom the information was disclosed must be retained for a period of 1 year or for as long as the information is used. It is also required that all Personal Information which has become obsolete must be destroyed.

27. DESTRUCTION OF DOCUMENTS:

- 27.1 Documents may be destroyed after the termination of the retention period by way of in-house shredding. The Human Resources Department will request departments to attend to the destruction of their documents and these requests shall be attended to as soon as possible.
- 27.2 Each department is responsible for attending to the destruction of its documents, which must be done on a regular basis. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents

in the file. Original documents must be returned to the holder thereof, failing which, they should be retained by the Company pending such return.

27.3 After completion of the process in 27.2 above, the General Manager of the department shall, in writing, authorize the destruction of the documents.

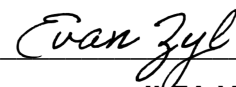
27.4 The documents are then made available for collection by the removers of the Company's documents, who also ensure that the documents are shredded before disposal. This also helps to ensure confidentiality of information.

27.5 Documents may also be stored off-site, in storage facilities approved by the Company.

SIGNED AT **PRETORIA** ON THIS THE **30TH** DAY OF **JUNE 2021**.



JOHAN LIEBENBERG
INFORMATION OFFICER



ILZA VAN ZYL
DEPUTY INFORMATION OFFICER