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In compliance with the Protection of Personal Information Act, 2013 (Act no 4 of 2013) (POPIA”) the institution has put the following policy in place in order to manage the Institution’s identified compliance obligations and compliance risk as contained in POPIA. This programme has been adopted as company policy.


### Adoption of POPIA Policy

I hereby confirm that the POPIA Policy has been adopted as company policy.

All representatives and staff are required to familiarise themselves with the POPIA policy, and to comply with the stated policy.

Signature	
Name & Surname	Amanda van der Merwe
Capacity	Chief Executive Officer
Date	10/05/2021



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## POPIA POLICY

In terms of section 14 of the Constitution of the Republic of South Africa, 1996, everyone has the right to privacy, that includes a right to protection against the unlawful collection, retention, dissemination and use of personal information. To respect, protect, promote and fulfil these the State has enacted the Protection of Personal Information Act, 2013 (Act 4 of 2013)

POPIA is an acronym used for the Protection of Personal Information Act, 2013 (Act 4 of 2013) and this acronym will be used in all of this company’s documentation when any reference is made to the Protection of Personal Information Act, 2013.

The main purposes of POPIA are: -

1. To promote the protection of personal information processed by public and private bodies.
2. To introduce certain conditions so as to establish minimum requirements for the processing of personal information.
3. Regulate the manner in which personal information may be processed.
4. Establishing conditions, that prescribe the requirements for the lawful processing of personal information.
5. To provide for the issuing of codes of conduct.
6. To provide for the rights of persons regarding unsolicited electronic communications and automated decision making.
7. To regulate the flow of personal information across the borders of the Republic.

### INTRODUCTION


**SDF Commodities (Pty) Ltd (Registration number: 2014/180612/07)** (hereinafter referred to as “the company”) is a “Private Body” as determined by POPIA. In the normal course of our business, we will be collecting, retaining, disseminating, using, and processing personal information of our clients to enable us to carry out our contractual duties, whether expressly and/or tacitly agreed.

The company, wholly subscribes, respect and support the rights and privileges conferred on all inhabitants of the Republic in terms of our Bill of Rights and we endeavour to comply to the best of our ability to all the laws of our land.

We further wish to confirm that the company and its personnel are committed to protect our clients’ right to privacy and assures our clients that their Personal Information will be used appropriately, transparently, securely and in accordance with applicable laws.

The policy is available on our website [www.sdfcorp.co.za](http://www.sdfcorp.co.za) and will be provided on request. A copy of our POPIA Manual is available on request as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).



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## POLICY

Our clients can rest assured that we will respect and protect their rights to privacy and the confidentiality of their personal information collected, processed, and stored by us.

We will only require and process your personal information for the purposes of rendering our services to you in a competent and professional manner, meaning it will only be processed for the purposes collected and we will ensure that the information obtained is adequate, relevant and not excessive.

It is our policy that our clients' personal information will only be obtained, processed, and stored in terms of the conditions for lawful processing of personal information as set out in Chapter 3 Part A of POPIA. These conditions are: -

- Condition 1 - Accountability
- Condition 2 – Processing limitation
- Condition 3 - Purpose specification
- Condition 4 – Further processing limitation
- Condition 5 – Information quality
- Condition 6 - Openness
- Condition 7 – Security safeguards
- Condition 8 – Data Subject participation


Due to the nature of our business and in the process of the fulfilment of our contractual obligations to our clients we will have to share some or all of the personal information obtained from a client with product providers and/or operators in order for us to be able to provide you with suitable advice and/or products and to keep records as required of us in legislation applicable to our industry.

It is therefore our policy that we will not share any personal information with any product provider and/or operator unless we are satisfied that they have sufficient safeguards in place to convince us that they will respect and protect our clients' right to privacy with the same commitment as us.

In terms of the personal information in our possession and/or control our clients have the following rights in order to protect and safeguard their personal information: -

- The Right to Access of their personal information
- The Right to Object to the processing of their personal information
- The Right to have their personal information Corrected or Deleted
- The Right to Object to have their personal information processed for the purpose of direct marketing
- The Right to Complain to the Information Regulator
- The Right to be Informed



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- that their personal information is being collected
- that their personal information has been accessed by or acquired by unauthorised person/s.

It is further our policy that we will assist our clients as far as possible to exercise any of their rights set out above.

It is our policy that we only keep personal information of our clients for as long as is required from us in terms of the applicable legislation in the financial services industry and/or as required in terms of other relevant South African legislation.

The financial services legislation requires us to keep records of clients' records for a period of 5 years after termination of the financial product concerned or after termination of the business relationship between the client and the institution whichever is the longest.

Should a client have a complaint about any alleged unlawful access and/or processing of their personal information, they must immediately contact our **Information Officer** at our business address. You will then be provided with the necessary forms and procedures for lodging a complaint. Should you so desire the company will assist you and take whatever steps in their power to help you minimise your exposure and/or any damages or potential damages you may suffer as a result thereof.

#### **Actual or Planned Transborder Flows of Personal Information**


The Company has no planned Transborder Flows of Personal Information.

#### **General Description of Information Security Measures**

The Institution employs up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. Measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers who process Personal Information on behalf of the company are contracted to implement security controls.




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**The company may supply the Personal Information to service providers who render the**

**FOLLOWING SERVICES:**

- Capturing and organising of data;
- Storing of data;
- Sending of e-mails and other correspondence to clients
- Conducting due diligence checks;
- Administration pertaining to the financial products on which the institution provides financial services;
- Product and service providers that the institution is contracted to enable them to quote and provide products and services that clients require.



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## POPIA MANUAL

### DEFINITIONS

In order to properly understand the full impact of the legislation and what is required of one it is vital that one understands the terminology being used in the Act. This is done by providing definitions in section 1 of the Act. The most important concepts to understand are listed below, however, it is important that all definitions are read and understood.

**“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person. This includes but is not limited to: -

- (a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person.
- (b) Information relating to the education or the medical, financial, criminal or employment history of the person.
- (c) Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- (d) The biometric information of the person.
- (e) The personal opinions, views, or preferences of the person.
- (f) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- (g) The views or opinions of another individual about the person; and
- (h) The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.


**“Special Personal Information”** means information relating to

- (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject.
- (b) the criminal behaviour of a data subject to the extent that such information relates to—
  - (i) the alleged commission by a data subject of any offence; or
  - (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

**“Child”** means a natural person under the age of 18 years who is not legally competent to make a decision, without the assistance of a competent person.

**“Consent”** – means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.



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**“Biometrics”** means a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.

**“Competent Person”** means any person who is legally competent to consent to any action or decision being taken in respect of any matter concerning a child.

**“Data Subject”** means the person to whom personal information relates.

**“De-identify”**, in relation to personal information of a data subject, means to delete any information that—

- (a) identifies the data subject.
- (b) can be used or manipulated by a reasonably foreseeable method to identify the data subject; or
- (c) can be linked by a reasonably foreseeable method to other information that identifies the data subject,

**“Direct Marketing”** means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of—

- (a) promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
- (b) requesting the data subject to make a donation of any kind for any reason.

**“Electronic Communication”** means any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient.


**“Fling System”** means any structured set of personal information, whether centralised, decentralised, or dispersed on a functional or geographical basis, which is accessible according to specific criteria.

**“Information Matching Programme”** means the comparison, whether manually 40 or by means of any electronic or other device, of any document that contains personal information about ten or more data subjects with one or more documents that contain personal information of ten or more data subjects, for the purpose of producing or verifying information that may be used for the purpose of taking any action in regard to an identifiable data subject;

**“Information Officer”** of, or in relation to, a—

- (a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or
- (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act.



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**“Operator”** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.

**“Person”** means a natural person or a juristic person.

**“Private Body”** means—

- (a) a natural person who carries or has carried on any trade, business, or profession, but only in such capacity;
- (b) a partnership which carries or has carried on any trade, business, or profession; or
- (c) any former or existing juristic person but excludes a public body.

**“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use.

- (a) dissemination by means of transmission, distribution or making available in any other form; or
- (b) merging, linking, as well as restriction, degradation, erasure, or destruction of information.

**“Public Body”** means—

- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- (b) any other functionary or institution when—
  - (i) exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
  - (ii) exercising a public power or performing a public function in terms of any legislation.


**“Public Record”** means a record that is accessible in the public domain and which is in the possession of or under the control of a public body, whether or not it was created by that public body.

**“Record”** means any recorded information—

- (a) regardless of form or medium, including any of the following:
  - (i) Writing on any material.
  - (ii) Information produced, recorded, or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded, or stored.
  - (iii) Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means.
  - (iv) Book, map, plan, graph or drawing.
  - (v) Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced.





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- (b) In the possession or under the control of a responsible party.
- (c) Whether or not it was created by a responsible party; and
- (d) Regardless of when it came into existence.

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

**“Unique Identifier”** means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

**Purpose of Processing:**

The institution processes the Personal Information under its care in the following manner:

1. The rendering of advice and intermediary services pertaining to financial products as authorised on the institution’s FSCA license;
2. Administration of said products;
3. Administration of staff;
4. Keeping of records as required in terms of the all legislation applicable to the institution


**Information Officer**

1. This Institution is a “Private Body” as defined in section 1 of POPIA, and in terms of the definition of “Information “Officer” <sup>1</sup> .
2. The Information Officer as far as a private body is concerned, means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act. PAIA defines the head of a private body as:
  - 2.1. *in the case of a natural person, that natural person or any person duly authorised by that natural person;*
  - 2.2. *in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;*
  - 2.3. *in the case of a juristic person—*
    - 2.3.1. *the chief executive officer or equivalent officer of the juristic person or*
    - 2.3.2. *any person duly authorised by that officer; or*
    - 2.3.3. *the person who is acting as such or any person duly authorised by such acting person;*

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<sup>1</sup> in section 1 paragraph (b) of the definition of Information Officer



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3. The Information Officer has the following obligations in terms of the Act and Regulations:
  - 3.1. Must encourage compliance, by the body, with the conditions for the lawful processing of personal information;
  - 3.2. Must deal with requests made to the body pursuant to this Act;
  - 3.3. Must work with the Regulator in relation to investigations conducted pursuant to Chapter 6 in relation to the body and otherwise ensure compliance by the body with the provisions of this Act; and
  - 3.4. As may be prescribed.
  - 3.5. Must ensure that a compliance framework is developed, implemented, monitored, and maintained.
  - 3.6. Must do a personal information impact assessment to ensure that adequate measures and standards exist in the Body to ensure compliance with the conditions for the lawful processing of personal information;
  - 3.7. Must ensure that a POPIA manual is developed, monitored, maintained, and made available as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
  - 3.8. Must ensure that internal measures are developed together with adequate systems to process requests for information or access thereto; and
  - 3.9. Internal awareness sessions are conducted regarding the provisions of the Act, regulations made in terms of the Act, codes of conduct, or information obtained from the Regulator.
  - 3.10. The information officer shall upon request by any person, provide copies of the manual to that person upon the payment of a fee to be determined by the Regulator from time to time.
4. The Information Officer may appoint a number of persons, if any, as Deputy Information Officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of this Act.
5. Information Officers must take up their duties in terms of this Act only after the responsible party has registered them with the Regulator.




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### Categories of Data Subjects and their Personal Information

The Institution may collect, process and store records relating to personal information of suppliers, shareholders/members, representatives, Independent Contractors, other contractors service providers, product providers, referral agents, staff, and clients:

Entity Type	Personal Information Processed
Clients: Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; confidential correspondence
Clients – Juristic Persons / Entities & Trusts	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Clients – Foreign Persons / Entities	Names; contact details; physical and postal addresses; date of birth; Passport number Tax related information; nationality; gender; confidential correspondence
Representatives: Employees	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Representatives: Independent Contractors	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being;



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- Storing of data;
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Should a any data subject request access to their personal information, request to update their personal information, wish to object to the processing of their personal information or lodge a complaint one of the following documents must be used. The prescribed forms can be obtained from the Information Regulator’s website, or from the Institution’s copy of the Regulations to the Act.

1. FORM 1 - Objection to The Processing of Personal Information in terms of Section 11(3)
2. FORM 2 – Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information in terms of Section 24(1)
3. FORM 4 - Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing in terms of Section 69(2).
4. FORM 5 - Complaint Regarding Interference with the Protection of Personal Information or a Complaint Regarding Determination of an Adjudicator in terms of Section 74

