



Masterbatch SA (Pty) Ltd

(hereinafter referred to as “Masterbatch”)

(Registration no.: 2004/007881/07)

## PROTECTION OF PERSONAL INFORMATION POLICY

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## 1 EXECUTIVE SUMMARY

- 1.1 The right to privacy is an integral human right recognised and protected in the South African Constitution. It is endorsed by the provisions of both the Protection of Personal Information Act 4 of 2013 ("POPIA") and the Promotion of Access to Information Act 2 of 2000 ("PAIA").
- 1.2 POPIA specifically aims to promote the protection of personal information by providing eight conditions for the lawful processing of personal information.
- 1.3 Through the rendering or provision of products and services, Masterbatch is involved in the collection, use and disclosure of certain aspects of the personal information of its clients, employees, and other stakeholders.
- 1.4 The purpose of this policy is therefore to inform data subjects about how Masterbatch processes their personal information.

## 2 OBJECTIVE

- 2.1 This objective of this policy is to protect Masterbatch from the compliance risks associated with the protection of personal information.
- 2.2 This policy demonstrates Masterbatch's commitment to protecting the privacy rights of data subjects in the following manner:
  - 2.2.1 By cultivating an organisational culture that recognises privacy as a valuable human right.
  - 2.2.2 By developing and implementing internal controls for the purpose of managing the compliance risk associated POPIA.
  - 2.2.3 By creating business practices that will provide reasonable assurance that the rights of data subjects are protected and balanced with the legitimate business needs of Masterbatch.
  - 2.2.4 By assigning specific duties and responsibilities to control owners, including the appointment of an information officer and where necessary, Deputy information officers in order to protect the interests of Masterbatch and data subjects.
  - 2.2.5 By raising awareness through training and providing guidance to individuals who process personal information so that they can act confidently and consistently.

## 3 SCOPE

- 3.1 This policy is relevant to Masterbatch, which includes:
  - 3.1.1 Masterbatch's governing body;

- 3.1.2 Branches and business units of Masterbatch;
  - 3.1.3 Employees and independent contractors;
  - 3.1.4 Customers; and
  - 3.1.5 Suppliers.
- 3.2 POPIA does not apply in situations where the processing of personal information:
- 3.2.1 is concluded in the course of purely personal or household activities, or
  - 3.2.2 where the personal information has been de-identified.

#### 4 STATEMENT

- 4.1 This policy forms part of the Masterbatch's internal business processes and procedures.
- 4.2 Masterbatch's governing body, its employees, volunteers, contractors, suppliers, and any other person/s acting on behalf of Masterbatch are required to familiarise themselves with this policy's requirements and further undertake to comply with the stated processes and procedures contained herein.

#### 5 DEFINITIONS

- 5.1 **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.
- 5.2 **Consent:** Means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.
- 5.3 **Data Subject:** This refers to the natural or juristic person to whom personal information relates, such as a client, customer, employees, or a company that supplies Masterbatch with products or other goods.
- 5.4 **De-Identify:** This means to delete any information that identifies a data subject, or which can be used by a reasonably foreseeable method to identify, or when linked to other information, that identifies the data subject.
- 5.5 **Direct Marketing:** Means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:
  - 5.5.1 Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
  - 5.5.2 Requesting the data subject to donate any kind for any reason.

- 5.6 **Filing 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.
- 5.7 **Information Officer:** The information officer is responsible for ensuring Masterbatch's compliance with POPIA.
- 5.8 **Information Regulator:** Means the Regulatory body established in terms of s.39 of POPIA.
- 5.9 **Processing:** The act of processing information includes any activity or any set of operations, whether or not by automatic means, concerning personal information and includes:
- 5.9.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use;
  - 5.9.2 dissemination by means of transmission, distribution or making available in any other form; or
  - 5.9.3 merging, linking, as well as any restriction, degradation, erasure, or destruction of information.
- 5.10 **Record:** Means any recorded information, regardless of form or medium, including:
- 5.10.1 Writing on any material;
  - 5.10.2 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;
  - 5.10.3 Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means;
  - 5.10.4 Book, map, plan, graph, or drawing;
  - 5.10.5 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.
- 5.11 **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. In this case, Masterbatch is the responsible party.
- 5.12 **Operator:** An 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.

- 5.13 **Personal Information:** Personal information is any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:
- 5.13.1 race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language, and birth of a person;
  - 5.13.2 information relating to the education or the medical, financial, criminal or employment history of the person;
  - 5.13.3 any identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
  - 5.13.4 the biometric information of the person;
  - 5.13.5 the personal opinions, views, or preferences of the person;
  - 5.13.6 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence
  - 5.13.7 the views or opinions of another individual about the person;
  - 5.13.8 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- 5.14 **Special Personal Information:** Means personal information concerning a data subject's religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sexual life, biometric information or criminal behaviour; and
- 5.15 **Third Party:** Means any independent contractor, agent, consultant, sub-contractor or other representative of Masterbatch.
- 5.16 This policy applies to personal information collected by Masterbatch in connection with the goods and services which Masterbatch provides and offers. This includes information collected directly from you as a data subject, as well as information we collect indirectly through our third party service providers who collect your information on our behalf.
- 5.17 This privacy policy does not apply to the information practices of third party companies who we may engage with in relation to our business operations (including, without limitation, their websites, platforms and/or applications) which we do not own or control; or individuals that Masterbatch does not manage or employ. These third party sites may have their own privacy policies and terms and conditions and we encourage you to read them before using them.

## 6 RIGHTS OF DATA SUBJECTS

Where appropriate, Masterbatch will ensure that its clients and/or customers are made aware of the rights conferred upon them as data subjects. Masterbatch will ensure that it gives effect to the following rights listed below. To exercise any of the below rights, please submit all requests or forms using the details provided in paragraph 6.8 to Masterbatch's information officer.

### 6.1 RIGHT OF ACCESS

6.1.1 Masterbatch recognises that a data subject has the right to establish whether Masterbatch holds personal information related to him, her or it, including the right to request access to that personal information. POPIA read with the relevant provisions of PAIA confers certain access rights on data subjects. The Masterbatch PAIA Manual can be found [HERE](#) ("**PAIA Manual**").

6.1.2 A data subject, having provided adequate proof of identity has the right to: (i) request a responsible party to confirm whether any personal information is held about the data subject; and/or (ii) request from a responsible party a description of the personal information held by the responsible party including information about third parties who have or have had access to the personal information. A data subject may request:

6.1.2.1 Masterbatch to confirm, free of charge, whether it holds any personal information about him/her/it; and

6.1.2.2 to obtain from Masterbatch the record or description of personal information concerning him/her/it and any information regarding the recipients or categories of recipients who have or had access to the personal information. Such record or description is to be provided: (a) within a reasonable time; and (b) in a reasonable manner and format and in a form that is generally understandable.

6.1.3 The Masterbatch "Personal Information Request Form" attached as Annexure A must be used in order to fulfil the right to access outlined above.

### 6.2 RIGHT TO CORRECTION OR DELETION

6.2.1 The data subject has the right to request, where necessary, that his, her or its personal information must be corrected or deleted where Masterbatch is no longer authorised to retain the personal information or where its personal information is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.

6.2.2 On receipt of such a request, Masterbatch is required to, as soon as is reasonably practicable:

6.2.2.1 correct the information;

- 6.2.2.2 delete or destroy the information;
- 6.2.2.3 provide the data subject with evidence in support of the information; or
- 6.2.2.4 where the data subject and responsible party cannot reach agreement on the request and if the data subject requests this, Masterbatch will take reasonable steps to attach to the information an indication that correction has been requested but has not been made.

### 6.3 RIGHT TO OBJECT TO THE PROCESSING OF PERSONAL INFORMATION

- 6.3.1 The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information. In such circumstances, Masterbatch will give due consideration to the request and the requirements of POPIA. Masterbatch may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.

### 6.4 RIGHT TO OBJECT TO DIRECT MARKETING

- 6.4.1 The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communication.

### 6.5 RIGHT TO COMPLAIN

- 6.5.1 The data subject has the right to submit a complaint regarding an alleged infringement of any of the rights protected under POPIA. Masterbatch takes all complaints seriously and will address all complaints accordingly.
- 6.5.2 The data subject also has the right to submit a complaint directly to the Information Regulator where they allege an infringement of any of their privacy rights. Masterbatch "POPIA Complaint Form" attached as Annexure B.

### 6.6 RIGHT TO BE INFORMED

- 6.6.1 The data subject has the right to be notified that his, her or its personal information is being collected by Masterbatch.
- 6.6.2 The data subject also has the right to be notified in any situation where Masterbatch has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.

## 6.7 TIME PERIODS

6.7.1 Masterbatch will respond to each written request of a data subject not later than 30 days after receipt of such requests. Under certain circumstances, Masterbatch may, however, extend the original period of 30 days once for a further period of not more than 30 days.

6.7.2 A data subject has the right to make a complaint to Masterbatch in respect of this time limit by contacting Masterbatch using the contact details provided in 6.8:

## 6.8 CONTACT DETAILS

6.8.1 All comments, questions, concerns or complaints regarding your Personal Information or this policy, should be forwarded to our information officer **Anthony van Niekerk**

6.8.1.1 Tel: **011 975 0222 ;**

6.8.1.2 Address: **13 Spanner Road, Spartan, Kempton Park, 1619;**

6.8.1.3 Postal: **PO Box 4541, Atlasville, Benoni, 1465;**

6.8.1.4 Email: **informationofficer@masterbatch.co.za;**

6.8.2 If a data subject is unsatisfied with the manner in which Masterbatch addresses any complaint with regard to the Masterbatch's processing of personal information, the data subject can contact the office of the information regulator, the details of which are set out below:

6.8.2.1 Website: <http://justice.gov.za/inforeg/>

6.8.2.2 Tel: 012 406 4818

6.8.2.3 Fax: 086 500 3351

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

## 7 EIGHT PRINCIPLES OF POPIA

All employees and persons acting on behalf of Masterbatch will at all times be subject to, and act in accordance with, the following principles of POPIA:

### 7.1 ACCOUNTABILITY

7.1.1 Masterbatch will ensure that the provisions of POPIA and the guiding principles outlined in this policy are complied with through the encouragement of desired behaviour. However, Masterbatch will take appropriate actions, which may include disciplinary action, against those individuals who through their intentional or negligent actions and/or omissions fail to comply with the principles and responsibilities outlined in this policy.

### 7.2 PROCESSING LIMITATION

7.2.1 Masterbatch will ensure that personal information under its control is processed:

7.2.1.1 in a fair, lawful, and non-excessive manner, and

7.2.1.2 only with the informed consent of the data subject, and

7.2.1.3 only for a specifically defined purpose.

7.2.2 Masterbatch will inform the data subject of the reasons for collecting his, her or its personal information and obtain written consent prior to processing personal information.

7.2.3 Where applicable, the data subject must be informed of the possibility that their personal information will be shared with other aspects of Masterbatch's business and be provided with the reasons for doing so.

7.2.4 Where Masterbatch is the responsible party, it will only process a data subject's personal information (other than for special personal information) where:

7.2.4.1 consent of the data subject (or a competent person, where the data subject is a child) is obtained;

7.2.4.2 processing is necessary to carry out the actions for conclusion of a contract to which a data subject is party;

7.2.4.3 processing complies with an obligation imposed by law on Masterbatch;

7.2.4.4 processing protects a legitimate interest of the data subject; and/or

7.2.4.5 processing is necessary for pursuing the legitimate interests of Masterbatch or of a third party to whom the information is supplied.

- 7.2.5 Masterbatch will only process personal information where one of the legal bases referred to above are present.
- 7.2.6 Where required (i.e., where we are not relying on a legal ground listed above), Masterbatch will obtain the data subject's consent prior to collecting, and in any case prior to using or disclosing, the personal information for any purpose.
- 7.2.7 Masterbatch will make the manner and reason for which the personal information will be processed clear to the data subject.
- 7.2.8 Where Masterbatch is relying on a data subject's consent as the legal basis for processing personal information, the data subject may withdraw his/her/its consent or may object to Masterbatch's processing of the personal information at any time. However, this will not affect the lawfulness of any processing carried out prior to the withdrawal of consent or any processing justified by any other legal ground provided under POPIA.
- 7.2.9 If the consent is withdrawn or if there is otherwise a justified objection against the use or the processing of such personal information, Masterbatch will ensure that the personal information is no longer processed.
- 7.2.10 Special personal information is sensitive personal information of a data subject and Masterbatch acknowledges that it will generally not process special personal information unless:
- 7.2.10.1 processing is carried out in accordance with the data subject's consent;
  - 7.2.10.2 processing is necessary for the establishment, exercise or defence of a right or obligation in law;
  - 7.2.10.3 processing is for historical, statistical or research purposes, subject to stipulated safeguards;
  - 7.2.10.4 information has deliberately been made public by the data subject; or
  - 7.2.10.5 specific authorisation applies in terms of POPIA.
- 7.2.11 Masterbatch acknowledges that it may not process any personal information concerning a child and will only do so where it has obtained the consent of the parent or guardian of that child or where it is permitted to do so in accordance with applicable laws.
- 7.3 PURPOSE SPECIFICATION
- 7.3.1 Masterbatch's business units and operations must be informed by the principle of transparency. Masterbatch will process personal information only for specific, explicitly

defined, and legitimate reasons. Masterbatch will inform data subjects of these reasons prior to collecting or recording the data subject's personal information. It will ensure that there is a legal basis for the processing of any personal information. Further, Masterbatch will ensure that processing will relate only to the purpose for and of which the data subject has been made aware (and where relevant, consented to) and will not process any personal information for any other purpose(s).

7.3.2 Masterbatch will generally use personal information for purposes required to operate and manage its normal business operations and these purposes include one or more of the following non-exhaustive purposes:

7.3.2.1 for the purposes of providing its products or services to customers and where relevant, for purposes of doing appropriate customer onboarding;

7.3.2.2 for purposes of onboarding suppliers as approved suppliers of Masterbatch. For this purpose, Masterbatch will also process a supplier's personal information for purposes of performing credit checks, and this may include engaging third party credit vetting agencies;

7.3.2.3 for purposes of monitoring the use of Masterbatch's electronic systems and online platforms by consumers. Masterbatch will, from time to time, engage third party service providers (who will process the data subject's personal information on behalf of Masterbatch) to facilitate this;

7.3.2.4 for purposes of preventing, discovering and investigating non-compliance with this policy and other Masterbatch policies, and investigating fraud, or other related matters;

7.3.2.5 in connection with the execution of payment processing functions, including payment of Masterbatch suppliers' invoices;

7.3.2.6 to provide a service to Masterbatch customers in terms of a relevant services agreements;

7.3.2.7 for employment-related purposes such as recruitment, administering payroll and carrying out background checks;

7.3.2.8 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);

7.3.2.9 in connection with external audit purposes. For this purpose, Masterbatch engages external service providers and, in so doing, shares personal information of the data subjects with third parties;

- 7.3.2.10 to respond to any correspondence that Masterbatch's customers may send to Masterbatch, including via email or by telephone;
- 7.3.2.11 to contact the data subject for direct marketing purposes subject to the provisions of section 9 below;
- 7.3.2.12 in order to address customer complaints in respect of Masterbatch's products and services;
- 7.3.2.13 for such other purposes to which the data subject may consent from time to time; and
- 7.3.2.14 for such other purposes as authorised in terms of applicable law.

#### 7.4 FURTHER PROCESSING LIMITATION

- 7.4.1 Personal information will not be processed for a secondary purpose unless that processing is compatible with the original purpose.

#### 7.5 INFORMATION QUALITY

- 7.5.1 Masterbatch will take reasonable steps to ensure that all personal information collected is complete, accurate and not misleading.
- 7.5.2 Where personal information is collected or received from third parties, Masterbatch will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.
- 7.5.3 Masterbatch may not always expressly request the data subject to verify and update his/her/its personal information unless this process is specifically necessary.
- 7.5.4 Masterbatch, however, expects that the data subject will notify Masterbatch from time to time in writing of any updates required in respect of his/her/its personal information.

#### 7.6 OPENNESS

- 7.6.1 Masterbatch will take reasonable steps to ensure that data subjects are notified, made aware that their personal information is being collected including the purpose for which it is being collected and processed.

#### 7.7 SECURITY SAFEGUARDS

- 7.7.1 Masterbatch will manage the security of its filing system to ensure that personal information is adequately protected. To this end, security controls will be implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification, or destruction.

- 7.7.2 Masterbatch will continuously review its security controls which will include regular testing of protocols and measures put in place to combat cyber-attacks on Masterbatch's IT network infrastructure.
- 7.7.3 Masterbatch will ensure that all paper and electronic records comprising personal information are securely stored and made accessible only to authorised individuals.
- 7.7.4 All new employees will be required to sign employment contracts containing contractual terms for the use and storage of employee information. Confidentiality clauses will also be included to reduce the risk of unauthorised disclosures of personal information for which Masterbatch is responsible.
- 7.7.5 All existing employees will, after the required consultation process has been followed, be required to sign an addendum to their employment contract containing the relevant consent and confidentiality clauses.
- 7.7.6 Masterbatch's operators and third-party service providers will be required to enter into service level agreements with Masterbatch where both parties pledge their mutual commitment to POPIA and the lawful processing of any personal information pursuant to the agreement.
- 7.8 DATA SUBJECT PARTICIPATION
- 7.8.1 A data subject may request the correction or deletion of his, her or its personal information held by Masterbatch.
- 7.8.2 Masterbatch will ensure that it provides a facility for data subjects who want to request the correction or deletion of their personal information.

## 8 STORAGE

- 8.1.1 Masterbatch may store your personal information in hardcopy format and/or in electronic format using Masterbatch's own secure on-site servers or other internally hosted technology. Your personal information may also be stored by third parties or other Masterbatch affiliate companies, via cloud services or other technology, with whom Masterbatch has contracted with, to support Masterbatch's business operations.
- 8.1.2 Masterbatch's third party service providers, including data storage and processing providers, may from time to time also have access to a data subject's personal information in connection with purposes for which the personal information was initially collected to be processed.
- 8.1.3 Masterbatch will ensure that such third party service providers will process the personal information in accordance with the provisions of this policy, all other relevant internal policies and procedures and POPIA.

- 8.1.4 These third parties do not use or have access to your personal information other than for purposes specified by us, and Masterbatch requires such parties to employ at least the same level of security that Masterbatch uses to protect your personal data.
- 8.1.5 Your personal information may be processed in South Africa or another country where Masterbatch, its affiliates and their third party service providers maintain servers and facilities and Masterbatch will take steps, including by way of contracts, to ensure that it continues to be protected, regardless of its location, in a manner consistent with the standards of protection required under applicable law.

## 9 PERSONAL INFORMATION FOR DIRECT MARKETING PURPOSES

- 9.1.1 To the extent that Masterbatch carries out direct marketing, it shall strive to observe, and comply with its obligations under POPIA when implementing principles and practices in relation to direct marketing.
- 9.1.2 Masterbatch acknowledges that it may only use personal information to contact the data subject for purposes of direct marketing from time to time where it is permissible to do so.
- 9.1.3 It may use personal information to contact any data subject and/or market Masterbatch's services directly to the data subject(s) if the data subject is one of Masterbatch's existing clients, the data subject has requested to receive marketing material from Masterbatch or Masterbatch has the data subject's consent to market its services directly to the data subject.
- 9.1.4 If the data subject is an existing client, Masterbatch will only use his/her/its personal information if it has obtained the personal information through the provision of a service to the data subject and only in relation to similar services to the ones Masterbatch previously provided to the data subject.
- 9.1.5 Masterbatch will ensure that a reasonable opportunity is given to the data subject to object to the use of their personal information for Masterbatch's marketing purposes when collecting the personal information and on the occasion of each communication to the data subject for purposes of direct marketing.
- 9.1.6 Masterbatch will not use your personal information to send you marketing materials if you have requested not to receive them. If you request that we stop processing your personal information for marketing purposes, Masterbatch shall do so. We encourage that such requests to opt-out of marketing be made via forms and links provided for that purpose in the marketing materials sent to you

## 10 RETENTION OF RECORDS

- 10.1.1 Masterbatch may keep records of the personal information it has collected, correspondence, or comments in an electronic or hardcopy file format.
- 10.1.2 In terms of POPIA, Masterbatch may not retain personal information for a period longer than is necessary to achieve the purpose for which it was collected or processed and is required to delete, destroy (in such a way that it cannot be reconstructed) or de-identify the information as soon as is reasonably practicable once the purpose has been achieved. This prohibition will not apply in the following circumstances:
- 10.1.2.1 Where the retention of the record is required or authorised by law;
- 10.1.2.2 Masterbatch requires the record to fulfil its lawful functions or activities;
- 10.1.2.3 Retention of the record is required by a contract between the parties thereto;
- 10.1.2.4 The data subject (or competent person, where the data subject is a child) has consented to such longer retention; or
- 10.1.2.5 The record is retained for historical, research or statistical purposes provided safeguards are put in place to prevent use for any other purpose.
- 10.1.3 Accordingly, Masterbatch will, subject to the exceptions noted in this policy, retain personal information for as long as necessary to fulfil the purposes for which that personal information was collected and/or as permitted or required by applicable law.
- 10.1.4 Where Masterbatch retains personal information for longer periods for statistical, historical or research purposes, Masterbatch will ensure that appropriate safeguards have been put in place to ensure that all recorded personal information will continue to be processed in accordance with this policy and applicable laws.
- 10.1.5 Once the purpose for which the personal information was initially collected and processed no longer applies or becomes obsolete, Masterbatch will ensure that the personal information is deleted, destroyed or de-identified sufficiently so that a person cannot re-identify such personal information. In instances where we de-identify your personal information, Masterbatch may use such de-identified information indefinitely.

## 11 DATA BREACHES

- 11.1.1 A data breach refers to any incident in terms of which reasonable grounds exist to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person.
- 11.1.2 A data breach can happen for many reasons, which include: (a) loss or theft of data or equipment on which personal information is stored; (b) inappropriate access

controls allowing unauthorised use; (c) equipment failure; (d) human error; (e) unforeseen circumstances, such as a fire or flood; (f) deliberate attacks on systems, such as hacking, viruses or phishing scams; and/or (g) alteration of personal information without permission and loss of availability of personal information.

- 11.1.3 Masterbatch will address any data breach in accordance with the terms of POPIA.
- 11.1.4 Masterbatch will notify the regulator and the affected data subject (unless the applicable law requires that we delay notification to the data subject) in writing in the event of a data breach (or a reasonable belief of a data breach) in respect of that data subject's personal information.
- 11.1.5 Masterbatch will provide such notification as soon as reasonably possible after it has become aware of any data breach in respect of such data subject's personal information.

## 12 DUTIES AND RESPONSIBILITIES

### 12.1 MASTERBATCH AND INFORMATION OFFICER

- 12.1.1 Masterbatch's senior management and its information officer are ultimately responsible for ensuring that Masterbatch meets its legal obligations in terms of POPIA.
- 12.1.2 The default information officer in terms of PAIA may however delegate some of its responsibilities in terms of POPIA to management or other capable individuals.
- 12.1.3 Once appointed, Masterbatch will register the information officer with the information regulator prior to the performance of his or her duties.
- 12.1.4 Masterbatch's information officer is responsible for:
  - 12.1.4.1 Encouraging and ensuring compliance in Masterbatch with the conditions of POPIA;
  - 12.1.4.2 Dealing with requests made to Masterbatch in accordance with POPIA;
  - 12.1.4.3 Working with the Information Regulator in relation to investigations conducted regarding Chapter 6 of POPIA which deals with "prior authorisation";
  - 12.1.4.4 Ensuring that a compliance framework is developed, implemented, monitored, and maintained;
  - 12.1.4.5 Developing a PAIA Manual that is readily available and implement a plan to monitor and maintain the Manual;
  - 12.1.4.6 Developing internal measures, together with adequate systems, to process 'requests for access to information';
  - 12.1.4.7 Ensuring training regarding POPIA is conducted internally; and

12.1.4.8 Keeping the governing body updated about Masterbatch's information protection responsibilities under POPIA. For instance, in the case of a security breach, the information officer must inform and advise the governing body of their obligations pursuant to POPIA.

12.1.5 All persons responsible for the processing of personal information on behalf of Masterbatch:

12.1.5.1 are appropriately trained and supervised to do so; and

12.1.5.2 understand that they are contractually obligated to protect the personal information they come into contact with and are aware that a wilful or negligent breach of this policy's processes and procedures may lead to disciplinary action being taken against them.

## 12.2 MARKETING DEPARTMENT

12.2.1 Masterbatch's Marketing department is responsible for:

12.2.1.1 Approving and maintaining the protection of personal information statements and disclaimers that are displayed on Masterbatch's website, including those attached to communications such as emails and electronic newsletters.

12.2.1.2 Addressing any personal information protection queries from journalists or media outlets such as newspapers.

12.2.2 Where necessary, working with persons acting on behalf of Masterbatch to ensure that any outsourced marketing initiatives comply with POPIA.

## 12.3 EMPLOYEES AND OTHER PERSONS ACTING ON BEHALF OF MASTERBATCH

12.3.1 Employees and other persons acting on behalf of Masterbatch are required to treat personal information as a confidential business asset and to respect the privacy of data subjects.

12.3.2 Employees and other persons acting on behalf of Masterbatch may not directly or indirectly, utilise, disclose or make public in any manner to any person or third party, any personal information, unless such information is already publicly known or the disclosure is necessary in order for the employee or person to perform his or her duties.

12.3.3 Employees and other persons acting on behalf of Masterbatch must ensure that they comply with this policy.

### 13 RECORDS HELD BY MASTERBATCH

The information is classified and grouped according to records relating to the following subjects and categories:

SUBJECT	CATEGORY * this list is not exhaustive
<b>Company Act Records</b>	<ul style="list-style-type: none"> <li>▪ All trust deeds;</li> <li>▪ Documents of Incorporation; Index of names of Directors; Memorandum of Incorporation;</li> <li>▪ Minutes of meetings of the Board of Directors; Minutes of meetings of Shareholders;</li> <li>▪ Proxy forms;</li> <li>▪ Register of debenture-holders;</li> <li>▪ Register of directors' shareholdings; Share certificates;</li> <li>▪ Records relating to the appointment of: Auditors; and</li> <li>▪ Directors; Prescribed Officer. Public Officer.</li> </ul>
<b>Financial Records</b>	<ul style="list-style-type: none"> <li>▪ Accounting Records;</li> <li>▪ Annual Financial Reports;</li> <li>▪ Annual Financial Statements Asset Registers;</li> <li>▪ Bank Statements;</li> <li>▪ Banking details and bank accounts;</li> <li>▪ Banking Records;</li> <li>▪ Debtors / Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation;</li> <li>▪ Invoices;</li> <li>▪ Paid Cheques;</li> <li>▪ Policies and procedures; Rental Agreements; and</li> <li>▪ Tax Returns.</li> </ul>
<b>Income Tax Records</b>	<ul style="list-style-type: none"> <li>▪ PAYE Records;</li> <li>▪ Documents issued to employees for income tax purposes;</li> <li>▪ Records of payments made to SARS on behalf of employees; and</li> <li>▪ All other statutory compliances:               <ul style="list-style-type: none"> <li>○ VAT;</li> <li>○ Regional Services Levies Skills Development Levies UIF; and</li> <li>○ Workmen's Compensation.</li> </ul> </li> </ul>
<b>Personnel Records</b>	<ul style="list-style-type: none"> <li>▪ Employment Contracts;</li> <li>▪ Employment Equity Plan Forms and Applications;</li> <li>▪ Grievance Procedures;</li> <li>▪ Leave Records;</li> <li>▪ Medical Aid Records;</li> <li>▪ Payroll reports;</li> <li>▪ Pension Fund Records;</li> <li>▪ Safety, Health and Environmental records;</li> <li>▪ Salary Records;</li> <li>▪ SETA records;</li> <li>▪ Standard letters and notices Training Manuals;</li> <li>▪ Training Records; and</li> <li>▪ Workplace and Union agreements and records.</li> </ul>
<b>Procurement Department</b>	<ul style="list-style-type: none"> <li>▪ Standard Terms and Conditions for supply of services and products;</li> <li>▪ Contractor, client, and supplier agreements;</li> <li>▪ Lists of suppliers, products, services, and distribution; and</li> <li>▪ Policies and Procedures.</li> </ul>
<b>Client Records</b>	<ul style="list-style-type: none"> <li>▪ Client details;</li> <li>▪ Credit application information; and</li> <li>▪ Information and records provided by a third party.</li> </ul>

SUBJECT	CATEGORY * this list is not exhaustive
Marketing Department	Advertising and promotional material.
IT Department	<ul style="list-style-type: none"> <li>▪ Computer/ mobile device usage policy documentation; Disaster recovery plans;</li> <li>▪ Hardware asset registers;</li> <li>▪ Information security policies/ standards/ procedures;</li> <li>▪ Information technology systems and user manuals;</li> <li>▪ Information usage policy documentation;</li> <li>▪ Project implementation plans; Software licensing; and</li> <li>▪ System documentation and manuals.</li> </ul>



PERSONAL INFORMATION REQUEST FORM	
<b>D. Signature Page</b>	
Signature	
Date	

**ANNEXURE B – POPIA COMPLAINT FORM**

POPIA COMPLAINT FORM	
<p>Masterbatch is committed to safeguarding your privacy and the confidentiality of your personal information and we are bound by the Protection of Personal Information Act.</p>	
<b>Please submit the completed form to the information officer:</b>	
Name & Surname	
Contact Number	
Email Address	
<p>Where we are unable to resolve your complaint, to your satisfaction you have the right to submit a complaint to the Information Regulator.</p> <p><b>Email:</b> <a href="mailto:inforreg@justice.gov.za">inforreg@justice.gov.za</a></p>	
<b>A. Particulars of Complainant:</b>	
Name & Surname	
Identity Number	
Postal Address	
Contact Number	
Email Address	
<b>B. Details of Complaint</b>	
<b>C. Desired Outcome</b>	

POPIA COMPLAINT FORM	
<b>D. Signature Page</b>	
Signature	
Date	