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AfriShore (Pty) Ltd | Co Reg # 2015/231861/07 | Vat # 4320276738

PO Box 751 | 62 Montagu Street | Mossel Bay | 6500

Republic of South Africa

SECTION 51 MANUAL

IN TERMS OF

THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)

INCORPORATING ADDITIONAL REQUIREMENTS OF

PROTECTION OF PERSONAL INFORMATION IN TERMS OF

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2014

PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

DATE OF COMPILATION JUNE 2021

FOR

AFRISHORE PTY LTD

AFRISHORE SHIPPING PTY LTD

AFRISHORE LIFTING & RIGGING

(This is a manual as prescribed by the Act and will be lodged with the Human Rights Council. As it is not a policy it is not in the standard format)



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1. PURPOSE OF THE MANUAL/THE ACT

This manual:

- For the purposes of PAIA, details the procedure to be followed by a Requester and the manner in which a Request for Access will be facilitated, and
- For the purposes of POPIA, amongst other things, details the purpose for which Personal Information may be processed; a description of the categories of Data Subjects for whom the company processes personal information as well as the categories of personal information relating to such data subjects, and the recipients to whom personal information may be supplied.
- POPI requires the company to inform their clients as to the manner in which their personal information is used, disclosed, and destroyed.
- The company guarantees its commitment to protecting its client's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.
- The manual sets out the manner in which the company deals with their client's personal information as well as and stipulates the purpose for which said information is used.

The Act (Section 51(1) (b))

- The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- The contact details of the Commission are:

-
Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

2. INTRODUCTION

Afrishore group is a logistics company in the oil & gas industry servicing both local and international clients. Afrishore Lifting & Rigging assembles and retail related products for the oil & gas industry, fishing, agriculture, forestry and building industries.

SECTION 51 MANUAL FOR
AFRISHORE PTY LTD
AFRISHORE SHIPPING PTY LTD
AFRISHORE LIFTING & RIGGING



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3. COMPANY CONTACT DETAILS

INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT

POSTAL ADDRESS OF HEAD OF COMPANY / INFORMATION OFFICER:

P.O. BOX 751, MOSSEL BAY, 6500

PHYSICAL ADDRESS OF HEAD OF COMPANY

62 MONTAGU STREET, MOSSEL BAY, 6500

TEL. No OF HEAD OF COMPANY

+27 (0) 44-6913218

FAX. No OF HEAD OF COMPANY

+27 (0) 044-6907784

EMAIL ADDRESS OF HEAD OF COMPANY

shirley@afrishore.co.za

WEBSITE

www.afrishore.co.za

4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51 (1)(b)

A guide has been compiled in terms of Section 10 of PAIA by:

SHIRLEY SCHMIDT (INFORMATION OFFICER)

AND

ELIZABETH TAYLOR (DEPUTY INFORMATION OFFICER).

It contains information required by a person wishing to exercise any right, contemplated by PAIA.

This Guide is available for inspection, inter alia, at the office of **AFRISHORE PTY LTD**

at the physical address above and at the SAHRC.

4.1 PERSONAL INFORMATION COLLECTED

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."



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The company collects and processes client's personal information pertaining to the client's 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, the company 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:

- The Client's Identity /Passport number, name, surname, address, postal code, marital status.
- Description of the client's residence, business, assets; financial information, banking details, etc-.

The company also collects and processes the client's personal information for marketing purposes in order to ensure that our products and services remain relevant to our clients and potential clients.

The company aims to have agreements in place with all product suppliers, insurers and third-party service providers to ensure a mutual understanding with regard to the protection of the client's personal information. The company's suppliers will be subject to the same regulations as applicable to the company.

With the client's consent, the company may also supplement the information provided with information the company receives from other providers in order to offer a more consistent and personalized experience in the client's interaction with the company.

For purposes of this manual, clients include potential and existing clients.

4.2 THE USAGE OF PERSONAL INFORMATION

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

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for the companies processing of Personal Information:

- The client's consents to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship.
- Processing complies with an obligation imposed by law on the company.

4.3 DISCLOSURE OF PERSONAL INFORMATION

The company may disclose a client's personal information to any of the subsidiaries, joint venture companies and or approved product- or third-party service providers whose services or products clients elect to use. The company has agreements in place to ensure that compliance with confidentiality and privacy conditions.

The company 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 the company's rights.

4.4 SAFEGUARDING CLIENT INFORMATION

It is a requirement of POPI to adequately protect personal information. The COMPANY will continuously review its security controls and processes to ensure that personal information is secure.

The following procedures are in place in order to protect personal information:



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4.4.1 The Company's Information Officer is SHIRLEY SCHMIDT (CEO) whose details are available in this manual and who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI. She is assisted by ELIZABETH TAYLOR (COMPLIANCE MANAGER) who will function as the Group's Deputy Information Officer.

4.4.2 This manual has been put in place and training on this manual and the POPI Act has already taken place.

4.4.3 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 POPI.

4.4.4 Every employee currently employed within the company 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 POPI.

4.4.5 The company's archived client information is stored on site, which is also governed by POPI, access is limited to these areas to authorized personal.

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

4.5 ACCESS AND CORRECTION OF PERSONAL INFORMATION

Clients have the right to access the personal information the company holds about them.

Clients also have the right to ask the company to update, correct or delete their personal information on reasonable grounds.

Once a client objects to the processing of their personal information, the company may no longer process said personal information.

The company will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

4.6 AMENDMENTS TO THIS POLICY

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year.

4.7 AVAILABILITY OF THE MANUAL

This manual is made available in terms of Regulation Number R187 of 15 February 2002 as well in terms of PAIA and section 4 of the regulations to POPIA.

The manual is available at <https://www.afrishore.co.za>.

The manual is further available from SAHRC and the offices of the company for inspection during normal business hours. No fee will be levied for inspection.

Copies of the manual can be obtained from the Information Officer.



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4.8 INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 51(1)(F)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

4.9 INFORMATION REQUIRED IN TERMS OF SECTION 52 (2)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

4.10 THE PRESCRIBED FORMS

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za under the regulations section.

4.10.1 FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

4.10.2 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

4.10.3 Address your request to the Head of the Company (CEO).

4.10.4 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested.
- (b) The requester (and if an agent is lodging the request, proof of capacity).
- (c) The form of access required.
- (d)
 - (i) The postal address or fax number of the requester in the Republic.
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

4.11 PRESCRIBED FEES (Section 51 (1))

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

4.11.1 A requestor is required to pay the prescribed fees if any

4.11.2 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).

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

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



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

4.12 **DECISION TO GRANT ACCESS TO RECORDS**

The Company will decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requester with reasons (if required) to that effect.

- a. The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of the Company and the Records cannot reasonably be obtained within the original 30-day period.
- b. The Company will notify the Requester in writing should an extension of time as contemplated above be required.
- c. If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

4.13 **GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA**

The following are the grounds on which the Company may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- 4.13.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
- 4.13.2 Mandatory protection of the commercial information of a third party, if the Records contain:
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - information disclosed in confidence by a third party to the Company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 4.13.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.13.4 mandatory protection of the safety of individuals and the protection of property;
- 4.13.5 mandatory protection of Records that would be regarded as privileged in legal proceedings;
- 4.13.6 protection of the commercial information of the Company, which may include:
 - trade secrets;
 - financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company;
 - information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; and/or
 - computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws;



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4.13.7 research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and

4.13.8 Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

4.14 REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA

4.14.1 The Company does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

4.14.2 In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

4.15 RECORDS THAT CANNOT BE FOUND

If the company cannot find the records that the requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

4.16 PUBLICATION AND AVAILABILITY OF CERTAIN RECORDS IN TERMS OF PAIA

4.16.1 Schedule of Records

The schedule of Records as contained in Appendix 2 of this Manual details the records that are held and/or processed by the company for the purposes of PAIA AND POPIA respectively. Such access to such records may not be granted if they are subject to the grounds of refusal which are specified in clause 4.13 above.

4.16.2 List of applicable legislation

The company retains records which are required in terms of legislation other than PAIA.

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the requester has a right of access to a record other than in terms of the procedure set out in the PAIA are set out in Appendix 3.

5. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY

- a. Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- b. The Company needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed



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and the purpose for which it is Processed is determined by the Company. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- i. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. Afrishore must also have a legal basis (for example, consent) to process Personal Information;
- ii. is processed only for the purposes for which it was collected;
- iii. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
- iv. is adequate, relevant and not excessive for the purposes for which it was collected;
- v. is accurate and kept up to date;
- vi. will not be kept for longer than necessary;
- vii. is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- viii. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 1. be notified that their Personal Information is being collected by the Company. The Data Subject also has the right to be notified in the event of a data breach;
 2. know whether the Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
 3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
 4. object to the Company's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Company's record keeping requirements);
 5. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and



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6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

- c. Purpose of the Processing of Personal Information by the Company

As outlined above, Personal Information may only be Processed for a specific purpose. The purposes for which the Company Processes or will Process Personal Information is set out in **Part 1 of Appendix 6**.

- d. Categories of Data Subjects and Personal Information/special Personal Information relating thereto

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. **Part 2 of Appendix 6** sets out the various categories of Data Subjects that the Company Processes Personal Information on and the types of Personal Information relating thereto.

- e. Recipients of Personal Information

Part 3 of Appendix 6 outlines the recipients to whom the Company may provide a Data Subjects Personal Information to.

- f. Cross-border flows of Personal Information

Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- i. recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- ii. Data Subject consents to the transfer of their Personal Information; or
- iii. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- iv. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- v. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.

Part 4 of Appendix 6 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

- g. Description of information security measures to be implemented by the Company



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Part 5 of Appendix 6 sets out the types of security measures to implemented by the Company in order to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by the Company may be conducted in order to ensure that the Personal Information that is processed by the Company is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

h. Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as **Appendix 7** subject to exceptions contained in POPIA.

i. Request for correction or deletion of Personal Information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as **Appendix 8** to this Manual.



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Appendix 1

DEFINITIONS

1.Company means Afrishore PTY LTD, a company duly registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa and having its principal place of business situated at 62 Montagu Street, Mossel Bay, Western Cape.

2.Conditions for Lawful Processing means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA.

3.Constitution means the Constitution of the Republic of South Africa, 1996.

4.Customer refers to any natural or juristic person that received or receives services from the Company.

5.Data Subject has the meaning ascribed thereto in section 1 of POPIA.

6.Head of the Company means the "head" as defined in section 1 of PAIA and referred to in clause 4.

7.Information Officer means Afrishore's Chief Executive as referred to in clause 4.

8.Manual means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations.

9.PAIA means the *Promotion of Access to Information Act, 2000*.

10.Personal Information has the meaning ascribed thereto in section 1 of POPIA.

11.Personnel refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company, which includes, without limitation, directors, all permanent, temporary and part-time staff as well as contract workers.

12.POPIA means the *Protection of Personal Information Act, 2013*.

13.POPIA Regulations mean the regulations promulgated in terms of section 112(2) of POPIA.

14.Private Body has the meaning ascribed thereto in sections 1 of both PAIA and POPIA.

15.Processing has the meaning ascribed thereto in section 1 of POPIA.

16.Responsible Party has the meaning ascribed thereto in section 1 of POPIA.

17.Record has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information.

18.Requester has the meaning ascribed thereto in section 1 of PAIA.

19.Request for Access has the meaning ascribed thereto in section 1 of PAIA; and

20.SAHRC means the South African Human Rights Commission.

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.



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Appendix 2

DESCRIPTION OF THE SUBJECTS ON WHICH THE COMPANY HOLDS RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT. EACH OF THESE RECORDS ARE AVAILABLE ON REQUEST IN TERMS OF PAIA

- 1 **Client Services Records**
 - 1.1 Client correspondence
 - 1.2 Client fee files
 - 1.3 Client contracts
 - 1.4 Client business information
 - 1.5 Legal documentation
 - 1.6 Working papers
 - 1.7 Proposal and tender documents
 - 1.8 Project plans
 - 1.9 Risk management records and solution methodologies
 - 1.10 Standard terms and conditions of supply of goods and/or services
- 2 **Corporate Governance & Secretarial Services**
 - 2.1 Codes of conduct
 - 2.2 Corporate social investment records
 - 2.3 Staff and Management meeting minutes.
 - 2.4 Legal compliance records
 - 2.5 Policies
 - 2.6 Quality Management System
 - 2.7 Applicable statutory documents, including but not limited to, certificates of incorporation
 - 2.8 corporate structure documents
 - 2.9 Share registers & Share certificates
 - 2.10 Statutory returns to relevant authorities
 - 2.11 Resolutions



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2.12 Insurance documentation

3 Finance and Administration

3.1 Accounting records

3.2 Annual financial statements

3.3 Agreements; Banking records

3.4 Correspondence

3.5 Remittances

3.6 Invoices and statements (creditors & debtors)

3.7 Tax records and returns

3.8 Statistics SA returns

4 Human Capital

4.1 BEE statistics.

4.2 Career development records.

4.3 Personnel information.

4.4 General terms of employment.

4.5 Letters of employment.

4.6 Leave records.

4.7 PAYE records and returns.

4.8 Performance management records.

4.9 Assessments; Policies and procedures.

4.10 UIF returns.

4.11 Retirement benefit

4.12 Medical Aid records

5 Learning and Education

6.1 Training Material

6.2 Training records and statistics

6.3 Training agreements



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6.4 Chieta submissions

6 Information Management and Technology

6.1 Service Agreements

6.2 Equipment register

6.3 PABX & Internet management information

6.4 Cellular phone registration documents and contracts

7 Marketing & Communication

7.1 Proposal documents

7.2 New business development

7.3 Brand information

7.4 Clients relationship programme (feedback)

8 Operations

8.1 Access control

8.2 Agreements

8.3 Archived / Back-up documentation

8.4 General correspondence

8.5 Service level agreements

8.6 Travel documentation including but not limited to Visa application documentation

8.7 Procurement agreements and documentation

8.8 HSE control documents

8.9 Vehicle registration and control documents



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Appendix 3

LIST OF APPLICABLE LEGISLATION

Basic Conditions of Employment Act 75 of 1997
Bills of Exchange Act 34 of 1964
Broad-Based Black Economic Empowerment Act 53 of 2003
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Competition Act 89 of 1998
Constitution of South Africa Act 108 of 1996
Consumer Protection Act 68 of 2009
Copyright Act 98 of 1987
Criminal Procedure Act 51 of 1977
Currency & Exchanges Act 9 of 1933
Customs and Excise Act 91 of 1964
Electronic Communications and Transactions Act 2 of 2000
Employment Equity Act 55 of 1998
Environment Conservation Act 73 of 1989
Formalities in Respect of Leases of Land Act 18 of 1969
Health Act 63 of 1977
Income Tax Act 58 of 1962
Labour Relations Act 66 of 1995
Long Term Insurance Act 52 of 1998
National Credit Act 34 of 2005
National Environmental Management Act 107 of 1998
National Environmental Management: Waste Act 59 of 2008
National Road Traffic Act 93 of 1996
Occupational Health and Safety Act 85 of 1993
Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
Protected Disclosures Act 26 of 2000
Regulation of Interception of Communications and Provisions of Communication Related Information Act 70 of 2002
Sales and Service Matters Act 25 of 1964
Securities Transfer Act 25 of 2007
Short-Term Insurance Act 53 of 1998



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Skills Development Act 97 of 1997
Skills Development Levies Act 9 of 1999
South African Reserve Bank Act 90 of 1989
Trademarks act 194 of 1993
Unemployment Insurance Act 63 of 2001
Unemployment Insurance Fund Contributions Act 4 of 2002
Value-Added Tax Act 89 of 1991

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.



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Appendix 4

ACCESS REQUEST FORM - RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 10]

COMPLETION OF ACCESS REQUEST FORM

- 1 The Access Request Form must be completed.
- 2 Proof of identity is required to authenticate the identity of the requester. Attach a copy of the requester's identification document.
- 3 Type or print in BLOCK LETTERS an answer to every question.
- 4 If a question does not apply, state "N/A".
- 5 If there is nothing to disclose in reply to a question, state "nil".
- 6 When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.



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1 Particulars of Private body The Information Officer:

Shirley Schmidt

PO Box 751

Mossel Bay

6500

Western Cape, South Africa

shirley@afrishore.co.za

Contact no: +27 (0) 44-6913218

2 Particulars of Requester (if natural person)

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

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

Email address:

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

.....

3 Particulars of Requester (if a legal entity)

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

Name:

Registration number:



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Postal address:

Fax number:

Telephone number:

Email address:

4 Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

5 Particulars of record

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

5.1 Description of record or relevant part of the record:

5.2 Reference number, if available:

5.3 Any further particulars of record

6 Fees

A request for access to a record, other than a record containing personal information about yourself, will be processed only after a non-refundable request fee of R57,00 has been paid.

- a) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.**
- b) You will be notified of the amount required to be paid as the access fee.**
- c) If you qualify for exemption of the payment of any fee, please state the reason for exemption**

Reason for exemption from payment of fees:



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7 Form of access to record

Mark the appropriate box with an X.

NOTES:

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

A If the record is in written or printed form:

Copy of record

Inspection of a record

B If the record consists of visual images: (photographs, slides, video recordings, computer-generated images, sketches, etc):

View the images

Copy of the images / transcript

C If record is held on computer or in an electronic or machine-readable form:

Printed copy of the record

In computer readable form (memory stick)

8 In the event of disability

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

Disability:	Form in which record is required:
<hr/>	<hr/>
<hr/>	<hr/>



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9 Particulars of right to be exercised or protected

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

A Indicate which right is to be exercised or protected: _____

B Explain why the record requested is required for the exercise or protection of the aforementioned right:

10 Notice of decision regarding request for access

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

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

Signed at _____ on this _____ day of _____ 20__

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



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Appendix 5

FEES

- 1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
- 2 The fees for reproduction referred to in regulation 11(1) are as follows:

			R
(a)	For every photocopy of an A4-size page or part thereof		1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form		0,75
(c)	For a copy in a computer-readable form on -		
(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii)	For a copy of visual images	60,00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii)	For a copy of an audio record	30,00

- 3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

- 4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

			R
(a)	For every photocopy of an A4-size page or part thereof		1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form		0,75
(c)	For a copy in a computer-readable form on -		
(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii)	For a copy of visual images	60,00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii)	For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.		



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-
- 5 For purposes of section 54(2) of PAIA, the following applies:
- 5.1 Six hours as the hours to be exceeded before a deposit is payable; and
 - 5.2 one third of the access fee is payable as a deposit by the requester.
- 6 The actual postage is payable when a copy of a record must be posted to a requester.



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Appendix 6

Part 1

PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

Purpose of the Processing of Personal Information	Type of Processing
<p>1 To provide services to the Customer in accordance with terms agreed to by the Customer;</p> <p>2 To undertake activities related to the provision of services and transactions, including:</p> <p>2.1 to fulfil foreign and domestic legal, regulatory and compliance requirements and comply with any applicable treaty or agreement with or between foreign and domestic governments applicable to the Company;</p> <p>2.2 to verify the identity of Customer representatives who contact the Company or may be contacted by the Company;</p> <p>2.3 for risk assessment, information security management, statistical, trend analysis and planning purposes;</p> <p>2.4 to monitor and record calls and electronic communications with the Customer for quality, training, investigation and fraud prevention purposes;</p> <p>2.5 for crime detection, prevention, investigation and prosecution; 2.6 to enforce or defend the Company's rights;</p> <p>2.7 and to manage the Company's relationship with the Customer.</p> <p>3 The purposes related to any authorised disclosure made in terms of agreement, law or regulation;</p> <p>4 Any additional purposes expressly authorised by the Customer; and</p> <p>5 Any additional purposes as may be notified to the Customer or Data Subjects in any notice provided by the Company</p>	<p>Collection, recording, organization, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.</p>



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Part 2

Categories of Data Subjects and categories of Personal Information relating thereto

Categories of Data Subjects of and categories of Personal Information relating thereto	Data Subject	Personal Information Processed
<p>Customer:</p> <ul style="list-style-type: none"> Corporate Customer Profile information including, account details, payment information, corporate structure, customer risk rating and other customer information including to the extent the categories of information relate to individuals or representatives of customers (e.g., shareholders, directors, etc.) required for the abovementioned purposes Individual. Name; contact details (Company E-Mail Address, Company Telephone Number), client details (Home Facsimile Number, Home Postal Address, Home Telephone Number, Personal Cellular, Mobile Number, Personal E-Mail Address); regulatory identifiers (e.g., tax identification number). Account information (Bank Account Currency Code, Bank Account Id, Bank Account Name, Bank Account Number, Bank Account Type, Bank account balance); transaction details and branch details; photographs; other identification and verification data as contained in images of ID card, passport and other ID documents; images of signatures) 	<ul style="list-style-type: none"> Natural Persons. Juristic Persons. 	<p>Personal data relating to a Data Subject received by or on behalf of the Company from the Customer, Customer affiliates and their respective representatives and related parties in the course of providing accounts and services to the Customer or in connection with a transaction or services. Customer personal data may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, bank account and transactional information (where legally permissible), to the extent that these amount to personal data under POPIA.</p>
<p>Payment beneficiaries: Bank Account Currency Code, Bank Account Id, Bank Account Name, Bank Account Number, Bank Account Type; beneficiary address, transaction details; payment narrative.</p>		
<p>Personnel: Name; employee ID number; business contact details (address/telephone number/email address)</p>		



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Part 3

Recipients of Personal Information

The Company, its affiliates and their respective representatives

Part 4

Cross border transfers of Personal Information

When making authorized disclosures or transfers of personal information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.

Part 5

Description of information security measures

The Company undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. The Company may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1 Access Control of Persons

The Company shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

2 Data Media Control

The Company undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by the Company and containing personal data of Customers.

3 Data Memory Control

The Company undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data.

4 User Control

The Company shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

5 Access Control to Data

The Company represents that the persons entitled to use the Company's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorization).



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6 Transmission Control

The Company shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of the Company's data communication equipment / devices.

7 Transport Control

The Company shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

8 Organization Control

The Company shall maintain its internal organization in a manner that meets the requirements of this Manual.



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**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3)
OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

Note:

- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	



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C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....
Signature of data subject/designated person



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REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	



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B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)



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