



**DSM NUTRITIONAL PRODUCTS SOUTH AFRICA
PAIA & POPI MANUAL**

**PAIA (PROMOTION OF ACCESS TO INFORMATION ACT) and POPI
(PROTECTION OF PERSONAL INFORMATION) MANUAL
OF**

DSM NUTRITIONAL PRODUCTS SOUTH AFRICA
(herein referred to as “DSM”)

**COMPANY REGISTRATION NUMBER:
2002/004181/07**

**REGISTERED OFFICE:
16 Brewery Road, Isando**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2000 and to address the requirements of the Protection of Personal Information Act, 2013



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PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000, ('the Act') came into operation in November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights. On request, the private body or government is obliged to release such information unless the PAIA Act expressly states that the records containing such information may or must not be released.

The Protection of Personal Information Act, 2013 (the "POPI Act") provides for:

- a) promotion the protection of Personal Information¹ processed by public and private bodies;
- b) certain conditions so as to establish minimum requirements for the processing of Personal Information;
- c) to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of the POPI Act and the PAIA Act;
- d) to provide for the issuing of codes of conduct;
- e) to provide for the rights of persons regarding unsolicited electronic communications and automated decision making;
- f) to regulate the flow of Personal Information across the borders of the Republic; and
- g) to provide for matters connected therewith.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination and use of personal information.

The POPI Act gives Data Subjects¹ the right to, in the prescribed manner², request a Responsible Party to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that the Responsible Party is no longer authorised to retain access and/or request the correction or deletion of any Personal Information held about them that may be inaccurate, misleading or outdated.

The Company endorses the spirit of the PAIA Act and POPI Act and believes that this Manual will assist requesters in exercising their rights. The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

INTRODUCTION TO THIS PRIVATE BODY

The Company was incorporated on the 22nd of February 2002 date and obtained its certificate to commence business on the same day. The principal activities of the company are that of the importation, blending and sale of Vitamins and Fine Chemicals.

The company's holding company is DSM Nutritional Products Holding AG, a company incorporated in Switzerland.

The ultimate holding company is Koninklijke DSM NV, a company incorporated in the Netherlands.

¹ As defined in terms of article 1 (Definitions) of POPI Act

² See sections 18 – 53 of the POPI Act



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SECTION A - OUR DETAILS AND CONTACT PERSON

The person responsible for the administration of, and compliance with the Act, has been delegated by the Managing Director (MD) whom is also the Designated Information Officer of DSM to the Deputy Information Officers

Requests pursuant to the provisions of the Act should be directed as follows:

Full Name	:	DSM NUTRITIONAL PRODUCTS SOUTH AFRICA (PTY) LIMITED
Registration Number	:	2002/004181/07
Registered Address	:	16 Brewery Road Isando 1600
Postal Address	:	PO BOX 2 Isando 1600
Telephone Number	:	+27 (11) 398 6900
Managing Director & Designated Information Officer	:	Mrs. A O'Rourke
Email address	:	annekie.orourke@dsm.com
Deputy Information Officer	:	Sandra van Eeden
Email address	:	sandra.van-eeden@dsm.com

The Information Officer has delegated his powers to the Deputy Information Officer in terms of the PAIA Act to handle all requests on the Company's behalf and ensure that the requirements of the PAIA Act are administered in a fair, objective and unbiased manner.

SECTION B - HUMAN RIGHTS COMMISSION (HRC) GUIDE

The Human Rights Commission has been tasked with the administration of the PAIA Act. Section 10 of the PAIA Act requires the South African Human Rights Commission (SAHRC) to publish a guide which is intended to assist users in the interpretation of the PAIA Act and how to access the records of private and public bodies and the remedies available in law regarding a breach of any of the provisions of the PAIA Act.



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The guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the SAHRC in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this guide are available from SAHRC. Enquiries regarding the Guide and relating to the person's rights and in particular their right to access information from a private or public body can be addressed to the SAHRC, the contact details of which are as follows:

Post	:	The South African Human Rights Commission: PAIA (Promotion of Access to Information Act) Unit Research and Documentation Department Private Bag 2700 Houghton 2041
Telephone Number	:	+27 (11) 484 8300/ +27 11 877 3600
Fax	:	+27 (11) 484 7146/ +27 11 403 0625
Email	:	PAIA@sahrc.org.za / section51.paia@sahrc.org.za
Website	:	http://www.sahrc.org.za

SECTION C - INFORMATION AVAILABLE IN TERMS OF THE ACT

1. Policy regarding confidentiality and access to information

DSM will protect the confidentiality of information provided to it by third parties, subject to the Company's obligations to disclose information in terms of any applicable law or regulation or a court order requiring disclosure of information. If access is requested to a record that contains information about a third party, DSM is obliged to attempt to contact such third party to inform him/her/it of the request.

DSM will give the third party an opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Deputy Information Officer will consider these reasons in determining whether access should be granted to the requestor or not.



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2. Records automatically available - [section 51(1) (c)]

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

Records that is automatically available at the registered office of DSM on payment of the prescribed fee for reproduction are:

- Records of DSM lodged in terms of government requirements such as the Registrar of Deeds;
- Documentation and information relating to DSM which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008;
- Product and Services Brochures;
- News and other Marketing Information; and

Certain other information relating to DSM is also made available on said website from time to time.

3. Subjects and categories of records held by the company: [section 51(1) (e)]

The list(s) below depict records of information which DSM has available in terms of laws applicable to it. Some of this information and the access thereto may be restricted to protect the Privacy and Private information of Data Subjects:

STATUTORY COMPANY INFORMATION:

- a. Certificate of Incorporation;
- b. Registration Certificate;
- c. Certificate of Change of Name (where required);
- d. Memorandum of Incorporation;
- e. Minutes of Board and Sub Committee Meetings;
- f. Resolutions passed;
- g. Share registers & certificates;
- h. Company Disclosure certificates;
- i. Register of Directors and Public Officers;
- j. Directors attendance registers;
- k. Annual Financial Statements
- l. Management Accounts;
- m. Director Reports;
- n. Auditors Reports.
- o. Books of account regarding information required by the Companies Act;
- p. Supporting schedules and documentation relating to management accounts;
- q. All other forms and notices in terms of the Companies Act.

CORPORATE GOVERNANCE:

- a. Code of Conduct;
- b. Risk Management Registers and associated records;



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- c. Legal Compliance Registers and associated records;
- d. Policies and Procedures.
- e. Fraud alerts and whistle blowing

ACCOUNTS RECORDS:

- a. Books of accounts including journals and ledgers;
- b. Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange (where required);
- c. Agreements;
- d. Banking records;
- e. Tax records, returns and supporting documentation;
- f. Correspondences;
- g. Management reports;
- h. Budgets.
- i. Treasury Dealing
- j. General Ledger and Sub Ledgers
- k. General Ledger Reconciliations

STATUTORY EMPLOYEE RECORDS

- a. Employees' names and occupations;
- b. Salary and Wages register;
- c. Attendance register;
- d. Employment Equity plan;
- e. Collective agreements;
- f. Arbitration awards;
- g. Determinations made in terms of the Wage Act;
- h. Records of strikes, lockouts and protest action;
- i. Training records;
- j. Staff records (after date of employment ceases);
- k. Expense accounts;
- l. IRP5 for employee returns;
- m. PAYE records and returns;
- n. Returns to UIF;
- o. Payroll Records

OTHER EMPLOYEE RECORDS

- a. Incentive / Variable Pay Schemes;
- b. Staff Loan Schemes;
- c. Study Assistance Schemes;
- d. Maternity Leave policy;
- e. Relocation policy;
- f. Housing Scheme;
- g. Disability Scheme;



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- h. Funeral Insurance Scheme;
- i. Group personal accident insurance;
- j. Group Life Insurance;

HUMAN RESOURCES

- a. BEE Statistics;
- b. Career Development Records;
- c. Personnel Information;
- d. Employment Equity Reports;
- e. General Terms of Employment;
- f. Letter of Employment;
- g. Leave Records;
- h. Health Records;
- i. Performance Management Records;
- j. Retirement Benefit and Medical Aid Records;
- k. Training manuals (Learning and Development);
- l. Training Records and Statistics;
- m. Training Agreements;
- n. Policies and Procedures.
- o. CV's, application details
- p. Disciplinary Code and Records
- q. Disciplinary Procedures, CCMA and court matters, Retrenchment and legal processes re employment matters
- r. Job profiles
- s. SETA Records
- t. Social Responsibility

SAFETY, HEALTH ENVIRONMENT AND QUALITY

- a. Noise and exposure records;
- b. Safety management systems, data and audits;
- c. Permits licenses, approvals and registrations for operations of sites and business;
- d. Emergency response plans;
- e. Incident registers;
- f. Quality management programs and systems;
- g. Customer complaints
- h. Standards

FIXED PROPERTY

- a. Title Deeds;
- b. Leases;
- c. Building Plans;
- d. Register of all immovable property owned by the company



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MOVEABLE PROPERTY

- a. Asset register;
- b. Finance and lease agreements
- c. Deeds of pledge.
- d. Vehicle registration Documents

INTELLECTUAL PROPERTY

- a. Agreements relating to intellectual property such as license agreements, secrecy agreements, research and development agreements, consulting agreements, copyright agreements, use agreements, joint venture agreements and joint venture development agreements (where necessary);
- b. Litigation and other disputes involving intellectual property.
- c. Designs
- d. Solutions and products developed
- e. Know-how

AGREEMENTS AND CONTRACTS

- a. Material agreements concerning provision of services or materials;
- b. Agreements with shareholders, officers and/or Directors;
- c. Acquisition or disposal documentations;
- d. Agreements with contractors, supplier and service providers;
- e. Agreement with customers;
- f. Sale agreements (where required);
- g. Distributor, dealer or agency agreements;
- h. Restraint agreements;
- i. Non-Disclosure agreements;
- j. Agreements with governmental agencies (where required);
- k. Purchase or lease agreements.

TAXATION

- a. Copies of all income tax returns and other tax returns and documents

LEGAL

- a. Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, commercial disputes, arbitration or regulatory investigation;
- b. Settlement agreements;
- c. Material licenses, permits and authorisations.
- d. Agreements and Contracts
- e. Competition Notifications
- f. SAPS investigations and cases
- g. Records of Stolen Goods
- h. Subpoenas



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- i. Disputes with third parties and ex-employees

INSURANCE

- a. Insurance policies;
- b. Claim records;
- c. Details of insurance coverage, limits and insurers
- d. Insurance Declarations

TRANSPORTATION

- a. Transportation rights;
- b. Permits;
- c. Transportation system delivery plan;
- d. Transportation contracts.

INFORMATION TECHNOLOGY

- a. Hardware;
- b. Operating Systems;
- c. Telephone Exchange Equipment;
- d. Telephone lines, leased lines and data lines;
- e. Disaster recovery Policy and systems;
- f. Internal systems support and programming / development;
- g. Development or investment plans;
- h. Contracts and Agreements;
- i. Licenses;
- j. Policies, procedures, standards, templates and guidelines
- k. Faults, Troubleshooting and Reporting
- l. Performance of IT Infrastructure
- m. Security Access
- n. System/Application landscape Diagrams

SALES AND MARKETING

- a. Products;
- b. Markets;
- c. Customers;
- d. Brochures, newsletters and advertising materials;
- e. Sales;
- f. Domestic and export orders.
- g. Delivery notes
- h. Customer Satisfaction Surveys
- i. Proposals and Tenders

LOGISTICS AND PROCUREMENT

- a. Dispatch



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- b. Statements of Work
- c. Inspection
- d. Inventory Records
- e. Procurement Policy
- f. Supplier and Contractor Agreements
- g. Purchase Orders
- h. Suppliers and Manufacturers Details
- i. Standard Terms and Conditions of Supply of Services, Products and Software to the Company
- j. Tender Documentation

4. Records that are not automatically available

Records of the Company which are not automatically available must be requested in terms of the procedure set out in section 8 of this PAIA Manual or the Regulations as set out in terms of POPIA and which may be subject to the restrictions and right of refusal to access as provided for in the PAIA Act and in POPIA.

No request shall be accepted telephonically nor shall any information be supplied telephonically. Only the Information officer or any Deputy Information officer appointed shall have the mandate to disclose information in terms of this manual.

5. Procedure for requesting access to the above information

Records held by DSM may be accessed, on request, only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requesters:

- **Personal Requester**
A personal requester is one who seeks access to a record containing the requester's own personal information.
- **Requester**
Any person making a request for access to records of the Company
- **Other Requester**
Other requesters are those who request access to information pertaining to third parties.

A request will not automatically be granted and short reasons for the refusal shall be supplied. It should be noted that a request for access to information can be refused if the application does not comply with the requirement of the Act. Further the completion and submission of a request does not automatically allow the requester access to the requested record.



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The requester must comply with all the procedural requirements contained in the PAIA and POPI Acts relating to the request for access to records.

If you wish to request access to any of the above categories of information (Section C) you are required to complete a request form as set out in Annexure “A” hereto. These forms are available from:

- Our Information Officer (whose contact details are in Section A of this manual);
- The SAHRC website (www.sahrc.org.za);
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

A requester must state that the information is required in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the information officer.

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

When a request is received by the information officer of the Company, the information officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

The information officer shall withhold a record until the requester has paid the fee or fees as indicated. If a deposit has been paid in respect of a request for access, which is refused, then the information officer shall repay the deposit to the requester.

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within part 3 Chapter 4 of the Act.

DSM will process the request within 30 days of receipt of the request and decide whether to grant or decline the request and give notice with reason (if required) to that effect.

The 30-day period within which DSM has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days, if the request is for a large volume of information, or the request requires a search for information held in another office and the information cannot



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reasonably be obtained within the original 30-day period. DSM will notify the requester in writing should extension be sought.

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

The completed Access Request Form together with a copy of the identity document must be submitted via conventional mail or e-mail and must be addressed to the contact person as indicated above.

6. Grounds for Refusal of Access to Records

DSM has the right to refuse access to information on legal grounds as set out in POPIA and in PAIA which will mainly be on one or more of the following grounds:

- ***Mandatory protection of the personal information, special personal information or privacy of a third party who is a natural person (including children)***, if such disclosure would involve the unlawful or unreasonable disclosure of Personal Information about a third party, including a deceased individual or child, subject to the provisions of section 63 (2) of PAIA or any section or regulation of POPIA.
- ***Mandatory protection of the personal, confidential or commercial information of the third party (which may be a natural person or legal entity)***, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that party;
 - Information disclosed in confidence by the third party to DSM if the disclosure could put the third party to a disadvantage in negotiations or commercial completion.
 - Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- ***Mandatory protection of certain confidential information of third party***, where the head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- ***Mandatory protection of the safety of individuals and the protection of property***, where such disclosure could endanger the life or physical safety of an individual, or prejudice or impair the security of:
 - a building, structure or any system
 - a means of transport, or
 - any other property.
- ***Mandatory protection of records which could be regarded as privileged in legal proceedings***, unless the legal privilege has been waived;



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- **Commercial information of private body**, in that a request for access to a record may be refused if the record contains:
 - trade secrets, financial, commercial, scientific or technical information of the institution, which disclosure, could likely cause harm to the financial or commercial interest of the institution;
 - Information which, if disclosed could prejudice or put the institution at a disadvantage in negotiations or commercial competition; and
 - A computer program which is owned by the institution and which is protected by copyright.
- **Mandatory protection of research information of the institution**. A request will be refused if this disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the researcher at a serious disadvantage.
- **Mandatory disclosure in public interest**. Despite any of the protections mentioned above, the Director of the Company shall grant a request for access to a record if:
 - a. the disclosure of the record would reveal evidence of-
 - a substantial contravention of, or failure to comply with, the law; or
 - imminent and serious public safety or environmental risk; and
 - b. the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and the record contains information about research being carried out or about to be carried out on behalf of a third party or the Company.

7. Remedies Available if Request for Information is refused

If the request for access is refused, the Deputy Information Officer of the Company must:

- (a) State adequate reasons for the refusal, including the provisions of this Act relied on;
- (b) Exclude, from any such reasons, any reference to the content of the record; and
- (c) State that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

- **Internal Remedies**

DSM does not have an internal appeal procedures. As such, the decision made by the Information officer and the Deputy Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the information officer.



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- **External Remedies**

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for appropriate relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status. The court will review the request and decide whether in fact the Deputy Information Officer of the Company should give the requester the information requested or not. A court hearing an application in terms of the PAIA Act may grant any order that is just and equitable including orders:

- (a) Confirming, amending or setting aside the decision which is the subject of the application;
- (b) Requiring the Deputy Information Officer of the Company or relevant authority of a public body or the head of a private body to take such action or to refrain from taking such action, as the court considers necessary within the period mentioned in the court order;
- (c) Granting an interdict, interim or specific relief, a declaratory order or compensation; or
- (d) Granting an order as to costs.

8. Records that cannot be found or do not exist

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

If after notice is given, the record in question is found, the requester must be given access thereto unless the ground for the refusal of access exists.

If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of the PAIA Act relied upon and provide the procedure to be followed should the requester wish appeal the decision.

Section 59 provides that the Deputy Information Officer of the Company may serve a record and grant access only to that portion which the law does not prohibit access to.

9. Fees

9.1 The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by considering reproduction costs, search and preparation time and costs, as well as postal costs.

9.2 When the request is received by the Deputy Information Officer of the Company, such person shall by notice require the requester to pay the prescribed request fee, if any, before further processing of the request.

9.3 If a requester requires access to records of his/her Personal Information, there shall be no request fee payable. However, the requester must pay the prescribed access and reproduction fees for such Personal Information.



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- 9.4 If the search for the record has been made and the preparation of the record for disclosure including arrangements to make it available in the request form, requires more than the hours prescribed in the regulations for this purpose, the Deputy Information Officer of the Company shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 9.5 The Deputy Information Officer of the Company shall withhold the record until the requester has paid the fees as indicated in Annexure “B” hereto.
- 9.6 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the records for disclosure including making arrangements to make it available in the request form.
- 9.7 If a deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer of the Company must repay the deposit to the requester with interest at the prescribed rate.

10. Third parties

- 10.1 If the request is for the record pertaining to the third party, the Deputy Information Officer must take all reasonable steps to inform the third party of the request. This must be done within 21 (twenty one) days of receipt of the request. The manner in which this is done must be by the fastest means reasonably possible, but if orally, the Deputy Information Officer of the Company must thereafter give the third party a written confirmation of the notification.
- 10.2 The third party may within 21 (twenty one) days thereafter either make representation to DSM as to why the request should be refused; alternatively grant written consent to the disclosure of the record.
- 10.3 The third party must be advised of the decision taken by the Deputy Information Officer of DSM whether to grant or to decline the request. A third party who is dissatisfied with the Deputy Information Officer of the Company’s decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.



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SECTION D – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION [SECTION 51(1) (D)]

Where applicable to our operations, records are kept in accordance with the following legislation:

<ul style="list-style-type: none"> ○ Atmosphere Pollution Prevention Act, No. 45 of 1965 ○ Basic Conditions of Employment Act, No. 75 of 1997 ○ Agricultural Pests Act - Act 36 of 1983 ○ Agricultural Product Standards Act, 119 of 1990 ○ Animal Health Act - Act 7 of 2002 ○ Broad Based Black Economic Empowerment Act, No. 53 of 2003 ○ Companies Act, No. 71 of 2008 ○ Compensation for Occupational Injuries and Disease Act, No. 130 of 1993 ○ Competition Act 71 of 2008 ○ Constitution of South Africa Act, No. 108 of 1996 ○ Consumer Protection Act, No. 68 of 2008 ○ Copyright Act, No. 98 of 1987 ○ Deeds Registration Act, No. 47 of 1987 ○ Disaster Management Act 57 of 2002 ○ Electronic Communications and Transactions Act, No. 2 of 2002 ○ Employment Equity Act, No. 55 of 1998 ○ Employment Tax Incentive Act 26 of 2013 ○ Formalities in Respect of Leases of Land Act, No. 18 of 1969 ○ Gas Act 48 of 2001 ○ Genetically Modified Organisms Act - Act 15 of 1997 ○ Hazardous Substance Act, No 15 of 1973 ○ Health Act, No 63 of 1998 ○ Income Tax Act, No 58 of 1962 ○ Medicines and Related Substances Control Act, No. 101 of 1965 ○ Labour Relations Act, No. 66 of 1995 ○ Meat Safety Act - Act 40 of 2000 ○ National Credit Act 34 of 2005 ○ National Environmental Management Act 	<ul style="list-style-type: none"> ○ National Building Regulation and standards Act 103 of 1997 ○ National Road and Traffic Act 93 of 1996 ○ Natural Scientific Professions Act No.27 of 2003 ○ National Water Act ○ Nursing Act 50 of 1978 ○ Occupational Health and Safety Act, No. 85 of 1993 ○ Promotion to Access to Information Act, No. 2 of 2000 ○ Promotion of Equality and Prevention of Unfair Discrimination Act, No 26 of 2000 ○ Private Security Industry Regulation Act 56 of 2001 ○ Patents Act, No. 57 of 1987 ○ Prevention and combating of corrupt activities act 2014 ○ Protection of personal information Act (PoPi) ○ Protected disclosures act 26 of 2000 ○ Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002 ○ Sales and Service Matters Act, No. 25 of 1964 ○ Skills Development Act, No. 9 of 1997 ○ Skills Development Levy Act, No.9 of 1999 ○ Stamp Duties Act 77 of 1968 ○ The Fertilizers, Farm Feeds, Seeds and Remedies Act, 36 of 1947 ○ Transfer Duty Act, No. 40 of 1949 ○ Unemployment Insurance Act, No. 63 of 2001 ○ Value-added Tax, No. 89 of 1991
---	--

While DSM has used its best endeavors to supply you with a list of applicable legislation it is possible that the above list may be incomplete. Wherever it comes to DSM's attention that existing or new legislation allows a requester access on a basis other than that set out in the PAIA or POPIA Acts, we shall update the list accordingly.

1. Particulars in terms of section 51 of the act

1.1 On 9 March 2001 the PAIA Act came into effect. The Act seeks to advance a culture of transparency



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and accountability in both public and private bodies. The legislation was enacted as a direct response to Section 32(2) of the Constitution of South Africa – the right of access to information – which requires that the Government implements laws in an effort to make information pertaining to public and private bodies more accessible to all.

- 1.2 The Act gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the PAIA Act, the body to whom the request is made is obliged to release the information, except where the PAIA Act expressly provides that the information may or must not be released.
- 1.3 One of the main requirements specified in the PAIA Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the PAIA Act, the Company is regarded as a “private body” and therefore the requirements regarding access must be in compliance with the provisions of the PAIA Act relevant to private bodies and more in particular Section 51 of the PAIA Act.
- 1.4 In compliance with Section 51 of the PAIA Act this PAIA Manual sets out the following details:
 - (a) The Company’s contact details including, physical and postal addresses, telephone and fax numbers, electronic mail address of the person tasked in terms of this Code of Conduct;
 - (b) Information on how to obtain and access this Code of Conduct and a guide on how to use it;
 - (c) Categories of information held by the Company that is available without a person having to formally request such details in terms of the PAIA Act;
 - (d) Categories of information held by the Company that is available in accordance with other legislation and which, subject to the PAIA Act, may be made available by the Company on receipt of and consideration of a formal request, made in terms of the PAIA Act;
 - (e) Sufficient information to facilitate a request for access to records and a description of the subjects on which records are available from the Company;
- 1.5 Adherence to these requirements entails not only compilation of the external manual but also compliance with the general provisions stated in the PAIA Act.



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SECTION E – PROCESSING OF PERSONAL INFORMATION

1. Purpose of Processing

DSM uses the Personal Information under its care in the following ways:

- Conducting credit reference checks and assessments
- Administration of agreements
- Providing products and services to customers
- Discounting and asset funding purposes
- Detecting and prevention of fraud, crime, money laundering and other malpractice
- Conducting market or customer satisfaction research
- Marketing and sales
- In connection with legal proceedings
- Staff administration
- Keeping of accounts and records
- Complying with legal and regulatory requirements
- Profiling data subjects for the purposes of direct marketing

2. Categories of Data Subjects and their Personal Information

DSM may possess records relating to suppliers, shareholders, contractors service providers, staff and customers:

Entity Type	Personal Information Processed
Customers - Natural Persons	Names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence
Customers – Juristic Persons / Entities	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; shareholding information; BBBEE information
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; shareholding information; BBBEE information
Employees / Directors	Gender; pregnancy; marital status; colour, race; age; language; education information; financial information; employment history; ID number; physical and postal address; contact details; opinions; criminal record; well-being



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3. Categories of Recipients for Processing the Personal Information

DSM may share the Personal Information with its agents, affiliates, and associated companies who may use this information to send the Data Subject information on products and services. It may also supply the Personal Information to any party to whom it may have assigned or transferred any of its rights or obligations under any agreement, and/or to service providers who render the following services:

- Capturing and organising of data;
- Storing of data;
- Sending of emails and other correspondence to customers;
- Conducting due diligence checks;
- Administration of the Medical Aid and Pension Schemes.

4. Actual or Planned Trans-border Flows of Personal Information

Personal Information may be transmitted trans-border to DSM's authorised dealers and its suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. DSM will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

5. Retention of Personal Information Records

DSM may retain Personal Information records indefinitely, unless the Data Subject objects thereto. If the Data Subject objects to indefinite retention of its Personal Information DSM shall retain the Personal Information records to the extent permitted or required by law.

6. General Description of Information Security Measures

DSM 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;

7. Objection to processing of personal information in terms of POPIA

You may object to processing of your personal information at any time by completing **Annexure C – Form 1** attached hereto and by sending it to:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com



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You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you, by contacting the following:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com

8. **Request for correction or deletion of personal information or destroying / destruction thereof in terms of POPIA**

You may request for correction or deletion of personal information or destroying / destruction or deletion of a record of personal information at any time by completing **Annexure D – Form 2**, attached hereto and by sending it to:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com

You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you, by contacting the following:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com

9. **Withdrawal of consent in terms of POPIA**

You may withdraw consent to process your personal information at any time by completing **Annexure E – Form 3**, attached hereto and by sending it to:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com

You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you by contacting the following:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com

10. **Complaints in terms of POPIA**

You may lodge a complaint with the Regulator at the address and contact particulars set out below in clause 11.

A complaint with the Regulator may be about an interference with the protection of your personal information the following regard:



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- A breach of any of the conditions for lawful processing of POPIA; or
 - Non-compliance with sections 22, 54, 69, 70, 71, 72 of POPIA; or
 - A breach of a condition of a code of conduct in terms of section 60 of POPIA.

You may also lodge a complaint with the RESPONSIBLE PARTY by contacting the following:

Deputy Information Officer : Sandra van Eeden

Email address : Popia.south-africa@dsm.com

You may also lodge a complaint with the Regulator in terms of section 63(3) if you are unhappy about the determination of an adjudicator as appointed by the Regulator, after the Regulator has investigated your complaint, by using form 5.

The determination will have effect, until such time that the Regulator changes or overrules the determination post your complaint.

The complaint to the Regulator must be made in writing and should you experience any problems, you may contact the office of the Regulator who will provide you with reasonable assistance to make the complaint in writing.

The Regulator has the following powers when a complaint is lodged:

- Consult with the RESPONSIBLE PARTY and with the complainant;
- Investigate the complaint by gathering information through subpoenas and warrants or search premises;
- Summons people to appear and testify or compel them to provide written evidence;
- Conduct private interviews with people;
- Conduct any enquiry she sees fit; and
- Resolve the complaint by means of dispute resolution such as mediation and conciliation;
- Apply for fines and penalties to be ordered by a competent court as set out in section 107 and 109 of POPIA;
- Refer the matter to an enforcement committee and issue enforcement notices or information notices;
- Institute civil action for damages.



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**ANNEXURE “A”:
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53 (1) of the Promotion of Access to Information Act, 2000
[Act No. 2 of 2000]) [Regulation 10]**

1. PARTICULARS OF PRIVATE BODY

The Head:

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

2. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

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

Full names and surname:

.....

Identity Number:

.....

Postal Address:

.....

.....

.....

Telephone / Mobile Number:

.....

Email Address:

.....



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

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

3. PARTICULARS OF PERSON ON WHOSE BEHALF THE 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:

.....

4. 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 requestor must sign all the additional folios.**

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

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

2. Reference number, if available:

3. Any further particulars of the record:

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



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5. FEES

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

Reason for exemption from payment of fees:

.....

6. FORM OF ACCESS TO RECORD

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

Disability:

.....

Form in which record is required:

.....

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

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

1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
2. If record consists of visual images (includes photographs, slides, video recordings, computer-generated images, sketches etc.)			
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcript of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcript of soundtrack* (written or printed document)



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4. If record is held on computer or in an electronic or machine-readable form:					
	Printed copy of record*		Printed copy of information derived from the record*	Copy in computer readable form* (CD/DVD)	
* If you requested a copy of transcription of a record above, do you wish the copy or transcription to be posted to you? Postage is payable.				YES	NO

7. 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.

- Indicate which right is to be exercised or protected:
.....
.....
- Explain why the record requested is required for the exercise or protection of the
aforementioned right:
.....
.....

8. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

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

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

Signed at this day of20

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



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**ANNEXURE “B”:
EXPLANATORY NOTE ON FEES TO BE CHARGED**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. COPIES OF A MANUAL

Should an individual require a copy of the private body’s manual, a fee of R1.10 is chargeable for every photocopy of an A4 page or part thereof.

2. REPRODUCTION FEES

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the regulations.

3. ACCESS FEES

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the regulations.

4. OTHER FEES

- 4.1 A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part I of this Work.
- 4.2 A search fee may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.



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PART III – FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1, 10 for every photocopy of an A4-sized 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-sized page or part thereof	R1,10
b. For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form	R0,75
c. For a copy in a computer-readable form on compact disc	R70,00
d. (i) For a transcription of visual images, for an A4-sized page or part thereof	R40,00
(ii) For a copy of visual images	R60,00
e. (i) For a transcription of an audio records, for an A4-sized page or part thereof	R20,00
(ii) For a copy of an audio record	R30,00

2.1 The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is

R50,00

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

	R
1. (a) For every photocopy of an A4-sized page or part thereof	R1,10
(b) For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form	R0,75
(c) For a copy in a computer-readable form on compact disc	R70,00
(d) (i) For a transcription of visual images, for an A4-sized page or part thereof	R40,00
(ii) For a copy of visual images	R60,00
(e) (i) For a transcription of an audio records, for an A4-sized page or part thereof	R20,00
(ii) For a copy of an audio record	R30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

2. For purpose of Section 54 (2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

3. The actual postage is payable when a copy of a record must be posted to requester.



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**ANNEXURE “C”:
OBJECTION TO PROCESSING OF PERSONAL INFORMATION**

FORM 1

**Objection To The Processing Of Personal Information In Terms Of Section 11(3) Of The Protection
Of Personal Information Act, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 2(1)]**

Note:

1. *Affidavits or other documentary evidence in support of the objection must 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.*

Reference Number....

A		DETAILS OF DATA SUBJECT	
Name and surname of data subject:			
Residential, postal or business address:			
			Code ()
Contact number(s):			
Fax number:			
E-mail address:			
B		DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party(<i>if the responsible party is a natural</i>):			
Residential, postal or business address:			
			Code ()
Contact number(s):			
Fax number:			
E-mail address:			
Name of public or private body(<i>if the responsible party is not a natural person</i>):			
Business address:			



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**ANNEXURE “D”:
CORRECTION OR DELETION OR DESTROYING / DESTRUCTION OF PERSONAL
INFORMATION**

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) OF THE
PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]**

Note:

1. *Affidavits or other documentary evidence in support of the request must 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.*

Reference Number....

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 THE DATA SUBJECT	
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
B DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party(<i>if the responsible party is a natural person</i>):	
Residential, postal or	



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**ANNEXURE “E”:
WITHDRAWAL OF CONSENT NOTICE TO PROCESS PERSONAL INFORMATION**

FORM 3

REQUEST FOR WITHDRAWAL OF CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

Note:

1. *Affidavits or other documentary evidence in support of the request must 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.*

Reference Number....

I wish to withdraw my consent for the collection, use and disclosure (processing) of personal information provided to your company for:

Mark the appropriate box with an "x":

Request for:

All the purposes I had provided my consent for; *or*

For only the following purposes:

State the purpose of withdrawal to be applied to:

.....

.....

I fully understand and agree that the withdrawal of my consent to any or all purposes – depending on the nature of my request – may result in the responsible party not being in a position to continue to provide services, products etc. to me.

A DETAILS OF THE DATA SUBJECT	
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	

