

Nobilatus Projects 23 (Pty) Ltd Including Subsidiaries

(Registration Number: 2014/235407/07)

“The Nobilatus Group”



COMPLIANCE MANUAL

as prescribed by the provisions of

THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

And

THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

Applicable to Nobilatus Projects 23 (Pty) Ltd, including Subsidiaries listed below:

- Class A Trading 253 (Pty) Ltd t/a Focus Project Management
Company Registration Number (2001/018134/07)
- Loliwe Integrated Rail Solutions t/a Loliwe Rail solutions
Company Registration Number (2012/121894/07)
- Focus Quantity Surveyors
Company Registration Number (2016/330932/07)
- Focus Water Projects
Company Registration Number (2017/241801/07)
- Hollyberry Properties
Company Registration Number (2005/041117/07)
- Dalisol (Pty) Ltd
Company Registration Number (2015/037439/07)
- Do Re Me Trading 54 (Pty) Ltd
Company Registration Number (2003/014887/07)

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1 INTRODUCTION AND PURPOSE OF THE COMPLIANCE MANUAL

1.1 The Provisions of The Promotion of Access to Information Act 2 of 2000 and The Protection of Personal Information Act 4 of 2013.

The Promotion of Access to Information Act 2 of 2000 ("PAIA") gives effect to the right of access to information in records held by public or private bodies that is required for the exercise or protection of any rights as enshrined in the Bill of Rights forming part of The Constitution of The Republic of South Africa, 1996 ("the Constitution").

PAIA gives effect to the provisions of Section 32 of the Constitution, which provide for the right of access to information. This is information held by the State but also information held by any other person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints. Section 51 of PAIA creates a legal right to access records (as defined in Section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA.

In addition, public and private bodies are also required to comply with the Protection of Personal Information Act 4 of 2013 ("POPIA"). Specific aims of the POPIA which pertain to entities is, to promote the protection of personal information processed by public and private bodies and to introduce certain conditions so as to establish minimum requirements for the processing of personal information. This Act regulates how organisations handle personal information, whether it is for individuals or other businesses. This includes how the information is stored, processed or share.

In this Manual, Nobilatus Projects 23 (Pty) Ltd and its subsidiaries detail their processes for compliance with these abovementioned Acts.

2 GROUP DETAILS AND DEFINITIONS

2.1 NOBILATUS GROUP

The Group has subsidiaries as listed above and its core business is to provide consulting services in the infrastructure environments relating to Project Management, Quantity Surveying, Water Consulting, Rail Consulting and Property Development and Investment. It will be demonstrated below in this Compliance Manual that the Group conforms to both the PAIA and POPIA. The details of the Group are as follows:

Physical address:

354 Rivonia Boulevard
Lillipark Office Park
Rivonia
2128

Postal address:

PO Box 727
Rivonia
2128

Telephone Number:

(011) 803-3000

Email Address:

admin@focuspm.co.za

Website:

www.focuspm.co.za

2.2 DEFINITIONS

- 2.2.1 **Group** means Nobilatus Projects 23 (Pty) Ltd (Registration number: 2014/235407/07) and its Subsidiaries. A Group duly registered as such in accordance with the Group laws of the Republic of South Africa and having its principal place of business address situated at 354 Rivonia Boulevard, Lillipark Office Park Rivonia, Republic of South Africa,
- 2.2.2 **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA,
- 2.2.3 **Constitution** means the Constitution of the Republic of South Africa, 1996,
- 2.2.4 **Client** refers to any natural or juristic person that received or receives services from the Company,
- 2.2.5 **Data Subject** has the meaning ascribed thereto in Section 1 of POPIA,
- 2.2.6 **Head of the Group** means the “head” as defined in Section 1 of PAIA and referred to in Clause 3,
- 2.2.7 **Information Officer** means the Company’s appointed personnel as referred to in Clause 3,
- 2.2.8 **Manual** means this manual prepared in accordance with Section 51 of PAIA and Regulation 4(1) (d) of the POPIA Regulations,
- 2.2.9 **PAIA** means the *Promotion of Access to Information Act, 2000*,
- 2.2.10 **Personal Information** has the meaning ascribed thereto in section 1 of POPIA,
- 2.2.11 **Personnel** refers to any person who works for, or provides services to or on behalf of the Group, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Group, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers,
- 2.2.12 **POPIA** means the *Protection of Personal Information Act, 2013*,
- 2.2.13 **POPIA Regulations** mean the regulations promulgated in terms of section 112(2) of POPIA,
- 2.2.14 **Subsidiaries** mean the following entities for part of the Nobilatus Group (Group)
- Class A Trading 253 (Pty) Ltd t/a Focus Project Management
Company Registration Number (2001/018134/07)
 - Loliwe Integrated Rail Solutions t/a Loliwe Rail solutions
Company Registration Number (2012/121894/07)
 - Focus Quantity Surveyors
Company Registration Number (2016/330932/07)
 - Focus Water Projects
Company Registration Number (2017/241801/07)
 - Hollyberry Properties
Company Registration Number (2005/041117/07)
 - Dalisol (Pty) Ltd
Company Registration Number (2015/037439/07)
 - Do Re Me Trading 54 (Pty) Ltd
Company Registration Number (2003/014887/07)

- 2.2.15 **Private Body** has the meaning ascribed thereto in sections 1 of both PAIA and POPIA,
- 2.2.16 **Processing** has the meaning ascribed thereto in section 1 of POPIA,
- 2.2.17 **Responsible Party** has the meaning ascribed thereto in section 1 of POPIA,
- 2.2.18 **Record** has the meaning ascribed thereto in Section 1 of PAIA and includes Personal Information,
- 2.2.19 **Requester** has the meaning ascribed thereto in Section 1 of PAIA,
- 2.2.20 **Request for Access** has the meaning ascribed thereto in section 1 of PAIA, and
- 2.2.21 **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.

3 INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

In accordance with Section 1 of the PAIA, the Head of the Group or one of the other partners can be designated as the Information Officer (IO) and this person should be registered with the Information Regulator. The main duties and responsibilities of the IO will be to encourage compliance with the conditions of the lawful processing of personal information by the Group, to deal with requests made to the Group pursuant to the Act, to work with the Regulator in relation to investigations conducted pursuant to Chapter 6 relating to the Group, and overall, to ensure compliance by the Group with the provisions of the Act. The details of our Information Officer are:

Information Officer: Mr Aadil Essop
Telephone Number: (011) 803-3000
Mobile Number: 084 517 5199
Email Address: aadil@focuspm.co.za

Our Information Officer is furthermore allowed in Section 17 of the same Act to delegate some of his duties to Deputy Information Officers in order to ensure the effective management of the Group's compliance with the Acts. The people delegated as Deputy Information Officers are:

Deputy Information Officer: Mr Ajay Mistry
JHB Telephone Number: (011) 803-3000
Mobile Number: 083 752 3333
Email Address: ajay@focuspm.co.za

Deputy Information Officer: Mr Richard Beck
DBN Telephone Number: (031) 312-2093
Mobile Number: 083 661 1179
Email Address: richard@focuspm.co.za

4 GUIDE ON HOW TO USE PAIA

The South African Human Rights Commission (SAHRC) has compiled a guide on the use of PAIA as prescribed in Section 10 of the Act. This guide is available at the offices of the SAHRC at the following address:

South African Human Rights Commission
33 Hoofd Street
Braampark Forum III
Braamfontein
Johannesburg, Gauteng
2001

They can be contacted at the following details:

Telephone Number: (011) 877-3600/3645
Fax Number: (011) 403-0668
Email Address: paia@sahrc.org.za
Website: www.sahrc.org.za

5 THE PROCESS OF REQUESTING ACCESS TO INFORMATION IN TERMS OF PAIA

- 5.1 The requester must comply with all the procedural requirements as contained in Section 53 of PAIA, relating to a Request for Access to a Record.
- 5.2 The Request for Access form appended as **ANNEXURE 1** must be completed and submitted to the Information Officer at the postal or physical address, facsimile number or electronic mail address stated in Clause 3 above, together with the payment of a request fee (if applicable) or a deposit (if applicable).
- 5.3 This Request for Access form must have adequate detail for the Information Officer to understand the below:
 - (i) Record/s requested,
 - (ii) identity of the requester,
 - (iii) the nature of the access that is required,
 - (iv) if the request is granted,
 - (a) the postal address or fax number of the requester, and
 - (b) the right that the requester is seeking to protect and an explanation about why the record is necessary to exercise or protect such a right.
- 5.4 If a Request for Access is made on behalf of another person, the requester must provide proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 5.5 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 5.6 The Group will voluntarily provide the requested Records to a Personal Requester (as defined in Section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Personal Requester will be charged in accordance with Section 54(6) of PAIA and Paragraph 7 below.
- 5.7 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, they will be required to indicate this alternative manner to the Information Officer.

6 PUBLICATION AND AVAILABILITY OF CERTAIN RECORDS IN TERMS OF PAIA

6.1 Schedule of Records

The Group has a Schedule of Records, as contained in the appended **ANNEXURE 2**, which details the records that are held and/or processed for the purposes of PAIA and POPIA. Access to these records may not be permitted if they are subject to the grounds of a refusal which are specified in Paragraph 8 below.

6.2 List of applicable legislation

- (i) The Nobilatus Group retains records which are required in terms of legislation other than PAIA.
- (ii) Certain legislation provides that private entities allow certain persons access to specified records upon request. Legislation that may be consulted to ascertain whether the requester has the right of access to a record other than in terms of the procedure set out in the PAIA are listed in **ANNEXURE 3**.

7 FEES

- 7.1 When the Request for Access is received by the Information Officer, the latter will by notice require the former, other than a Personal Requester, to pay the prescribed request fee (if any), before the request is processed any further.
- 7.2 The prescribed request fees are set out in **ANNEXURE 4**.
- 7.3 If the search for a record requires more than the prescribed hours for this purpose, the IO will notify the requester to pay as a deposit, the prescribed portion of the access fee (being not more than one) which would be payable if the Request for Access is granted.
- 7.4 The Information Officer will withhold a Record until the requester has paid the fees set out in **ANNEXURE 4**.
- 7.5 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 Record for disclosure, including making arrangements to make it available in a requested form provided for in PAIA.
- 7.6 If a deposit has been paid in respect of a Request for Access which is refused, the IO will repay the deposit to the requester.

8 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

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

- 8.1 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.
- 8.2 mandatory protection of the commercial information of a third party, if the records contain:
 - (i) trade secrets of that third party,
 - (ii) 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

- (iii) information disclosed in confidence by a third party to the Group, 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.

8.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement.

8.4 mandatory protection of the safety of individuals and the protection of property.

8.5 mandatory protection of Records that would be regarded as privileged in legal proceedings.

8.6 protection of the commercial information of the Group, which may include:

- (i) trade secrets,
- (ii) financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Group,
- (iii) information which, if disclosed, could put the Group at a disadvantage in contractual or other negotiations or prejudice the Group in commercial competition; and/or
- (iv) computer programs which are owned by the Group, and which are protected by copyright and intellectual property laws.

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

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

9 INFORMATION OR RECORDS NOT FOUND

If the Group cannot find 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 are unattainable, the requester will receive 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.

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

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

10.2 In accordance with Sections 56(3) (c) and 78 of PAIA, a requester may apply to a court for relief within 30 (thirty) days of notification of the decision for appropriate relief.

11 DECISION TO GRANT ACCESS TO RECORDS

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

- 11.2 The period referred to above may be extended for a further period of not more than 30 (thirty) 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 Group and the records cannot reasonably be obtained within the original 30 (thirty) day period.
- 11.3 The Group will notify the requester in writing should an extension of time as contemplated above be required.
- 11.4 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.

12 AVAILABILITY OF THE MANUAL

- 12.1 This Manual is made available in terms of PAIA and Section 4 of the Regulations to POPIA.
- 12.2 This Manual is also available at: www.focuspm.co.za or www.nobilatus.co.za or www.loliwerail.co.za
- 12.3 This Manual is further available at the offices of SAHRC and at the offices of the Group for inspection during normal business hours. No fee will be levied for inspection as contemplated in this clause.
- 12.4 Copies of the Manual can be obtained from the Information Officer. A fee will be levied for copies of the Manual in accordance with **ANNEXURE 4**.

13 PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE GROUP

- 13.1 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.
- 13.2 The Group 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 and the purpose for which it is processed is determined by the Group. The Group 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 Group, in the form of privacy or data collection notices. The Group 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, is subject to an appropriate level of security when stored, used and communicated by the Group, 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:

- (a) be notified that their Personal Information is being collected by the Group. The Data Subject also has the right to be notified in the event of a data breach.
- (b) know whether the Group 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.
- (c) request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information.
- (d) object to the Group's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Group's recordkeeping requirements).
- (e) object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- (f) 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.

13.3 Purpose of the processing of Personal Information by the Group:

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which the Group Processes or will Process Personal Information are set out in **PART 1 of ANNEXURE 5**.

13.4 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 ANNEXURE 5** sets out the various categories of Data Subjects that the Group Processes Personal Information on and the types of Personal Information relating thereto.

13.5 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) the transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party,
- (iv) the transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interest of the Data Subject,
- (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 3 of ANNEXURE 5 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

13.6 Description of information security measures to be implemented by the Group.

PART 4 of Annexure 5 sets out the types of information security measures to be implemented by the Group in order to ensure that Personal Information is respected and protected. A preliminary assessment of the sustainability of the information security measures implemented or to be implemented by the Group may be conducted in order to ensure that the Personal Information that is processed by the Group is safeguarded and processed in accordance with the Conditions for Lawful Processing.

13.7 Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provide 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 **ANNEXURE 6**, subject to exceptions contained in POPIA.

13.8 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 **ANNEXURE 7** to this Manual.

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 in full.
- 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.

1 Particulars of Private body

The Information Officer:

Name: Aadil Essop
Physical Address: 354 Rivonia Boulevard
Lillipark Office Park Rivonia
2128
Postal Address: PO Box 727
Rivonia
2128
Contact Details: 084 517 5199
Email: aadil@focuspm.co.za

2 Particulars of requester (if a 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 also be given below.**
- 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 must also be given below.
- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name:
Registration number: 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.

(i) Description of record or relevant part of the record:

(ii) Reference number, if available:

(iii) Any further particulars of record

- a) 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 R35,00 has been paid.**
- b) 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.**
- c) You will be notified of the amount required to be paid as the access fee.**
- 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:

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.

1. If the record is in written or printed form:			
	Copy of record*		Inspection of a record
2. If record consists of visual images (photographs, slides, video recordings, computer-generated images, sketches, etc):			
	View a copy of the images		The images* Transcription of a record*
3. If record consists of recorded information that can be reproduced in sound:			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of copy information derived from record* or in computer readable form* (stiffy, compact disc)
*If you are requesting a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable			YES NO

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 above, state your disability and indicate in which form the record is required.

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

(i) Indicate which right is to be exercised or protected:

(ii) 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.

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

Description of the subjects on which the Group holds records, and the categories of records held on each subject. Each of these records is available on request in terms of PAIA.

1. Client Services Records	
1.1 Client correspondence	1.7 Proposals and Tender Documentation
1.2 Client fee files	1.8 Project plans and programmes
1.3 Client contracts	1.9 Risk management records and solution methodologies
1.4 Client business information	1.10 Standard terms and conditions of the supply of goods and/or services
1.5 Legal documentation	
1.6 Working papers, including minutes and other project related information	
2. Corporate Governance	
2.1 Codes of conduct	2.4 Executive committee meeting minutes
2.2 Corporate social investment records	2.5 Legal compliance records
2.3 Board meeting minutes	2.6 Policies
3. Finance and Administration	
3.1 Accounting records	3.6 Remittances
3.2 Annual financial statements	3.7 Invoices and statements
3.3 Agreements and banking records	3.8 Tax records and returns
3.4 Correspondence	3.9 Statistics SA returns
3.5 Purchase orders	
4. Human Capital	
4.1 BEE statistics	4.8 PAYE records
4.2 Career development records	4.9 Performance management records
4.3 Personnel information	4.10 Assessments, policies and procedures
4.4 Employment equity records	4.11 UIF returns
4.5 General terms of employment	4.12 Retirement benefits records
4.6 Letters of employment	4.13 Medical Aid records
4.7 Leave records	
5. Information and Management Technology	
5.1 Agreements	5.3 Information policies
5.2 Equipment register	5.4 Standards, procedures and guidelines

6. Learning and Education	
6.1 Training material	6.4 Training agreements
6.2 Training records and statistics	
6.3 Learnership Programmes	
7. Library and Information and Research Centre	
7.1 External publications	7.4 Periodicals
7.2 Internal publications	7.5 Research files and articles
7.3 Reference works	
8. Marketing and Communication	
8.1 Proposal documents	8.5 Communication strategies
8.2 New business development	8.6 Agreements
8.3 Brand information management	8.7 Client relationship programmes
8.4 Marketing strategies	8.8 Marketing publications and brochures
	8.9 Sustainability programmes
9. Operations	
9.1 Access control records	9.8 Standard trading terms and conditions of supply of services and goods
9.2 Agreements	9.9 Travel documentation
9.3 Archival administration documentation	9.10 Procurement agreements and documentation
9.4 General correspondence	9.11 Used order books
9.5 Patents, Trademarks and ISO documents	9.12 Vehicle registration documents
9.6 Insurance documentation	9.13 Cellular phone registration documents, including RICA
9.7 Service level agreements	
10. Secretarial Services	
10.1 Applicable statutory documents, including but not limited to, certificates of incorporation and certificates to commence business	
10.2 Corporate structure documents;	
10.3 Memoranda and Articles of Association;	
10.4 Share registers	
10.5 Statutory Returns to relevant authorities	
10.6 Share certificates	
10.7 Shareholders agreements	
10.8 Minutes of meetings	
10.9 Resolutions passed	

LIST OF APPLICABLE LEGISLATION

Administration of Adjudication of Road Traffic Offences Act 46 of 1998
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
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
Financial Advisory & Intermediary Services Act 37 of 2002
Financial Intelligence Centre Act 38 of 2001
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
National Building Regulations and Building Standards Act 103 of 1997
National Credit Act 34 of 2005
National Environmental Management Act 107 of 1998
National Environmental Management: Air Quality Act 39 of 2004
National Environmental Management: Waste Act 59 of 2008
National Water Act 36 of 1998
National Road Traffic Act 93 of 1996
Occupational Health and Safety Act 85 of 1993
Patents Act 57 of 1987
Prescription Act 18 of 1943
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 Services Act 36 of 2004
Securities Transfer Act 25 of 2007
Short-Term Insurance Act 53 of 1998
Skills Development Act 97 of 1997
Skills Development Levies Act 9 of 1999
South African Reserve Bank Act 90 of 1989
The South African National Roads Agency Limited & National Roads Act 7 of 1998
Trademarks Act 194 of 1993
Transfer Duty Act 40 of 1949
Unemployment Insurance Act 63 of 2001 and 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.

ANNEXURE 4

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
(1)	(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.	

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.

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 Client in accordance with terms agreed to by the Client;</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 Group</p> <p>2.2 to verify the identity of Client representatives who contact the Group or may be contacted by the Group;</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 Client for quality, training, investigation and fraud prevention purposes;</p> <p>2.5 for crime detection, prevention, investigation and prosecution;</p> <p>2.6 to enforce or defend the Group 's rights; and</p> <p>2.7 to manage the Group 's relationship with the Client.</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 Client; and</p> <p>5 Any additional purposes as may be notified to the Client or Data Subjects in any notice provided by the Group</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>

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>Client:</p> <p>o Corporate Client Profile information including, account details, payment information, corporate structure, client risk rating and other client information including to the extent the categories of information relate to individuals or representatives of clients (e.g., shareholders, directors, etc.) required for the above-mentioned purposes</p> <p>o Individual; Name; contact details (Group E-Mail Address, Group Telephone Number), client details (Home Facsimile Number, Home Postal Address, Home Telephone Number, Personal Cellular, Mobile Or Wireless 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; “know-your client” data, photographs; other identification and verification data as contained in images of ID card, passport and other ID documents; images of client signatures)</p>	<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 Group from the Client, Client affiliates and their respective representatives and related parties in the course of providing accounts and services to the Client or in connection with a transaction or services.</p> <p>Client personal data may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, voiceprints, 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 and, for certain data transferred from the UK only, National Insurance numbers.</p>		
<p>Personnel:</p> <p>Name; employee ID number; business contact details (address/telephone number/email address)</p>		

PART 3

CROSS-BORDER TRANSFER OF PERSONAL INFORMATION

When making authorised 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 4

DESCRIPTION OF INFORMATION SECURITY MEASURES

The Group 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 Group may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1 Access Control of Persons

The Group 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 Group 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 Group and containing personal data of Clients.

3 Data Memory Control

The Group 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 Group 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 Group represents that the persons entitled to use the Co'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).

6 Transmission Control

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

7 Transport Control

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

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:	
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

**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:	
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)

NOBILATUS GROUP AND SUBSIDIARIES PRIVACY POLICY

Nobilatus Group (“Group” or “we” or “us”) is committed to protecting and respecting your privacy. This privacy policy (“this Policy”) sets out how Nobilatus Group use, protect and process any information that we collect from a Data Subject (“you”) and that you provide to us. Nobilatus Group abides by the Protection of Personal Information Act, No. 4 of 2013 (POPIA). We will not use your Personal Information for any other purpose than that set out in this Policy and will endeavour to protect your Personal Information that is in our possession from unauthorised alteration, loss, disclosure or access. Please note that we may review and update this Policy from time to time.

Capitalised terms used on this Policy have the same meanings as ascribed thereto in Section 1 of the POPIA.

COLLECTING PERSONAL INFORMATION

Nobilatus Group collects Personal Information from you and uses it to plan, develop, implement and manage projects which may involve making telephone contact with you, emailing you with reports that may be of interest to you, and sharing your Personal Information with potential partners/contractors/suppliers. We collect and process your Personal Information mainly to provide you with access to our services and to help us improve our offerings to you. The type of information we collect will depend on the purpose for which it is collected and used, and we will only collect information that we need for that purpose. We collect information directly from you where you provide us with your personal details, for example, when you solicit services from us or when you submit either your details or enquiries to us or contact us.

In addition to the above, we may create Personal Information about you, such as, records of your communications and interactions with us, including, but not limited to, your attendance at events, subscription to our newsletters and other mailings and interactions with you during the course of our digital marketing campaigns. We will not intentionally collect and process the Personal Information of a Child unless we have the permission of a Competent Person to do so.

WHAT PERSONAL INFORMATION DO WE COLLECT?

The Personal Information we collect includes, but is not limited to:

- Your full name,
- Your address,
- Your date of birth,
- Your email addresses,
- Your (mobile) telephone number,
- Payment details, billing address, payment method, bank account number or credit card number, invoice records, payment records, SWIFT details, IBAN details, payment amount; payment date, and records of cheques.

PURPOSE FOR PROCESSING INFORMATION

We will process your Personal Information in the ordinary course of the business of providing consulting and related services. We will primarily use your Personal Information only for the purpose for which it was originally or primarily collected. We will use your Personal Information for a secondary purpose only if such purpose constitutes a legitimate interest and is closely related to the original or primary purpose for which the Personal Information was collected. More specifically, we may process your Personal Information during various activities, including but not limited to:

- Operating our business;
- Conducting our consulting operations;
- Drafting reports;
- Compiling project specifications;
- Ensuring compliance with applicable law;
- Undertaking tasks and negotiations with contractors;
- Responding to queries, request and complaints.

SENSITIVE AND SPECIAL PERSONAL INFORMATION

We ask that you do not send us, and do not share any sensitive personal information (for example, government-issued IDs, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, genetic, or biometric data, criminal background or trade union membership).

DISCLOSURE OF PERSONAL INFORMATION TO THIRD PARTIES

Nobilatus Group does not sell or trade any Personal Information collected, however, we may share some of the Personal Information we collect with our related corporations and service providers, contractors who help us provide services, or trading partners. We often need to share your Personal Information with Operators who perform parts of our service delivery. This may include:

- Service providers e.g., IT services, mailing services, contractors, data analysts,

- Regulatory authorities,
- Professional advisors, and
- Any other third party required by law.

Where we share your Personal Information with Operators, Nobilatus Group will ensure that these third parties protect your privacy in accordance with POPIA.

DATA SECURITY

We implement appropriate technical and organisational security measures to protect your Personal Information that is in our possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access, in accordance with applicable law.

Where there are reasonable grounds to believe that your Personal Information that is in our possession has been accessed or acquired by any unauthorised person, we will notify you and the relevant regulator, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs us that notifying you will impede a criminal investigation.

Due to the fact that the internet is an open system, the transmission of information via the internet is not completely secure. Although we will implement all reasonable measures to protect your Personal Information that is in our possession, we cannot guarantee the security of any information transmitted using the internet and we cannot be held liable for any loss of privacy occurring during the course of such transmission.

DATA ACCURACY

The Personal Information provided to Nobilatus Group should be accurate, complete and up to date. Should Personal Information change, the onus is on the provider of such data to notify Nobilatus Group of the change and provide Nobilatus Group with the accurate data.

DATA MINIMISATION

Nobilatus Group will restrict its processing of Personal Information to data which is sufficient for the fulfilment of the primary purpose and applicable legitimate purpose for which it was collected.

DATA RETENTION

Nobilatus Group shall only retain and store Personal Information for the period for which the data is required to serve its primary purpose or a legitimate interest or for the period required to comply with an applicable legal requirement, whichever is longer.

YOUR LEGAL RIGHTS

You may have rights under the South African and other laws to have access to your Personal Information and to ask us to rectify, erase and restrict use of your Personal Information. You may also have rights to object to your Personal Information being used, to ask for the transfer of Personal Information you have made available to us and to withdraw consent to the use of your Personal Information.

COOKIES AND SIMILAR TECHNOLOGIES

We may Process your Personal Information by our use of cookies and similar technologies. Cookies are small software programs that install themselves on your computer or your mobile device. They store data specific to a particular user and remember your preferences about our website. Cookies are stored on your computer or mobile device for various lengths of time. Every time you return to our website and browse it, cookies record this data, which is then transmitted to us or to third parties with whom we work.

We may collect information about your computer, including where available, your operating system, browser type, third-party software installed on your device, installation and uninstallation rates, the language of your device and computers manufacturer, screen size and model of the device and any other technical information for system administration and to report aggregate information to our advertisers. This statistical data about our users' browsing actions and patterns is derived from your Personal Information but is not considered Personal Information in law as it does not identify any individual.

When you visit our website, we may place cookies onto your device, or read cookies already on your device, subject always to obtaining your consent, where required, in accordance with applicable law. We use cookies to record information about your device, your browser and, in some cases, your preferences and browsing habits. We may process your Personal Information through cookies and similar technologies.

DIRECT MARKETING

We may process your Personal Information for the purposes of providing you with information regarding services that may be of interest to you. You may unsubscribe for free at any time.

CONTACT DETAILS

You may contact us at - Information Officer – Nobilatus Group

Attention: Aadil Essop

Telephone: 084 517 5199

Email: aadil@focuspm.co.za

Date: 25 June 2021