

## Privacy Policy

### Prepared in terms of the provisions of the Protection of Personal Information Act, no. 4 of 2013 (“POPIA” or “POPI Act”)

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## 1. Introduction & Purpose

POPIA is the Protection of Personal Information Act 4 of 2013 which is aimed at the protection of Personal Information which is processed by both public and private bodies.

The purpose of the POPI Act is to address the recognition and protection of the right to privacy which is a fundamental human right enshrined in our Constitution.

The Act stipulates requirements and conditions that businesses must comply with when processing Personal Information.

SCR (Pty) Ltd (“SCR”) respects your privacy and Personal Information and is committed to ensuring that your Personal Information is processed and safeguarded as prescribed in terms of the POPI Act.

The purpose of this policy is to inform clients, *inter alia*, of the type of Personal Information we collect, how we collect it, the purpose of collecting Personal Information and the safeguarding thereof.

## 2. What is Personal Information

Personal Information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as an organisation), including, but not limited to information concerning:

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

Special Personal Information relates to *inter alia* religious or philosophical beliefs, race or ethnic origin, trade union membership, biometric information or the criminal behaviour of the data subject.

## 3. What is “processing”

POPIA defines “processing” to mean:

*“any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including —*

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;*
- b) dissemination by means of transmission, distribution or making available in any other form; or*
- c) merging, linking, as well as restriction, degradation, erasure or destruction of information.”*

## 4. What is a data subject

In terms of the Act a “data subject” means the person to whom Personal Information relates.

When the definition of “data subject” is read together with the definition of “Personal Information”, it is clear that a “data subject” can be an identifiable, living, natural person and / or an identifiable, existing juristic person.

## 5. Who must comply with the POPI Act

Any company (responsible person) who processes (collects, receives, records, organises, storages, etc.) Personal Information (name and surname, trading name, identification number, registration number, age, race, gender, email address, telephone number, physical address, educational qualification, criminal history, financial information, biometric information, etc.) of a data subject (the natural or juristic person to whom the Personal Information belongs) must comply with POPIA.

## 6. What information do we collect

When SCR provides services and/or supply and deliver products (raw material and/or lab instruments) to clients / customers receiving an instruction, during the existence of the contract between SCR and client and while SCR is rendering the services / supply the products contracted for, we may receive and/or collect Personal Information including, but not limited to:

- Client information (such as name and surname, ID number, registered and/or trading name, registration number, physical address, registered address, postal address, tax number, VAT number, etc.)
- Client financial & other information (such as bank account details, tax reference numbers, VAT number, financial statement, etc.)
- Client contact details (such as telephone and cell phone number, fax number and email address)
- Supplier information (such as name and surname, ID number, registered and/or trading name, registration number, physical address, registered address, postal address, tax number, VAT number, etc.)
- Supplier financial & other information (such as banking details, VAT number, etc.)
- Supplier contact details (such as telephone and cell phone number, fax number and email address)

## 7. Collection of Personal Information

In terms of Sections 9 SCR will collect and process clients’ / customers’ Personal Information in a lawful and reasonable manner that does not infringe the privacy of our clients / customers.

We collect clients’ Personal Information directly from our clients / customers when they enter into a contract with SCR, order products to be supplied and/or engage our services. We also collect Personal Information directly from our clients / customers during the existence of the contract with client / customer, while delivering and rendering the services, supplying the products and when required to act in accordance with clients’ / customers’ instructions and / or requests.

In terms of Section 12 of POPIA, in some circumstances, Personal Information is not collected directly from clients / customers and/or data subjects.

In the following situations, Personal Information may not be collected directly from clients / customers and/or data subjects:

- If the Personal Information is derived from public records;
- If the Personal Information has been made public by the data subject;
- From other sources which will not prejudice the legitimate interest of our clients / customers;
- From other sources for the conduct of proceedings in any court or tribunal that have commenced or are reasonably contemplated;
- From other sources to maintain our legitimate interest;

- If the collection of Personal Information directly from clients / customers and/or data subjects would prejudice a lawful purpose of the collection; and/or
- If compliance and collection of Personal Information directly from clients / customers and/or data subjects is not reasonably practicable in the circumstance.

## 8. The purpose of collecting and processing Personal Information

In terms of Section 13 of POPIA, Personal Information may only be collected and processed for a specific, defined and lawful purpose which is related to a function or activity of SCR.

We collect, use and process clients' Personal Information to *inter alia*:

- Respond to clients' / customers' enquiries and to communicate with clients / customers;
- Provide and deliver services;
- To supply and deliver the products (raw material and/or lab instruments);
- Adhere to our contractual obligations;
- Ensure that our business and service offering meet clients' / customers' requirements;
- Administer and manage staff;
- Retain accounting and other records;
- Invoice clients / customers and for other accounting purposes;
- Adhere to a legal obligation (for example as prescribed by legislation).

In terms of Section 10, the above purposes for collecting and processing Personal Information is adequate, relevant and not excessive.

## 9. Disclosure and recipients of Personal Information

It is sometimes necessary for SCR to disclose clients' / customers' Personal Information to third parties and other recipients on the following basis:

- Client / customer has consented to the disclosure;
- In terms of a legal obligation and/or as prescribed by law;
- To service providers and / or consultants who are involved in the delivery of services and/or supply of products to clients / customers;
- To employees and staff of SCR as part of the services being delivered to clients / customers;
- To protect the legitimate interests of SCR; and/or
- To service providers if it required for our business activities and operation.

Where necessary or required, A@L shares Personal Information with, *inter alia*:

- Employees and / or directors and / or shareholders of the Company;
- Regulatory and statutory bodies and government;
- Service providers, suppliers, consultants, courier, delivery and/or transport services;
- Export and import port boarder control and other officials;
- Representatives of the Company;
- Employment and recruitment agencies;
- Banks or other financial institutions;
- SARS;
- SAPS;
- Accountant and auditors;
- CIPC.

## 10. Retention of Personal Information

SCR may retain any record, which may contain personal information, which contains SCR's intellectual property, even after the completion of the service(s) and/or supply of products and/or termination of the contract, as the retention may be required in terms of a legal obligation and/or for the lawful purpose and functions of SCR.

## 11. Transborder flow of information

SCR may from time to time need to share Personal Information with third parties (suppliers, courier, delivery and/or transport services, export and import boarder control and other officials and / or service providers) in other countries and transmit Personal Information transborder, which Personal Information may be stored in data servers / data centres hosted outside South Africa. SCR will endeavour to ensure that these third parties make all reasonable efforts to secure the Personal Information.

You, as SCR's client / customer, acknowledge and agree that it may be necessary for SCR to transfer your Personal Information outside South Africa in the following instances:

- If and when we use an email service provider (like Microsoft Outlook or Microsoft Office 365 email) which is hosted outside South Africa;
- If you provide us with an email address that is hosted outside South Africa; and/or
- To administer certain services and for Information operations and security, for example, cloud-based storage (data centre, OneDrive, SharePoint).

## 12. Types of Data Subjects

SCR may possess records relating to Personal Information of the following data subjects:

- Clients / customers (natural persons and/or juristic persons);
- Service providers;
- Suppliers;
- Employees;
- Directors;
- Shareholders;
- Visitors to SCR's premises; and/or
- Individuals / potential clients / customers who have indicated an interest in the SCR's services and/or products.

## 13. Protection of Personal Information (Security Safeguards)

SCR makes use of technology and safeguarding measures to ensure the protection of Personal Information, such as:

- Firewalls, Anti-malware and Anti-Virus software and applications;
- Physical security of office space;
- Information Systems (server and external hard drive) access and security control;
- Physical security of devices and documents; and
- Password protocols.

## 14. Notification of changes to Personal Information

Clients / customers are requested to inform SCR of any change to their Personal Information which is in our possession and/or we have on record in order to ensure that clients' / customers' Personal Information held by us is complete, accurate and not misleading.

## 15. Data subject's rights

In terms of Section 5 of POPIA, the Data Subject has the following rights:

- "5. A data subject has the right to have his, her or its Personal Information processed in accordance with the conditions for the lawful processing of Personal Information as referred to in Chapter 3, including the right—*
- (a) to be notified that—*
    - (i) Personal Information about him, her or it is being collected as provided for in terms of section 18; or*
    - (ii) his, her or its Personal Information has been accessed or acquired by an unauthorised person as provided for in terms of section 22;*
  - (b) to establish whether a responsible party holds Personal Information of that data subject and to request access to his, her or its Personal Information as provided for in terms of section 23;*
  - (c) to request, where necessary, the correction, destruction or deletion of his, her or its Personal Information as provided for in terms of section 24;*
  - (d) to object, on reasonable grounds relating to his, her or its particular situation to the processing of his, her or its Personal Information as provided for in terms of section 11(3)(a);*
  - (e) to object to the processing of his, her or its Personal Information —*
    - (i) at any time for purposes of direct marketing in terms of section 11(3)(b); or*
    - (ii) in terms of section 69(3)(c);*
  - (f) not to have his, her or its Personal Information processed for purposes of direct marketing by means of unsolicited electronic communications except as referred to in section 69(1);*
  - (g) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his, her or its Personal Information intended to provide a profile of such person as provided for in terms of section 71;*
  - (h) to submit a complaint to the Regulator regarding the alleged interference with the protection of the Personal Information of any data subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as provided for in terms of section 74; and*
  - (i) to institute civil proceedings regarding the alleged interference with the protection of his, her or its Personal Information as provided for in section 99."*

## 16. Access to and correction of Personal Information

In terms of Section 11(3) of POPIA the data subject has the right to objection to the processing of Personal Information in accordance with Form 1 of the Regulations.

In terms of Section 23(1) & (2) of POPIA the data subject has the right to request the Company to confirm, free of charge, whether the Company hold any Personal Information about the data subject.

In terms of Section 24 the data subject has the right to request, where necessary, the correction, destruction or deletion of his/her/its Personal Information in accordance with Form 2 of the Regulations.

Clients are referred to SCR's PAIA and POPIA Manual to obtain more information regarding the manner and form of the above objection and/or request(s).

## 17. Website and Cookies

SCR does not collect Personal Information on their website unless you provide SCR with your Personal Information such as when you email an enquiry to SCR and/or use the information provided on the Website to contact SCR.

You may visit SCR's website without providing any Personal Information. The website servers will collect the IP address used to access the website, but not the email address or any other Personal Information. SCR and/or SCR IT and website service provider(s) may analyse non-identifiable information such as IP addresses, number of visits to the website, average time spent on the website, pages viewed, etc. in order to improve our website and services.

SCR's website may collect cookies where required for particular features to work. The cookies do not collect Personal Information and is used to analyse website usage. Cookies are small text files created by a website that is stored in the user's computer and provide a way for the website to recognise the user and track preferences.

## **18. How to contact us**

If you have any enquiries about this Privacy Policy, require further information or believe that we are not adhering to the Privacy Policy, please contact us at the numbers/addresses listed on our website and/or in our PAIA & POPIA Manual: [www.scrchemicals.co.za/index.html](http://www.scrchemicals.co.za/index.html)

## **19. Complaints**

In terms of Section 74(1) of POPIA Clients / Customers and Data Subjects have the right to submit a compliant the Information Regulator regarding the alleged interference with the protection of the Personal Information.

The contact details of the Information Regulator are as follows:

The Information Regulator (South Africa)

33 Hoofd Street, Forum III, 3rd Floor Braampark

P.O Box 31533, Braamfontein, Johannesburg, 2017

Mr Marks Thibela, Chief Executive Officer

Tel No. +27 (0) 10 023 5200, Cell No. +27 (0) 82 746 4173

Complaints email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

General enquiries email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

Website: <https://www.justice.gov.za/infoereg/>