

**POLICY IN TERMS OF THE
PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013
AND
MANUAL IN TERMS OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

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1 DEFINITIONS

In this document, unless the context indicates otherwise, the words and expressions set out below shall have the meanings assigned to them and cognate expressions shall have a corresponding meaning, namely:

- 1.1 Client means the potential and existing clients of IQL as the context requires;
- 1.2 IQL means IQ Logistica Investments Proprietary Limited (registration number: 2009/021536/07);
- 1.3 Manual means the PAIA manual contained in **Section B** of this document;
- 1.4 PAIA means the Promotion of Access to Information Act No. 2 of 2000;
- 1.5 Personal Information shall have the meaning ascribed thereto in terms of section 1 of POPI, namely: any information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to – information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail 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 would reveal the

contents of the original correspondence; the views or opinions of another individual regarding the person; and 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;

- 1.6 Policy means the POPI policy contained in **Section A** of this document;
- 1.7 POPI means the Protection of Personal Information Act No. 4 of 2013; and
- 1.8 Processing means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 1.8.1 the collection receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 1.8.2 dissemination by means of transmission, distribution or making available in any other form; and
- 1.8.3 merging, linking as well as restriction, degradation, erasure or destruction of information.

SECTION A – POPI POLICY

2 BACKGROUND

- 2.1 IQL provides various services to Clients including, but not limited to, facilitating the obtaining of financing and insurance on their behalf and services in relation to the tracking of farming services.

2.2 IQL is the owner and developer of a cloud-based technology platform known as “IQ Thentic” (**IQL Platform**) which is used to collect, collate and aggregate data for the purposes of, amongst other things, tracing agricultural outputs and related matters as these progress through the value chain.

2.3 This Policy deals with the manner in which IQL processes Personal Information which is collected from its Clients and the purpose of such Processing.

3 PERSONAL INFORMATION COLLECTED

3.1 IQL collects the following documentation and/or information and any documentation and/or information related thereto, including but not limited to:

3.1.1 as part of IQL’s organisational due diligence, know your client and/or Financial Intelligence Centre Act No. 39 of 2001 procedures:

- 3.1.1.1 organogram;
- 3.1.1.2 identity documents;
- 3.1.1.3 proof of address;
- 3.1.1.4 income tax number;
- 3.1.1.5 proof of bank account;
- 3.1.1.6 trust deed;
- 3.1.1.7 letter of authority;
- 3.1.1.8 trustee resolution;
- 3.1.1.9 source of funds statements;
- 3.1.1.10 registration documents;
- 3.1.1.11 signatory details and share registers;
- 3.1.1.12 financial statements;
- 3.1.1.13 management accounts;
- 3.1.1.14 budgets;

- 3.1.1.15 drawdown requests;
- 3.1.1.16 financial statements; and
- 3.1.1.17 budgets and drawdown requests;
- 3.1.2 On the IQL Platform –
 - 3.1.2.1 farmer profile information;
 - 3.1.2.2 farmer contract details;
 - 3.1.2.3 land preparation and fertilizer information;
 - 3.1.2.4 land data;
 - 3.1.2.5 planting and replanting data;
 - 3.1.2.6 chemical application data;
 - 3.1.2.7 crop scouting and defoliant information;
 - 3.1.2.8 harvest information; and
 - 3.1.2.9 delivery information.
- 3.2 IQL shall endeavour to only collect and process Personal Information relating to its Clients which is adequate, relevant, and not excessive in terms of POPI and which is required by IQL to provide the Client with the required services.
- 3.3 IQL shall endeavour to inform the Client of the information which is required for IQL to adequately render the required services to the Client and which information is optional, but may still be useful to IQL for the provision of the services.
- 3.4 IQL also collects and processes the Client's Personal Information for marketing purposes.

4 USE OF PERSONAL INFORMATION

- 4.1 IQL shall only process Client's Personal Information if the Processing is –
 - 4.1.1 necessary to carry out its obligations in terms of an engagement between IQL and the Client in question;

- 4.1.2 consented to by the Client in question;
 - 4.1.3 required for IQL to comply with its obligations imposed by law;
 - 4.1.4 necessary to protect a legitimate interest of the Client; and
 - 4.1.5 necessary to pursue the legitimate interests of IQL or of a third party to whom the information is supplied.
- 4.2 IQL shall only use a Client's Personal Information for the purpose for which the information was collected which purpose may include, but will not limited to, the following:
- 4.2.1 obtaining financing for the Client;
 - 4.2.2 obtaining insurance for the Client;
 - 4.2.3 assisting with the procurement of inputs for the Client;
 - 4.2.4 tracking of Client farming operations;
 - 4.2.5 statistical analysis of Client farming data;
 - 4.2.6 Client supply chain management;
 - 4.2.7 verifying and updating Client details;
 - 4.2.8 detection and prevention of fraud, money laundering or other prohibited practices;
 - 4.2.9 audit and record keeping purposes;
 - 4.2.10 Processing of Personal Information for litigious processes;
 - 4.2.11 providing services to Clients;
 - 4.2.12 compliance with legal and regulatory requirements; and
 - 4.2.13 communication with service providers and between IQL and its Clients.

5 DISCLOSURE

- 5.1 IQL may disclose the Client's Personal Information to any of its subsidiaries, affiliates or third-party service providers from which the Client requires services.
- 5.2 IQL undertakes to ensure that any subsidiaries, affiliates or third-party service providers to which Personal Information is disclosed in terms of **clause 5.1** above, comply with the necessary confidentiality, Processing and privacy standards set out by POPI and this Policy.
- 5.3 IQL may obtain information regarding its Clients from third parties for the reasons set out in this policy.
- 5.4 IQL may disclose Client's Personal Information where it is required to do so in terms law or it is necessary to protect its rights.

6 SECURITY AND SAFEGUARDS

- 6.1 IQL shall continuously review its internal security measures and processes to prevent any loss of, damage to or unlawful access to a Client's Personal Information.
- 6.2 IQL shall have due regard to generally accepted information security practices and procedures.
- 6.3 Should any data breach occur in relation to a Client's Personal Information, IQL shall notify the Client thereof and implement the necessary recovery procedures to retrieve such information and mitigate the effect of such data breach.

7 INFORMATION OFFICER

- 7.1 The IQL information officer is **Chantal Reddy** ("**Information Officer**").
- 7.2 The Information officer is responsible for IQL compliance with POPI and ensuring the lawful Processing of Personal Information of Clients.
- 7.3 The details of the Information Officer are set out below at **clause 20** (*Details of Information Officer and Head Office*) of this document.

8 INTERNAL PROCEDURES

IQL shall put the following internal measures in place to ensure the protection of Client's Personal Information –

- 8.1 the appointment of the Information Officer;
- 8.2 training its staff on the provisions of POPI;
- 8.3 making IQL's internal policy binding upon its staff; and
- 8.4 conducting regular backups of data.

9 ACCESS AND CORRECTION OF PERSONAL INFORMATION

- 9.1 Clients have the right to access their Personal Information which is held by IQL.
- 9.2 Clients have the right to request that IQL update, correct or delete any Personal Information held by IQL and IQL shall endeavour to comply with the request as soon as reasonably practicable.
- 9.3 Should a Client object to the Processing of its Personal Information and inform IQL thereof, IQL shall no longer process such Personal Information.
- 9.4 IQL shall request and verify the identity of the requesting party prior to giving effect to any requests made in terms of this **clause 9**.
- 9.5 All requests made by Clients in terms of this **clause 9** shall be directed to the Information Officer.

10 CONSENT

- 10.1 By completing IQL's onboarding process, the Client hereby consents to the Processing of its Personal Information required for the uses as set out in this Policy, including the transfer of such Personal Information to any third parties, financiers and insurers in order for IQL to provide the required services to its Clients.

SECTION B – PAIA MANUAL

11 BACKGROUND

- 11.1 IQL holds records pertaining to its Clients which are required to provide the necessary services to its Clients.
- 11.2 PAIA provides for the right of access to information held by another person which is required for the exercise or protection of any rights.
- 11.3 This Manual has been prepared in accordance with section 51 of PAIA in order to provide for the manner and procedure in which records held by IQL can be requested.

12 RIGHT TO ACCESS RECORDS OF PRIVATE BODY

In terms of PAIA, a person requesting records of a private body must be granted such access if:

- 12.1 the record is required for the exercise or protection of any rights;
- 12.2 the requesting person complies with the procedural requirements of PAIA;
and
- 12.3 access is not refused in terms of a ground for refusal contained in PAIA.

13 RECORDS WHICH CAN BE ACCESSED WITHOUT A FORMAL REQUEST

IQL is required to hold records in terms of the following Acts:

- 13.1 Basic Conditions of Employment Act, No. 75 of 1997;
- 13.2 Companies Act, No 71 of 2008;
- 13.3 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 13.4 Consumer Protection Act No. 68 of 2008;
- 13.5 Currency and Exchanges Act No. 9 of 1933;
- 13.6 Electronic Communications and Transactions Act No. 25 of 2002;
- 13.7 Employment Equity Act No. 55 of 1998;
- 13.8 Financial Intelligence Centre Act No. 38 of 2001;

- 13.9 Income Tax Act, No. 58 of 1962;
- 13.10 Labour Relations Act No. 66 of 1995;
- 13.11 National Credit Act No. 34 of 2005;
- 13.12 Occupational Health and Safety Act No. 85 of 1993;
- 13.13 Regulation of Interception of Communications Act, No. 70 of 2002;
- 13.14 Skills Development Act No. 97 of 1998;
- 13.15 Skills Development Levies Act No. 9 of 1999;
- 13.16 Trade Marks Act No. 194 of 1993;
- 13.17 Unemployment Insurance Act No. 63 of 2001;
- 13.18 Unemployment Insurance Contributions Act No. 4 of 2002; and
- 13.19 Value Added Tax Act No. 89 of 1991.

14 REQUEST FOR RECORDS

- 14.1 A request for records in terms of PAIA must be made formally by way of e-mail or registered mail and in the prescribed format.
- 14.2 Requests for records must be directed to the Information Officer who shall consider the request and provide a decision within 30 (thirty) days of having received the request or having received the prescribed particulars in terms of section 53(2) of PAIA.
- 14.3 A request for information may be refused by IQL if it does not comply with PAIA or if IQL believes that there is a valid ground for objection in terms of PAIA.
- 14.4 The person requesting the information must provide IQL with sufficient information for the Information Officer to identify the record and the person requesting the record.
- 14.5 The person requesting information must indicate the type of access required and his/her contact details including e-mail address, and postal address.

- 14.6 Should the requesting person prefer a certain means of communication, such means of communication must be included in the request for information.
- 14.7 Should a request for records be made on behalf of a third party, authority to do so must be provided to the Information Officer.

15 GRANTING OF REQUEST FOR INFORMATION

- 15.1 Should a request be granted, IQL shall provide the requesting person with the following information:
- 15.1.1 the access fee payable by the requesting person;
 - 15.1.2 the type of access which will be granted; and
 - 15.1.3 notice that the requesting person may approach a competent court to dispute the access fee or the type of access to be granted.
- 15.2 Once a request has been granted, the records shall be made available to the requesting person once the relevant fee has been paid.

16 DENIAL OF REQUEST FOR INFORMATION

- 16.1 A request for access to information may be refused in the following circumstances:
- 16.1.1 protecting Personal Information that IQL holds regarding a third party from unreasonable disclosure;
 - 16.1.2 protecting commercial information that IQL holds regarding a third party and may harm the commercial or financial interests of such third party;
 - 16.1.3 if the disclosure would result in a breach of a duty of confidence owed to a third party;
 - 16.1.4 if the disclosure would jeopardise the safety or life of natural person;
 - 16.1.5 if disclosure would prejudice or impair the security of property or means of transport of a person;
 - 16.1.6 if disclosure would prejudice or impair the protection of a person who is subject to a witness protection scheme;

- 16.1.7 if disclosure would prejudice or impair the protection of the safety of the public;
 - 16.1.8 the record is privileged from production in legal proceedings unless privilege in relation to such record has been waived;
 - 16.1.9 if the record is a computer programme;
 - 16.1.10 disclosure of the record will put IQL at a disadvantage in contractual or other negotiations or prejudice IQL in commercial competition;
 - 16.1.11 disclosure of the record would harm the commercial or financial interests of IQL; and
 - 16.1.12 records containing information about research being carried out or about to be carried out on behalf of a third party or a company which is related to IQL and which have not been made public by IQL.
- 16.2 Should a request be refused, IQL shall provide the requesting person with the following information –
- 16.2.1 adequate reasons for the refusal including the relevant sections of PAIA; and
 - 16.2.2 notice that the requesting person may lodge an application with a competent court against the refusal and against the procedure including the period for lodging the application.

17 FEES

- 17.1 A non-refundable request fee is payable to IQL upon the submission of the request.
- 17.2 A requesting party who has made a request for access to records and such request has been granted must pay an access fee to IQL for the search and preparation of the records and any time reasonably required which exceeds the prescribed hours for searching and preparation arrangements.
- 17.3 The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development.

18 REQUEST FOR RECORDS CONTAINING THIRD PARTY INFORMATION

- 18.1 Should records be requested that contain information pertaining to a third party, IQL is obliged to attempt to contact the third party to inform it of the request and to provide it with the opportunity to respond to the request by consenting or providing reasons why the access should be refused.
- 18.2 Should the third party provide reasons for the support of or against providing access, the Information Officer will consider such reasons in determining whether access should be granted.
- 18.3 The requesting party may appeal the decision of the Information Officer to a competent court in the Republic of South Africa in accordance with PAIA.

19 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

- 19.1 Should all reasonable steps be taken by IQL to find a requested record and there are reasonable grounds to believe that the record:
- 19.1.1 is in IQL's possession but cannot be found; or
- 19.1.2 does not exist,
- then the Information Officer shall notify the requesting party that it is not possible to provide the requesting party access to such record.
- 19.2 The communication contemplated in **clause 19.1** shall set out the steps taken and correspondence exchanged relating thereto by IQL to find the requested record or to determine whether the record exists.
- 19.3 A notice in terms of **clause 19.1** shall constitute a refusal by IQL.
- 19.4 Should the record be found after a notice in terms of **clause 19.1** is sent to the requesting party, IQL shall provide the requesting party access to the record, unless refused in terms of a ground for refusal by the Information Officer.

GENERAL

20 DETAILS OF INFORMATION OFFICER AND HEAD OFFICE

- 20.1.1 **Information Officer:** Name: Chantal Reddy
Telephone Number: 083 554 1978

E-mail: Chantal.reddy@iqlogistica.com

20.1.2 IQL Head Office:

Attention: Chantal Reddy

Physical Address: Office 3, 474 Lynwood Road, Lynwood, Pretoria

Postal Address: PO Box 50441, Moreleta Village 0097

Telephone Number: 072 672 6682

E-mail: support@iqlogistica.com

Website: <https://iqlogistica.com>

21 AVAILABILITY OF THIS DOCUMENT

This document is available for inspection by the general public on IQL's website

22 DOCUMENT AMENDMENTS

22.1 This document shall be reviewed annually by IQL.

22.2 Notwithstanding **clause 22.1**, IQL may amend this document as and when required.

23 INTERPRETATION

23.1 In this document, unless the context requires otherwise:

23.1.1 words importing any one gender shall include the other two genders;

23.1.2 the singular shall include the plural and *vice versa*; and

23.1.3 a reference to natural persons shall include created entities (corporate or unincorporated) and *vice versa*.

23.2 In this document, the headings have been inserted for convenience only and shall not be used to assist or affect its interpretation.

23.3 Where a clause reference is referred to in this document and followed by the heading of the clause so referred, if there is any conflict between the two, the word reference to the heading shall prevail.

- 23.4 Words and/or expressions defined in any clause in the body of this document shall, unless the application of such words and/or expressions is specifically limited to that clause, bear the meaning so assigned to it throughout this document.
- 23.5 The *eiusdem generis* rule shall not apply and accordingly, whenever a provision is followed by the word “including” followed by specific examples, such examples shall not be construed to limit the ambit of the provision concerned.