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		Author	Umhlinzeki Consulting and Solutions
Section:	Integrated Management System	Rev:	1
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Protection of Private Information and Promotion of Access to Information Manual

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1. Introduction

The right to privacy is an integral human right recognized and protected in the South African Constitution and in the Protection of Personal Information Act 4 of 2013 ("POPIA").

POPIA aims to promote the protection of privacy through providing guiding principles that are intended to be applied to the processing of personal information in a context-sensitive manner.

Through the provision of quality services and products, Endeto Engineering is necessarily involved in the collection, use and disclosure of certain aspects of the personal information of clients, customers, suppliers, employees, and other stakeholders.

A person's right to privacy entails having control over his or her personal information and being able to conduct his or her affairs relatively free from unwanted intrusions.

Given the importance of privacy, Endeto Engineering is committed to effectively managing personal information in accordance with POPI and PAIA provisions.

2. Definitions

PAIA means the Promotion of Access to Information Act 2 of 2002

POPIA means the Promotion of Personal Information Act 4 of 2013

Person means a natural person or a juristic person

Private body means:

- a natural person who carries or has carried on any trade, business or profession, but only in such capacity
- a partnership which carries or has carried on any trade, business or profession; or
- any former or existing juristic person, but excludes a public body


Public body means:

- any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- any other functionary or institution when exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation

Head, in relation to, a private body means:

- in the case of a natural person, that natural person or any person duly authorized by that natural person.
- in the case of a partnership, any partner of the partnership or any person duly authorized by the partnership.

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- in the case of a juristic person.
 - the chief executive officer or equivalent officer of the juristic person or any person duly authorized by that officer; or
 - the person who is acting as such or any person duly authorized by such acting person

Personal Information: Personal information is any information that can be used to reveal a person's identity. Personal information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:

- race, gender, sex, pregnancy, marital status, national or ethnic origin, color, 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.

Requester in relation to a private body, means any person, including, but not limited to public body or an official thereof, making a request for access to a record of the organisation or a person acting on behalf of such person.


Personal Requester means a requester seeking access to a record containing personal information about the requester.

Request for access means a request for access to a record of the organisation in terms of section 50 of PAIA

Data Subject: This refers to the natural or juristic person to whom personal information relates, such as an individual client, customer or a company that supplies the organisation with products or other goods.

Responsible Party: The responsible party is the entity that needs the personal information for a particular reason and determines the purpose of and means for processing the personal information. In this case, the organisation is the responsible party.

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Third Party in relation to a request for access to a record held by the organisation, means any person other than the requester.

Operator: An operator means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party. For example, a third-party service provider that has contracted with the organisation to shred documents containing personal information. When dealing with an operator, it is considered good practice for a responsible party to include an indemnity clause.

Information Officer: The Information Officer is responsible for ensuring the organisation's compliance with POPIA. Where no Information Officer is appointed, the head of the organisation will be responsible for performing the Information Officer's duties. Once appointed, the Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his or her duties. Deputy Information Officers can also be appointed to assist the Information Officer.

Processing: The act of processing information includes any activity or any set of operations, whether or not by automatic means, concerning personal information and includes:

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


Record: Means any recorded information, regardless of form or medium, including:

- Writing on any material.
- Information produced, recorded, or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored.
- Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means.
- Book, map, plan, graph, or drawing.
- Photograph, film, negative, tape or other device in which one or more visual images are embodied to be capable, with or without the aid of some other equipment, of being reproduced.

Filing System; Means any structured set of personal information, whether centralized, decentralized or dispersed on a functional or geographical basis, which is accessible according to specific criteria.

Unique Identifier: Means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

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De-Identify: This means to delete any information that identifies a data subject, or which can be used by a reasonably foreseeable method to identify, or when linked to other information, that identifies the data subject.

Re-Identify: In relation to personal information of a data subject, means to resurrect any information that has been de-identified that identifies the data subject, or can be used or manipulated by a reasonably foreseeable method to identify the data subject.

Consent: Means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.

Direct Marketing: Means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:

- Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
- Requesting the data subject to donate any kind for any reason.

Biometrics: Means a technique of personal identification that is based on physical, physiological or behavioral characterization including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.

3. Purpose

The Promotion of Access to Information Act, 2002, gives effect to section 32 of the Constitution, which provides that everyone has the right access information held by the State or any other person (or private body), when that information is required for the exercise or protection of any rights.

The purpose of PAIA is to:


- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to
- actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect all their rights more fully.

Endeto Engineering recognizes everyone's right to access to information and is committed to provide access to the organisation's records where the proper procedural requirements as set out by PAIA and POPI have been met.

Endeto Engineering's POPI and PAIA manual is compiled in accordance with section 51 of the Act.

This purpose of this manual is to protect Endeto Engineering from the compliance risks associated with the protection of personal information which includes:

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- Breaches of confidentiality. For instance, Endeto Engineering could suffer loss in revenue where it is found that the personal information of data subjects has been shared or disclosed inappropriately.
- Failing to offer choice. For instance, all data subjects should be free to choose how and for what purpose Endeto Engineering uses information relating to them.
- Reputational damage. For instance, the organisation could suffer a decline in shareholder value following an adverse event such as a computer hacker deleting the personal information held by Endeto Engineering.

This manual demonstrates Endeto Engineering’s commitment to protecting the privacy rights of data subjects in the following manner:

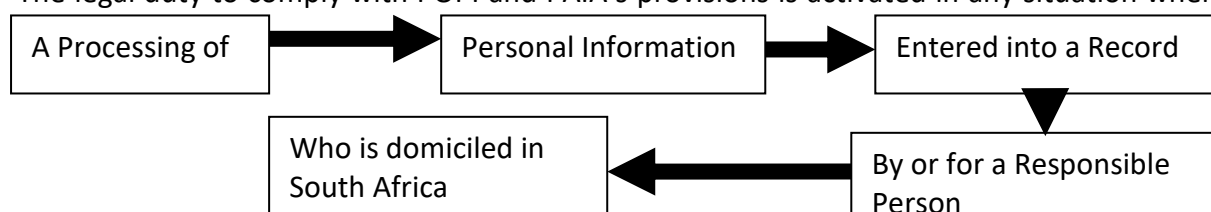
- Through stating desired behavior and directing compliance with the provisions of POPIA and best practice.
- By cultivating an organisational culture that recognizes privacy as a valuable human right.
- By developing and implementing internal controls for the purpose of managing the compliance risk associated with the protection of personal information.
- By creating business practices that will provide reasonable assurance that the rights of data subjects are protected and balanced with the legitimate business needs of Endeto Engineering.
- By assigning specific duties and responsibilities to control owners, including the appointment of an Information Officer to protect the interests of Endeto Engineering and data subjects.
- By raising awareness through training and providing guidance to individuals who process personal information so that they can act confidently and consistently.

4. Scope


This policy and its guiding principles apply to:

- Endeto Engineering’s Top Management
- All sites and business units as well as different divisions within Endeto Engineering’s scope of work.
- All Endeto Engineering clients, customers, suppliers, employees, and other stakeholders.
- All contractors, suppliers and other persons acting on behalf of Endeto Engineering

The legal duty to comply with POPI and PAIA’s provisions is activated in any situation where



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POPIA does not apply in situations where the processing of personal information:

- is concluded during purely personal or household activities, or
- where the personal information has been de-identified

5. Rights of Data Subjects

Where appropriate, Endeto Engineering will ensure that its clients, customers, suppliers, employees, and other stakeholders are made aware of the rights conferred upon them as data subjects. Endeto Engineering will ensure that it gives effect to the following six rights:

5.1. The right to access Personal Information

Endeto Engineering recognizes that a data subject has the right to establish whether Endeto Engineering holds personal information related to him, her or including the right to request access to that personal information. An example of a "Personal Information Request Form" can be found under Annexure A.

5.2. The right to have Personal Information corrected or deleted

The data subject has the right to request, where necessary, that his, her personal information must be corrected or deleted where Endeto Engineering is no longer authorized to retain the personal information.

5.3. The right to object to the processing of Personal Information

The data subject has the right, on reasonable grounds, to object to the processing of his, her personal information.

In such circumstances, Endeto Engineering will give due consideration to the request and the requirements of POPIA. Endeto Engineering may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information.

5.4. The right to object to Direct Marketing


The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.

5.5. The right to complain to the Information Regulator

The data subject has the right to submit a complaint 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.

An example of a "POPI Complaint Form" can be found under Annexure B.

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5.6. The right to be informed

The data subject has the right to be notified that his, her personal information is being collected by Endeto Engineering. The data subject also has the right to be notified in any situation where Endeto Engineering has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorized person.

6. General Guiding Principles

All employees and persons always acting on behalf of Endeto Engineering will be subject to, and act in accordance with, the following guiding principles:

6.1. Accountability

Failing to comply with POPIA could potentially damage Endeto Engineering's reputation or expose the organisation to a civil claim for damages. The protection of personal information is therefore everybody's responsibility.

Endeto Engineering will ensure that the provisions of POPIA and the guiding principles outlined in this policy are complied with through the encouragement of desired behavior. However, Endeto Engineering will take appropriate sanctions, which may include disciplinary action, against those individuals who through their intentional or negligent actions and/or omissions fail to comply with the principles and responsibilities outlined in this policy.

6.2. Processing Limitation


Endeto Engineering will ensure that personal information under its control is processed:

- in a fair, lawful and non-excessive manner, and
- only with the informed consent of the data subject, and
- only for a specifically defined purpose.

Endeto Engineering will inform the data subject of the reasons for collecting his, her personal information and obtain written consent prior to processing personal information.

Endeto Engineering will under no circumstances distribute or share personal information between separate legal entities, associated organizations (such as subsidiary companies) or with any individuals that are not directly involved with facilitating the purpose for which the information was originally collected.

Where applicable, the data subject must be informed of the possibility that their personal information will be shared with other aspects of the organisation's business and be provided with the reasons for doing so.

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An example of a "POPI Notice, and Consent Form" can be found under Annexure C.

6.3. Purpose Specification

All Endeto Engineering's business units and operations must be informed by the principle of transparency. Endeto Engineering will process personal information only for specific, explicitly defined, and legitimate reasons. Endeto Engineering will inform data subjects of these reasons prior to collecting or recording the data subject's personal information.

6.4. Further Processing Limitation

Personal information will not be processed for a secondary purpose unless that processing is compatible with the original purpose. Therefore, where Endeto Engineering seeks to process personal information, it holds for a purpose other than the original purpose for which it was originally collected, and where this secondary purpose is not compatible with the original purpose, Endeto Engineering will first obtain additional consent from the data subject.

6.5. Information Quality

Endeto Engineering will take reasonable steps to ensure that all personal information collected is complete, accurate and not misleading.

The more important it is that the personal information be accurate (for example, emergency contact details are of utmost importance), the greater the effort the organisation will put into ensuring its accuracy.


Where personal information is collected or received from third parties, Endeto Engineering will take reasonable steps to confirm that the information is correct by verifying the accuracy of the information directly with the data subject or by way of independent sources.

6.6 Open Communication

Endeto Engineering will take reasonable steps to ensure that data subjects are notified (are always aware) that their personal information is being collected including the purpose for which it is being collected and processed.

Endeto Engineering will ensure that it establishes and maintains a "contact us" facility, for instance via its website or through an electronic helpdesk, for data subjects who want to:

- Enquire whether the organisation holds related personal information, or
- Request access to related personal information, or
- Request the organisation to update or correct related personal information, or
- Make a complaint concerning the processing of personal information.
- Security safeguards

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Endeto Engineering will manage the security of its filing system to ensure that personal information is adequately protected. To this end, security controls will be implemented to minimize the risk of loss, unauthorized access, disclosure, interference, modification, or destruction.

Security measures also need to be applied in a context-sensitive manner. For example, the more sensitive the personal information, such as medical information, the greater the security required.

Endeto Engineering will continuously review its security controls which will include regular testing of protocols and measures put in place to combat cyber-attacks on the organisation's IT network. This can include the annual changing of passwords of all who has access to the Dropbox System, and regular backups of all electronic information. Access to certain folders will also be reviewed on an annual base.

Endeto Engineering will ensure that all paper and electronic records comprising personal information are securely stored and made accessible only to authorized individuals.

All new employees will be required to sign employment contracts containing contractual terms for the use and storage of employee information. Confidentiality clauses will also be included to reduce the risk of unauthorized disclosures of personal information for which the organisation is responsible.

All existing employees will, after the required consultation process has been followed, be required to sign an addendum to their employment containing the relevant consent and confidentiality clauses.

Endeto Engineering's clients, customers, suppliers, employees, and other stakeholders will be informed with the privacy notice where Endeto Engineering pledge their commitment to POPI and PAIA and the lawful processing of any personal information pursuant to an agreement. The privacy notice will be communicated via email, and will be available on Endeto Engineering's website


6.7. Data Subject Participation

A data subject may request the correction or deletion of his, her or its personal information held by the organisation. Endeto Engineering will ensure that it provides a facility for data subjects who want to request the correction or deletion of their personal information. Where applicable, the organisation will include a link to unsubscribe from any of its electronic newsletters or related marketing activities.

7. Information Officers

Endeto Engineering will appoint an Information Officer. Endeto Engineering's Information Officer is responsible for ensuring compliance with POPI and PAIA.

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Once appointed, Endeto Engineering will register the Information Officer with the South African Information Regulator established under POPI prior to performing his or her duties. An example of an "Information Officer Appointment Letter" can be found under Annexure F.

8. Specific Duties and Responsibilities

8.1. Top Management

Endeto Engineering's top management cannot delegate its accountability and is ultimately answerable for ensuring that the organisation meets its legal obligations in terms of POPI and PAIA. Top Management may however delegate some of its responsibilities in terms of POPI and PAIA to management or other capable individuals.

Top Management is responsible for ensuring that:


- Endeto Engineering appoints an Information Officer.
- All persons responsible for the processing of personal information on behalf of the organisation:
 - are appropriately trained and supervised to do so,
 - understand that they are contractually obligated to protect the personal information they come across, and
 - are aware that a willful or negligent breach of this policy's processes and procedures may lead to disciplinary action being taken against them.
- Data subjects who want to make enquires about their personal information are made aware of the procedure that needs to be followed should they wish to do so.
- The scheduling of a periodic POPIA Audit to accurately assess and review the ways in which Endeto Engineering collects, holds, uses, shares, discloses, destroys, and processes personal information.

8.2. Information Officer

Endeto Engineering's Information Officer is responsible for:

- Taking steps to ensure Endeto Engineering's reasonable compliance with the provision of POPIA.
- Keeping Top Management updated about the organisation's information protection responsibilities under POPIA. For instance, in the case of a security breach, the Information Officer must inform and advise Top Management of their obligations pursuant to POPIA.
- Continually analyzing privacy regulations and aligning them with the organisation's personal information processing procedures. This will include reviewing Endeto Engineering's information protection procedures and related policies.
- Ensuring that POPIA Audits are scheduled and conducted on a regular basis.
- Ensuring that Endeto Engineering makes it convenient for data subjects who want to update their personal information or submit POPIA related complaints to the

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organisation. For instance, maintaining a "contact us" facility on Endeto Engineering's website.


- Approving any contracts entered with service providers, employees and other third parties which may have an impact on the personal information held by the organisation.
- Encouraging compliance with the conditions required for the lawful processing of personal information.
- Ensuring that employees and other persons acting on behalf of Endeto Engineering are fully aware of the risks associated with the processing of personal information and that they remain informed about Endeto Engineering's security controls.
- Organizing and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of Endeto Engineering.
- Addressing employees' POPIA related questions.
- Addressing all POPI and PAIA related requests and complaints made by Endeto Engineering's data subjects.
- Working with the Information Regulator in relation to any ongoing investigations. The Information Officers will therefore act as the contact point for the Information Regulator authority on issues relating to the processing of personal information and will consult with the Information Regulator where appropriate, with regard to any other matter.

8.3. IT Officer/IT Service Provider

Endeto Engineering's IT Service Provider is responsible for:

- Ensuring that Endeto Engineering's IT infrastructure, filing systems and any other devices used for processing personal information meet acceptable security standards.
- Ensuring that all electronically held personal information is kept only on designated drives and servers and uploaded only to approved cloud computing services.
- Ensuring that servers containing personal information are sited in a secure location, away from the general office space.
- Ensuring that all electronically stored personal information is backed-up and tested on a regular basis.
- Ensuring that all back-ups containing personal information are protected from unauthorized access, accidental deletion, and malicious hacking attempts.
- Ensuring that personal information being transferred electronically is encrypted.
- Ensuring that all servers and computers containing personal information are protected by a firewall and the latest security software.
- Performing regular IT audits to ensure that the security of the organisation's hardware and software systems are functioning properly.
- Performing regular IT audits to verify whether electronically stored personal information has been accessed or acquired by any unauthorized persons.

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- Performing a proper due diligence review prior to contracting with operators or any other third-party service providers to process personal information on the organisation's behalf. For instance, cloud computing services.

8.4. General Manager

Endeto Engineering's General Manager is responsible for:

- Approving and maintaining the protection of personal information statements and disclaimers that are displayed on the organisation's website, including those attached to communications such as emails and electronic newsletters.
- Addressing any personal information protection queries from journalists or media outlets such as newspapers.
- Where necessary, working with persons acting on behalf of the organisation to ensure that any outsourced marketing initiatives comply with POPIA.

8.5. Employees and other persons acting on behalf of Endeto Engineering

Employees and other persons acting on behalf of Endeto Engineering will, during the course of the performance of their services, gain access to and become acquainted with the personal information of certain clients, suppliers and other employees.

Employees and other persons acting on behalf of Endeto Engineering are required to treat personal information as a confidential business asset and to respect the privacy of data subjects.


Employees and other persons acting on behalf of Endeto Engineering may not directly or indirectly, utilize, disclose, or make public in any manner to any person or third party, either within Endeto Engineering or externally, any personal information, unless such information is already officially known, or the disclosure is necessary for the employee or person to perform his or her duties.

Employees and other persons acting on behalf of Endeto Engineering must request assistance from their information officer if they are unsure about any aspect related to the protection of a data subject's personal information.

Employees and other persons acting on behalf of Endeto Engineering will only process personal information where:

- The processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party; or
- The processing complies with an obligation imposed by law on the responsible party; or
- The processing protects a legitimate interest of the data subject; or
- The processing is necessary for pursuing the legitimate interests of the organisation or of a third party to whom the information is supplied.

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Furthermore, personal information will only be processed where the data subject:

- Clearly understands why and for what purpose his, her or its personal information is being collected; and
- Has granted Endeto Engineering with consent to process his, her or its personal information, by voluntarily submitting his/her personal information.

Employees and other persons acting on behalf of Endeto Engineering will consequently, prior to processing any personal information, obtain a specific and informed expression of will from the data subject, in terms of which permission is given for the processing of personal information.

Informed consent is therefore when the data subject clearly understands for what purpose his, her or its personal information is needed and who it will be shared with. Consent can be obtained in written form which includes any appropriate electronic medium that is accurately and readily reducible to printed form.

Consent to process a data subject's personal information will be obtained directly from the data subject, except where:

- the personal information has been made public, or
- where valid consent has been given to a third party, or
- the information is necessary for effective law enforcement.


Employees and other persons acting on behalf of Endeto Engineering will under no circumstances:

- Process or have access to personal information where such processing or access is not a requirement to perform their respective work-related tasks or duties.
- Save copies of personal information directly to their own private computers, laptops or other mobile devices like tablets or smart phones. All personal information must be accessed and updated from the organisation's central database and dedicated server.
- Share personal information informally.
- Transfer personal information outside of South Africa without the express permission from the Information Officer.

Employees and other persons acting on behalf of Endeto Engineering are responsible for:

- Keeping all personal information that they encounter secure, by taking sensible precautions and following the guidelines outlined within this policy.
- Ensuring that personal information is held in as few places as is necessary. No unnecessary additional records, filing systems and data sets should therefore be created.
- Ensuring that personal information is encrypted prior to sending or sharing the information electronically. The IT Officer will assist employees and where required,

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other persons acting on behalf of the organisation, with the sending or sharing of personal information to or with authorized external persons.

- Ensuring that all computers, laptops, and devices such as tablets, flash drives and smartphones that store personal information are password protected and never left unattended. Passwords must be changed annually and may not be shared with unauthorized persons.
- Ensuring that their computer screens and other devices are switched off or locked when not in use or when away from their desks.
- Ensuring that where personal information is stored on removable storage medias such as external drives, CDs, or DVDs that these are kept locked away securely when not being used.
- Ensuring that where personal information is stored on paper, that such hard copy records are kept in a secure place where unauthorized people cannot access it. For instance, in a locked drawer of a filing cabinet.
- Ensuring that where personal information has been printed out, that the paper printouts are not left unattended where unauthorized individuals could see or copy them. For instance, close to the printer.
- Taking reasonable steps to ensure that personal information is kept accurate and up to date. For instance, confirming a data subject's contact details when the client or customer phones or communicates via email. Where a data subject's information is found to be out of date, authorization must first be obtained from the relevant line manager or the Information Officer to update the information accordingly.
- Taking reasonable steps to ensure that personal information is stored only for as long as it is needed or required in terms of the purpose for which it was originally collected. Where personal information is no longer required, authorization must first be obtained from the relevant line manager or the Information Officer to delete or dispose of the personal information in the appropriate manner.
- Undergoing POPIA Awareness training from time to time.


Where an employee, or a person acting on behalf of Endeto Engineering, becomes aware or suspicious of any security breach such as the unauthorized access, interference, modification, destruction or the unsanctioned disclosure of personal information, he or she must immediately report this event or suspicion to the Information Officer or the Managing Director.

9. POPIA Audit

Endeto Engineering's Information Officer will schedule annual POPIA Audits. The purpose of a POPIA audit is to:

- Identify the processes used to collect, record, store, disseminate and destroy personal information.

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- Determine the flow of personal information throughout Endeto Engineering. For instance, Endeto Engineering’s various business units, divisions, sites, and other associated organizations
- Redefine the purpose for gathering and processing personal information.
- Ensure that the processing parameters are still adequately limited.
- Ensure that new data subjects are made aware of the processing of their personal information.
- Re-establish the rationale for any further processing where information is received via a third party.
- Verify the quality and security of personal information.
- Monitor the extend of compliance with POPIA and this policy.
- Monitor the effectiveness of internal controls established to manage the organisation's POPI related compliance risk.

In performing the POPIA Audit, Information Officers deputies will liaise with Top and Middle Management to identify areas within in Endeto Engineering’s operation that are most vulnerable or susceptible to the unlawful processing of personal information. Information Officer deputies will be permitted direct access to and have demonstrable support from top and middle management in performing their duties.

10. Request to Access Personal Information

Data subjects have the right to:

- Request what personal information the organisation holds about them and why.
- Request access to their personal information.
- Be informed how to keep their personal information up to date.

The Information Officer and/or Deputy Information Officer may only provide access to any record held by the organisation to a requester if:


- The record is required for the exercise or protection of any right, and
- The requester complies with the procedural requirements relating to a request for access to that record, and
- Access to that record is not refused in terms of any of the grounds for refusal listed below

10.1. Grounds for Refusal

The Information Officer and/or Deputy Information Officer must assess whether there are any grounds for refusing a request for access.

Where any grounds for refusal are found, a request for access will not be granted. However, despite finding any grounds for refusal, access to the record(s) will be provided where:

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- 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 or environmental risk, and
- the public interest in disclosing record, will clearly outweigh the harm contemplated in the provision in question.

Where there are no grounds for refusal, request for access will be granted.

If a request for access is made with regards to a record containing information that would justify a ground for refusal, every part of the record which

- does not contain, and
- can reasonably be served from any part that contains, any such information must, despite any other provision of PAIA, also be disclosed

10.2.1. Mandatory Protection of privacy of a Third Party who is a Natural Person

Grounds of Refusal:

- The disclosure would involve the unreasonable disclosure of personal information about a third party that is a natural person (including a deceased individual)

No Grounds for Refusal:


- The record consists of information that concerns an individual who has already consented in writing to its disclosure to the requester concerned.
- The record consists of information that is already publicly available
- The record consists of information that was given to the organisation by the individual to whom it relates, and the individual was informed by or on behalf of the organisation, before it is given, that the information belongs to a class of information that would or might be made available to the public.
- The record consists of information about an individual who is deceased and the requester is the individual's next of kin or making the with the written consent of the individual's next of kin
- The record consists of information about an individual who is or was an official of the organisation and which relates to the position or functions of the individual, including, but not limited to the title, work address, work phone number, the classification, salary scale or remuneration and responsibilities of the position held, or services performed by the individual and the name of the individual on a record prepared by the individual in the course of employment.

10.2.2. Mandatory Protection of Commercial Information of a Third Party

Grounds of Refusal:

- The record consists of information that contains trade secrets of a third party.

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- The record consists of information that contains financial, commercial, scientific, or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interest of that third party.
- The record consists of information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition.

No Grounds for Refusal:

- The record consists of information about a third party who has consented who has already consented in writing to its disclosure to the requester concerned.
- The record consists of information about the results of any product or environmental testing or other investigations supplied by a third party or the results of any such testing or investigation carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk (the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigations)

10.2.3. Mandatory Protection of certain Confidential Information of a Third Party


Grounds of Refusal:

- The record consists of information the disclosure of which would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

10.2.4. Mandatory Protection of Safety of Individuals and Protection of Property

Grounds of Refusal:

- The record consists of information that if disclosed could reasonably be expected to endanger the life or physical safety of an individual.
- The record consists of information that if disclosed would likely prejudice or impair the security of a building, a structure or system, a computer or communication system, a means of transport, any other property.
- The record consists of information that if disclosed would likely prejudice or impair the security of methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public, or any part of the public, or the security of property.

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10.2.5. Mandatory Protection of Records privileged from Production in Legal Proceedings

Grounds of Refusal:

The record consists of information privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

10.2.6. Commercial Information of Endeto Engineering

Grounds of Refusal:

- The record consists of information that contains trade secret of Endeto Engineering.
- The record consists of information that contains financial, commercial, scientific, or technical information, other than trade secrets, of Endeto Engineering, the disclosure of which would likely cause harm to the commercial or financial interest of Endeto Engineering.
- The record consists of information, the disclosure of which, could reasonably be expected to put the organisation at a disadvantage in contractual or other negotiations or prejudice the organisation in commercial competition.
- The record is a computer program as defined in section 1(1) of the Copyright Act (Act 98 of 1978), owned by Endeto Engineering, except insofar as it is required to give access to a record to which access is granted in terms of PAIA.


No Grounds for Refusal:

The record consists of information about the results of any product or environmental testing or other investigation supplied by Endeto Engineering or the results of any such testing or investigation carried out by or on behalf of Endeto Engineering and its disclosure would reveal a serious public safety or environmental risk (the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation)

10.2.7. Mandatory Protection of Research Information of a Third Party and Endeto Engineering

Grounds of Refusal:

- The record consists of information that contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, a person that is or will be carrying out the research on behalf of the third party, or the subject matter of the research to serious disadvantage.

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- The record consists of information that contains information about research being or to be carried out by or on behalf of Endeto Engineering, the disclosure of which would be likely to expose the organisation, a person that is or will be carrying out the research on behalf of the organisation, or the subject matter of the research to serious disadvantage.

11. POPIA Complaints Procedure

Data subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon. Endeto Engineering takes all complaints very seriously and will address all POPIA related complaints in accordance with the following procedure:

POPIA complaints must be submitted to the organisation in writing. Where so required, the Information Officer will provide the data subject with a "POPIA Complaint Form".

Where the complaint has been received by any person other than the Information Officer, that person will ensure that the full details of the complaint reach the Information Officer within 1 working day.

The Information Officer will provide the complainant with a written acknowledgement of receipt of the complaint within 2 working days.

The Information Officer will carefully consider the complaint and address the complainant's concerns in an amicable manner. In considering the complaint, the Information Officer will endeavor to resolve the complaint in a fair manner and in accordance with the principles outlined in POPIA.

The Information Officer must also determine whether the complaint relates to an error or breach of confidentiality that has occurred and which may have a wider impact on the organisation's data subjects.


Where the Information Officer has reason to believe that the personal information of data subjects has been accessed or acquired by an unauthorized person, the Information Officer will consult with top management where after the affected data subjects and the Information Regulator will be informed of this breach.

The Information Officer will revert to the complainant with a proposed solution with the option of escalating the complaint to the organisation's governing body within 7 working days of receipt of the complaint. In all instances, the organisation will provide reasons for any decisions taken and communicate any anticipated deviation from the specified timelines.

The Information Officer's response to the data subject may comprise any of the following:

- A suggested remedy for the complaint,
- A dismissal of the complaint and the reasons as to why it was dismissed,
- An apology (if applicable) and any disciplinary action that has been taken against any employees involved.

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Where the data subject is not satisfied with the Information Officer's suggested remedies, the data subject has the right to complain to the Information Regulator.

The Information Officer will review the complaints process to assess the effectiveness of the procedure on a periodic basis and to improve the procedure where it is found wanting. The reason for any complaints will also be reviewed to ensure the avoidance of occurrences giving rise to POPIA related complaints.

12. Disciplinary Action

Where a POPIA complaint or a POPIA infringement investigation has been finalized, Endeto Engineering may recommend any appropriate administrative, legal and/or disciplinary action to be taken against any employee reasonably suspected of being implicated in any non-compliant activity outlined within this policy.

In the case of ignorance or minor negligence, Endeto Engineering will undertake to provide further awareness training to the employee.

Any gross negligence or the willful mismanagement of personal information, will be considered a serious form of misconduct for which Endeto Engineering may summarily dismiss the employee. Disciplinary procedures will commence where there is sufficient evidence to support an employee's gross negligence.

Examples of immediate actions that may be taken after an investigation include:

- A recommendation to commence with disciplinary action.
- A referral to appropriate law enforcement agencies for criminal investigation.
- Recovery of funds and assets to limit any prejudice or damages caused.

13. Legislative Framework


Endeto Engineering manages its legislative framework within its QMS System, and form part of the list of legal and other parties.

14. References

Compliance files, policies and manual are maintained by Umhlinzeki Consulting and Solutions. These include:

- QMS Management System with all the subdocuments
- Manuals and various policies and procedures

Requests for any compliance information or documentation can be submitted to Marietjie@endeto.co.za.


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15. Approval Structures

Approval is done as per QMS requirements. Procedure for Document and Record Control


16. Contact Person

Marietjie Gagiano
 Information Officer
marietjie@endeto.co.za
 013 246 1310

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Personal Information Request Form	
Please submit the completed form to the Information Officer:	
Name and Surname	Marietjie Gagiano
Contact Number	013 246 1310
Email Address	marietjie@endeto.co.za
Please be aware that we may require you to provide proof of identification prior to processing your request. There may also be a reasonable charge for providing copies of the information requested.	
Particulars of Data Subject	
Name and Surname	
Identity Number	
Email Address	
Postal Address	
Contact Number	
Request	
I request the organisation to:	
(a) Inform me whether it holds any of my personal information (b) Provide me with a record or description of my personal information (c) Correct or update my personal information (d) Destroy or delete a record of my personal information	
Instructions:	
Signature	Date

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POPIA Compliant Form

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit the completed form to the Information Officer:

Name and Surname	Marietjie Gagiano
-------------------------	-------------------

Contact Number	013 246 1310
-----------------------	--------------

Email Address	marietjie@endeto.co.za
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Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the Information Regulator.

The Information Regulator:

Physical Address: 33 Hoofd Street, Forum III, 3rd Floor Braampark, Johannesburg, 2001

Email: complaints.IR@justice.gov.za

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

Particulars of Data Subject

Name and Surname	
-------------------------	--

Identity Number	
------------------------	--

Email Address	
----------------------	--

Postal Address	
-----------------------	--


Contact Number	
-----------------------	--

Details of Complaint

Desired Outcome


Signature	Date
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POPIA Notice	
<p>We understand that your personal information is important to you and that you may be apprehensive about disclosing it. Your privacy is just as important to us, and we are committed to safeguarding and processing your information in a lawful manner.</p> <p>We also want to make sure that you understand how and for what purpose we process your information. If for any reason you think that your information is not processed in a correct manner, or that your information is being used for a purpose other than that for what it was originally intended, you can contact our Information Officer.</p> <p>You can request access to the information we hold about you at any time and if you think that we have outdated information, please request us to update or correct it.</p>	
<p>Details of the Information Officer:</p>	
Name and Surname	Marietjie Gagiano
Contact Number	013 246 1310
Email Address	marietjie@endeto.co.za
<p>Purpose for Processing your Information</p> <p>We collect, hold, use and disclose your personal information mainly to provide you with access to the services and products that we provide. We will only process your information for a purpose you would reasonably expect, including:</p> <ul style="list-style-type: none"> • Providing you with advice, products and services that suit your needs as requested • To verify identity and to conduct credit reference searches • To process invoices and payments • To notify you of new products or developments that may be of interest to you • To confirm, verify and update your details • To comply with any legal and regulatory requirements • Comply with Operational Requirements • where it was agreed with you in the form of consent or voluntary submission of information <p>Some of your information that we hold may include, your first and last name, email address, a home, postal or other physical address, other contact information, your title, birth date, gender, occupation, qualifications, past employment, residency status, medical information, and your banking details. Company details we hold may include, Company Name, CIPC Documents, CEO ID Copies, Banking Details, Company Profiles, Service Level Agreements.</p>	
<p>Consent to Disclose and Share your Information</p> <p>We may need to share your information to provide advice, reports, analyses, products, or services that you have requested. Where we share your information, we will take all precautions to ensure that the third party will treat your information with the same level of protection as required by us. Your information may be hosted on servers managed by a third-party service provider, which may be located outside of South Africa.</p>	
<p>If you have any queries about this privacy notice; you need further information about our privacy practices; wish to withdraw consent; exercise preferences or access or correct your personal information, please contact our Information Officer, or reply to this mail.</p>	
<p>Endeto Engineering Information Officer</p>	
Name and Surname	Marietjie Gagiano
Contact Number	013 246 1310
Email Address	marietjie@endeto.co.za

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Annexure D	
Employee Consent and Confidentiality Clause	
<p>"Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, color, 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 whether the information is recorded electronically or otherwise.</p> <p>"POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.</p> <p>The employer undertakes to process the PI of the employee only in accordance with the conditions of lawful processing as set out in terms of POPIA and in terms of the employer's relevant policy available to the employee on request and only to the extent that it is necessary to discharge its obligations and to perform its functions as an employer and within the framework of the employment relationship and as required by South African law.</p> <p>The employee acknowledges that the collection of his/her PI is both necessary and requisite as a legal obligation, which falls within the scope of execution of the legal functions and obligations of the employer. The employee therefore irrevocably and unconditionally agrees:</p> <p>That he/she is notified of the purpose and reason for the collection and processing of his or her PI insofar as it relates to the employer's discharge of its obligations and to perform its functions as an employer.</p> <p>That he/she consents and authorizes the employer to undertake the collection, processing, and further processing of the employee's PI by the employer for the purposes of securing and further facilitating the employee's employment with the employer.</p> <p>Without derogating from the generality of the previously stated, the employee consents to the employer's collection and processing of PI pursuant to any of the employer's Internet, Email, and Interception policies in place insofar as PI of the employee is contained in relevant electronic communications. To make available to the employer all necessary PI required by the employer for the purpose of securing and further facilitating the employee's employment with the employer.</p> <p>To absolve the employer from any liability in terms of POPIA for failing to obtain the employee's consent or to notify the employee of the reason for the processing of any of the employee's PI.</p> <p>To the disclosure of his/her PI by the employer to any third party, where the employer has a legal or contractual duty to disclose such PI.</p> <p>The employee further agrees to the disclosure of his/her PI for any reason enabling the employer to carry out or to comply with any business obligation the employer may have or to pursue a legitimate interest of the employer in order for the employer to perform its business on a day-to-day basis.</p> <p>The employee authorizes the employer to transfer his/her PI outside of the Republic of South Africa for any legitimate business purpose of the employer within the international community. The employer undertakes not to transfer or disclose his/her PI unless it is required for its legitimate business requirements and shall comply strictly with legislative stipulations in this regard.</p> <p>The employee acknowledges that during the performance of his/her services, he/she may gain access to and become acquainted with the personal information of certain clients, suppliers and other employees. The employee will treat personal information as a confidential business asset and agrees to respect the privacy of clients, suppliers, and other employees.</p> <p>To the extent that he/she is exposed to or insofar as PI of other employees or third parties are disclosed to him/her, the employee hereby agree to be bound by appropriate and legally binding confidentiality and non-usage obligations in relation to the PI of third parties or employees.</p> <p>Employees may not directly or indirectly, utilize, disclose or make public in any manner to any person or third party, either within the organisation or externally, any personal information, unless such information is already publicly known, or the disclosure is necessary in order for the employee or person to perform his or her duties on behalf of the employer.</p>	

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Annexure E
SLA CONFIDENTIALITY CLAUSE
<p>"Personal Information" (PI) shall mean the race, gender, sex, pregnancy, marital status, national or ethnic origin, color, 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 whether the information is recorded electronically or otherwise.</p> <p>"POPIA" shall mean the Protection of Personal Information Act 4 of 2013 as amended from time to time.</p> <p>The parties acknowledge that for the purposes of this agreement that the parties may come into contact with or have access to PI and other information that may be classified or deemed as private or confidential and for which the other party is responsible. Such PI may also be deemed or considered as private and confidential as it relates to any third party who may be directly or indirectly associated with this agreement. Further, it is acknowledged and agreed by the parties that they have the necessary consent to share or disclose the PI and that the information may have value.</p> <p>The parties agree that they will always comply with POPIA's Regulations and Codes of Conduct and that it shall only collect, use, and process PI it comes into contact with pursuant to this agreement in a lawful manner, and only to the extent required to execute the services, or to provide the goods and to perform their respective obligations in terms of this agreement.</p> <p>The parties agree that it shall put in place, and always maintain, appropriate physical, technological and contractual security measures to ensure the protection and confidentiality of PI that it, or its employees, its contractors or other authorized individuals comes into contact with pursuant to this agreement.</p> <p>Unless so required by law, the parties agree that it shall not disclose any PI as defined in POPIA to any third party without the prior written consent of the other party, and notwithstanding anything to the contrary contained herein, shall any party in no manner whatsoever transfer any PI out of the Republic of South Africa.</p>

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Information Officer Appointment Letter

I herewith and with immediate effect appoint you as the Information Officer as required by the Protection of Personal Information Act (Act 4 of 2013). This appointment may at any time be withdrawn or amended in writing.

You are entrusted with the following responsibilities:

- Taking steps to ensure the organisation's reasonable compliance with the provision of POPIA.

Keeping Endeto Engineering's Top Management updated about the Endeto Engineering's information protection responsibilities under POPIA. For instance, in the case of a security breach, you must inform and advise the Endeto Engineering's Top Management of their obligations pursuant to POPIA.

Continually analyzing privacy regulations and aligning them with the organisation's personal information processing procedures. This will include reviewing the organisation's information protection procedures and related policies.

Ensuring that POPI Audits are scheduled and conducted on a regular basis.

Ensuring that the organisation makes it convenient for data subjects who want to update their personal information or submit POPI related complaints to the organisation, to do so. For instance, maintaining a "contact us" facility on the organisation's website.

Approving any contracts entered with contractors, employees and other third parties which may have an impact on the personal information held by Endeto Engineering. This will include overseeing the amendment of the organisation's employment contracts and other service level agreements.

Encouraging compliance with the conditions required for the lawful processing of personal information.

Ensuring that employees and other persons acting on behalf of the organisation are fully aware of the risks associated with the processing of personal information and that they remain informed about the organisation's security controls.

Organizing and overseeing the awareness training of employees and other individuals involved in the processing of personal information on behalf of the organisation.

- Addressing employees' POPIA related questions.
- Addressing all POPIA related requests and complaints made by the organisation's data subjects.
- Working with the Information Regulator in relation to any ongoing investigations. The Information Officer will therefore act as the contact point for the Information Regulator authority on issues relating to the processing of personal information and will consult with the Information Regulator where appropriate, regarding any other matter.

Endeto Engineering Managing Director Details

Name and Surname	Raymond Lovett
Contact Number	013 246 1310
Email Address	Raymond@endeto.co.za
Signature	Date

I hereby accept my appointment as Endeto Engineering's Information Officer.

Name and Surname	Marietjie Gagiano
Contact Number	013 246 1310
Email Address	marietjie@endeto.co.za
Signature	Date

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