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## THE PROTECTION OF PERSONAL INFORMATION ACT COMPLIANCE AND PRIVACY NOTICE

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### 1. INTRODUCTION

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

POPIA aims to promote the protection of privacy by 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, the organisation is necessarily involved in collecting, using, and disclosure of certain aspects of the personal information of clients, employees, service providers, and other stakeholders.

This compliance and privacy notice aim to demonstrate our commitment to safeguarding your personal information and to notify you how and why we collect information from you, the way we use your information and how we share or disclose your information, as required in terms of the Protection of Personal Information Act (“POPI Act”).

This Notice provides you with the following information:

- An overview of the Sapex Group;
- Our commitment to compliance;
- A Summary of the compliance measures implemented;
- A notification on the collection of personal information and how we use the information;
- Your rights as a data subject;
- How to contact us about this notice.

## **2. OVERVIEW OF THE SAPEX GROUP**

The Sapex Group of companies comprises of Sapex (Pty) Ltd as the holding company and Sapex Exports (Pty) Ltd and Sapex Cape (Pty) Ltd as subsidiaries and the group shares infrastructure and data platform technology to deliver a range of goods and services which includes, among others, the import and export of fresh fruit, the supply of fruit to local supermarkets and wholesalers and the provision of cold storage facilities and international trade.

In this notice, when we refer to “Sapex group”, “Sapex” or “group” we refer to one or more of the aforementioned companies as responsible parties. The Sapex Group has developed this compliance and privacy notice for our clients, services providers, producers, employees, applicants for employment and any other data subject to understand our commitment to compliance with the POPIA provisions and how and why the group collects, uses, discloses and safeguards their personal information.

## **3. COMMITMENT TO COMPLIANCE WITH POPI**

Given the importance of privacy, the Sapex Group is committed to effectively managing personal information in accordance with POPIA’s provisions. To meet the requirements of POPIA, the group has drafted a POPI Risk Management and compliance programme or framework which includes measures such as:

- Development and implementation of Information processing plan and procedures, including the safeguards of personal information required under POPIA;
- Development and implementation of a compliance monitoring plan;
- Appointment of Information Officer/s;
- Delegation of duties to staff and training on their duties;
- Development of disclosures and client POPI engagement processes;
- Documentation of relationships with third parties on the sharing of personal information and/or service agreements for the outsourcing of certain POPIA obligations

#### 4. PRIVACY STATEMENT

The Sapex Group respects your right to privacy and is committed to safeguarding your personal information when processing your personal information in terms of the Protection of Personal Information Act (POPIA).

This privacy statement applies to natural and juristic persons whose personal information is processed by the Sapex Group, including potential clients, existing clients, services providers, producers, employees and applicants for employment.

Our privacy statement outlines our policy surrounding the protection and processing of your personal information and our commitment to comply with the conditions set out in the Protection of Personal Information Act (POPIA) when collecting, recording, storing, disseminating, and destroying personal information, and responding to government requests for our data subjects:

- I. In our capacity as the responsible party, we shall inform you that we shall be processing personal information, the purpose or reasons for the collection of personal information and we shall endeavour to obtain information directly from you upon your consent or if we can demonstrate a justifiable reason for collecting personal information;
- II. We shall process information for a specific, lawful reason and only adequate, relevant information which is limited to the purposes for which they are processed and which relates to the functions or the activity for which it is intended;
- III. We shall delete or otherwise de-identify your personal information after the minimum storage periods required under our risk and statutory record keeping periods have expired.
- IV. We shall take reasonable steps to ensure personal information obtained from our data subjects or third parties is complete, accurate, not misleading and updated where necessary.
- V. We take measures to ensure data is kept safe and prevent loss of, damage to, or unauthorized destruction of personal information, and unlawful access to or processing of personal information.
- VI. We undertake to review and update our security measures in accordance with future legislation and technological advances.

- VII. The Sapex Group is obligated to inform the Information Regulator and the affected data subject if there is a breach of personal information. We shall aim to assist in minimising any losses that may result from such a breach in security.
- VIII. We shall not contact/solicit you unless you have given us your consent to do so;
- IX. We shall implement the necessary measures that will give effect to your rights as a data subject as provided in terms of POPIA.

## **5. NOTIFICATION OF PERSONAL INFORMATION COLLECTED AND PROCESSING ACTIVITIES**

The following information is required to be disclosed to all data subjects before collecting personal information from them. This notification applies to natural and juristic persons (which includes) potential clients, existing clients, services providers, producers and applicants for employment whose personal information is processed by the group in its capacity as a responsible party.

### **5.1 Information being collected**

The type of personal information and special personal information we collect depends on the purpose and reason for which it is processed and relates to the functions or the activity for which it is intended.

Personal information is information that identifies a person, examples of personal information we collect are; data subjects name, ID number, date of birth; contact details; information surrounding your personal circumstances such as your race, gender, nationality, marital status, medical, financial, criminal and employment history. Juristic persons may be identified by their registered or trade name, registration numbers and business addresses. The Sapex Group may also collect information such as tax numbers, VAT numbers, PAYE numbers and bank account details. Special personal information refers to religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject, and criminal behaviour. Sapex Group only collects special personal information and personal information of a child if it is necessary for the performance of the engagement or required by law.

Sapex shall only process personal information in a lawful manner, based on having consent from the data subject or for legitimate and justifiable reasons as provided for in the POPI Act.

The Data subject provides the information voluntarily and understands that certain information is mandatory for the purpose of administration or management of the Responsible party-Data subject relationship.

## **5.2 Methods of collection**

Sapex Group collects personal information in several ways which include but are not limited to:

- Correspondence via e-mail;
- Completion of paper-based information sheets;
- Electronic-based information sheets;
- Submission of paper-based information;
- Phone calls, consultation which content is entered into records;
- Social media platforms.

Sapex Group collects information directly from you where you provide us with your details or if personal information is available in public records. In addition to the aforementioned, we may obtain information from third parties or other external resources for purposes of fulfilling our engagement with our data subject and subject to the data subject's consent.

The personal information provided by you may be processed across the group to ensure efficient interaction within the Sapex Group. Such information is processed, stored and retained through the group's shared data technology platform.

## **5.3 Purpose of collection and use of personal information**

The Sapex Group shall collect personal information for a specific, explicitly defined and lawful purpose that relates to the function or the activity of our organisation for which it was intended. If Sapex Group wants to process the personal information further or for additional purposes, it must be compatible or in line with the purpose for which it was collected.

The information collected by Sapex Group may be used, transferred, stored, disseminated, shared or processed for one or more of the following purposes depending on the functions or the activity for which it is intended:

- To identify the data subjects;
- To respond to enquiries or requests for information or details of products and services;
- To provide services and goods to our clients;
- To carry out our obligations in terms of the engagement with the client;
- To communicate, maintain and manage our relationship with data subjects;
- Entering into contracts with suppliers for goods and services;
- General administration;
- To process import and export transactions
- Issuing invoices;
- Processing payments to producers and services providers
- To respond and analyse complaints or suggestions to improve goods and services delivery;
- Provide clients and producers with updates and newsletters;
- To detect and prevent fraud, crime and money laundering and other forms of malpractice;
- For record keeping purposes as required in terms of legislation or our agreement with you;
- To protect and enforce Sapex Group rights and remedies in terms of legislation and governing law;
- To comply with legal obligations and regulatory requirements;
- Obtain quotes and services proposal for the delivery of services;
- Liaising with the service provider on the services to be rendered in terms of the services level agreement.
- To determine whether the application for employment is suitable for the position applied;
- Contacting previous employers to obtain references concerning the job seekers employment history and performance;
- To maintain the employer and employee relationship;
- Comply with obligations imposed on the employer in terms of the South African conditions of employment legislation framework;
- Administration of employee benefits;
- Administration and submission of statutory submission and payments such as tax, UIF etc;

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REG. NO. 1990/001537/07

- Payment of salaries;
- Resolving labour disputes.

#### **5.4 Particular law authorising or requiring collection and other processing activities.**

Sapex Group may process information to comply with legislative requirements which include:

- Compliance with regulatory and legislative requirements such as FICA, BCEA etc;
- Compliance with reporting requirements;
- Record keeping requirements;
- Prevention of money laundering, terrorist financing, fraud, corruption, tax evasions and other crimes.

#### **5.5. Cookies**

A cookie is a string of information that a website stores on a visitor’s computer, and that the visitor’s browser provides to the website each time the visitor returns. The Sapex Group and its partners set cookies to help identify and track visitors, their usage of Sapex Group’s service, and their website access preferences. The Sapex Group visitors who do not wish to have cookies placed on their computers should set their browsers to refuse cookies before using Sapex Group’s website, with the drawback that some features of Sapex Group’s websites may not function properly without the aid of cookies.

#### **5.5 Disclosure of personal information**

During our various processing activities, Sapex Group may disclose personal information with:

- Our employees who are required to render the services to our clients
- Our employees who are required to liaise with applicants for employment and services providers;
- Entities within the Sapex Group;
- Services providers involved in the rendering of services to the Sapex Group;
- Service providers that provide software or programming services that enable Sapex Group to perform our services efficiently;

- Services providers it is engaged with, such as compliance officers, administration and labour consultants, attorneys etc.;
- Government institutions (such as SARS, CIPC, UIF etc)

Sapex Group may share personal information if it has a duty or a right to disclose the same in terms of law or certain industry codes; or if it is necessary to protect Sapex Group's or your legal rights and interests.

Access to data subjects' personal information from within the group is limited to essential staff or specialist contractors required to access our systems for client service or maintenance purposes, bound by the requirements of the legislation and required to maintain safety and security measures.

#### **5.6 Cross border transfer**

Sapex Group will not transfer personal information to a third party in a foreign country without ensuring that it complies with POPI provisions or subscribes to similar personal information protection laws. Personal information shall not be shared with countries that do not subscribe to personal information protection laws unless the Sapex Group has entered into an agreement in terms of which the third party subscribes to the obligations for lawful processing of personal information.

### **6. YOUR RIGHTS AND RESPONSIBILITIES**

To ensure that Sapex Group has the correct information of the person to whom the personal information relates, we require our data subjects to supply us with information that is complete, accurate and not misleading, and inform Sapex Group when their personal information changes.

A person to whom the personal information relates has a right to object to the use of personal information or complain about instances where any of their rights under POPIA has been infringed upon. In certain instances failure to provide us with personal information may result in the inability to deliver said services to you, alternatively, you shall receive limited services or we shall not be able to enter into a business or employment relationship with you, as the case may be.

In addition to the aforementioned right, you have the right to request access to personal information and, where necessary, that the personal information held by Sapex Group must be corrected, destroyed or deleted.

## **7. DATA SUBJECT ENGAGEMENT PROCEDURES**

Access to information requests can be made by email, addressed to the Information Officer. The Information Officer will provide the data subject with the prescribed form. Once the completed form has been received, the Information Officer will verify the data subject’s identity before handing over any personal information. All requests will be processed and considered against the organisation’s PAIA Policy, recordkeeping policies and any other requirements in terms of the law.

The Sapex Group takes all complaints very seriously and will address all POPI related complaints in accordance with the following procedure:

- POPI complaints must be submitted to the organisation in writing. Where so required, the Information Officer will provide the data subject with a “POPI Complaint Form”.
- The Information Officer will provide the complainant with a written acknowledgement of receipt of the complaint.
- The Information Officer will carefully consider the complaint and amicably address the complainant’s concerns. In considering the complaint, the Information Officer will endeavour to resolve the complaint in a fair manner and under the principles outlined in POPIA.
- 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 regulator’s contact details are as follows:

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

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

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“ your fruit is our business...”

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Should you have any questions relating to this notice or wish to submit a request or complaint you can contact the Information Officer. Our Information Officer is **Leonie van Nieuwholtz** at [leonie@sapex.co.za](mailto:leonie@sapex.co.za)

#### **8. POLICY CHANGES**

This notice was last revised on 30 June 2021. Any material changes hereto will be published on our website or distributed to clients in writing. Your continued use of our services following the update means that you accept Sapex Group’s updated notice.

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