

	Essential Corporate Services (Pty)Ltd Reg: 201919947407 6 Burke Street Observatory Cape Town 7925		
Name:	ACCESS TO INFORMATION MANUAL OF ESSENTIAL CLEANING SERVICES : Prepared in accordance with Section 51 of the Promotion of Access to Information Act No 2 of 2000 as amended by the Protection of Personal Information Act, No 4 of 2013.		
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Classification	Public		

1. Purpose

The purpose of this Manual is:

- For purposes of PAIA: the detail of the procedure that a Requestor for information is to follow and the way in which a Request for Access shall be facilitated by Essential Cleaning; and
- For purposes of POPIA: detail the purpose for which personal information may be processed; a description of the categories of Data Subjects for whom Essential Cleaning Services processes personal information, as well as the categories of personal information relating to such Data Subjects; and the recipients to whom personal information may be supplied. Availability of the manual
- The Manual is available for inspection at the offices of The Essential Cleaning Services
- The Manual is available for download on The Essential Cleaning Services website: <http://www.essential.co.za>
- A copy is also available at the South African Human Rights Commission.



2. Key Definitions

Capitalised terms not defined in our Privacy Policy, POPIA Policy as well as this Manual have the same meaning as those defined in the Terms of Service.

"Anonymised Information" - means any Information that we have anonymised in a manner to result in the Information no longer being able to identify you, whether directly or indirectly, and is therefore no longer Personal Information.

"Applicable Law" - means any law, by-law, ordinance, proclamation and/or statutory regulation which the Parties are required to observe by reason of this Privacy Policy and matters incidental thereto, including, but not limited to, Popia.

"Data Subject" means the person who is the subject of Personal Information.

"Essential Cleaning Services", "Essential Cleaning Services" "we", "us" and "our" - means Essential Cleaning Services, at 6 Burke Street, Observatory, Cape Town. www.essential.co.za

"Processing", "Process" and "Processed" - means any operation or set of operations which is performed on Information, whether by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

"Pseudonymised" - means replacing the identifying markers of your Information with artificial identifiers to reduce the association between the data subject and the Information during processing.

"Purpose" - means the purposes for which we Process Information.

"Sensitive Personal Information" - means Biomarker Information and any Personal Information about race or ethnicity, political opinions, religious or philosophical beliefs, trade union membership, physical or mental health, sexual life, any actual or alleged criminal offences or penalties, national identification number, or any other information that may be deemed to be sensitive under Applicable Law.

"Terms of Service" - means the specific terms that apply to our relationship when we provide you with Services.

"Data Subject" Shall mean the person to whom personal information relates.

"Manual" shall mean this manual, together with all appendices hereto.

"PAIA" Shall mean Promotion of Access to Information Act, No 2 of 2000.

"POPIA" Shall mean Protection of Personal Information Act, No 4 of 2013.

"Processing" Shall ascribe to the meaning as promulgated in section 1 of POPIA.

"Record" Shall ascribe to the meaning as promulgated in section 1 of POPIA.

Essential Corporate Services (Pty)Ltd

6 Burke Street, Observatory, 7925 t: 0860025326 f: 0866807301 e: inquiry@essential.co.za

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Directors: HP Mead; AG Grimanis



“Requestor” Shall ascribe to the meaning as promulgated in section 1 of PAIA.

“Request for Access” Shall ascribe to the meaning as promulgated in section 1 of PAIA.

“SAHRC” Shall mean the South African Human Rights Commission

3. Company Overview

Esscorp Corporate Services (Registration number) (Esscorp) is a group services management company. Under this management company, the following three (3) registered companies are both managed and supported, through this entity:

- a. Essential Cleaning Services (Correct Reg name and number) BBBEEE Level 2
- b. Funeka (Correct reg name and number) BBBEEE Level 2
- c. Essential Cleaning Services Overberg (Correct reg and reg number) BBBEEE Level 4

Esscorp is the group services management company for the above listed companies, it must be noted that Esscorp has less than 50 staff members, however Esscorp does provide group management services and support to the above companies, by way of contractual obligation. Therefore, the PAIA manual will be submitted by Essential Corporate Services and will include all companies listed above.

4. Company Details

Chief Executive Officer- Peter Mead

Director – Peter Mead

General Manager of Finance and Admin – Angie Rhode

Divisional Manager of Human Resources – Nuraan Daames

General Manager of Sales and Operations – Eric van Niekerk

Divisional Manager of Sales and Operations – Natalie van Niekerk

Physical Address: 6 Burke Street, Observatory, Cape Town, 7925

Email: angie@essential.co.za

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Contact Details for the Information officer are as follows:

Information Officer Name: Peter Mead

Physical Address: 6 Burke Street, Observatory, Cape Town, 7925

Telephone Number: 021 448 1705

Email: hpm@essential.co.za

5. Guide of the South African Human Rights Commission (Section 51 (1) (b))

The South African Human Rights Commission (SAHRC) is responsible for compiling a Guide that will facilitate ease of use of PAIA for Requesters.

This Guide is available in all 11 official languages, from the South African Human Rights Commission
Please direct any queries to:

The South African Human Rights Commission: PAIA Unit

Postal address: Private Bag X 2700 Houghton 2041

Physical address: Forum 3 Braampark Offices, 33 Hoofd Street Braamfontein 2017

Phone: +27 (11) 877-3600

Fax: +27 (11) 403-0625

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

6. Schedule of Records

The following is a schedule of all records that are held in accordance with all other relevant legislation, as per Section 51 (1) (e) of PAIA:

- Statutory company information:
 - Incorporation Documents
 - Memorandum of Incorporation
 - Minute books
 - Records of all subsidiary companies
 - Register of directors and officers

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- Share registers and other statutory registers
- Statutory returns to relevant authorities

- Financial and accounting Records
 - Accounting Records (inclusive of books of account)
 - Administrative Records
 - Internal and external audit reports
 - Supporting schedules and documentation to books of account

- Tax Records
 - Income tax returns and other documentation
 - PAYE Records
 - Regional Services Council Records
 - Skills Development Levies Records
 - Stamp Duties Records
 - Value Added Tax Records

- Legal Records
 - Documentation pertaining to litigation or arbitration
 - General agreements
 - Licenses, permits and authorizations

- Insurance Records
 - Claims Records
 - Details of insurance coverage, limits and insurers
 - Insurance policies

- Employee Records
 - Agreements with trade unions
 - Arbitration awards
 - Attendance registers
 - Casual employee Records
 - CCMA Records
 - Code of conduct
 - Company tax submissions in respect of employees
 - Confidentiality agreements

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- Disciplinary Records
 - Employee personal details
 - Employment conditions and policies
 - Employment contracts
 - Employment equity plan
 - Medical aid Records
 - Records of strikes, lockouts or protest action
 - Remuneration and benefits records
 - Restraint of trade agreements
 - Retirement fund records
 - Share option schemes registers
 - Share option schemes rules
 - Share purchase scheme register
 - Share purchase scheme rules
 - Training schedules and material
-
- Share registration documents
 - Dividend payment list
 - Share register
-
- Marketing
 - Marketing and advertising records
 - Brochures and other promotional records
-
- Product Records
 - Quality testing procedures and records
 - Records of the cost of goods acquired for resale and their selling price
-
- Customer Records and credit services
 - Credit application forms
 - Customer Records
 - Debtors with collection agents
 - Records of customer details and payment performance listed with credit bureaus
 - Sales Records
 - Terms and conditions of sale

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- Transaction Records

- Supplier Records
 - Code of Conduct
 - Terms and conditions for dealing with suppliers
 - Transactional Records and supporting information

- Information technology
 - Business and data information
 - Domain name registrations
 - IT technology capabilities
 - Fixed property and fixed assets
 - Financial lease agreements
 - Fixed asset registers
 - Property lease agreements

- Intellectual property
 - Trademarks, trade names and protected names
 - Agreements pertaining to intellectual property

7. Applicable Legislation

As per Section 51(1)(d) of PAIA, where applicable to the business conducted by the divisions in the Group, the various subsidiaries and associates retain records which are required in terms of legislation other than PAIA.

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. The legislation may be consulted to establish whether the Requester has a right of access to a Record other than in terms of the procedure set out in PAIA. The following legislation is included and can be consulted, but is not a limited list:

- Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act, No.19 of 2006
- Air Services Licensing Amendment Act. No. 21 of 2008
- Airports Company Amendment Act, No. 14 of 2001
- Aliens Control Amendment Act, No. 76 OF 1995
- Appropriation Act, 2008 No. 9 of 2008
- Banks Amendment Act No 20 of 2007
- Basic Conditions of Employment Act No.75 of 1997

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- Bills of Exchange Amendment Act, No. 56 of 2000
- Board Based Black Economic Empowerment Act, No 53 of 2003
- Broadcasting Amendment Act, No. 4 of 2009
- Carriage by Air Amendment Act, No. 15 of 2006
- Civil Aviation Act, No. 13 of 2009
- Companies Act No. 71 of 2008 (as amended)
- Compensation for Occupational Injuries and diseases Act, No 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Consumer Protection Act No 68 of 2008
- Copyright Act No. 98 of 1978
- Counterfeit Goods Act No 37 of 1997
- Criminal Law (Forensic Procedures) Amendment Act, No. 6 of 2010
- Currency and Exchanges Act No. 9 of 1933 (and Exchange Control Regulations)
- Customs and Excise Act No. 91 of 1964
- Debt Collectors Act No. 114 of 1998
- Designs Act No 195 of 1993
- Electronic Communication and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Advisory and Intermediary Services Act No 37 of 2002 (as amended)
- Financial Services Board Act No. 97 of 1990
- Income Tax Act No. 58 of 1962
- Immigration Act No 13 of 2002
- King IV Code on Corporate Governance
- Labour Relations Act No. 66 of 1995
- Medical Schemes Act No. 131 of 1998
- Merchandise Marks Act No. 17 of 1941
- National Credit Act No 34 of 2005
- Occupational Health and Safety Act No 85 of 1993
- Patents Act No 57 of 1978
- Pension Funds Act No. 24 of 1956
- Prevention of Organized Crime Act No. 121 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000
- Protection of Personal Information Act No 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-related Information Act No 70 of 2002
- Sale and Services Matters Act No. 25 of 1964

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- Second - Hand Goods Act No 6 of 2009
- Securities Transfer Tax Act No 25 of 2007
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- South African Revenue Services Act No 34 of 1997
- Tax on Retirement Funds Act NO 38 of 1996
- Trade Practices Act No. 76 of 1976
- Trademarks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

If the Requester believes that a right of access to a Record exists in terms of legislation other than that listed above, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in the light thereof.

8. Access Request procedure

Section 51(1)(e) of PAIA, sets out the requirements that need to be met for the successful completion of an Access Request. The following needs to be noted with due caution.

- It is important to note that the successful completion and submission of an access request form does not automatically allow the Requester access to the requested Record.
- An application for access to a Record is subject to certain limitations if the requested Record falls within a certain category as specified within Chapter 4 of PAIA.
- If it is reasonably suspected that the Requester has obtained access to Records through the submission of materially false or misleading information, legal proceedings may be instituted against such a Requester.

8.1 Completion and Submission of Request Form C

Use the prescribed Form C which is available for download on the Essential website.

Form C is also available on the SAHRC website at www.sahrc.org.za.

The prescribed Form C must be completed in full and contain sufficient detail in order to enable the Information Officer to identify:

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- The Records requested;
- Proof of identity of the Requester (and if an agent is lodging the request, proof of capacity) by attachment of the identity document of the Requester.
 - Form C must be filled in type or block letters.
 - All questions on Form C must be answered. If a question does not apply state N/A. If nothing to disclose state Nil.
 - If there is insufficient space on the form, additional information may be provided on an attached folio and each answer on such folio must reflect the applicable title.
- Which form of access is required; and
- The postal address or fax number of the Requester in the Republic of South Africa.

The Requester must identify the right which the Requester is seeking to exercise or protect.

The Requester must provide an explanation of the reason the Record is required for the exercise or protection of any right.

If, in addition to a written reply, the Requester wishes to be informed of the decision in respect of the request in any other manner, the Requester is making the request to the reasonable satisfaction of the appointed Information Officer.

8.2 Notification

- The Information Officers will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. These requests will be evaluated by the applicable entities and persons involved, including but not limited to the Divisional Executive Management, Company Management and/or functional management.
- The 30-day period within which the Information Officer must decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large volume of information or requires the Information Offices to search through a large volume of Records.
- The Information Offices will notify the Requester in writing should an extension be sought.
 - If a Record requested cannot be found, or does not exist, the Information Officer shall by means of an affidavit notify the Requester. In the affidavit, a full account is required of all steps taken to find that Record in question
 - If the Request for Access to a Record is not successful, the Requester will be notified of the following:

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- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- That the Requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

8.3 Payment of Fees

- The completed Access Request Form C must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer as indicated in Section 4 of this Manual.
- An initial, non-refundable request fee of R50.00 (excl VAT) is payable on submission. Note: In terms of POPIA: **This fee is not applicable to Personal Requesters (Data Subjects), referring to any person seeking access to Records that contain their personal information in terms of POPIA.**
- Payment details can be obtained from the Information Officer as indicated in Section 4 of this Manual and payment can be made either via a direct deposit or by EFT (no credit card payments are accepted). Proof of payment must be supplied.
- The Requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested.

Note: If the Request for Access is successful, an access fee will be required for the search, reproduction and/or preparation of the Record(s) and will be calculated based on the Prescribed Fees – see Appendix B. The access fee must be paid prior to access being given to the requested Record.

8.4 Third Party Information

- If access is requested to a Record that contains information about a third party, the relevant Information Officer is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
- In the event of the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

8.5 Grounds for Refusal

The Information Officer may legitimately refuse to grant access to a requested Record that falls within a certain category. Grounds on which the Group may refuse access include:

- protecting personal information that the Information Officer holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- protecting commercial information that is held about a third party or the Group or a particular company or entity in the Group (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization or the third party);
- if disclosure of the Record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- if disclosure of the Record would endanger the life or physical safety of an individual;
- if disclosure of the Record would prejudice or impair the security of property or means of transport;
- if disclosure of the Records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- if disclosure of the Record would prejudice or impair the protection of the safety of the public;
- the Record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- disclosure of the Record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Group;
- disclosure of the Record would put the Group or a particular company or entity in the Group at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- the Record is a computer programme; and
- the Record contains information about research being carried out or about to be carried out on behalf of a third party or the Group or a particular company or entity in the Group

8.6 Remedies Available

- Internal remedies: Essential does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.
- External remedies: In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

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8.7 Records that cannot be Found or Do not Exist

If the Information Officer has searched for a Record and it is believed that the Record either does not exist or cannot be found, the Requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the Record.

9. Protecting of Personal Information Act

9.1 Purpose

The Protection of Personal Information Act, 4 of 2013 (POPIA), regulates and controls the Processing, including the collection, use, and transfer of personal information relating to identifiable, living, natural persons and juristic persons.

Personal information as defined in terms of POPIA includes but is not limited to, information as follows: Name, address, contact details, date of birth, place of birth, identity number, passport number, bank details, tax number, financial information, biometric information, personal opinions or views of a person, criminal history, membership of a trade union, images by way of CCTV.

In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another's (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 Processing conditions set out under POPIA.

9.2 Description of categories for Data Subjects

Subsidiary Companies within the Esscorp Group hold information and record information relating to the following broad categories of data subjects or persons, which list is not limited to:

- Employees
- Customers, contractors/vendors/suppliers/service providers/operators
- Business partners whether acting on behalf of the companies or not or those that provide services, goods and other benefits to the companies such as medical service providers, banks, pension and provident funds, administrators, service providers, insurance companies, advertising, marketing or PR agencies, wellness or health providers

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- Regulators and Public Bodies who the companies engage with in order to discharge legal and public duty obligations, including SARS, National Treasury, Department of Labour and the financial sector conduct authorities.
- Users of website/applications/mobile applications/social media portals or platforms whether in order to enquire more about the companies or to do business with the company or receiving or buying goods and services.
- Persons who interact with the companies physically or enter sites, offices, parking areas, all facilities of the company or interact via websites/email/correspondence.

9.3 Reasons for processing Information

The subsidiaries within the Group do and will process Personal Information which belongs or is held by a Data Subject.

This Processing is required by any of the subsidiaries to allow them to perform the following (without detracting from the generality hereof):

- to pursue their business objectives and strategies;
- to comply with a variety of lawful obligations, including without detracting from the generality thereof, to carry out actions for the conclusion and performance of a contract as between the particular Group company and the Data Subject;
- to put in place protective mechanisms to protect the Data Subject's and / or the Company's legitimate interests including the performance of risk assessments and risk profiles where applicable and necessary;
- to obtain as required by law or to protect the respective party's legitimate interests,
- to obtain or provide Personal Information from a credit bureau or credit provider or credit association, information about certain Data Subject's credit record, including personal information about any judgement or default history;
- for the purposes of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
- for the purpose of providing the Data Subject from time to time with information pertaining to the Companies, their officers, employees, services and goods and other ad hoc business related information;
- to pursue the Data Subject's and / or Companies' legitimate interests, or that of a third party to whom the Personal Information is supplied;
- for the purposes of providing, maintaining, and improving the Companies' Products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;
- for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR functions, customer care lines and

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enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required; and

- for the purpose of preventing fraud and abuse of the Companies' processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

9.4 Storage, Retention and Destruction of Information

- The Company will ensure that the Data Subject's Personal Information is securely stored electronically, which for operational reasons, will be accessible to certain categories of authorised persons within the Group on a need to know and business basis, save that where appropriate, some of the Data Subject's Personal Information may be retained in hard copy and stored securely.
- All such Personal Information will be held and / or stored securely. In this regard the company will ensure that they perform regular audits regarding the safety and the security of all Data Subject's Personal Information.
- Appropriate technical and organisational measures will be taken by the companies to ensure that Personal Information remains confidential and secure against unauthorised or unlawful processing and accidental loss or destruction or damage.
- Once the Data Subject's Personal Information is no longer required since the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the required prescribed periods or longer should this be required by the company. The company thereafter will ensure that such Personal Information is permanently destroyed.
- A Data Subject may also request the Responsible Party to correct or delete personal information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the Data Subject that the Responsible Party is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- A Data Subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address or electronic mail address set out in section 4 of this Manual on the standard "Rectification".
- The Information Officer will handle the request in accordance with PAIA

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Configuration:

Created By	Nooriah Kirsten	
Reviewed By	Peter Mead	
Approved By	Peter Mead	
Revision History		
Number	Details	Date
Version 1.0	New Policy Established	08/11/2017
Version 1.1	Reviewed to incorporate new legislative changes	31/05/2021

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