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Approver:	Chief Executive Officer (Lucien Jansen)	
Department:	Legal & Corporate Governance	

EXTERNAL DATA PROTECTION POLICY

1 INTRODUCTION


- 1.1 The Perishable Products Export Control Board ("**the PPECB**", "**we**", or "**us**") collects and processes personal information in the course of performing its statutory functions, i.e. inspection and export services, as well as through its stakeholders, websites, user applications, employees, job applicants, dependents and beneficiaries of employees, former employees, and clients.
- 1.2 We respect the privacy rights of our customers, clients, service providers and other third parties (including prospective customers, clients, and service providers) and we are committed to handling personal information responsibly and in accordance with applicable law.
- 1.3 If you have any questions regarding this Policy, the applicable law, or have any comments or questions about this Policy, please contact us at the contact details in paragraph 12 below.
- 1.4 If you would like to learn more about how we process the personal information of visitors to our website, please visit <https://ppecb.com/>.

2 WHO DOES THIS POLICY APPLY TO?

- 2.1 This Policy applies to our contractors, consultants, customers, clients, service providers and suppliers and to prospective service providers and suppliers responding to bids and request for proposals, as well as any other party who are our agents or working on our behalf or in our name, whether it be through the outsourcing of services, processes or any business activity (collectively referred to as "**you**", or "**your**").
- 2.2 This Policy does not apply to the PPECB'S employees and staff, who are subject to our internal privacy policy.
- 2.3 This Policy applies where we process your personal information in any form – whether oral, electronic, or written.

3 WHAT TYPE OF PERSONAL INFORMATION DO WE PROCESS?

- 3.1 Most of the personal information we process is information that you knowingly provide to us. However, in some instances, we process personal information that we are able to infer about you based on other information you provide to us (such as supporting documents) or on our interactions with you, or personal information about you that we receive from a third party using a process as mentioned. For example, we may contract with third parties to support us to do credit and background checks.

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3.2 We collect personal information *inter alia* in the following instances –

3.2.1 in the course of executing our statutory functions;

3.2.2 via our websites;

3.2.3 during your attendance at PPECB events, including but is not limited to stakeholder engagement sessions, pre-season meetings, and industry meetings;

3.2.4 Via our user applications, such as TITAN 2.0®;

3.2.5 in connection with business transactions and services you initiate with us, such as through services requests, credit verification or other processes related to the transaction;

3.2.6 when you submit a bid in relation to a tender published by us;


3.2.7 when you are requesting access to information on our record; and/or

3.2.8 where we are legally obliged to as part of a contractual agreement, statutory measure or as otherwise required by law.

3.3 We do not collect or use any personal information from persons under the age of eighteen or from children, who do not have the necessary ability to foresee the consequence of their personal information being processed, without obtaining the appropriate consent, as required by law.

3.4 We process the following personal information of yours for the following purposes –

Categories of personal information processed by us	Purpose of processing
Service providers or suppliers (both current and prospective)	
Identity information: Company name, registration number, registered address.	To enter into the contract with the supplier or service provider.
Contact information: Contact information of a representative of the service provider or supplier and records of correspondence with the representative of the service provider or supplier.	To send notices and information regarding the contract or legal proceedings. To send direct marketing, where agreed to.
Financial information: Bank account details, taxpayer information.	To perform under the contract and make payment to the service provider or supplier
CCTV: Information captured on security systems, including CCTV and key card entry systems.	To prevent and detect crime. To protect the health and safety of applicable data subjects. To manage and protect property.
Biometric personal information: Your biometrics.	To provide access to premises and information systems
Information from screenings: Where permitted by law, the results of drug and alcohol testing (where required for disciplinary purposes),	To protect the health and safety of applicable data subjects. To comply with applicable health and safety laws.

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screening, health certifications and Covid-19 screenings.	
Clients/Customers	
Identity information: Company name, registration number, registered address	To enter into the contract with the client and to provide services to the client.
Contact information: Contact information of a representative of the client and records of correspondence with the representative of the client.	To send notices and information regarding the contract or legal proceedings; To follow up as part of our customer service; To send direct marketing where agreed to.
CCTV: Information captured on security systems, including CCTV and key card entry systems	To prevent and detect crime; To protect the health and safety of our clients and staff; To manage and protect our property and the property of our staff, clients, and other visitors.
Biometric personal information: Your biometrics.	To provide access to our premises.
Information from screenings: Where permitted by law, the personal information from screening including COVID-19 screenings.	To protect the health and safety of our clients and staff; To comply with applicable health and safety laws.


3.5 Unless otherwise stated, all of the information we request from you is obligatory. If you do not provide and/or allow us to process all the obligatory information as requested, we will not be able to keep complete information about you, thus affecting our ability to accomplish the above stated purposes.

3.6 **Special personal information**

3.6.1 There may be certain limited instances in which the personal information that you provide to us or we collect is considered “**Special Personal Information**” under applicable data protection legislation.

3.6.2 Special Personal Information includes, among other things, any information that reveals your racial or ethnic origin, religious, political or philosophical beliefs, genetic data, biometric data for the purposes of unique identification, trade union membership, information about your health, gender and sexual orientation, as well as criminal behaviour related to the alleged commission by you of any offence or any proceedings in respect of any offence allegedly committed by you or the disposal of such proceedings.

3.6.3 As a general rule, we make every attempt to limit the collection and processing of Special Personal Information about you, unless authorised by law or where necessary to comply with applicable laws.


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3.6.4 However, in some instances, we may need to collect, or request on a voluntary disclosure basis, Special Personal Information for legitimate purposes including: (i) to comply with Broad-Based Black Economic Empowerment requirements, (ii) for government reporting obligations, and/or (iii) requesting information about your health to provide work-related accommodations or secure our premises.

4 PURPOSE OF PROCESSING YOUR PERSONAL INFORMATION

4.1 We may be required to process your personal information for the following purposes –

- 4.1.1 to identify you;
- 4.1.2 to provide you with services requested by you or your company;
- 4.1.3 to meet our obligations under an agreement with you;
- 4.1.4 to process your business transactions with us;
- 4.1.5 for statistical purposes;
- 4.1.6 to establish and maintain stakeholder accounts;
- 4.1.7 to register you as a user of our services so that you may access them through our websites (includes any web portals), operational site(s), applications or otherwise;
- 4.1.8 to communicate with you about updates, maintenance, outages, or other technical matters concerning these services;
- 4.1.9 to provide you with training regarding usage of these services;
- 4.1.10 to respond to questions or inquiries that you or your company may have about our services;
- 4.1.11 for sending you electronic messages (i.e. SMS email), newsletters, press releases, levy updates, event invitations and other similar communications regarding the services that we offer, where you have consented to such communications;
- 4.1.12 to provide export information to industry bodies to collect levies due to them in terms of statutory measures or regulations;
- 4.1.13 to solicit input from you regarding improvement of our services; and
- 4.1.14 for other purposes that we disclose to you at the time we obtain your consent.

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4.2 If you have questions about, or need further information concerning, the legal basis on which we collect and process your personal information, please contact us using the contact details provided in paragraph 12 below.

5 **LAWFUL BASIS FOR PROCESSING**

5.1 There are six available legal (lawful) bases for collecting and processing your personal information. Our legal basis for collecting and using the personal information described above will depend on the personal information concerned and the specific context in which we collect it.

5.2 **Personal information**

5.2.1 The basis on which we rely for the purposes above are –

5.2.1.1 **Legitimate interests:** In most cases, we process your personal information in line with our legitimate interests, which interest is not overridden by your data protection interests or fundamental rights and freedoms.

5.2.1.2 **Contract:** We will also process your personal information to the extent that it is necessary to conclude or perform under the contract we have with you.

5.2.1.3 **Legal obligation:** We have certain legal obligations which require us to process your personal information. This includes processing for tax purposes and know-your-client purposes.

5.2.1.4 **Consent:** In certain limited instances, we will only process your personal information with your prior consent.


5.2.1.5 **Public law duty:** As a public entity, the PPECB is constituted and mandated in terms of the Public Finance Management Act, No. 1 of 1999 and the Perishable Products Export Control Act, No. 9 of 1983 to perform cold chain services and delivers inspection services as an assignee in terms of the Agricultural Products Standards Act, No.119 of 1990.

5.3 **Special personal information**

5.3.1 We may process your special personal information on the following basis –

5.3.1.1 **Consent:** In certain instances, we will only process your special personal information with your prior consent.

5.3.1.2 **Legal obligation:** We have certain legal obligations which require us to process your special personal information. We will do so in line with this policy and for government reporting.

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5.3.2 As a public entity and a provider of services to the public, we have a legal duty to comply with the Employment Equity Act, No. 55 of 1998. This means we need to make service adjustments for anyone with a disability who contacts us, in any capacity, to eliminate any barriers to accessing our services. The processing of Special Personal Information, such as health information relating to a disability, will be based on our legal obligation(s), which means we need your consent.

5.3.3 We will create a record of your adjustment requirements. This will include your name, contact details and type of adjustment required, along with a brief description of why it is required. Only the required PPECB employees can access this to ensure they are communicating with you in the required way.

6 AUTOMATED DECISION MAKING

6.1 An automated decision takes place when an electronic system uses personal information to make a decision without human intervention.

6.2 We do not envisage that any decisions will be taken about you using automated means, and we will notify you by updating this notice if this position changes.

6.3 Any use of automated decision making will not have a significant impact on you and will only be used if we have a lawful basis for doing so in the following circumstances –

6.3.1 Where we have notified you of the decision and given you 21 days to request a reconsideration.

6.3.2 Where it is necessary to perform the contract with you and appropriate measures are in place to safeguard your rights.


6.3.3 In limited circumstances, with your explicit written consent and where appropriate measures are in place to safeguard your rights.

7 DATA RETENTION

7.1 We keep records of your personal information for no longer than necessary for the purpose for which we obtained them and for any other permitted compatible purposes, including compliance with legal obligations in the field of employment law, health and safety law, tax law and for audit purposes.

7.2 Our internal data retention and disposal policies set out the applicable minimum retention periods required by local laws. We use this policy to establish the retention time periods for various categories of records that contain your personal information.

7.3 If you wish to understand more about the retention periods applicable to your personal information, contact our Legal Department (see paragraph 12 below).

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8 SHARING OR TRANSFERRING YOUR PERSONAL INFORMATION

8.1 General

8.1.1 In order to carry out the purposes outlined above, information about you may need to be disclosed, for the purposes set out above, to other third parties. When we share your personal information, we require that all third-party recipients treat your personal information as confidential and in conformity with this Policy.

8.1.2 In any scenario, we will satisfy ourselves that we have a lawful basis on which to share the information and we will document our decision making. Should access to your information be requested in terms of the Promotion of Access to Information Act. No. 2 of 2000 ("**PAIA**"), we will notify you of such request in accordance with the terms of PAIA.

8.2 Centralised Data Processing Activities

8.2.1 We have centralised certain aspects of our data processing and administration in accordance with applicable data protection laws and any other applicable laws in order to allow us to better manage our organisation. That centralisation may result in the transfer of personal information from one country to another or from one division in the PPECB to another division in the PPECB.


8.3 Third party service providers

8.3.1 From time to time, we outsource the processing of certain functions and/or information to third parties.

8.3.2 When we do outsource the processing of your personal information to third parties or provide your personal information to third party service providers, we oblige those third parties to (i) enter into a written contract with us, (ii) protect your personal information in accordance with the terms and conditions of this Policy, (iii) treat the personal information as confidential and not share or transfer your personal information to any other entity without our express written permission, (iv) adopt appropriate security measures, and (v) only use your personal information for the purposes of fulfilling their obligations to us.

8.4 Legal Requirements

8.4.1 We reserve the right to disclose any personal information we have concerning you if we are compelled to do so by a court of law or requested to do so by a governmental entity or if we determine it is necessary or desirable to comply with the law or to protect our legitimate interests in accordance with applicable laws.

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8.4.2 We also reserve the right to retain personal information collected and to process such personal information to comply with accounting rules, tax rules, regulations, and any specific record retention laws.

8.5 Transfers outside of the applicable jurisdiction

8.5.1 Should your personal information move outside of South Africa, we use mechanisms compliant with applicable data privacy law to require that the same level of data protection be applied in the jurisdiction where the data is being processed.

8.5.2 We also ensure that the required data protection clauses are in force in any relevant legal contracts and agreements to ensure that your personal information is treated by third parties in a way that is consistent with and which respects all applicable data privacy law.

8.5.3 An example of where your personal information may be transferred to another country is where a service provider whom the PPECB relies on hosts your personal information in a foreign country.

9 WHAT ARE YOUR RIGHTS AND DUTIES?

9.1 As a data subject, you have a number of rights, including –


9.1.1 **Access rights:** You have the right to access your personal information in many circumstances. This enables you to receive a copy of the personal information we hold about you and to check that we are lawfully processing it.

9.1.2 **Right to rectification:** You can require us to have inaccurate personal information corrected.

9.1.3 **Right to erasure:** You can require us to erase personal information in certain circumstances where there is no lawful basis for us to retain such personal information. Please note, however, that in some instances we must retain your personal information for certain periods of time as required by law. We will do so in accordance with our internal data retention and disposal policies. You can request a copy of these policies from our Information Officer.

9.1.4 **Right to restrict:** You can require us to restrict our processing of your personal information in certain circumstances.

9.1.5 **Right to portability:** You can require us to port (or transfer) your personal information to a third party.

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9.1.6 **Right to withdraw consent:** You can withdraw any consents to processing that you have given us and prevent further processing if there is no other legitimate ground upon which we can process your personal data.

9.1.7 **Right to complain:** You can raise a complaint about our processing with the data protection regulator in your jurisdiction, or with our Information Officer.

9.2 If you wish to object to the processing of your personal information by the PPECB, you may do so in terms of Form 1, downloadable on the PPECB website. The completed form must be submitted to the Deputy Information Officers, whose names and contact details are contained in paragraph 12 below.

9.3 **Your duties**

Duty to inform us of changes to your personal information: It is important that the personal information we hold about you is accurate and current. Please keep us informed if your personal information changes during your working relationship with us.

10 **DATA SECURITY**


10.1 The personal information we collect from you is stored by us and/or our service providers on databases protected through a combination of physical and electronic access controls, information security technology and other appropriate administrative, technical, personnel and physical security measures.

10.2 Nevertheless, such security measures cannot prevent all loss, misuse or alteration of personal information and we are not responsible for any damages or liabilities relating to any such incidents to the fullest extent permitted by applicable law.

10.3 Where required under law, we will notify you of any such loss, misuse or alteration of personal information that may affect you, so that you can take the appropriate actions for the due protection of your rights.

11 **CHANGES TO THIS POLICY**

11.1 We will conduct periodic internal and external compliance audits and assessments of our relevant privacy practices to verify adherence to this Policy. We encourage you to raise any questions or concerns that you may have about the way we process your personal information. We reserve the right to update this Policy at any time, without prior notice to you, to the extent permitted by applicable law. To assist you, this Policy has an effective date set out below.

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12 REQUEST FOR ACCESS TO PERSONAL INFORMATION/QUESTIONS OR COMPLAINTS

12.1 If you have any questions about this Policy, or any concerns or complaints with regard to the administration of the Policy, or if you would like to submit a request for access to the personal information that we maintain about you, please contact us by any of the following means –

12.1.1 Information Officer, appointed by virtue of his office: Lucien Jansen (Chief Executive Officer) - **lucienj@ppecb.com**

12.1.2 Deputy Information Officer: Yanesh Ramiah (Chief Information Officer) - **yaneshr@ppecb.com**

12.1.3 Deputy Information Officer: Nina Pretorius (Business Intelligence Manager) - **ninap@ppecb.com**

12.1.4 Legal Department: Michelle Adams (Legal and Corporate Governance Manager) – **michellea@ppecb.com** / Jana van Buren – Schele (Assistant Legal Advisor) **janavbs@ppecb.com**

12.2 You have the right to complain to the Information Regulator if you believe that the processing of your personal information is in breach of the applicable data privacy laws.

13 DATA SUBJECT ACCESS

13.1 You may request access to your personal information held by us in order to exercise any of your rights as detailed in section 9 above

13.2 We require the following from you when you request access to your personal information for the purposes of correcting, deleting, or destroying such information;

13.2.1 Proof of Identification; and

13.2.2 completed request form (Form 2 on the website).

13.3 The documents must be completed online or sent to or submitted to the Deputy Information Officers as set out in section 12.1.2 or 12.1.3 above.

13.4 Should you require a copy of your personal information, kindly contact either of the Deputy Information Officers as set out in section 12.1 and 12.2.