

POPIA Policy

End user consent to process personal information and confidentiality declaration in terms of the Protection of Personal Information Act

1. The purpose of the Protection of Personal Information Act (POPIA)

The purpose of POPIA is to-

- 1.1. give effect to the constitutional right to privacy by safeguarding personal information when processed by a private or public body subject to justifiable limitations;
- 1.2. regulate the manner in which personal information may be processed, by establishing conditions, in accordance with international standards, that prescribe the minimum requirements for the lawful processing of personal information;
- 1.3. provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act;
- 1.4. establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by POPIA.

2. Definitions

- 2.1. Personal Information: means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—
 - a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - b) information relating to the education or the medical, financial, criminal or employment history of the person;
 - c) any identifying number, symbol, e-mail address, physical address, telephone number, location
 - d) information, online identifier or other particular assignment to the person;
 - e) the biometric information of the person;
 - f) the personal opinions, views or preferences of the person;
 - g) 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;
 - h) the views or opinions of another individual about the person; and
 - i) 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.
- 2.2. “Process information” means the automated or manual activity of collecting, recording, organising, storing, updating, distributing and removing or deleting of personal information.
- 2.3. “You” refers to yourself as Client / End User of Prime Harvest Supply (Pty) Ltd) (PHS).

3. End user consent

3.1. AAC undertakes to process the personal information of the End User only in accordance with the conditions of lawful processing as set out in terms of POPIA and only to the extent that it is necessary to discharge its obligations as provided for in terms of the End User Agreement concluded with the End User. The terms “processing” and “personal information” are defined in paragraphs 2.1 and 2.2 above.

3.2. The End User acknowledges that the processing of his/her personal information by PHS is both necessary and legally required as it falls within the scope of execution of the contractual obligations of PHS. In this regard the End User agrees:

- That he/she has been notified of the purpose and reasons for the collection and processing of his or her personal information insofar as it relates to PHS’s discharge of its contractual obligations towards the End User.
- That he/she consents and authorises PHS to undertake the collection, processing and further processing of his/her personal information for the purposes of securing and further facilitating the contractual obligations towards the End User.
- To make available to PHS all necessary personal information required by PHS, including the End User’s location data, for the purpose of, tracking order collection and delivery progress as well as securing and further facilitating the contractual obligations towards the End User.
- To the disclosure of his/her personal information by PHS to any third party, where PHS has a legal or contractual duty to disclose such personal information.
- The End User further agrees to the disclosure of his/her personal information for any reason enabling PHS to carry out or to comply with any legitimate business obligation PHS may have or to pursue a legitimate interest of PHS to perform its business on a day-to-day basis.
- The End User authorises PHS to transfer his/her personal information outside of South Africa for any legitimate business purpose of PHS within the international community. PHS undertakes not to transfer or disclose said personal information unless it is required for its legitimate business.

4. AAC is committed to protecting your personal information

PHS recognises the importance of protecting our customers’ personal information and keeping said information confidential. PHS aligns itself with the provisions of the Protection of Personal Information Act (POPIA) and we wish to confirm that only the necessary client information is collected and processed to provide you with our courier services. We will continue to take all reasonable steps to protect your personal information from unauthorised access. PHS’s privacy notice, which further explains how your personal information is processed and which forms part of our Terms and Conditions, is accessible via the link below.

5.1 Commitment

PHS is committed to protect our customers’ right to confidentiality of their personal information in accordance with the requirements of the Protection of Personal Information Act (POPIA).

5.2 Application & purpose

This privacy notice is an extension to PHS's Terms and Conditions and applies to all our PHS customers to whom we provide courier services, whether you are an account holder or a walk-in customer. The purpose of the notice is to set out how we collect, use, share and otherwise process personal information provided by you, our customer, in line with POPIA. PHS is committed to protect our customers' right to confidentiality of their personal information in accordance with the requirements of the Protection of Personal Information Act (POPIA).

5.3 How & why we process your personal information

When you contract with PHS you trust us with personal information about yourself and the person(s) to whom you wish to send your parcel, such as your name, surname, telephone number, physical address, location, etc.

PHS will process this information to enable us to deliver the parcel at the specified address and / or location.

You warrant that when you give us personal information about the addressee of your parcel, you have received their permission to share their personal information with us for the sole purpose of delivering your parcel to them.

PHS will keep the personal information provided by you confidential at all times and in accordance with the regulations envisaged in the POPI Act.

5.4 Objecting to the processing of your personal information

You have the right to object to the processing of your personal information; however, it follows that we cannot render our courier services to you without the required and essential personal information.

By agreeing to PHS's Terms and Conditions and by engaging our services you confirm that you give PHS consent to:

- process your personal information for the sole purpose of providing the requested courier services to you;
- provide the relevant information to a contracted third-party driver, whom requires such information to collect or deliver your parcel, provided that such contracted third party agrees to keep the information confidential.

5.5 Sharing of personal information

If a third party asks PHS for any of your personal information, we will share it with them only if:

- You have already given your written consent for the disclosure of this information to that third party; or
- We have a legal duty to give the information to that third party.

If PHS wants to share your personal information for any other reason, we will do so only with your written permission.

Notwithstanding the above, by agreeing to PHS's Terms and Conditions, you authorise us to obtain and share information about your creditworthiness with any credit bureau or credit provider's industry association or industry body.

This includes information about your credit history, financial history, judgments, default history and sharing of information for purposes of risk analysis, tracing and any related purposes.

If PHS become involved in a proposed or actual merger, acquisition, or any form of sale of any assets, PHS has the right to share your personal information with third parties in connection with the transaction.

In the case of a merger, acquisition or sale, the new entity will have access to your personal information. The terms of this Privacy Statement will continue to apply.

5.6 Accuracy of personal information

PHS has a duty to take all reasonably practicable steps to ensure your personal information is complete, accurate, not misleading and updated on a regular basis. To enable this, PHS will always obtain personal information from you directly.

Where we are unable to do so, we will make use of verifiable independent third-party data sources.

5.7 Electronic communication

We have the right to communicate with you electronically about any changes on your account with PHS or any other relevant matter related to our service to you.

Please let us know in writing if you do not wish to receive any direct telephone marketing from PHS.

5.8 Right to access of personal information

You have the right to know what personal information we hold about you. If you wish to receive said information, kindly contact us and specify the information you require.

We will take all reasonable steps to confirm your identity before providing details of your personal information.

We are entitled to charge a fee for this service and will let you know what it is at the time of your request.

5.9 Right to rectification or deletion of information

You have the right to ask us to update, correct or delete your personal information. Where we cannot delete your personal information, we will take all steps to make it anonymous.

You agree that we may keep your personal information until you ask us to delete or destroy it unless the law requires us to keep it.

5.10 Transfer of information outside South Africa

You hereby agree that PHS may transfer your personal information outside South Africa if your addressee is located outside South Africa.

5.11 Complaints

If you believe that we have used your personal information contrary to this Privacy Notice, you must first attempt to resolve any concerns with us directly.

Our information officer can be contacted at:

Information Officer: Mr Shaheen Khan

Telephone number: (021) 853 0367

Email address: info@phsfoods.co.za

If you are not satisfied after this process, you have the right to lodge a complaint with the Information Regulator, under POPIA.

The contact details are:

The Information Regulator (South Africa) JD House 27 Siemens Street Braamfontein Johannesburg
complaints.IR@justice.gov.za

5.12. Amendments to privacy notice

AAC may change this Privacy Notice from time to time. The most updated version will always be available on www.phsfoods.co.za.