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# COMPLAINTS POLICY

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**DATED: 01 July 2021**

**DOCUMENT NUMBER: HRM\_093**

**DEADLINE FOR NEXT REVIEW: 31 December 2021**



## 1. PURPOSE

- 1.1. The purpose of this policy is to set out the actions that Data Subjects may take, should they be of the opinion that **NCC Environmental Services (Pty) Ltd (“the Company”)**, as Responsible Party, is not processing their Personal Information in a lawful and secure way and according to the eight (8) Conditions for Lawful Processing of Personal Information contained in the **Protection of Personal Information Act 4 of 2013 (“POPIA”)**, as set out below.
- 1.2. This policy is subject to the provisions of the POPIA as amended from time to time, including any standards or directives issued by the Regulator, and applies to the processing of Personal Information in South Africa only.

## 2. EFFECTIVE DATE

The effective date of this policy is 1 July 2021.

## 3. SCOPE

This policy is of relevance to Data Subjects whose personal information the Company processes in terms of POPIA. Data Subjects include clients, employees, vendors, suppliers, part-time staff and contract workers and any other natural or juristic persons whose Personal Information the Company processes.

## 4. DEFINITIONS

- 4.1. **Conditions:** The principles introduced by POPIA which establish minimum requirements for the Processing of Personal Information.
- 4.2. **Data Subject:** The individual or juristic person whose Personal Information is being processed.

- 4.3. **Operator:** A person who processes Personal Information for a Responsible Party in terms of a contract or mandate, without coming under the direct authority of the Responsible Party.
- 4.4. **Personal Information:** Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, and as more comprehensively defined in POPIA.
- 4.5. **Processing:** The full life cycle of Personal Information, including, among others, its collection, storage, distribution, and destruction, as more comprehensively defined in POPIA.
- 4.6. **PAIA:** The Promotion of Access to Information Act 2 of 2000, as amended from time to time.
- 4.7. **Regulator:** The Information Regulator established in terms of POPIA.
- 4.8. **Responsible Party:** A public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing Personal Information. For purposes of this policy, the Responsible Party is the Company.

## 5. **SUMMARY OF THE 8 CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION**

### 5.1. **Accountability**

The Company must ensure that it complies with the eight (8) Conditions as set out in POPIA at all times. This is the overarching Condition on which all the other Conditions are based.

### 5.2. **Processing Limitation**

- 5.2.1. The Company must ensure that Personal Information is processed lawfully and in a reasonable manner that does not infringe the privacy of the Data Subject.
- 5.2.2. The Company must comply with the requirement of minimality, and only process Personal Information in a manner that is adequate, relevant and not excessive.

5.2.3. POPIA also contains further requirements relating to consent, justification and objection, as well as the collection of Personal Information directly from the Data Subject.

### 5.3. Purpose Specification

5.3.1. The Company must ensure that Personal Information is collected for a specific, explicitly defined and lawful purpose related to a function or activity of the Company and must, as a general rule, ensure that the Data Subject is aware of the purpose of the collection.

5.3.2. POPIA also contains further requirements relating to the retention and restriction of records.

### 5.4. Further Processing Limitation

The Company must ensure that the further Processing of Personal Information is in accordance or compatible with the purpose for which it was originally collected in accordance with the Processing Limitation Condition.

### 5.5. Information Quality

The Company will take reasonably practicable steps to ensure that the Data Subject's Personal Information is complete, accurate, not misleading and updated where necessary.

### 5.6. Openness

5.6.1. The Company will maintain the documentation of all Processing operations under its responsibility, as referred to in sections 14 or 51 of PAIA.

5.6.2. POPIA requires that the Company must, among others, take reasonably practicable steps to ensure that the Data Subject is aware of the information being collected, and where the information is not collected from the Data Subject, the source from which it is collected, as well as the name and address of the Company and the purpose for which the information is being collected.

## 5.7. Security Safeguards

- 5.7.1. The Company will secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable, technical and organisational measures to prevent loss of, damage to or unauthorised destruction of Personal Information and unlawful access to or processing of Personal Information.
- 5.7.2. In cases where the Company engages the services of an Operator, the Company must ensure, in terms of a written contract between it and the Operator, that the Operator establishes the security measures required by POPIA.
- 5.7.3. If the Operator has reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person, it must notify the Company immediately.
- 5.7.4. If the Company has reasonable grounds to believe that the Personal Information of a Data Subject has been accessed or acquired by any unauthorised person, it must, among others, notify the Regulator and, subject to certain exceptions, the Data Subject, unless it cannot establish the identity of the Data Subject.

## 5.8. Data Subject participation

- 5.9. A Data Subject has, among others, the right to request the Company to confirm whether it holds Personal Information about the Data Subject and request the record or a description of such Personal Information.
- 5.9.1. A Data Subject has, among others, the right to request the Company to correct, destroy or delete Personal Information relating to the Data Subject.

## 6. PROCESS TO LODGE A COMPLAINT

- 6.1. Should you, as a Data Subject, be of the opinion that we are not processing your Personal Information in accordance with the Conditions set out above, we request that you contact us immediately by sending an e-mail to our Information Officer on [info@ncc-group.co.za](mailto:info@ncc-group.co.za) so that the necessary steps can be taken to rectify the process or actions that led to the complaint.

6.2. Our Information Officer will, subject to the provisions of POPIA from time to time, confirm receipt of your complaint within 2 working days, will investigate all matters relating to the complaint, and will notify you of the progress of the investigation, as well as the expected timeframe in which the complaint will be resolved, the outcome of the complaint, the reasons for any decision or actions taken and the remedy of the complaint. The Information Officer will also outline the circumstances, should the complaint be escalated directly to the Information Regulator.

6.3. You have a right, to the extent applicable, to refer your complaint to an independent adjudicator if you are aggrieved by our decisions. Should you confirm to us that you are in fact aggrieved, we will provide you with an outline for the procedure of referring the complaint to the adjudicator, a time frame within which the referral may be done, and details of the adjudicator.

6.4. The following information must be included in the complaint:

- Full name and contact details of the Data Subject.
- Full name and contact details of the person lodging the complaint.
- Proof of the incident that occurred that warrants the complaint.
- Identity number of the Data Subject (in cases where the Data Subject is a natural person), or registration number of the Data Subject (in cases where the Data Subject is a juristic person).
- The desired outcome.

6.5. It is important to note that you do have the right to lodge a complaint directly with the Regulator, should you wish to do so. The contact details of the Regulator are as follows:

**PHYSICAL ADDRESS**

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg, 2001

**EMAIL ADDRESS**

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

**REVIEWED AND APPROVED BY:**

A handwritten signature in black ink, appearing to read 'Dean Ferreira', with a large, stylized initial 'D'.

**Dean Ferreira**

**Managing Director – NCC Environmental Services (Pty) Ltd**