



St Mary's School  
Waverley  
Founded 1888

## Protection of Personal Information Policy

St Mary's School  
(hereinafter referred to as "the school")

## **POLICY STATEMENT**

- This policy forms part of the school's operational and business processes and procedures
- The school's Board of Directors, its employees, contractors, suppliers and any other persons acting on behalf of the school are required to familiarise themselves with the policy's requirements and will be required to undertake to comply with the stated processes and procedures
- The information officers, in conjunction with the business area of the school, are responsible for overseeing and maintaining control procedures and activities

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## 1. INTRODUCTION

The right to privacy is an integral human right recognised and protected in the South African Constitution and in the Protection of Personal Information Act 4 of 2013 (“POPIA”). It includes the right to protection against the unlawful collection, retention, dissemination and use of personal information.

POPIA aims to regulate the processing of personal information in a manner that gives effect to the right to privacy subject to justifiable limitations that are aimed at protecting other rights and important interests.

The school is a non-profit company incorporated under the Companies Act, 2008. It is an independent, Anglican school for girls registered as such with the Gauteng Department of Education. It provides pre-primary, primary and secondary education and enrolls pupils between Grade 000 and Grade 12. It seeks to offer a world class education, relevant to South Africa and to the wider world. This is referred to in this policy as the school’s “educational purpose”.

For the purpose of providing that education, the school is necessarily involved in the processing of the personal information of prospective and current parents, prospective, current and past pupils, employees, applicants for employment, service providers and other stakeholders.

Given the importance of privacy and the school’s legal obligations in terms of POPIA, the school is committed to effectively managing and protecting personal information in accordance with POPIA’s provisions.

## 2. DEFINITIONS

### 2.1 Personal information

Personal information means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person (such as a company), including, but not limited to:

- 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;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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;

- the views or opinions of another individual about the person; and
- 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 Data subject**

This refers to the natural or juristic person to whom personal information relates. In the case of St Mary's, data subjects include prospective and current parents, prospective, current and past pupils, employees, applicants for employment and other stakeholders, such as service providers who supply the school with products or other goods or services.

## **2.3 Responsible party**

The responsible party is the 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. In this case, the school is the responsible party.

## **2.4 Operator**

An operator means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party. For example, a third-party service provider that has contracted with the school.

## **2.5 Information officer**

The information officer is responsible for ensuring the school's compliance with POPIA.

The head of school is the information officer and two members of staff have been designated as deputy information officers.

## **2.6 Processing**

The act of processing information means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information including:

- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information.

## 2.7 Record

Means any recorded information, regardless of form or medium, including:

- Writing on any material
- Information produced, recorded or stored by means of any tape-recorder, computer equipment, whether hardware or software or both, or other device, and any material subsequently derived from information so produced, recorded or stored;
- Label, marking or other writing that identifies or describes anything of which it forms part, or to which it is attached by any means
- Book, map, plan, graph or drawing
- Photograph, film, negative, tape or other device in which one or more visual images are embodied so as to be capable, with or without the aid of some other equipment, of being reproduced;

in the possession or under the control of the school, whether or not it was created by the school and regardless of when it came into existence.

## 2.8 Filing system

Means any structured set of personal information, whether centralised, decentralised or dispersed on a functional or geographical basis, which is accessible according to specific criteria.

## 2.9 Consent

Means any voluntary, specific and informed expression of will in terms of which permission is given for the processing of personal information.

## 2.10 Direct marketing

Means to approach a data subject, either in person or by mail or electronic communication, for the direct or indirect purpose of:

- Promoting or offering to supply, in the ordinary course of business, any goods or services to the data subject; or
- Requesting the data subject to make a donation of any kind for any reason

## 3. POLICY PURPOSE

The purpose of this policy is to ensure that the school complies with its legal obligations in terms of POPIA and further to manage compliance risks associated with the protection of personal information which includes:

- Breaches of privacy and confidentiality
- Penalties, offences, civil action and reputational damage

#### 4. POLICY APPLICATION

This policy and its guiding principles apply to:

- The school's Board of Directors
- All divisions of the school, including the Parents' Association and the Community Partnerships Project
- All employees
- All contractors, suppliers and other persons acting on behalf of the school.

The policy's guiding principles find application in all situations and must be read in conjunction with POPIA as well as the school's PAIA Policy as required by the Promotion of Access to Information Act (Act No 2 of 2000).

The legal duty to comply with POPIA's provisions is activated in any situation where there is:

- A **processing** of
- **Personal information**
- entered into a **record**
- by or for a **responsible person**
- **by making use of automated or non-automated means**
- who is **domiciled** in South Africa

POPIA does not apply in situations where the processing of personal information:

- is concluded in the course of purely personal or household activities, or
- where the personal information has been de-identified to the extent that it cannot be re-identified again.

#### 5. THE RIGHT OF THE SCHOOL TO PROCESS PERSONAL INFORMATION

5.1 Subject to the further provisions of POPIA, the school has the right to process the personal information in its possession or under its control, which is entered into a record of data subjects where -

- the data subject or a competent person where the data subject is a child has consented to the processing; or
- processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party; or
- processing complies with an obligation imposed by law on the school; or
- processing protects a legitimate interest of the data subject; or
- processing is necessary for the proper performance of a public law duty or a public body; or
- processing is necessary for pursuing the legitimate interests of the responsible party or of a third party to whom the information is supplied.



5.2 A responsible party may only process and collect personal information for a specific purpose. In this regard, the school processes personal information, inter alia, for the following purposes:

- carrying out its educational purpose and for the functions and activities involved in performing its contractual obligations to the parents of children enrolled in the school, including academic, curricular and co-curricular activities;
- performing administrative and operational functions including those relating to the enrolment of pupils;
- carrying out actions prior to and for the purpose of concluding a contract with the parents for the enrolment of their children in the school, including references and credit checks, and for recovering any debt that parents may owe the school;
- refunding deposits;
- complying with the school's regulatory and legal obligations;
- performing recruitment and employment functions including pension, payroll, medical aid, training, disciplinary action and income tax; and
- any operation or activity which directly or indirectly promotes, encourages and advances the learning, teaching, training, research and development of the pupils.

## **6. RIGHTS OF DATA SUBJECTS**

The school will ensure that it gives effect to the following six rights.

### **6.1 The right to access personal information**

The school recognises that a data subject has the right to establish whether the school holds personal information related to him, her or it including the right to request access to that personal information.

### **6.2 The right to have personal information corrected or deleted**

The data subject has the right to request, where necessary, that the data subject's personal information must be corrected or deleted where such information is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully.

“Personal information correction or deletion Form” - Annexure A.

### **6.3 Right to object to the processing of personal information**

The data subject has the right, on reasonable grounds, to object to the processing of his, her or its personal information in the prescribed manner, unless legislation provides for such processing.

“Objection to processing of personal information” - Annexure B

When a request is made for access to personal information held or for personal

information to be corrected or deleted, the school will give due consideration to the request and to the requirements of POPIA. The school may cease to use or disclose the data subject's personal information and may, subject to any statutory and contractual record keeping requirements, also approve the destruction of the personal information. This further applies to the right to object to the processing of personal information.

#### **6.4 The right to complain to the information regulator**

The data subject has the right to submit a complaint to the information regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

This policy makes provision for an internal appeal procedure. For this purpose, a "POPI Complaint Form" - Annexure C should be used.

Complaints to the information regulator should be submitted on Annexure D.

#### **6.5 The right to object to direct marketing**

The processing of personal information of a data subject for the purposes of direct marketing is prohibited unless the data subject:

- has consented to the processing; or
- is an existing customer of the school.

A "POPI Direct Marketing Consent Form" - Annexure E

The data subject has the right to object to the processing of his, her or its personal information for purposes of direct marketing by means of unsolicited electronic communications.

#### **6.6 The right to be informed**

The data subject has the right to be notified that his, her or its personal information is being collected by the school. In this regard, the school will take reasonably practicable steps to ensure that the data subject is aware of the information being collected and the purpose for which it is being collect.

The data subject also has the right to be notified in any situation where the school has reasonable grounds to believe that the personal information of the data subject has been accessed or acquired by an unauthorised person.

### **7. GENERAL CONDITIONS**

The school will ensure that the conditions for the lawful processing of personal information are complied with at the time of the determination of the purpose and means of the processing and during the processing itself. The conditions are set out below.

#### **7.1 Accountability**

Failing to comply with POPIA could potentially damage the school's reputation or expose the school to a civil claim for damages. The protection of personal information is therefore everybody's responsibility.

The school will ensure that the provisions of POPIA and the principles outlined in this policy are complied with through the encouragement of desired behavior. The school will take appropriate action where there is intentional or negligent actions and/or omissions which fail to comply with the principles and responsibilities outlined in this policy.

## **7.2 Processing limitation**

The school will ensure that personal information under its control is processed:

- in a lawful and reasonable manner that does not infringe the privacy of the data subject;
- in a non-excessive manner;
- only for a specific, defined and lawful purpose related to the functions or activities of the school and its educational purpose;
- with the consent of the data subject,
- as necessary for the school to carry out actions for the conclusion or performance of contracts between it and parents and prospective parents and service providers; or
- to comply with an obligation imposed by law on the school.

The school will inform the data subject of the reasons for collecting his, her or its personal information and, where necessary, obtain written consent prior to processing personal information.

## **7.3 Purpose specification**

All of the school's operations must be informed by the principle of transparency.

The school will collect personal information only for the specific, explicitly defined and lawful purposes related to its educational purpose as defined in paragraph 5.2 of this policy. The school will take reasonably practicable steps to inform data subjects of the purpose for collection of the personal information, unless it is not necessary in terms of section 18(4) of POPIA.

## **7.4 Further processing limitation**

Further processing of personal information must be in accordance or compatible with the purpose for which it was collected. It will not be processed for a secondary purpose unless that processing is compatible with the original purpose.

Therefore, where the school seeks to process personal information it holds for a purpose other than the original purpose for which it was originally collected, and where this secondary purpose is not compatible with the original purpose, the school will first obtain additional consent from a competent person if the data subject is a past or current pupil.

## **7.5 Information quality**

The school will take reasonably practicable steps to ensure that all personal information collected is complete, accurate and not misleading, and updated where necessary.

Where personal information is not collected directly from the data subject, the

school will take reasonably practicable steps to ensure that the data subject is made aware of the information being collected and the source it is being collected from.

### **7.6 Open communication**

The school will take reasonably practicable steps to ensure that data subjects are made aware that their personal information is being collected including the purpose for which it is being collected and processed.

### **7.7 Security safeguards**

The school will manage the security of its record and filing systems to ensure that the integrity and confidentiality of the personal information in its possession or under its control is adequately protected 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.

### **7.8 Data subject participation**

A data subject may request the correction or deletion of his, her or its personal information held by the school.

The school provides a facility for data subjects who want to request the correction or deletion of their personal information through its website and management information system (Ed-Admin) portal.

Where applicable, the school will include a link to unsubscribe from any of its external marketing activities.

## **8. INFORMATION OFFICERS**

The head of school is appointed as the information officer and deputy information officers have been appointed to assist the information officer. The school's information officer is responsible for ensuring compliance with POPIA.

The re-appointment or replacement of any deputy information officers will be reviewed on an annual basis.

The information officer shall upon request by any person, provide copies of the manual to that person upon the payment of a fee to be determined by the regulator from time to time.

## **9. TRANSFER OF PERSONAL INFORMATION OUTSIDE OF SOUTH AFRICA**

No transborder flows of personal information presently take place or are planned. If the need for a transborder flow of personal information arises, the school will deal with such need in accordance with the provisions of POPIA.

## 10. RETENTION AND RESTRICTION OF RECORDS

The school will retain records of personal information for the period necessary for achieving the purpose for which the personal information was collected or subsequently processed, unless the retention of the record for a longer period is required by law.

The school will destroy or delete a record of personal information or de-identify it as soon as reasonably practicable after the school is no longer authorised to retain the record.

## 11. NOTIFICATION OF SECURITY COMPROMISES

Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorised person, the school must notify:

- the information regulator; and\
- the data subject, unless the identity of such data subject cannot be established.

## 12. REQUEST TO ACCESS PERSONAL INFORMATION PROCEDURE

Access to information requests can be communicated via email, addressed to the information officer. The information officer will provide the data subject with a "Personal Information Request Form".

Once the completed form has been received, the information officer will verify the identity of the data subject prior to handing over any personal information. All requests will be processed and considered against St Mary's PAIA Policy.

The information officer will process all requests within a reasonable time.

## 13. POPI COMPLAINTS PROCEDURE

Data subjects have the right to complain in instances where any of their rights under POPIA have been infringed upon. The school 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 information officer in writing by using the "Internal POPI Complaint Form" (Annexure B)
- The information officer will provide the complainant with a written acknowledgement of receipt of the complaint as soon as reasonably possible
- The information officer will provide a written response to the complaint, including reasons for any decisions taken.
- The information officer's response to the data subject may comprise any of the following:
  - A suggested remedy for the complaint,
  - A dismissal of the complaint and the reasons as to why it was dismissed,

- Where the data subject is not satisfied with the information officer's written response, the data subject may submit a written appeal to the chairperson of the school's Board of Directors ("the Board"), for consideration by the Board.
  - The appeal must include the original request and all supporting documentation, as well as the reasons as to why the requester is not satisfied with the information officer's decision, and the relief sought. The appeal must be submitted within 10 days of the information officer's decision.
  - Once submitted, the appeal will be considered by the Board at its next meeting. The chairperson will then advise the requester in writing of the Board's decision relating to the appeal, as well as the reasons for the decision.
  - If a requester remains aggrieved by the refusal of the information officer to grant a request for access to a record, or has any other grounds of complaint, the requester may, in terms of section 78 of PAIA, and within 180 days of notification of the information officer's decision, apply to court for appropriate relief.
- The data subject has the right to complain to the information regulator by completing the Complaint Form (Annexure D)

**ANNEXURE A: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS**

*Note:*

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an “x”.

**Request for:**

	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
	Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

<b>A</b>	<b>Details of the data subject</b>
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity number:	
Residential, postal or business address:	Code (    )
Contact number(s):	
Fax number/Email address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	Code (    )
Contact number(s):	
Fax number/Email	

address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN (Please provide detailed reasons for the request)</b>
Signed at this	day of 20
	Signature of data subject/designated person



**ANNEXURE B: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11 (3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**Note:**

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity number:	
Residential, postal or business address:	<i>Code (    )</i>
Contact number(s):	
Fax number/Email address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	<i>Code (    )</i>

Contact number(s):	
Fax number/ Email address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11 (1) (d) to (f)</b> <i>(Please provide detailed reasons for the objection)</i>
Signed at this	day of 20
	Signature of data subject/designated person

**ANNEXURE C: INTERNAL POPI COMPLAINT FORM**

We are committed to safeguarding your privacy and the confidentiality of your personal information and are bound by the Protection of Personal Information Act.

Please submit your complaint to the information officer:	
Name:	
Contact Number:	
Email Address:	

Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the information regulator.

**The information regulator:** Ms Mmamoroke Mphelo

**Physical Address:** SALLI Building, 316 Thabo Sehume Street, Pretoria

**Email:** inf orreg@justice.gov.za

**Website:** http ://www.justice.gov.za/inforeg/index .html

A. Particulars of complainant	
Name and Surname	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	

B. Details of complaint	

C. Desired outcome	

D. Signature page	
Signature:	
Date	

**ANNEXURE D: COMPLAINT REGARDING INTERFERENCE WITH THE PROTECTION OF PERSONAL INFORMATION/COMPLAINT REGARDING DETERMINATION OF AN ADJUDICATOR IN TERMS OF SECTION 74 OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

*Note:*

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

**Complaint regarding:**

	<b>Alleged interference with the protection of personal information</b>
	<b>Determination of an adjudicator</b>
<b>PART I</b>	<b>ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION IN TERMS OF SECTION 74 (1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (Act No. 4 of 2013)</b>
<b>A</b>	<b>PARTICULARS OF COMPLAINANT</b>
Name(s) and surname / registered name of data subject:	
Unique identifier / Identity number:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number/ Email address:	
<b>Name(s) and surname/ Registered name of responsible party:</b>	<b>PARTICULARS OF RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION</b>
Residential, postal or business address:	
	Code ( )
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the complaint)</i>

<b>PART II</b>	<b>COMPLAINT REGARDING DETERMINATION OF ADJUDICATOR IN TERMS OF SECTION 74 (2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)</b>
<b>A</b>	<b>PARTICULARS OF COMPLAINANT</b>
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ Email address:	
<b>B</b>	<b>PARTICULARS OF ADJUDICATOR AND RESPONSIBLE PARTY</b>
Name(s) and surname of adjudicator:	
Name(s) and surname of responsible party /registered name:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ Email address:	
<b>C</b>	<b>REASONS FOR COMPLAINT</b> <i>(Please provide detailed reasons for the grievance)</i>

Signed at    this      day of                  20	
	<i>Signature of data subject / designated person</i>

**ANNEXURE E: APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PURPOSE OF DIRECT MARKETING**

TO:  
 (Name of data subject)  
 FROM:  
 Contact number(s):  
 Fax number:  
 Email address:

(Name, address and contact details of responsible party)

Full names and designation of person signing on behalf of responsible party:

*Signature of designated person*

Date:

**PART B**

I, <i>(full names of data subject)</i> hereby:	
Give my consent to receive direct marketing of goods or services to be marketed by means of electronic communication.	
<b>SPECIFY GOODS or SERVICES:</b>	
<b>SPECIFY METHOD OF COMMUNICATION:</b>	FAX: EMAIL: SMS: OTHERS - SPECIFY:
Signed at this	day of 20
Signature of data subject	