



## **DURBAN COAL TERMINAL COMPANY (PTY) LTD PROCESSING NOTICE**

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### **1. PURPOSE OF THIS NOTICE AND TERMS USED**

- 1.1 In order to do business, Durban Coal Terminal Company (Pty)Ltd T/A Bulk Connections (“we”, ”us”, “Bulk Connections” or “the company”) in our capacity as a Responsible Party, will have to comply with a law known as the Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as “POPIA”), which regulates and controls the processing of a legal entity’s and/or an individual’s Personal Information in South Africa, (hereinafter referred to as a “Data Subject”), which processing includes the collection, use, and transfer of a Data Subject’s Personal Information.
- 1.2 In terms of POPIA, where a person processes another’s Personal Information, such processing must be done in a lawful, legitimate and responsible manner and in accordance with the provisions, principles and conditions set out under POPIA.
- 1.3 In order to comply with POPIA, a Responsible Party processing a Data Subject’s Personal Information must:
  - 1.3.1 provide the Data Subject with a number of details pertaining to the processing of the Data Subject’s Personal Information, before such information is processed; and
  - 1.3.2 get permission or consent, explicitly or implied, from the Data Subject, to process his / her / its Personal Information, unless such processing: is necessary to carry out actions for the conclusion or performance of a contract to which the Data Subject of the Personal Information is a party; is required in order to comply with an obligation imposed by law; is for a legitimate purpose or is necessary to protect the legitimate interest(s) and/or for pursuing the legitimate interests of the Data Subject, the Responsible Party, or that of a third-party to whom the Personal Information is supplied; or is necessary for the proper performance of a public law duty.
- 1.4 In accordance with the requirements of POPIA, and because your privacy and trust is important to us, we set out below how we, Bulk Connections collect, use, and share your Personal Information and the reasons why we need to use and process your Personal Information.



## **2. APPLICATION**

2.1 This Processing Notice applies to the following persons:

- 1.1.1 Customers and Clients - potential and actual;
- 1.1.2 Lessors, Contractors, Vendors and Service Providers;
- 1.1.3 Employees;
- 1.1.4 Regulators, State Owned Entities and Public Bodies; and
- 1.1.5 Business partners.

## **3. PURPOSE FOR PROCESSING YOUR PERSONAL INFORMATION**

3.1 Your Personal Information will be processed by us for the following purposes, for which further consent is not required:

- 3.1.1 To carry out an ABC and / or commercial due diligence before deciding to engage with you;
- 3.1.2 To negotiate and conclude a contract;
- 3.1.3 To perform in accordance with the contract, including any operational matters;
- 3.1.4 To attend to financial matters pertaining to any transaction;
- 3.1.5 To communicate with you about any matter relating to a contract or our business dealings with each other;
- 3.1.6 To comply with our legal obligations, insurance requirements, reporting requirements (including BEE), public duties or to litigate;
- 3.1.7 To carry out any duties and obligations as an employer;
- 3.1.8 To facilitate business travel;
- 3.1.9 To communicate with your family members in the case of medical emergency;
- 3.1.10 To permit you access to physical sites and / or IT systems; and
- 3.1.11 To carry out our duties as a holding company.



#### **4. WHAT PERSONAL INFORMATION OR INFORMATION DO WE COLLECT FROM YOU?**

4.1 In order to engage and/or interact with you, for the purposes described above, we will have to process certain types of your Personal Information, as described below:

- 4.1.1 You or your employer's contact information;
- 4.1.2 Specific identifiers, which are required in order to protect legitimate interests, comply with legal obligations or public legal duties, or in order to accommodate you in our workplaces,
- 4.1.3 Banking and account information;
- 4.1.4 Financial information including VAT and other tax numbers;
- 4.1.5 Education and other employment related information; or
- 4.1.6 Health records, including your vaccination status.

#### **5. SOURCES OF INFORMATION - HOW AND WHERE DO WE COLLECT YOUR PERSONAL INFORMATION FROM**

5.1 Depending on your requirements, we will collect and obtain Personal Information about you either directly from you, from certain third parties, or from other sources which are described below:

- 5.1.1 Direct information provided by you to use, either voluntarily or on request;
- 5.1.2 Automatic collection when you use our websites, open emails or otherwise communicate with us;
- 5.1.3 Collection from third parties that publish information about you, including social media and government agencies.

#### **6. HOW WE SHARE INFORMATION**

6.1 We share Personal Information for the purposes set out in this Privacy Notice with the following categories of recipients:

- 6.1.1 our employees, professional advisors, affiliates, service providers and the companies within the Bidvest Group for business and operational purposes;
- 6.1.2 your organisation to facilitate the performance of contractual obligations
- 6.1.3 regulators and law enforcement agencies



Island View Oil Sites  
Via Wharfside & Java  
Roads  
Island View, West Bluff  
Durban  
South Africa  
Reg No. 1982/003063/07

P O Box 21273  
Bluff, 4036  
Telephone +27 (031) 466 9600  
Website:  
[www.bulkconnections.com](http://www.bulkconnections.com)

- 6.1.4 other third parties if we reasonably believe that disclosure of such information is helpful, will achieve a legitimate purpose or in order to pursue a legitimate interest or is reasonably necessary to enforce our terms and conditions or other rights (including investigations of potential violations of our rights), to detect, prevent, or address fraud or security issues, or to protect against harm to the rights, property, or safety of Bulk Connections, our employees, any users, or the public.

## **7. SECURITY OF INFORMATION**

- 7.1 The security of your Personal Information is important to us. Taking into account the nature, scope, context, and purposes of processing Personal Information, as well as the risks to individuals of varying likelihood and severity, we have implemented technical and organizational measures designed to protect the security of Personal Information. In this regard we will conduct regular audits regarding the safety and the security of your Personal Information.
- 7.2 Your Personal Information will be stored electronically and in some cases in hard copy in files and records, which information, for operational reasons, will be accessible to and or provided to persons employed or contracted by us on a need to know basis.
- 7.3 Once your Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end, such Personal Information will be retained in accordance with Bulk Connections records retention schedule, which varies depending on the type of processing, the purpose for such processing, the business function, record classes, and record types. We calculate retention periods based upon and reserve the right to retain Personal Information for the periods that the Personal Information is needed to: (a) fulfil the purposes described in this Processing Notice, (b) meet the timelines determined or recommended by regulators, professional bodies, or associations, (c) comply with applicable laws, legal holds, and other legal obligations (including contractual obligations), and (d) comply with your requests.
- 7.4 Notwithstanding the contents housed under clauses 7 and 8, please note that no method of transmission over the Internet or method of electronic storage is 100% secure. Therefore, while we strive to use commercially acceptable measures designed to protect Personal Information, we cannot guarantee its absolute security.



## **8. ACCESS BY OTHERS AND CROSS BORDER TRANSFER**

- 8.1 Bulk Connections may from time to time have to disclose your Personal Information to other parties, including Bulk Connections subsidiaries, trading partners, agents, auditors, organs of state, regulatory bodies and/or national governmental, provincial, or local government municipal officials, or overseas trading parties or agents, but such disclosure will always be subject to an agreement which will be concluded as between ourselves and the party to whom we are disclosing your Personal Information to, which contractually obliges the recipient of your Personal Information to comply with strict confidentiality and data security conditions.
- 8.2 Where Personal Information and related data is transferred to a country which is situated outside South Africa, your Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information concludes an agreement which contractually obliges the recipient to comply with strict confidentiality and data security conditions and which in particular will be to a no lesser set of standards than those imposed by POPIA.

## **9. YOUR RIGHTS**

- 9.1 You as a Data Subject have certain rights, which are detailed below:
- 9.1.1 The right of access - You may ask Bulk Connections (free of charge) to confirm that we hold your Personal Information, or ask us to provide you with details, (at a fee) on how we have processed your Personal Information, which request must be done by following the process set out under the Bidvest Group PAIA Manual.
  - 9.1.2 The right to rectification - You have the right to ask us to update or rectify any inaccurate Personal Information which we hold of yours, which can be done by accessing the update / rectification request.
  - 9.1.3 The right to object to and restrict further processing - Where we do not need your consent to process your Personal Information, but you are not in agreement with such processing, you may lodge an objection to such processing by accessing the objection request.
  - 9.1.4 The right to withdraw consent - Where you have provided us with consent to process your Personal Information, you have to right to subsequently withdraw your consent, which can be done by accessing the withdrawal of consent request.
- 9.2 These rights may be exercised by using the relevant forms housed on the Bidvest Group website.



## **10. PROCESSING OTHER PERSONS PERSONAL INFORMATION**

- 10.1 If you process another's Personal Information on Bulk Connections' behalf, or which we provide to you in order to perform your contractual or legal obligations or to protect any legitimate interest, you will:
- 10.1.1 if you are processing such Personal Information as our Operator as defined under POPIA, process all and any such Personal Information in compliance with the obligations in a signed "Operator Agreement"; or
- 10.1.2 where not acting as an Operator, nonetheless keep such information confidential and secure as per POPIA and you will not, unless authorized to do so, process, publish, make accessible, or use in any other way such Personal Information unless in the course and scope of your duties, and only for the purpose for which the information has been received and granted to you, and related to the duties assigned to you.

## **11. COMPLAINTS OR QUERIES - CONTACT US**

- 11.1 Any comments, questions or suggestions about this Processing Notice or our handling of your Personal Information should be emailed to our Information Officers at [xolanim@bulkconnections.com](mailto:xolanim@bulkconnections.com).
- 11.2 Should you feel unsatisfied with our handling of your Personal Information, or about any complaint that you have made to us, you are entitled to escalate your complaint to the South African, Information Regulator who can be contacted at [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/).

## **12. ACCEPTANCE AND BINDING NATURE OF THIS DOCUMENT**

- 12.1 By providing Bulk Connections with the Personal Information which we require from you as listed under this Processing Notice:
- 12.1.1 you acknowledge that you understand why your Personal Information needs to be processed;
- 12.1.2 you accept the terms which will apply to such processing, including the terms applicable to the transfer of such Personal Information cross border;
- 12.1.3 where consent is required for any processing as reflected in this Processing notice, you agree that we may process this particular Personal Information.

- 12.2 Where you provide us with another person's Personal Information for processing, you confirm that that you have obtained the required permission from such person (s) to provide us with their Personal Information for processing.
- 12.3 The rights and obligations of the parties under this Processing Notice will be binding on, and will be of benefit to, each of the parties' successors in title and/or assigns where applicable.
- 12.4 Should any of the Personal Information concern or pertain to a legal entity whom you represent, you confirm that you have the necessary authority to act on behalf of such legal entity and that you have the right to provide the Personal Information and/or the required permissions in respect of the processing of that Organization or entities' Personal Information.