



Protection of Personal Information Act (POPIA) Manual

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Introduction

This manual has been drafted in accordance with Section 51 of the Protection of Personal Information Act 4 of 2013 (POPIA). It serves as a formal commitment by **Essential Nutriments / Chantelle van der Merwe and Associates** to uphold the principles of data protection and to process personal information lawfully, ethically, and responsibly. This document is the cornerstone of our privacy governance framework and reflects our dedication to safeguarding the personal information entrusted to us by our clients, employees, and partners.

This manual applies to all employees, contractors, temporary staff, and any other party (including third-party Operators) who processes personal information on behalf of **Essential Nutriments / Chantelle van der Merwe and Associates**. Adherence to this manual is mandatory, and it forms part of our standard terms of employment and contractual agreements.

1. Background to the Protection of Personal Information Act

This data protection manual clarifies what information **Essential Nutriments / Chantelle van der Merwe and Associates** collects, for what purpose, and how that information is used, shared, and secured throughout its lifecycle. It is built upon the eight conditions for the lawful processing of personal information, which are the core principles of POPIA:

1. **Accountability:** We take responsibility for complying with the Act.
2. **Processing Limitation:** We process information lawfully and minimally.
3. **Purpose Specification:** We collect information for specific, defined purposes.
4. **Further Processing Limitation:** Any further use of information must be compatible with the original purpose.
5. **Information Quality:** We ensure information is complete, accurate, and up-to-date.
6. **Openness:** We are transparent about our data handling practices.
7. **Security Safeguards:** We protect personal information from loss, damage, or unauthorized access.
8. **Data Subject Participation:** We uphold the rights of individuals to access and correct their information.

We place significant importance on the security of all personal data. We have robust technical and organizational security measures in place to protect against loss, misuse, and unauthorized alteration of personal information. For example, data provided via our website is encrypted using industry-standard Secure Sockets Layer (SSL) technology. Our internal networks are protected by firewalls, and we enforce strict access control policies (the principle of least privilege) to ensure employees can only access data necessary for their job functions. We conduct regular staff training on data security, including how to identify and report potential phishing attacks.

The Protection of Personal Information Act (POPIA) was assented to on 19 November 2013. Following a one-year grace period, the Act became fully effective and enforceable by the Information Regulator on 1 July 2021. This makes compliance a mandatory legal obligation for all entities processing personal information within South Africa, with significant penalties for non-compliance.

2. About Essential Nutriments / Chantelle van der Merwe and Associates

Offer dietetic service to out-patients and hospitalised patients

3. Key Definitions

Under POPIA, the following definitions are critical to understanding our roles and responsibilities:

- **Personal Information:** Any information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person. This includes, but is not limited to: names, ID numbers, contact details (email, phone, address), demographic information, financial history, educational background, employment history, online identifiers (like IP addresses), and personal opinions or views of the individual.
- **Special Personal Information:** A specific category of personal information that receives a higher level of protection due to its sensitive nature. This includes information concerning religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, or biometric information. We only process Special Personal Information where legally permitted and with appropriate safeguards.
- **The Data Subject:** The individual to whom the personal information relates. This includes our customers, website visitors, job applicants, employees, service providers, and anyone whose data we might process.
- **The Responsible Party:** The entity that, alone or in conjunction with others, determines the purpose of and means for processing personal information. The Responsible Party holds the primary responsibility for ensuring compliance with POPIA. For this manual, the Responsible Party is **Essential Nutriments / Chantelle van der Merwe and Associates**.
- **The Operator:** A party that processes personal information on behalf of the Responsible Party, based on their explicit instructions, without coming under the direct authority of the Responsible Party. Examples are extensive and include: a cloud service provider (EMD Technologies), a marketing agency managing our email campaigns, an outsourced IT support company with access to our systems, or a document shredding service.

4. Obligations and Relationships

POPIA places various obligations on the Responsible Party, which is ultimately accountable for the lawful processing of personal information, even when that processing is outsourced to an Operator. We conduct thorough due diligence on all potential Operators to ensure they can provide sufficient guarantees of their technical and organizational security measures to protect data and comply with the Act.

The Responsible Party determines the "why" and "how" of information processing, while an Operator carries out the processing on the Responsible Party's instructions. As required by Section 21 of POPIA, a written, legally binding contract must be in place between us and every Operator. This agreement is crucial to govern the relationship and clearly define roles. The contract explicitly obligates the Operator to:

- Maintain the confidentiality of the information.
- Only process data with our authorization and for the purpose specified.
- Implement and maintain the security measures stipulated by us.
- Notify us immediately in the event of a potential security compromise or data breach.
- Cooperate fully in assisting us with handling data subject access requests.

The Responsible Party remains liable for any breaches of POPIA committed by the Operator. The consequences of a breach can be severe, including administrative fines from the Information Regulator, reputational damage that erodes client trust, and the possibility of civil claims from affected data subjects. This underscores the importance of diligent third-party selection and ongoing contract management.

5. Purpose of this POPIA Manual

This manual outlines the internal framework, policies, and procedures for processing personal data in compliance with POPIA. It ensures that the legitimate needs of **Essential Nutriments / Chantelle van der Merwe and Associates** to collect and use personal data for business operations are balanced against the fundamental right of individuals to have their privacy respected. This document serves as a practical reference for all employees and stakeholders, guiding them in handling personal data correctly and fostering a culture of privacy within the organization. Furthermore, this manual serves as a public declaration of our commitment to transparency (Openness), providing data subjects with clear insight into how their information is managed and protected.

6. Contact Information

- **Company Name:** Essential Nutriments
- **Managing Director:** Chantelle van der Merwe
- **Registered Address:** 563 Leyds st, Muckleneuk, PTA, 0002
- **Telephone Number:** 0833906821
- **Website:** www.essnutriments.co.za

7. The Information Officer

POPIA designates the head of the business (Director: Chantelle van der Merwe) as the default Information Officer. This role is central to the organization's data protection governance and strategy. This role can be formally delegated in writing to another authorized person who is suitably qualified, possessing a good understanding of both the business's operations and the principles of data protection law. However, even with delegation, the ultimate responsibility and accountability for POPIA compliance remain with the head of the business.

The Information Officer must be registered with the Information Regulator. This is a formal legal requirement. The registration process formally recognizes the individual as the official point of contact for all data protection matters, both for data subjects and for the Regulator.

8. Duties and Responsibilities of the Information Officer

The Information Officer's responsibilities are comprehensive and central to ensuring compliance. They include:

- **Developing and maintaining a compliance framework for POPIA:** This is a broad task that includes drafting and implementing specific policies (e.g., Data Breach Policy, Subject Access Request Policy), creating a data map to understand information flows, and establishing a formal breach response plan.
- **Conducting personal information impact assessments (PIIAs):** These assessments are crucial for proactively identifying, evaluating, and mitigating privacy risks. A PIIA is mandatory before launching new projects, adopting new technologies for processing data, or engaging in large-scale processing activities that could pose a high risk to data subjects.
- **Ensuring this manual is maintained and made available:** The manual must be reviewed at least annually, kept up-to-date, and be accessible to anyone who requests it, as stipulated by the Promotion of Access to Information Act (PAIA).
- **Handling requests for access to or correction of personal information:** The Information Officer oversees the formal process for managing data subject requests, ensuring they are logged, addressed efficiently, and responded to within the legally mandated timeframes.
- **Conducting internal awareness sessions about POPIA:** This is an ongoing duty that includes initial onboarding training for new hires, annual refresher courses for all staff, and targeted awareness campaigns, such as phishing simulations, to keep data protection top of mind.
- **Cooperating with the Information Regulator during any investigations:** The Information Officer will act as the primary liaison with the Information Regulator. This includes the proactive duty of notifying the Regulator of any security compromises and responding to any queries, audits, or investigations.

9. Information We Collect

We collect and process Personal Information primarily to provide you with our services and products, to improve our offerings, and to support our contractual and legal obligations. We are committed to the principle of data minimization, meaning we only collect information that is adequate, relevant, and not excessive for the stated purpose. Before collecting any new type of personal information, we challenge its necessity to ensure we are not collecting data without a clear purpose.

We collect information directly from you when you provide us with your details. Examples of information we may collect include:

- **Identity and Contact Data:** Name, surname, government-issued ID numbers, and contact details (physical address, email address, phone number).
- **Transactional Data:** Records of products and services you have purchased from us, payment and billing information, and delivery details.
- **User-Generated Content:** Information you voluntarily provide, such as comments, reviews, survey responses, or other content you submit to our platforms.
- **Technical Data:** Website usage data collected automatically, such as IP addresses, browser type and version, time zone setting, operating system, and information about how you navigate our site.

Cookies Policy: Our website uses cookies (small text files stored on your device) to enhance user experience. These include essential (first-party) cookies required for site functionality (like keeping you logged in), and non-essential (often third-party) cookies for analytics and

marketing. We will always request your explicit consent before placing any non-essential cookies on your device. You can control or disable cookies through your internet browser settings; however, please be aware that disabling essential cookies may negatively affect the functionality and your experience of our website.

10. How Your Information is Used

We use your Personal Information only for the specific, explicit, and legitimate purposes for which it was collected, and we always ensure we have a lawful basis for processing, as defined by POPIA. Examples include:

- **To carry out our obligations arising from any contracts (Lawful Basis: Performance of a Contract):** For example, processing your payment information to complete a sale or using your physical address to deliver a product you ordered.
- **To verify your identity for security purposes (Lawful Basis: Legitimate Interest / Legal Obligation):** This helps prevent fraud and protect your account from unauthorized access.
- **To personalize your experience on our website (Lawful Basis: Consent or Legitimate Interest):** This may include showing you relevant products or content. Where this is based on legitimate interest, we ensure that our interests do not override your rights and freedoms.
- **To contact you with marketing regarding products and services which may be of interest (Lawful Basis: Consent):** We will only send you direct marketing where you have given your explicit, opt-in consent to do so.
- **To comply with legal and regulatory requirements (Lawful Basis: Legal Obligation):** This includes obligations under tax law, company law, FICA, or other applicable legislation.
- **For auditing, record-keeping, and market research purposes (Lawful Basis: Legitimate Interest):** This helps us improve our business operations and service offerings.

You can opt out of receiving marketing communications from us at any time by using the "unsubscribe" link in our emails or by contacting our Information Officer directly.

11. Rights of the Data Subject

As a data subject, you have several rights under POPIA designed to give you control over your personal information. These rights can be exercised by contacting our Information Officer, preferably in writing using the details provided in this manual. To protect your information, we will require you to provide sufficient proof of your identity before processing any request. Your rights include:

- **Right of Confirmation & Access:** You can request confirmation that we hold personal data about you and request a copy of that data. This allows you to verify the lawfulness of our processing.
- **Right to Rectification:** You can request that we correct or update your personal information if it is inaccurate, out-of-date, or incomplete. We will take reasonable steps to correct the records.
- **Right to Erasure (Right to be Forgotten):** You can request the deletion of your personal data under certain conditions, such as when it is no longer necessary for the

purpose it was collected or if you withdraw consent and there is no other legal ground for processing.

- **Right to Restrict Processing:** You can request that we temporarily restrict the processing of your personal data under specific circumstances, for example, while we verify the accuracy of contested data.
- **Right to Object:** You have the right to object to the processing of your personal data at any time, on reasonable grounds relating to your particular situation, where processing is based on our legitimate interests. You have an absolute right to object to processing for direct marketing purposes.
- **Right to Withdraw Consent:** Where we process your data based on your consent, you can withdraw that consent at any time. This will not affect the lawfulness of processing that occurred before the withdrawal.
- **Right to Lodge a Complaint:** If you believe that we are processing your personal information unlawfully, you have the right to lodge a complaint with the Information Regulator of South Africa. Their contact details are available on their website at www.inforegulator.org.za.

12. Document Retention and Destruction

We retain personal data in compliance with POPIA and other applicable legislation. A formal retention schedule is a key component of data lifecycle management and ensures we do not store personal information in an identifiable format for longer than is strictly necessary. Keeping data indefinitely is a contravention of POPIA. Our retention schedule is determined by legal requirements from acts such as:

- The Companies Act, 71 of 2008
- The Consumer Protection Act, 68 of 2008
- The National Credit Act, 34 of 2005
- The Financial Intelligence Centre Act, 38 of 2001 (FICA)
- The Basic Conditions of Employment Act, 75 of 1997
- The Tax Administration Act, 28 of 2011
- The Value Added Tax Act, 89 of 1991

Documents are stored securely, either in locked, access-controlled hard copy archives or electronically on encrypted, access-controlled systems. Once the legally required retention period has expired, obsolete documents and data are destroyed securely. Secure destruction methods are non-negotiable and include professional cross-cut shredding for paper records and cryptographic erasure or physical destruction for digital media. We maintain a destruction log or obtain a formal Destruction Certificate from third-party service providers to create a defensible audit trail, proving that data has been disposed of correctly.

13. Policy Administration

For any questions regarding this policy, to exercise any of your data subject rights, or to report a data privacy concern, please contact the designated Information Officer:

- **Information Officer:** Chantelle van der Merwe
- **Position:** Director

- **Telephone:**0833906821
- **Email:** admin@essnutriments.co.za