



Information manual

Of

SEESA (Pty) Limited.

Prepared and compiled on 1 November 2021 in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 (as amended).

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Update: 17 January 2022



INDEX

1	INTRODUCTION	4
2	PURPOSE OF THE MANUAL	4-5
3	SEESA (PTY) LIMITED CONTACT DETAILS	5-6
4	GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE	6-8
5	RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC	8
6	RECORDS OF THE PRIVATE BODY	12
7	RECORDS REQUIRED IN TERMS OF LEGISLATION	13
8	REQUEST PROCEDURE FOR OBTAINING INFORMATION	13 - 14
9	FEEES	14 - 15
10	GROUNDSS FOR REFUSAL OF ACCESS TO INFORMATION	15
11	DECISION	16
12	PROCESSING OF PERSONAL INFORMATION	16 - 19
13	AVAILABILITY OF THE MANUAL	20
14	DOCUMENT CONTROL	20
15	CHANGE HISTORY	20

Registration number: 2008/015270/07

Update: 17 January 2022



Term	Definition
"Data Subject"	means the person to whom Personal Information relates, as contemplated in terms of section 1 of the POPIA;
"Deputy Information Officer"	means a Deputy Information Officer designated in terms of section 56 of the POPIA;
"Information Officer"	means in the case of a juristic person, (i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or (ii) the person who is acting as such or any person duly authorised by such acting person as contemplated in section 1 of the Act;
"Information Regulator"	means the Information Regulator established in terms of section 39 of POPIA;
"Manual"	means this manual compiled by SEESA (Pty) Limited in terms of PAIA and POPIA;
"PAIA"	means the Promotion of Access to Information Act, 2 of 2000, including the PAIA regulations, as amended from time to time;
"Personal Information"	means information relating to an identified, or identifiable, living natural person and, where applicable, an identifiable existing juristic person as contemplated in the POPIA;
"Personnel"	means all partners, directors, officers, employees, individual contractors and other personnel of SEESA (Pty) Limited;
"POPIA"	means the Protection of Personal Information Act, 4 of 2013, including the POPIA regulations, as amended from time to time;
"Processing"	means any operation, activity or set of operations, whether or not by automated means, concerning Personal Information as contemplated in the POPIA;
"Private Body"	means any former or existing juristic person, as contemplated in the Act and POPIA;
"Record"	means a record as contemplated in PAIA and includes Personal Information;
"Requester"	means, in relation to a Private Body, <ul style="list-style-type: none"> i i. any person, including, but not limited to, a public body or an official thereof, making a request for access to a Record of that Private Body; or ii ii. a person acting on behalf of such person as contemplated in the Act; iii 1.15. "Responsible Party" means 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 as contemplated in the POPIA;

Registration number: 2008/015270/07

Update: 17 January 2022



1. INTRODUCTION

PAIA is established to ensure that responsible parties are transparent in dealing with information, and accountable towards data subjects and their Constitutional rights.

The Promotion of Access to Information Act, No 2 of 2000 ("The Act") was enacted on 3 February 2000, giving effect to the right of access to any information held by Government, as well as any information held by another person who is required for the exercising or protection of any rights.

This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA expressly provides that the information may or must be refused. The Act sets out the requisite procedural process to such request.

2. PURPOSE OF MANUAL

To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act, in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Promotion of Access to Information Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient, and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to "Private Body" in this manual, it will refer to SEESA (Pty) Limited.

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

Registration number: 2008/015270/07

Update: 17 January 2022



- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. CONTACT DETAILS:

Information Officer: Roelof WR. Le Roux

Postal Address: Postnet Suite 152, Private bag X 844, Silverton 0127

Physical Address: Roban Building, 178 Erasmus Street, Meyerspark
0184, Pretoria

Telephone No: 012 810 2000

E-mail: roelof@seesa.co.za

GENERAL INFORMATION:

Name of Private Body: SEESA (Pty) Limited.

Registration No: 2008/015270/07

Registration number: 2008/015270/07

Update: 17 January 2022



Postal Address: Postnet Suite 152, Private bag X 844, Silverton 0127

Physical Address: Roban Building, 178 Erasmus Street, Meyerspark
0184, Pretoria

Telephone No: 012 810 2000

E-mail: md@seesa.co.za

Website: www.seesa.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

Registration number: 2008/015270/07

Update: 17 January 2022



- 4.3.3.1. access to a record of a public body contemplated in section 11³; and
- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

Registration number: 2008/015270/07

Update: 17 January 2022



- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoeq/>).
- 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours - In English and Afrikaans.

5. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

To date no notice in terms of section 52(2) of the Act has been published regarding the categories of Records that are automatically available without having to request access.

⁷ Section 15(1) of PAIA- *The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

⁸ Section 52(1) of PAIA- *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

⁹ Section 22(1) of PAIA- *The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

¹⁰ Section 54(1) of PAIA- *The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

¹¹ Section 92(1) of PAIA provides that –*“The Minister may, by notice in the Gazette, make regulations regarding-*

- (a) any matter which is required or permitted by this Act to be prescribed;*
- (b) any matter relating to the fees contemplated in sections 22 and 54;*
- (c) any notice required by this Act;*
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and*
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”*

Registration number: 2008/015270/07

Update: 17 January 2022



6. RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds to facilitate a request in terms of The Act.

The information is classified and grouped according to records relating to the following subject and categories: It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

6.1. PRIVATE BODY DOCUMENTS AND RECORDS

Subjects on which the body holds records	Categories of records
Incorporation Documents and Records	These include, but are not limited to the following: <ul style="list-style-type: none"> • Documents of Incorporation • Constitution • Memorandum and Articles of Association • Copies of Shareholder's Agreement(s) • Minutes of meetings held by the Board of Directors; Shareholders; Management- and / or staff meeting(s) • Internal telephone list(s) and list of employees
Financial Documents	<u>General</u> <ul style="list-style-type: none"> • VAT Records • Tax Records • PAYE Records • UIF Records • SDL Records • Management Accounts and Audited Financial Statements • Asset Inventors • Asset Register <u>Operating system</u> <ul style="list-style-type: none"> • Invoice • Weekly / monthly / quarterly / annual statement • Debit note

Registration number: 2008/015270/07

Update: 17 January 2022

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> • Credit note <p><u>Banking</u></p> <ul style="list-style-type: none"> • Cheque account • Current account • Cash records • Financial reporting
Learning and Education	<ul style="list-style-type: none"> • Training Material • Training Records and Statistics • Training Agreements
Operational Documents and Records	<ul style="list-style-type: none"> • Promotional material • Marketing call reports • Written policies regarding business plan / activities • Written service specification • Product / service manuals • Work instruction manuals • Customer database • Customer application forms • Payment in respect of goods / services based on C.O.D. / 30day and longer • Sales records • Production records • Records in respect of scheduling and supply of services • Documentation with regard to: <ul style="list-style-type: none"> ○ Business plans ○ Strategy ○ Vision ○ Mission ○ Action plans ○ Company profile ▪ Current / old / both price lists ▪ Customer complaints / assessments / both

Registration number: 2008/015270/07

Update: 17 January 2022

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> ▪ Records pertaining to costing / quoting ▪ Research and development documentation
Client Services Records	<ul style="list-style-type: none"> • Client annual financial statements • Client company registration documents • Client shareholder agreement • Client member's agreement • Client partnership agreement • Client memorandum of incorporation • Client employee details • Client correspondence • Client contracts • Client standard business documentation • Client statutory and tax records • Client business information • Client UIF registration documentation • Client CIPC documents • Client SARS tax clearance certificates • Client lease agreements • Client BEE records • Client minutes of board meetings • Client employment equity reports • Client legal Documentation • Client trust deed and trust records • Client proposal and tender documents • Client workplace skills planning reports • Client training agreements • Client training schedules
Human Resources	<ul style="list-style-type: none"> • Pay / salary status • Leave records • Educational history • Letter of appointment / employment agreement • Legal documentation • Records relating to salary increases • Disciplinary records

Registration number: 2008/015270/07

Update: 17 January 2022



Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> • Performance management records • Medical history of employees • Tax records • Training records • Training manuals • Written Company policies • Written Employment Equity Plan • Workplace Skills Development Plan • Registration with a SETA • Personality test records • Psychometric testing records <p><u>Monthly contribution of employees:</u></p> <ul style="list-style-type: none"> • Provident fund • Unemployment fund • Records of deductions from employees • Identification records for security purposes <p><u>Safety Records:</u></p> <ul style="list-style-type: none"> • Record of incidents • Records of corrective action • Records relating to Occupational Health & Safety Act
Information technology records	<ul style="list-style-type: none"> • Licenses • Software programs • Software applications • Internal company e-mails • Internet connectivity reports

Registration number: 2008/015270/07

Update: 17 January 2022



7. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to SEESA (Pty) Limited, which includes but is not limited to, the following -

- Companies Act 71 of 2008
- Income Tax Act 58 of 1962
- Tax Administration Act, 2011
- Securities Transfer Tax Act, 2007
- Securities Transfer Tax Administration Act, 2007
- Labour Relations Act, 66 of 1995
- Employment Equity Act, 55 of 1998
- Electronic Communications and Transactions Act 36 of 2005
- Basic Conditions of Employment Act, 75 of 1997
- Broad Based Economic Empowerment Act, 53 of 2003
- Constitution of the Republic of South Africa, 108 of 1996
- Companies Act, 61 of 1973
- Consumer Protection Act, 68 of 2008
- Value Added Tax Act, 89 of 1991
- Income Tax Act, 58 of 1962
- Financial Intelligence Centre Act, 38 of 2001
- Protection of Personal Information Act, 4 of 2013

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

8. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Access to records held by the Private Body:

Records held by the **Private Body** may be accessed by request only once the prerequisites for access have been met.

The requester must fulfil the prerequisites for access in terms of **The Act**, including the payment of a requested access fee.

The requester must comply with all the procedural requirements contained in **The Act** relating to the request for access to a record.

The requester must complete the prescribed **form**, and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated herein.

Registration number: 2008/015270/07

Update: 17 January 2022



The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify -

- The record or records requested;
- The identity of the requester;
- Which form of access is required, if the request is granted;
- The postal address or fax number or email address of the requester.

The requester must state that he/she requires the information to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such right.

The **Private Body** will process the request within 30 days, unless the requester has stated a special reason that would satisfy the Information Officer that circumstances dictate that the above times are not complied with.

The requester shall be informed whether access has been granted or denied. If, in addition, the requester requires the reason for the decision in any other manner, he / she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requesters making the request, to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee before any further processing can take place.

9. FEES

When the Information Officer receives the request, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees.

Registration number: 2008/015270/07

Update: 17 January 2022



A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

10. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for the **Private Body** to refuse a request for information relates to the:

Mandatory protection of the privacy of a third party that is a natural person that would involve the unreasonable disclosure of personal information of that natural person;

Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;
- Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the **Private Body**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

Mandatory protection of confidential information of the protection of property;

Mandatory protection of records that would be regarded as privileged in legal proceedings;

The commercial activities of the **Private Body**, which may include:

- Trade secrets of the **Private Body**;
- Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of the **Private Body**;
- Information which, if disclosed could put the **Private Body** at a disadvantage in negotiations or commercial competition;
- A computer program, owned by the **Private Body**, and protected by copyright.

The research information of the **Private Body** or a third party, if its disclosure would reveal the identity or the **Private Body**, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

Registration number: 2008/015270/07

Update: 17 January 2022



11. DECISION

The **Private Body** will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period within which the **Private Body** has to decide whether to grant or refuse the request, may be extended for further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the **Private Body** and the information cannot reasonably be obtained within the original 30 day period. The **Private Body** will notify the requester in writing should an extension be sought.

12. PROCESSING OF PERSONAL INFORMATION

12.1 Purpose of Processing Personal Information

The purpose of the Protection of Personal Information Act (POPIA) is to promote the protection of personal information of data subjects and to give effect to their right of privacy as provided for in the Constitution. SEESA (Pty) Limited is responsible to ensure that information is processed lawfully, fairly, and transparently and that we comply with the condition set out in POPIA.

SEESA (Pty) Limited will process personal information for the following purposes:

- Record keeping purposes;
- Compliance purposes;
- Staff administration and job applicants;
- Service delivery purposes;
- Handling complaints;
- Procurement process;
- Health and Safety purposes;
- Monitor access, secure and manage our premises and facilities;
- Help improve quality products and services;
- To administer legal contractual purposes;
- To recover debt;
- To transact with suppliers.

Registration number: 2008/015270/07

Update: 17 January 2022

12.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	These include, but are not limited to the following: <ul style="list-style-type: none"> • Full Name • Surname • ID number • Address • Banking details • Income Tax Number • Contact number • Company name • Company registration number • Physical Address • Email address • Trade classification • Trade classification code • SIC code • PAYE information • SDL information • UIF information • Postal address • Gender • Race • Medical information • Dependant information • Next of kin information
Directors/Shareholders	These include, but are not limited to the following: <ul style="list-style-type: none"> • Full Name • Surname • ID number • Address • Banking details • Income Tax Number • Contact number • Gender

Registration number: 2008/015270/07

Update: 17 January 2022



	<ul style="list-style-type: none"> • Race • Company/Trust name • Company/Trust registration number
Employee	<p>These include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Name • Surname • ID number • Email address • Gender • Nationality • Blood Type • Work no. • Driver's license details • Marital Status • Telephone number • Next of Kind details • Banking details • Address • Qualifications • Psychometric tests • MBTI personality tests • PAYE Information • UIF Information • Medical Information • Tax number • Dependants information

Registration number: 2008/015270/07

Update: 17 January 2022



12.3 The recipients or categories of recipients to whom the personal information may be supplied

SEESA (Pty) Limited may supply information to the following third parties:

- Payroll administrators
- Training providers
- Clock in system administrators
- Verification agencies
- Provident fund administrators
- Auditing
- Criminal checks agencies
- Information Security service providers

12.4 Planned transborder flows of personal information

SEESA (Pty) Limited does not transfer any information out of the borders of South Africa.

12.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

SEESA (Pty) Limited has implemented the following Information Security Measures to ensure the confidentiality, integrity and availability of all information residing on our IT Systems:

Confidentiality of all information is accomplished by limiting authorized access on all information to specified personnel only. This is done by means of secure logins by employees only from SEESA (Pty) Limited managed devices. All backups of data are encrypted. The server physical access is limited to IT personnel only.

Integrity is maintained with user access controls to limit all actions with data. We have local and cloud backups that is fully encrypted. The backups can only be accessed by authorized personnel. DLP(Data Loss Prevention) policies are in place to prevent misuse of data.

Availability is achieved through advanced failover cluster servers, DR site and Cloud backups, and a local NAS containing all the backups. SEESA (Pty) Limited is making use of ESET Anti-Virus on all Computers and Servers. The firewall has IDS (Intrusion Detection system) and IPS (Intrusion prevention system) in place that protects the servers from being hacked and any data loss.

Registration number: 2008/015270/07

Update: 17 January 2022



13. AVAILABILITY OF THE MANUAL

The manual of the **Private Body** is available at the premises of the Private body as well as on the website (www.seesa.co.za) of the **Private Body**.

14. DOCUMENT CONTROL

Creation Date	1 November 2021
Division Name	Internal POPIA compliance
Author Name	Damian Bothma
Author Position	National CP & POPI and Research Senior Legal Advisor
Last Updated	17 January 2022
This Version	V0.1
Latest version approved by Board of Directors (SEESA Fund)	

15. CHANGE HISTORY

Date	Author	Version	Change Reference

Registration number: 2008/015270/07

Update: 17 January 2022