

1 July 2021

Dear Industry Representative

1. As a user of our products or services You are receiving this email from HORTGRO (including members of and affiliates of Hortgro Stone, Hortgro Pome, POMASA, Cape Flora, SAPPA, SA Figs, SAPO Trust, FFA, Culdevco, TCF, SAFVCA, SAFVEC, DFIDT, FWDT, DFPT, SAFJA, International Prune Association, DFDC), because you are currently subscribed to and/or enlisted on the electronic data base and/or records held in hard copy format, all of which is processed by Us.
2. We are preparing for the implementation of the Protection of Personal Information Act, 2013 (“**POPIA**”) and this notice constitutes the policy statement to declare Our commitment to comply with POPIA when processing personal information and special personal information (as defined in POPIA). We process personal information and other confidential information of individuals and juristic persons and other non-juristic entities to enable us to deliver Our mandated products and services to Our members and also to clients in the deciduous fruit industry value chain. The nature of the personal information which We process, depends on the product and service in each matter, as well as, and subject to, other legislative requirements to be adhered to by Us.
3. Personal information as defined in POPIA is information relating to an identifiable, living, natural person or existing juristic person, that relates to, among others, the race, gender, sex, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, spiritual, economic, cultural or social identity; their educational or financial history; as well as various identifying numbers and addresses including biometric information belonging to either an identifiable living natural person or an existing juristic person.
4. This personal information We process electronically and/or in hard copy format when you use our digital platforms online or otherwise contact us electronically or manually to apply or register for our products and services
5. The purpose for processing any such personal information is to provide you with industry and related services in line with the applicable national statutory levies and/or agreed actions as per the various agreements between Industry Associations and their constituents, stakeholders and service providers.
6. We also process personal information –
 - a. for personalised marketing purposes, if You are a client or member of Us or if you elected to receive marketing material from Us - please note that You have a choice not to have their personal information used for marketing purposes;
 - b. to send newsletters to whom who have elected to receive newsletters from Us – please note that You have a choice not to receive newsletters from Us;
 - c. to conduct client satisfaction research;
 - d. for audit and record keeping purposes;
 - e. to deal with requests and enquiries about personal information held by Us and to update this information, when advised by You;
 - f. should you apply for employment with Us, to process your application;
 - g. for the detection and prevention of fraud, crime, money laundering or other malpractices;
 - h. in connection with legal proceedings;
 - i. in connection with and to comply with legal and regulatory requirements (e.g. the requirements of the Financial Intelligence Centre Act, 2001 and specifically the requirements in terms of The Marketing of Agricultural Products Act, 1996 and the Regulations promulgated thereunder) or when it is otherwise required by law.
7. **Please be notified that Your personal information for the above-mentioned purpose is being processed** and this notice forms part of the agreement between Us and You and must be read in conjunction with the Policy Statements that We'll made available soonest on our website www.hortgro.co.za and upon request, from our office.
8. If You are a member of any one or more of the Producer Organisations or Associations as referred to in paragraph 1 registered, *inter alia*, as a non-profit company (“NPC”) in terms of the Companies Act, 2008, also

please refer to the Memorandum of Incorporation (“MOI”) of the Producer Organisation or Association concerned, with specific reference to the terms and conditions contained in the MOI pertaining to POPIA. In terms of section 15(6) of the Companies Act, 2008, the MOI is binding between the NPC and each member thereof and also between the members of this NPC, in the exercise of their respective functions with the NPC, therefore including the applicable provisions of POPIA as contractually contained in the MOI.

9. The eight conditions for lawful processing of personal information in terms of POPIA are –
 - a. **Accountability:** We must be accountable for the personal information We process or hold in Our possession.
 - b. **Processing Limitation:** Personal information must be processed in a lawful and reasonable manner and the purpose for processing the personal information must be lawful, adequate, relevant and not excessive.
 - c. **Purpose Specification:** The purpose for processing personal information must be specific, explicitly defined and lawful.
 - d. **Further Processing Limitation:** The reason for processing personal information further must be compatible with the original purpose of collection.
 - e. **Information Quality:** We are required to take practicable steps to ensure that the personal information We process is complete, accurate, not misleading and updated.
 - f. **Openness:** Personal information must be processed in a way that allows You as the data subject to know what is happening to Your personal information.
 - g. **Security Safeguards:** We must ensure that there are sufficient security safeguards in place to secure the integrity and confidentiality of the personal information in Our possession.
 - h. **Data Subject Participation:** You as a data subject in terms of POPIA has a right to access to Your personal information and to correct and update this personal information.
10. Accordingly, We also hereby confirm Your **consent** for Our continued correspondence with You. Note that –
 - a. if you wish to remain in contact with Us, no action is required on Your part;
 - b. **if You wish to terminate contact with Us, please inform Us in writing to astrid@hortgro.co.za; for SAPO Trust write to mvdw@saplant.co.za.**
11. Please be advised that measures have been implemented to safeguard and ensure the secure use of data and personal information, also to the extent that Your personal information is being processed by Us
12. If You intend on submitting a notice of objection in terms of section 11(3) of POPIA to the continued processing of Your personal information in question, You can request that we provide You with Form 1 of the Regulations to POPIA, to enable You to submit the said notice. Please be advised that such a notice of objection could be subject to the obligations imposed and/or authorised by law for Us to process the personal information in question. Furthermore, a valid notice of objection must be submitted on Form 1 by email or fax to us and include –
 - a. full names and residential or postal or business address of the complainant;
 - b. unique identifier/identity number of the complainant;
 - c. written or electronic signature of the complainant;
 - d. the reason for the objection;
 - e. identification of the right that has allegedly been infringed;
 - f. identification of the material or activity that allegedly infringes this right;
 - g. the remedial action requested;
 - h. the telephonic and electronic contact details of the complainant;
 - i. a statement that the complainant is acting in good faith; and
 - j. a statement whether the information is true and correct, and if not, in what respect.
13. If We receive a notice of objection that complies with the above requirements and are of the view that the objection is legally valid, We will remove the content and inform the complainant and, if necessary, any third party involved.
14. We expressly disclaim any liability which may arise as a result of the removal of content pursuant to the receipt of a notice of objection.
15. Astrid Arendse (astrid@hortgro.co.za) has been registered as the Hortgro Information Officer and Mariette van der Walt will represent SAPO Trust (mvdw@saplant.co.za)

Yours Sincerely

HORTGRO