



Ndalamo Resources (Pty) Ltd
Living into The Future

PROTECTION OF PERSONAL INFORMATION POLICY

DOCUMENT TYPE	PRIVACY POLICY	
DOCUMENT NO	CORP AFF P: 22	
REVISION / VERSION	01	
ISSUE DATE	21 June 2024	
APPROVAL	CORPORATE AFFAIRS DIRECTOR	Minah Moabi
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	Date	21 JUNE 2024
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Revision History

Revision Detail	Revision No.	Revision Date	Revision Approval (Name & Designation)	Signature
Version 1	Rev 01	01-06-2024	DIRECTOR: Minah Moabi	

TABLE OF CONTENTS

1. INTRODUCTION	3
2. PURPOSE AND SCOPE	3
3. PROCESSING OF PERSONAL INFORMATION.....	4
4. PRIVACY POLICY APPLICATION	5
5. PERSONAL INFORMATION.....	5
6. SPECIAL PERSONAL INFORMATION	7
7. PROCESSING OF SPECIAL PERSONAL INFORMATION	7
8. COLLECTION OF PERSONAL INFORMATION.....	8
9. USE OF PERSONAL INFORMATION.....	10
10. SHARING OF PERSONAL INFORMATION.....	12
11. STORAGE AND TRANSFER OF PERSONAL INFORMATION.....	14
12. SECURITY	15
13. RETENTION OF PERSONAL INFORMATION.....	16
14. MAINTENANCE OF PERSONAL INFORMATION.....	17
15. USER RIGHTS	18
16. CHANGES TO THIS PRIVACY POLICY.....	20
17. CHILDREN.....	20
18. DIRECT MARKETING	20
19. THIRD PARTY SITES	21
20. QUERIES AND CONTACT DETAILS OF THE INFORMATION REGULATOR.....	21
21. IMPLEMENTATION, MONITORING AND EVALUATION.....	21
22. POLICY APPROVAL AND EFFECTIVE DATE	22

1. INTRODUCTION

- 1.1. This policy applies to all employees of Ndalamo Resources (Pty) Ltd. Ndalamo will be referred to as **"the Company"** throughout this document.
- 1.2. This policy serves principally as a guideline and may be departed from where circumstances warrant such departure.
- 1.3. The Company in its sole discretion may revise this policy. The details of any such revision will be disseminated and communicated to all employees.
- 1.4. The policy shall remain in force until such time as it is amended or replaced by another policy or procedure.

2. PURPOSE AND SCOPE

- 2.1. The Company ("we" or "us" or "our") and all its associated companies are committed to respecting the privacy of personal data. To demonstrate its commitment, the Company has created this Privacy Policy to outline behaviours expected when dealing with private data. The Company strives to process personal information honestly, ethically, with integrity and ensure that it is compliant with applicable legislation that governs the authentication, protection, procession and disclosure of personal information. The Company is a responsible party (or data controller, in some jurisdictions) in respect of Personal Information (as defined in clause 5.1 below), and Special Personal Information (as defined in clause 6.1 below), which means that we determine the purpose of and means for processing Personal Information. Each user has a duty and responsibility to comply with the information protection policies and procedures described in this document.
- 2.2. We have appointed an Information Officer who is responsible for overseeing questions in relation to the Privacy Policy. You may contact our Information Officer at

tsabeng.n@ndalamo.com to discuss this Privacy Policy or rights under data protection legislation that is applicable.

2.3. This Privacy Policy describes how we will treat Personal Information, whether provided to us, or collected by us through other means when engaging with us, in ordinary use of our services, in providing us with products and services, or in accessing our website (the "Website").

2.4. This Privacy Policy must, as is appropriate, be read together with the Company's Website Terms of Use (the "Terms") and any other documents or agreements between the Company and users (the "Agreements") that describe the manner in which we, in specific circumstances, collect or process Personal Information. This will enable the understanding of the manner in which the Company processes Personal Information. This Privacy Policy supplements such Terms and Agreements, but does not supersede them and in the event of any conflict, ambiguity or inconsistency between this Privacy Policy, the Terms and/or the Agreements, such documents shall be construed in the following order of priority:

2.4.1. this Privacy Policy;

2.4.2. the Terms; and

2.4.3. the Agreements.

3. PROCESSING OF PERSONAL INFORMATION

3.1. The Company collects, gets, receives, records, organises, collates, stores, updates, changes, retrieves, reads, processes, uses and shares Personal Information in the ways set out in this Privacy Policy. When the Company does one or more of these actions with the Personal Information, we are "Processing" Personal Information (and "process" has a corresponding meaning).

3.2. We may, where permitted or required to do so by applicable law, process Personal Information without knowledge or permission, if sufficient grounds of justification are present, and we will do so in accordance with the further provisions of this Privacy Policy.

4. PRIVACY POLICY APPLICATION

4.1. This Privacy Policy applies to the processing by us or on our behalf, and our successors-in-title, of the Personal Information, being a user who accesses and/or uses our website or our products and services, or a provider of products and services to us, clients, suppliers, former employees, prospective employees and other data subjects that engage with us. This Privacy Policy applies regardless of the device which is used to access our website or to engage with us, which device is capable of using, or enabled to use, the website including, but not limited to, internet-connected mobile devices and tablets ("Access Device").

4.2. This Privacy Policy does not apply to the processing of Personal Information by other third-parties relating to or by means of other parties' websites, products or services, such as websites linked to, from or advertised on the website or through our products and services, or sites which link to or advertise the website or our products, and services.

5. PERSONAL INFORMATION

5.1. "Personal Information" refers to private information about an identifiable living natural person or, where applicable, an identifiable existing juristic person. Personal Information does not include information that does not identify any natural person (including in instances where that information has been de-identified so that it does not identify a person). The Personal Information that we collect may differ on the basis of engagement with us or the products and services that are received from or that is provided to the Company.

5.2. We may process various types of Personal Information, as follows:

5.2.1. Identity Information, which includes information concerning names, usernames or similar identifiers, marital status, title, occupation, interests, date of birth, gender,

race and legal status, as well as copies of identity documents, photographs, identity number, registration number and qualifications;

5.2.2. Contact Information, which includes billing addresses, delivery addresses, e-mail addresses and telephone numbers;

5.2.3. Financial Information, which includes bank account details; details of funds which we invest and hold on behalf of any person for any matter, insurance information, financial statements, tax clearance certificates and VAT registration numbers;

5.2.4. Transaction Information, which includes details about payments made to or received from any person and company information, which may consist of financial activity;

5.2.5. Technical Information, which includes internet protocol (IP) addresses, login data, browser type and version, time zone setting and location, browser plug-in types and versions, operating system and platform, and other technology on the devices used to access the website or to use our products and services or engage with us;

5.2.6. Usage Information, which includes information to any persons access to and use of the website, products and services, such as what links were used, what content was accessed, the amount of content viewed and the order of that content, as well as the amount of time spent on the specific content and what products and services where there is access and use when engaging with the Company;

5.2.7. Location Information, which includes geographical information from Access to Devices

(which is usually based on the GPS or IP location); and

5.2.8. Marketing and Communications Information, which includes preferences in respect of receiving marketing information from us and our third parties, and communication preferences.

5.3. The Company may also process, collect, store and/or use aggregated data, which may include historical or statistical data ("Aggregated Data") for any purpose, including for know-how and research purposes. Aggregated Data may be derived from Personal Information but is not always considered Personal Information, as this data does not directly or indirectly reveal any person's identity. However, if we combine or connect Aggregated Data with Personal Information in a manner that has the result that it can directly or indirectly identify any person, we will treat the combined data as Personal Information, which will be managed in accordance with this Privacy Policy.

6. SPECIAL PERSONAL INFORMATION

6.1. We will notify any person, in certain circumstances, by engaging with the Company, that we may collect certain Special Personal Information. "Special Personal Information" refers to details about religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life, biometric information or information on criminal offences or convictions.

6.2. The processing of Special Personal Information requires higher levels of protection. We need to have further justifications for processing Special Personal Information. The Company has implemented appropriate policies and safeguards, which we are required by law to maintain, to process Special Personal Information.

7. PROCESSING OF SPECIAL PERSONAL INFORMATION

7.1. We will generally not process particularly Special Personal Information unless it is necessary for establishing, exercising or defending a right or obligation in law, or where we have obtained consent to do so. On rare occasions, there may be other reasons for processing Special Personal Information, such as where the information has been deliberately made public. The situations in which we may process Special Personal Information include the following:

- 7.1.1. Racial and ethnic information may be processed by the Company through CCTV cameras installed at our premises for safety and security reasons;
- 7.1.2. As part of the recruitment and hiring process, we may process information relating to criminal behaviour;
- 7.1.3. We may process information pertaining to political persuasion as part of the Know Your Client (KYC) processes and Customer Due Diligence (CDD) checks;
- 7.1.4. We may process information relating to health as part of our screening processes when accessing our premises, in order to comply with Mine Health and Safety regulations and protocols; and
- 7.1.5. We may process information which indicates religious beliefs (for example, when someone attends events organised by the Company, we may ask them for their dietary requirements, and this may indicate their religious beliefs).

8. COLLECTION OF PERSONAL INFORMATION

8.1. We collect Personal Information in the following ways:

- 8.1.1. Direct or active interactions;
- 8.1.2. Automated or passive interactions;
- 8.1.3. From third parties and public sources;
- 8.1.4. Biometric Data; and
- 8.1.5. CCTV.

8.2. Direct or active collection:

8.2.1. We may require submission of certain information to:

8.2.1.1. Enable access to portions of the website;

8.2.1.2. Subscribe to our publications;

8.2.1.3. Request marketing or information about our events to be sent;

8.2.1.4. Apply for job opportunities;

8.2.1.5. Make contact with our partners and employees;

8.2.1.6. Granting access to our premises;

8.2.1.7. Enable facilitation of the conclusion of an agreement with us; and

8.2.1.8. That is necessary for our fulfilment of our statutory or regulatory obligations.

8.2.2. We also collect Personal Information directly when communicating directly with us, for example when completing certain application forms (including vendor forms), via email, telephone calls, feedback forms, registering for and attending events, giving us business cards, site comments or forums.

8.2.3. If contacting us, we reserve the right to retain a record of that correspondence in accordance with the retention of records as per Section 14 of POPIA and applicable data protection legislation, which may include Personal Information.

8.2.4. The Personal Information that we actively collect may include any of the Personal Information listed in clause 5.2 of this Privacy Policy and, in some instances, certain Special Personal Information listed in clause 6 of this Privacy Policy.

8.3. Passive collection from Access Devices when browsing our website:

8.3.1. We may passively collect certain Personal Information from the Access Device that is used to access and navigate the website, by way of various technological applications, for instance, using server logs to collect and maintain log information.

8.3.2. We also use cookies and anonymous identifiers which enable our computer system to recognise the next visit to the website, to distinguish any person from other users and to improve our service, and which can be used to enhance the content of the website and make it more user-friendly, as well as to give a more personalised experience. This is more fully set out in our Cookie Policy.

8.4. Collection from third parties and public sources

8.4.1. The Company receives Personal Information and Special Personal Information from various third parties including but not limited to recruitment agencies, suppliers of background checks services and publicly available sources.

8.5. CCTV

8.5.1. The Company collects Personal Information and Special Personal Information through

CCTV cameras installed at the Company premises for safety and security reasons.

9. USE OF PERSONAL INFORMATION

9.1. We use Personal Information for the following purposes to:

9.1.1. Comply with our regulatory reporting obligations;

- 9.1.2. Comply with our statutory obligations, including client identification and verification as part of our KYC and CDD obligations, and screening clients and visitors' health when accessing our premises to comply with regulations and protocols;
- 9.1.3. Conduct the recruitment and hiring processes, which includes conducting criminal record and credit checks (where appropriate), the capturing of a job applicant's details and providing status updates to job applicants;
- 9.1.4. To create supplier profiles on our systems, pay suppliers, and for general supplier administration, from information received;
- 9.1.5. Maintain and improve the website and to improve the experience of our website users;
- 9.1.6. Maintain and update our client, or potential client databases;
- 9.1.7. Maintain and update our supplier database;
- 9.1.8. Establish and verify identity on the website;
- 9.1.9. Operate, administer, secure and develop the website and the performance and functionality of the website;
- 9.1.10. To detect, prevent or manage actual or alleged fraud, security breaches or the abuse, misuse or unauthorised use of our systems and files, the website and/or contraventions of this Privacy Policy and/or the Terms and/or the Agreements;
- 9.1.11. Inform users about any changes to the website, this Privacy Policy or other changes that are relevant;
- 9.1.12. Provide the latest information about our products and services or events provided that users have agreed to receive such information;

- 9.1.13. Security, administrative and legal purposes;
- 9.1.14. Client relations purposes;
- 9.1.15. Pitching, opportunity tracking and reporting;
- 9.1.16. Campaign tracking and reporting;
- 9.1.17. Communicate with and retain a record of our communications with users and users communications with us;
- 9.1.18. Fulfil any contractual obligations that we may have to users or any third party;
- 9.1.19. Invitation to functions or events that we may have;
- 9.1.20. Analyse and compare the types of Access Devices that users make use of and physical location; and
- 9.1.21. Other activities and/or purposes which are lawful, reasonable and adequate, relevant and not excessive in relation to the provision of our services and/or the use of the website, our business activities or such other purpose for which it was collected.

9.2. The Company will obtain permission before collecting or using Personal Information and/or Special Personal Information for any other purpose.

10. SHARING OF PERSONAL INFORMATION

10.1. We will not intentionally disclose your Personal Information, whether for commercial gain or otherwise, other than with users permission, as permitted by applicable law or in the manner as set out in this Privacy Policy.

10.2. Users agree and give permission for us to share Personal Information under the following circumstances:

10.2.1. With our agents, advisers and suppliers that have agreed to be bound by applicable data protection legislation and this Privacy Policy or similar terms, which offer the same level of protection as this Privacy Policy;

10.2.2. With our employees, suppliers, consultants, contractors and agents if and to the extent that they require such Personal Information in order to process it for us and/or in the provision of services for or to us, which include know-how and research; reporting purposes (e.g. the South African Revenue Service); hosting, development and administration, technical support and other support services relating to the website or the operation of our business. We will authorise any Personal Information processing done by a third party on our behalf, amongst other things by entering into written agreements with those third parties governing our relationship with them and containing confidentiality, non-disclosure and data protection provisions. Such persons may be disciplined, their contracts terminated or other appropriate action taken if they fail to meet their obligations;

10.2.3. Enable us to enforce or apply our Terms and/or any Agreement users have with us;

10.2.4. To enable us to monitor web traffic: web servers serving the website automatically collect information about pages visited. This information is used for internal review, to tailor information to individual visitors and for traffic audits;

10.2.5. For statistic purposes: we may perform statistical analyses in order to measure interest in the various areas of the website (for product development purposes);

10.2.6. To protect our rights, property or safety or that of our clients, employees, contractors, suppliers, agents and any other third party;

10.2.7. With governmental agencies and other regulatory or self-regulatory bodies, if required to do so by law or when we reasonably believe that such action is necessary to:

10.2.7.1. Comply with the law or with any legal process;

10.2.7.2. Protect and defend the rights, property or safety of the Company, or our clients, employees, contractors, suppliers, agents or any third party;

10.2.7.3. Detect, prevent or manage actual or alleged fraud, security breaches, technical issues, or the abuse, misuse or unauthorised use of the website and/or contraventions of this Privacy Policy; and/or

10.2.7.4. Protect the rights, property or safety of members of the public (if provided with false or deceptive information or any misrepresentation, we may proactively disclose such information to the appropriate regulatory bodies and/or commercial entities).

10.3. We will get permission before disclosing Personal Information to any third party for any other purpose if we are required by law to do so.

11. STORAGE AND TRANSFER OF PERSONAL INFORMATION

11.1. We store Personal Information on:

11.1.1. Our premises, in the form of hard copies;

11.1.2. The premises of third-party service providers such as document storage service providers;

11.1.3. Our servers; or

- 11.1.4. On the servers of our third-party service providers, such as IT systems or hosting service providers.
- 11.2. In the event of the scenarios contemplated in clauses 11.1.2 and 11.1.4, we will ensure that we have entered into written agreements with those third-party service providers governing our relationship with them that require them to secure the integrity and confidentiality of Personal Information in their possession by taking appropriate, reasonable technical and organisational measures.
- 11.3. From time to time, the Company and its service providers may need to transfer to and/or store Personal Information on servers in a jurisdiction other than where it was collected (i.e. outside of South Africa) and we hereby notify users that such jurisdiction may not have comparable data protection legislation.
- 11.4. If the location to which Personal Information is transferred and/or is stored does not have substantially similar laws to those of South Africa, which provide for the protection of Personal Information, we will take reasonably practicable steps, including the imposition of appropriate contractual terms to ensure that your Personal Information is adequately protected in that jurisdiction.

12. SECURITY

- 12.1. We take reasonable technical and organisational measures to secure the integrity of Personal Information and use accepted technological standards to prevent unauthorised access to or disclosure of your Personal Information, and protect Personal Information from misuse, loss, alteration and destruction.
- 12.2. We review our information collection, storage and processing practices, including physical security measures periodically, to ensure that we keep abreast of good practice.

12.3. We also create a back-ups of information for operational, business continuity and safety purposes and we have a Business Continuity Plan.

12.4. Despite the above measures being taken when processing Personal Information and Special Personal Information, subject to the provisions of this clause 12.4, as far as the law allows, we will not be liable for any loss, claim and/or damage arising from any unauthorised access, disclosure, misuse, loss, alteration or destruction of Personal Information and/or Special Personal Information.

12.5. The Company has implemented policies and procedures to address actual and suspected data breaches and undertakes to notify users and the relevant regulatory authorities of breaches in instances in which the Company is legally required to do so and within the period in which such notification is necessary.

12.6. In this clause, users acknowledge and accept that technology is not absolutely secure and there is a risk that your Personal Information and Special Personal Information will not be secure when processed by means of technology. We do not promise that we can keep Personal Information and Special Personal Information completely secure. To the maximum extent permitted by law, users will not be able to take action against us if suffered any losses or damages in these circumstances.

13. RETENTION OF PERSONAL INFORMATION

13.1. We may keep Personal Information for as long as you continue to engage with us, provide services or products to us, access the website and content and/or use our products and/or services or for as long as reasonably necessary or until contact is made and a request is received to destroy it.

13.2. Aside from clause 13.1 above and any other clause in this Privacy Policy, we may retain and process some or all Personal Information if and for as long as:

13.2.1. We are required or permitted by law, a code of conduct or a contract with users to do so;

13.2.2. We reasonably need it for lawful purposes related to the performance of our functions and activities;

13.2.3. We reasonably require it for evidentiary purposes; or

13.2.4. Users agree to us retaining it for a specified further period.

13.3. To determine the appropriate retention period for Personal Information, the Company will consider, among other things, the nature and sensitivity of the Personal Information, the potential risks or harm that may result from its unauthorised use or disclosure, the purposes for which we process it and whether those purposes may be achieved through other means. The Company will always comply with applicable legal, regulatory, tax, accounting or other requirements as they pertain to the retention of Personal Information, as well as our Record Retention Policy.

14. MAINTENANCE OF PERSONAL INFORMATION

14.1. Where required by law, the Company will take all reasonable steps to ensure that Personal Information is accurate, complete, not misleading and up to date.

14.2. We also acknowledge that users may have rights of access to, and the right to rectify, Personal Information, and rights to object to the processing of Personal Information in certain circumstances (clause 15 below contains further information about these rights).

14.3. Users must let us know if any of the Personal Information that we have is incorrect, incomplete, misleading or out of date, by notifying us at the contact details set out in clause 2.2 above or where applicable, by notifying your contact at the Company.

14.4. Where required by law, we will take reasonable steps to correct or update Personal Information accordingly, having regard to the purpose for which such Personal Information was collected or used.

15. USER RIGHTS

15.1. Data protection legislation may confer certain rights in respect of Personal Information. We aim to be clear about what Personal Information we collect so that users can make meaningful choices about what Personal Information is made available to us. Users may, for example:

15.1.1. Block all cookies, by setting browsers to do so, including cookies associated with our products and services or to indicate when a cookie is being sent by us;

15.1.2. Request access to Personal Information, which indicates what Personal Information we have;

15.1.3. Request the correction of Personal Information, in order to ensure that any incomplete or inaccurate Personal Information is corrected;

15.1.4. Request erasure of Personal Information, where there is no lawful basis for the retention or continued processing of it;

15.1.5. Object to the processing of Personal Information for a legitimate interest (or those of a third party) and there is something about a particular situation which makes users want to object to processing on this ground as users feel it impacts on their fundamental rights and freedoms;

15.1.6. Request restriction of processing of Personal Information. This enables you to ask the Company to suspend the processing of Personal Information in limited circumstances, which may differ by jurisdiction;

15.1.7. Withdraw consent previously given to the processing of Personal Information at any time. Users may withdraw consent for us to process Personal Information at any time.

The withdrawal of consent can only be made on condition that such withdrawal:

- 15.1.7.1. Does not affect the processing of Personal Information before the withdrawal of such content; or
- 15.1.7.2. Does not affect the processing of Personal Information if the processing is in compliance with an obligation imposed by law on us; or
- 15.1.7.3. Does not affect the processing of your Personal Information where such processing is necessary for the proper performance of a public law duty by a public body; or
- 15.1.7.4 Does not affect the processing of Personal Information as required to finalise the performance of a contract in which users are a party; or
- 15.1.7.5 Does not affect the processing of Personal Information as required to protect legitimate interests or our own legitimate interests or the legitimate interests of a third party to whom the information is supplied.

15.1.8. Withdrawal of consent may limit our ability to provide certain products and services or the ability of a third party to provide certain products or services, but will not affect the continued processing of Personal Information in instances in which consent is not required.

15.1.9. Institute civil proceedings regarding an alleged interference with the protection of Personal Information processed in accordance with this Privacy Policy.

15.2. As far as the law allows, we may charge a fee for attending to any of the above requests and may also refuse to carry out any of your requests in whole or in part.

16. CHANGES TO THIS PRIVACY POLICY

16.1. To the extent allowed by the law, this Privacy Policy may be amended and updated from time to time in our sole discretion, without notice, provided that if we do so, we will post the revised policy on the website and we will take reasonably practicable steps to inform users of the updated Privacy Policy. Accordingly, please check this Privacy Policy for changes periodically. If users continue to engage with us, provide products or services to us or access or use the website and/or products and services after amendments are made to the Privacy Policy and displayed on this Website, users will be deemed to have accepted the updated Privacy Policy.

17. CHILDREN

17.1. The website and our products or services are not targeted at people under the age of 18 ("eighteen").

17.2. We may, in limited instances process Personal Information of children including in the course of providing services. In such cases, the processing of Personal Information of children is conducted with the consent of a competent person or to comply with an obligation in law.

17.3. We will not knowingly collect Personal Information of persons in this age group without express consent to do so or without a legal obligation to do so.

18. DIRECT MARKETING

18.1. The Company processes Personal Information for the purpose of direct marketing by way of electronic communication. We will only send direct marketing materials if specifically opted-in to receive these materials, or are a client of the Company, at all times in accordance with applicable laws.

18.2. Users may refuse to accept, require us to discontinue, or pre-emptively block any approach or communication from us if that approach or communication is primarily for the purpose of direct marketing ("direct marketing communications").

18.3. Users may opt out of receiving direct marketing communication from us at any time by requesting us (in any manner, whether telephonically, electronically, in writing or in person) to stop providing any direct marketing communication. Opt-out requests may be sent to vukani.t@ndalamo.com.

19. THIRD PARTY SITES

19.1. This Privacy Policy does not apply to the websites of any other parties, or the applications, products or services such websites advertise and which may be linked to our website, or websites that link to or advertise on our website.

19.2. We are not responsible for the privacy practices of such third-party websites, or for any claims, loss or damage arising from these.

19.3. We advise users to read the privacy policy of each third-party website and decide whether they agree to their privacy practices and policies, as these third-party websites may also be collecting or sharing Personal Information and Special Personal Information.

20. QUERIES AND CONTACT DETAILS OF THE INFORMATION REGULATOR

20.1. Should any rights in respect of Personal Information have been infringed, please address concerns to the Information Officer at vukani.t@ndalamo.com.

21. IMPLEMENTATION, MONITORING AND EVALUATION

21.1. The implementation, amendment, withdrawal, suspension and/ or revision of this policy is subject to the discretion of the Company.

21.2. The Corporate Affairs Department is the custodian of this Policy.

21.3. Executive Management, Line Managers and Corporate Affairs Department are responsible for the implementation of the policy.

21.4. The Corporate Affairs Department will ensure there is effective monitoring of the policy.

21.5. Review of policies (including this policy) shall rest with the Executive Management and subsequent approval by the Board.

21.6. Policies are reviewed on a three (3) year basis and are to be reviewed in terms of best practice or as the need arises.

21.7. Any transgression of this policy shall be dealt with in accordance with the Company's disciplinary code & procedures and/or other relevant labour laws.

22. POLICY APPROVAL AND EFFECTIVE DATE

22.1. This policy is subject to the approval of the Board and shall take effect on the day subsequent to the approval date.