

**KENTUCKY FRIED CHICKEN SOCIAL RESPONSIBILITY
TRUST FUND
PROMOTION OF ACCESS TO INFORMATION MANUAL
(PAIA MANUAL)**

This Policy includes:

- 1. The Promotion of Access to Information Act 2 of 2000 (“PAIA”) Manual; and**
- 2. Protection of Personal Information Act 4 of 2014 (“POPI”) Request Forms and information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of the POPI.**

**KENTUCKY FRIED CHICKEN SOCIAL RESPONSIBILITY TRUST FUND
("KFC Trust") INFORMATION MANUAL**

Published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000.

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1 INTRODUCTION

This information manual (“Manual”) provides an outline of the types of records held by the Kentucky Fried Chicken Social Responsibility Trust Fund (“THE KFC Trust”) and explains how one may submit requests for access to these records in terms of the Promotion of Access to Information Act, 2 of 2000 (“PAIA”).

PAIA gives effect to everyone’s Constitutional right of access to information held by private sector bodies (e.g. companies) or public bodies (i.e. Government institutions) that is required for the exercise and/or protection of the requestor’s rights.

POPI, on the other hand, gives effect to everyone’s Constitutional right to Privacy.

A guide to PAIA (as amended by POPI) will be or has been compiled by the Information Regulator (“Regulator”). Copies of the guide are available from Regulator in the manner prescribed. The Regulator’s contact details are set out below:

Tel: 012 406 4818

Fax: 086 500 3351

Email: infoereg@justice.gov.za

Website: <http://www.justice.gov.za/infoereg/>.

2 AVAILABILITY OF THIS MANUAL

This Manual is published on KFC’s website - www.kfc.co.za or can be accessed by requesting a copy by e-mail from KFC’s Information Officer as provided for in paragraph 3 below.

3 PARTICULARS IN TERMS OF SECTION 51

3.1 Contact Details – [Section 51(1)(a)]

3.1.1 A Trustee and Information Officer in terms of PAIA is:

Name: Mr Dhruv Kaul

Postal Address: Kentucky Fried Chicken Social Responsibility Trust Fund
P.O. Box 71105
Bryanston
2021
South Africa

Physical Address: Kentucky Fried Chicken Social Responsibility Trust Fund
Building G Knightsbridge
33 Sloane Street
Bryanston
2021
South Africa

E-mail Address: AddHopeCompliance@yum.com

4 RECORDS HELD BY THE KFC TRUST

The KFC Trust maintains records on the following categories and subject matters. Please however note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

4.1 Records Automatically Available – [see Section 51(1)(c) of PAIA]

Records that are automatically available to the public are all records of the KFC Trust lodged in terms of regulatory/legislative requirements with various statutory/regulatory bodies, including the Companies and Intellectual Properties Commission, the Registrar of Deeds and which are open to public scrutiny, all records in the booklets and pamphlets published by the KFC Trust for the general public and all records available on KFC's website at: www.kfc.co.za.

4.2 Records available in accordance with South African legislation

The KFC Trust has records available in terms of the following legislation:

- 4.2.1 Companies Act No 71 of 2008;
- 4.2.2 Competition Act No 89 of 1998;
- 4.2.3 Electronic Communications and Transactions Act 25 of 2002;
- 4.2.4 Promotion of Access to Information Act No 2 of 2000;
- 4.2.5 Protection of Information Act No 84 of 1982;
- 4.2.6 Value Added Tax Act No 89 of 1991; and
- 4.2.7 Consumer Protection Act No 68 of 2008.
- 4.2.8 Trust Property Control Act No 57 of 1988.

4.3 Internal Records

The KFC Trust holds records in the following categories:

- 4.3.1 Taxation
 - (ii) VAT returns.
- 4.3.2 Finance
 - (i) Audited annual financial statements;
 - (ii) Management accounts;
 - (iii) Banking details and bank accounts;
 - (iv) Debtors/Creditors statements and invoices;
 - (v) General ledgers and subsidiary ledgers;
 - (vi) General ledger reconciliation; and
 - (vii) Policies and Procedures.
- 4.3.3 Procurement
 - (i) Terms and Conditions for supply of services and products;
 - (ii) Contractor, beneficiary and supplier agreements; and
 - (iii) Lists of suppliers, products, services and distribution;

(iv) Policies and Procedures.

4.3.8 Operations

- (i) Donation Agreements; and
- (ii) Beneficiary information.

4.3.9 Legal and Compliance

- (i) Agreements/General Contracts;
- (ii) Permits/licences;
- (iii) Approvals;
- (iv) Authorisations;
- (v) Applications;
- (vi) Registrations; and
- (vii) Litigation claims/ Court documents and records.

4.3.10 Information security/Information technology

- (i) System documentation and manuals;
- (ii) Project, disaster recovery and implementation plans;
- (iii) Information usage policy documentation;
- (iv) Software licensing; and
- (v) Information security policies/standards/procedures.

4.3.11 Audit

- (i) Audit reports.

4.3.12 Corporate Records

- (i) Incorporation and reorganisation records (Trust deed);
- (ii) Letters of Authority;
- (iii) Minutes of Meetings;
- (iv) Statutory Returns;
- (v) Powers of attorney;
- (vi) Delegation of authority;
- (vii) Attendance register of trustees' and managers' meetings;
- (viii) Special resolution /Resolutions passed at Trustees' meetings; and

5 STEPS TO CONSIDER BEFORE SUBMITTING A REQUEST

The following steps must be considered before submitting a request:

5.1 **Step 1: Are you entitled to use PAIA to request access?**

Please take note of section 7(1) of PAIA which states:

This Act does not apply to a record of a public body or a private body if—

- (a) That record is requested for the purpose of criminal or civil proceedings;
- (b) The record is so requested after the commencement of such criminal or civil proceedings, as the case may be; and
- (c) The production of or access to that record for the purpose referred to in paragraph (a) is provided for in any other law.

If section 7(1) applies, you may not bring a request in terms of this Act. You must use the rules and procedures for discovery of information of the relevant legal forum and proceedings you are involved in. The KFC Trust reserves the right to claim all expenses and other damages incurred as a result of a requester submitting a request in contravention of section 7(1).

5.2 Step 2: Does the information requested exist in the form of a record?

Please note that PAIA only applies to records that are in existence at the time of us receiving your request. PAIA does not compel anyone to create a record which is not yet in existence at the time the request is made. For instance, PAIA cannot be used to obtain reasons for a decision taken by The KFC Trust if such reasons are not in the form of a record.

5.3 Step 3: Is the record in the possession or under the control of the KFC Trust?

PAIA provides that the record requested must be in our possession or under our control. Therefore, even if a record was created by The KFC Trust or at some point in the KFC Trust's possession (but no longer in the KFC Trust's control at the time of your request), you must seek access to the record from the party under whose possession or control it is.

6 HOW TO SUBMIT REQUEST FOR ACCESS

Please consider the steps in paragraph 5 above before submitting your request. Once you are satisfied that none of the foregoing prohibitions apply to you, you may proceed to submit a request as follows:

6.1 Request form

Please complete the request form in Annexure 1 to this Manual (the "Request Form"). You can send the completed request form as is or under cover of a separate letterhead or fax cover.

In the Request Form, you need to provide sufficient information to enable us to adequately identify—

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

6.2 Description of the right

Take care to adequately describe the right which you are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be necessary for the exercise or protection of the right so stated.

It is important to note that the KFC Trust's Information Officer may refuse you access to the records requested if the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in PAIA.

6.3 Representatives

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

6.4 Illiteracy or disability

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

6.5 Prescribed fee

The prescribed access fee, if applicable, as provided for in paragraph 7.2 below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request.

7 PRESCRIBED FEES

7.1 PAIA provides for two types of fees, namely:

- a) A request fee, which will be a standard fee; and
- b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

7.2 The requester, other than a personal requester, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment which must accompany the Request Form.

7.3 If the search for and preparation of the record (for disclosure), including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

7.4 The Information Officer may withhold a record until the requester has paid the fees as indicated in Annexure 2.

7.5 A requester whose request 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 request form.

7.6 You may ask for a refund of the deposit if your request for access is refused.

8 REQUIREMENTS PERTAINING TO THE PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of processing

In terms of POPI, data must be processed for a specified purpose. The purpose for which data is processed by The KFC Trust will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

8.2 Access to personal information

POPI provides that a data subject may, upon proof of identity, request The KFC Trust to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information. A data subject that wishes to request access to his personal information must submit a request to the Information Officer at the postal or physical address or electronic mail address set out above on the form attached hereto as Annexure 1 or by clicking on the [link](#) an completing the form online.

POPI also provides that where the data subject is required to pay a fee for services provided to him/her, The KFC Trust must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and discussed below.

A data subject may request The KFC Trust to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the KFC Trust is no longer authorised to retain records in terms of POPI's retention and restriction of records provisions. A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address or electronic mail address set out above on the form attached hereto as Annexure 3 or by clicking on the [link](#) an completing the form online.

8.3 Categories of data subjects

The KFC Trust holds information and records on the following categories of data subjects:

- Beneficiaries of the KFC Trust;
- Minors who belong to the Beneficiaries of the KFC Trust;
- Any third party with whom the KFC Trust conducts its business services;
- Contractors of the KFC Trust;
- Suppliers of the KFC Trust; and
- Service providers of the KFC Trust.

(This list of categories of data subjects is non-exhaustive.)

8.4 The categories of recipients to whom the information is supplied

- Depending on the nature of the data, the KFC Trust may supply information or records to the following categories of recipients:
- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act No. 89 of 1998);
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA; and
- Subject to the provisions of POPI and the National Credit Act No. 34 of 2005, The KFC Trust may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which the KFC Trust operates.

8.5 Planned transborder flows of information

KFC Trust makes use of the KFC website (<https://order.kfc.co.za/addhope>).

If a data subject visits KFC's websites from a country other than the country in KFC's servers are located (currently <https://kfc.co.za>), the various communications will necessarily result in the transfer of information across international boundaries.

KFC and / or KFC Trust may need to transfer a data subject's information to other group companies or service providers in countries outside South Africa, in which case KFC and / or KFC Trust will fully comply with applicable data protection legislation. This may happen if KFC's and / or KFC Trust's servers or suppliers and service providers are based outside South Africa, or if KFC's services are hosted in systems or servers outside South Africa and/or if a data subject uses KFC's and / or KFC Trust's services and products while visiting countries outside this area. These countries may not have data-protection laws which are similar to those of South Africa.

8.6 Security measures implemented to ensure the confidentiality and privacy of the information which is to be processed

The KFC Trust is committed to implementing leading data security safeguards.

The KFC Trust has specialised security teams who constantly review and improve The KFC Trust's measures to protect data subject's personal information from unauthorised access, accidental loss, disclosure or destruction.

If The KFC Trust has a contract with another organisation to provide The KFC Trust with services or a service on The KFC Trust 's behalf to process a data subject's personal information, The KFC Trust will make sure they have appropriate security measures and only process the information in the way The KFC Trust has authorised them to. These organisations will not be entitled to use a data subject's personal information for their own purposes. If necessary, The KFC Trust 's security teams will check them to make sure they meet the security requirements The KFC Trust has set.

Communications over the internet (such as emails) are not secure unless they have been encrypted. A data subject's communications may go through a number of countries before being delivered – as this is the nature of the internet. The KFC Trust cannot accept responsibility for any unauthorized access or loss of personal information that is beyond The KFC Trust 's control.

9 CONSIDERING YOUR REQUEST

9.1 Subject to the provisions in PAIA in respect of extension of time periods, The KFC Trust will process the request within 30 (thirty) days, unless you have stated "personal requester" which means a requester seeking access to a record containing personal information (as defined in PAIA) and/or any special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

9.2 You will be informed in writing whether access has been granted or denied.

9.3 The main grounds for The KFC Trust to refuse a request for information relate to the -

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

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

a) trade secrets of that third party;

b) financial, commercial, scientific or technical information which

- c) disclosure could likely cause harm to the financial or commercial interests of that third party;
 - d) information disclosed in confidence by a third party to The KFC Trust, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 9.3.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 9.3.4 Mandatory protection of the safety of individuals and the protection of property;
- 9.3.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;
- 9.3.6 The commercial activities of the Trust, which may include –
- a) trade secrets of the KFC Trust;
 - b) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the KFC Trust;
 - c) information which, if disclosed could put the KFC Trust at a disadvantage in negotiations or commercial competition;
 - d) a computer program which is owned by the KFC Trust, and which is protected by copyright; and
- 9.3.7 The research information of The KFC Trust or a third party, if its disclosure would disclose the identity of the KFC Trust, the researcher or the subject matter of the research and would place the research at a serious Disadvantage.

10 YOUR REMEDIES

The KFC Trust does not have internal appeal procedures. As such, the decision made by the Information Officer is final. If your request is denied, you are entitled to apply to a court with appropriate jurisdiction for relief. You may also contact the Regulator.

ANNEXURE 1:

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

This annexure must accompany the cover letter addressed to the relevant Information Officer

A. Particulars of THE KFC TRUST

The Information Officer

Name: Mr Dhruv Kaul
Trustee

The Deputy Information Officer

Name: Mrs Andra Ferreira Nel
CSI Manager

Postal Address: THE KFC TRUST
P.O. Box 71105
Bryanston
2021
South Africa

Physical Address: THE KFC TRUST
Building G Knightsbridge
33 Sloane Street
Bryanston
2021
South Africa

E-mail: AddHopeCompliance@yum.com

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Postal Code: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which the request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Form in which record is required

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

- copy of record*
- inspection of record

2. If record consists of visual images: this includes photographs, slides, video recordings, computer-generated images, sketches, etc):

- view the images
- copy of the images"
- transcription of images*

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack
- audio cassette
- transcription of soundtrack* written or printed document

4. If record is held on computer or in an electronic or machine-readable form:

- printed copy of record*
- printed copy of information derived from the record

copy in computer readable form* (compact disc)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

Yes: _____

No: _____

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this ____ day of _____ 201_

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

FOR THE KFC TRUST INTERNAL USE ONLY

Reference number:

Information Officer:

Request fee (if any): R

Deposit (if any): R

Access fee: R

Signed at _____ this ____ day of _____ 201_

SIGNATURE OF INFORMATION OFFICER (or duly authorised representative)

FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION

Rand ("R")

- 1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.
R 1,10
- 2 The fees for reproduction referred to in regulation 11 (1) are as follows:
 - (a) For every photocopy of an A4-size page or part thereof
R 1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form
R 0,75
 - (c) For a copy in a computer-readable form on—
Compact disc: R 70,00
 - (d)(i) For a transcription of visual images, for an A4-size page or part thereof
R 40,00
 - (d)(ii) For a copy of visual images
R 60,00
 - (e)(i) For a transcription of an audio record, for an A4-size page or part thereof
R 100,00
 - (e)(ii) For a copy of an audio record
R30,00
- 3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)
R 50,00
- 4 The access fees payable by a requester referred to in regulation 11 (3) are as follows:
 - 4.1 a) For every photocopy of an A4-size page or part thereof
R 1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form

R 0,75

(c) For a copy in a computer-readable form on—

Compact disc: R 70,00

(d)(i) For a transcription of visual images, for an A4-size page or part thereof

R 40,00

(ii) For a copy of visual images

R 60,00

(e)(i) For a transcription of an audio record, for an A4-size page or part thereof

R 20,00

(e)(ii) For a copy of an audio record

R 30,00

(f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.

4.2 For purposes of section 54 (2) of PAIA, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester.

4.3 The actual postage is payable when a copy of a record must be posted to a requester.

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

or Correction or deletion of the personal information about the data subject which is in possession under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	Particulars of THE KFC TRUST The Information Officer Name: Mr Dhruv Kaul Trustee The Deputy Information Officer

	Name: Mrs Andra Nel CSI Manager
Residential, postal or business address:	Postal Address: THE KFC TRUST P.O. Box 71105 Bryanston 2021 South Africa Physical Address: THE KFC TRUST Building G Knightsbridge 33 Sloane Street Bryanston 2021 South Africa
Contact number(s):	011 790 9000
Fax number/ E-mail address:	E-mail: AddHopeCompliance@yum.com
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person