

Buthotis Trading (Pty) Ltd  
T/A

**Lowveld Bus Service**

**COMPLIANCE**

**PROTECTION OF PERSONAL INFORMATION**

**07. DATA SUBJECT CONSENT  
TEMPLATES**

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## **1. INTRODUCTION & MANAGEMENT SUMMARY**

At Lowveld Bus Service, we are committed to identifying, securing and preserving our records which are essential for historical, commercial and legal purposes.

This Document provides templates for use in various scenarios where it is required to receive the consent of any data subject.

## **2. WHY WE HAVE THIS DOCUMENT**

The Protection of Personal Information Act defines “personal information” as any information relating to an identifiable living natural person or existing juristic person (a “data subject”). A data subject can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier, or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural, or social identity of that natural person.

It is the obligation of the Responsible Party to determine the lawful basis for the processing of personal information. In certain instances, data subjects are required to give consent to the responsible party for the processing of such personal information. The appropriate template, as outlined in this document, may then be utilised for this purpose.

The template used should be assessed for applicability prior to it being used. All areas marked in grey should be amended for the specific purpose of the document it refers to.

The Company's Information Officer, Mr Nickus Robbertse, and/or appointed Deputy Information Officer, Mrs Anneska van Eyk, can be contacted at [nickus@lowveldbus.co.za](mailto:nickus@lowveldbus.co.za) for guidance and review of templates utilised in specific circumstances.

### **3. PROTECTION OF PERSONAL INFORMATION CLAUSE / PARAGRAPH FOR FORMS ON WHICH PERSONAL INFORMATION IS COLLECTED**

1. All Personal Information that we collect on this form will be processed, and held in accordance with the provisions of the Protection of Personal Information Act, your rights thereunder as well as our Data Privacy Policy. You may request a copy of our Data Privacy Policy from the Privacy Custodian, at [Anneska.dejager@lowveldbus.co.za](mailto:Anneska.dejager@lowveldbus.co.za) or 014 763 2280.
2. By not providing us with the Personal Information as requested on this form, we will not be able to:
  - 2.1 Adequately verify your company details and or prepare the necessary documents required before the commencement of any services and or processing of any payment.
3. For complete details of our collection, processing, storage, and retention of Personal Information including, but not limited to, the purpose(s) for which personal information is used, the legal basis or bases for using it, details of your rights and how to exercise them, and Personal Information sharing, where applicable, please refer to our Promotion of Access to Information Manual available from the Deputy Information Officer, at [anneska.dejager@lowveldbus.co.za](mailto:anneska.dejager@lowveldbus.co.za), 014 763 2280 and from [www.lowveldbus.co.za](http://www.lowveldbus.co.za)
4. For the purposes of this form, your Personal Information as required above / below shall be used for the following purposes:
  - 4.1 Load company details on our accounting system.
  - 4.2 Draft service provider agreement and credit applications
  - 4.3 Accurately process invoices and or credit notes and quotations.
5. Your Personal Information may be shared with third parties as required for the purposes of fulfilment of this application / request / complaint / order / enquiry / <<other>>(other).
6. To keep our customer's / service providers up to date with our latest service and product offerings, we request your permission to send marketing material to you using electronic communication.
  - 6.1 By signing this document, I agree / do not agree to receive marketing material from Lowveld Bus Service per email, fax, automated calling system, SMS, WhatsApp or similar platform, using the information disclosed below on this document. I also understand that I have the right to at any time object against receiving Direct Marketing communication electronically, by writing to The Information Officer, at [nickus@lowveldbus.co.za](mailto:nickus@lowveldbus.co.za).

7. By signing this form, you agree to us processing your Personal Information as explained above.

Signed at ..... on this, the ..... Day of ..... 20...

For the Client: ..... ..

Full name, surname

Designation

#### 4. PROTECTION OF PERSONAL INFORMATION CONSENT FOR EXISTING DATA SUBJECTS

<<Insert date>>

Dear Client.

As you may by now be aware, the Protection of Personal Information Act (POPIA) became effective on 1 July 2020, with a grace period of 12 months.

This means that as from the 1st for July 2021, Responsible Parties, such as Lowveld Bus Service, cannot process the Personal Information of its Data Subjects, such as you / your company, without consent.

As a valued <<customer / service provider / vendor / supplier>> you are herewith requested to agree to us continuing to process your Personal Information for the purposes of the continuation of our existing business relationship. Kindly sign and return this document to The Information Officer at [nickus@lowveldbus.co.za](mailto:nickus@lowveldbus.co.za)

Should you have any questions pertaining to this letter, you are welcome to contact The Information Officer at [nickus@lowveldbus.co.za](mailto:nickus@lowveldbus.co.za).

Your cooperation in this regard is highly appreciated.

Yours sincerely.

Nickus Robbertse

#### DATA SUBJECT RIGHTS AND CONSENT

1. By signing this agreement, I ..... <<name and surname of authorised employee>>, herewith gives Lowveld Bus Service permission to process the Personal Information of <<Company name of the Data Subject>> ("the Client", "you", "your") , including special Personal Information where so required, as defined in and in accordance with both the Protection of Personal Information Act 4 of 2013 ("POPIA"), and the Company's Data Privacy Policy.
2. The Company shall process the Personal Information of the Client for the purposes of the performance of the <<agreement / contract and / or the rendering of services or goods and / or for the purposes of the continuation of the business relationship >> that has been in existence since <<since when>> .
3. By not providing us with Personal Information or by refusing to grant us permission to process, or continue to process your Personal Information, the Company will not be able to continue to <<render services / goods / continue to perform in terms of the xx contract / agreement>>.
4. For complete details of our collection, processing, storage, and retention of Personal Information including, but not limited to, the purpose(s) for which personal information is



## 5. PROTECTION OF PERSONAL INFORMATION CLAUSE FOR EMPLOYMENT CONTRACTS

### Protection of Personal Information

1. By signing this agreement, the Employee agrees to the processing of his/her Personal Information, including Special Personal Information (i.e. race, trade union membership, biometric information) as defined in and in accordance with both the Protection of Personal Information Act 4 of 2013 ("POPIA"), and the Company's Data Privacy Policy:
  - 1.1 for any purpose connected with the employment relationship which inter alia includes but not limited to,
    - 1.1 remuneration and benefits;
    - 1.2 reporting in terms of legislation;
    - 1.3 risk management (i.e., vehicle and electronic equipment tracking, CCTV surveillance system monitoring, internet and email communication and usage, alcohol and drugs screening procedures, verification of identification and drivers licences, etc.);
    - 1.4 access control;
    - 1.5 operational matters;
    - 1.6 communication;
    - 1.7 marketing; and
    - 1.8 to serve or protect the Employer's legitimate interests or the legitimate interests of third parties such as clients and / or service providers.
  - 1.2 For purposes of this agreement, "processing" refers to processing as defined in POPIA and includes but is not limited to collecting, receiving, recording, organizing, collating, storing, updating, retrieving, altering, using, disseminating, distributing, merging, linking, blocking, degrading, erasing or destroying of any Personal Information.
  - 1.3 The Employee consents to the processing of relevant Personal Information, including that of his/her nominated beneficiaries (i.e. husband, wife, children) by third parties such as but not limited to associated employee benefit administrators (Group Life and Disability cover, Medical Aid, Retirement Funds).
  - 1.4 The Employee further consents to the transfer and processing of his/her relevant Personal Information where so required by clients and other service providers of the Company, whether based in South Africa or in other jurisdictions. Such Personal Information will only be used by third parties in the furtherance of their responsibilities to the Company, vice versa, and will also be governed by the provisions of the Protection of Personal Information Act and in accordance with their own policies.
  - 1.5 The Employee understands and agrees, as per the Employer's Protection of Personal Information Policy, that his/her Personal Information may be transferred to another country for the purpose of storage on a Cloud Based Storage Facility where the physical storage medium is situated in another country. In this regard the Company shall only make use of service providers, located in countries that offer adequate protection for



Personal Information. This may be achieved in terms of relevant legislation, a Service Agreement or similar undertaking, in terms of which the service provider offers adequate protection for Personal Information under its control.

- 1.6 The Employee warrants that any and all Personal Information provided by him/her shall at all times be accurate and to immediately notify the Company if any Personal Information previously disclosed is no longer relevant, outdated or inaccurate.
- 1.7 The processing of Personal Information by the Company shall further be subject to any applicable Company policy that may be amended from time to time.
- 1.8 The Employee agrees to familiarize him/her with all company policies and associated procedures, specifically including all policies pertaining to the Protection of Personal Information, and to strictly adhere thereto.

## 6. PROTECTION OF PERSONAL INFORMATION CLAUSE FOR INDEPENDENT CONTRACTOR AGREEMENT

### Protection of Personal Information

1. By signing this agreement, the Independent Contractor agrees to the processing of his/her Personal Information, including Special Personal Information as may be required and defined in and in accordance with both the Protection of Personal Information Act 4 of 2013 ("POPIA"), and the Company's Protection of Personal Information Policy:
  - 1.1 for any purpose connected with the business relationship which inter alia includes but not limited to,
    - 1.1.1 accounts, payments, and related administrative purposes;
    - 1.1.2 reporting in terms of legislation;
    - 1.1.3 risk management;
    - 1.1.4 access control;
    - 1.1.5 operational matters; and
    - 1.1.6 to serve or protect the Company's legitimate interests or the legitimate interests of third parties such as clients and / or other service providers.
  - 1.2 For purposes of this agreement, "processing" refers to processing as defined in POPIA and includes but is not limited to collecting, receiving, recording, organizing, collating, storing, updating, retrieving, altering, using, disseminating, distributing, merging, linking, blocking, degrading, erasing or destroying of any Personal Information.
  - 1.3 The Independent Contractor consents to the processing of relevant Personal Information by third parties for the operational purposes of the Company, such as but not limited to <<example>>.
  - 1.4 The Independent Contractor further consents to the transfer and processing of his/her relevant Personal Information, where so required, by clients and other service providers of the Company, whether based in South Africa or in other jurisdictions. Such Personal Information will only be used by third parties in the furtherance of their responsibilities to the Company, vice versa, and will also be governed by the provisions of the Protection of Personal Information Act and in accordance with their own policies.
  - 1.5 The Independent Contractor warrants that any and all Personal Information provided by him/her shall at all times be accurate and to immediately notify the Company if any Personal Information previously disclosed is no longer relevant, outdated or inaccurate.
  - 1.6 The processing of Personal Information by the Company shall further be subject to any applicable Company policy that may be amended from time to time.
  - 1.7 The Independent Contractor agrees to familiarize him/her with all company policies and associated procedures relating to the Protection of Personal Information, and to strictly adhere thereto. The Independent Contractor further agrees that despite being bound by some policies that are also applicable to the employees of the

Company, it shall not be interpreted to in any manner whatsoever imply that the nature of the relationship between the Company and the Independent Contractor is that of employer and employee.

## 7. PROTECTION OF PERSONAL INFORMATION ADDENDUM FOR EMPLOYMENT CONTRACTS

### ADDENDUM TO EMPLOYMENT AGREEMENT

**THIS ADDENDUM TO THE EMPLOYMENT AGREEMENT** is made as of the \_\_\_\_\_ day of \_\_\_\_\_ of 2021, by and between Lowveld Bus Service ("Employer") and \_\_\_\_\_ ("Employee").

1. The Employer and Employee hereby amend the Employment Agreement, by the introduction of the Protection of Personal Information Act no. 4 of 2013, as well as relevant Employer policies to the employment relationship.
2. The parties acknowledge that the Employment Agreement is amended by this Addendum only insofar it applies to the Protection of Personal Information.
3. By signing this agreement, the Employee expressly gives the Employer permission to process his/her Personal Information, including special Personal Information (i.e. race, trade union membership, biometric information) as defined in and in accordance with both the Protection of Personal Information Act 4 of 2013 ("POPIA"), and the Employer's Data Privacy Policy:
  - 3.1 for any purpose connected with the employment relationship which inter alia includes but not limited to,
    - 3.1.1 remuneration and benefits;
    - 3.1.2 reporting in terms of legislation;
    - 3.1.3 risk management (i.e., vehicle and electronic equipment tracking, CCTV surveillance system monitoring, internet and email communication and usage, alcohol and drugs screening procedures, verification of identification and drivers licences, etc.);
    - 3.1.4 access control;
    - 3.1.5 operational matters; and
    - 3.1.6 to serve or protect the Employer's legitimate interests or the legitimate interests of third parties such as clients and / or service providers.
  - 3.2 For purposes of this agreement, "processing" refers to processing as defined in POPIA and includes but is not limited to collecting, receiving, recording, organizing, collating, storing, updating, retrieving, altering, using, disseminating, distributing, merging, linking, blocking, degrading, erasing or destroying of any Personal Information .
  - 3.3 The Employee consents to the processing of relevant Personal Information , including that of his/her nominated beneficiaries (i.e. husband, wife, children) by third parties such as but not limited to associated employee benefit administrators (Group Life and Disability cover, Medical Aid, Retirement Funds).
  - 3.4 The Employee further consents to the transfer and processing of his/her relevant Personal Information where so required by clients and other service providers of the Employer, whether based in South Africa or in other jurisdictions. Such Personal

Information shall only be used by third parties in the furtherance of their responsibilities to the Employer, vice versa, and will also be governed by the provisions of the Protection of Personal Information Act and in accordance with their own policies.

4. The Employee warrants that any and all Personal Information provided by him/her shall at all times be accurate and to immediately notify the Employer if any Personal Information previously disclosed is no longer relevant, outdated or inaccurate.
5. The processing of Personal Information by the Employer shall further be subject to any applicable Employer policy that may be amended from time to time.
6. The Employee agrees to familiarize him/her with all company policies and associated procedures, specifically including all policies pertaining to the Protection of Personal Information, and to strictly adhere thereto.

SIGNED AT \_\_\_\_\_ ON THE \_\_\_\_\_ OF \_\_\_\_\_ 202\_\_

\_\_\_\_\_  
EMPLOYER (Full name, signature)

\_\_\_\_\_  
EMPLOYEE (Full name, signature)

## 8. PROTECTION OF PERSONAL INFORMATION FOR JOB APPLICATIONS

1. By signing this agreement, the Job Applicant expressly gives Lowveld Bus Service ("the Company") permission to process his/her Personal Information, including special Personal Information (i.e. race, trade union membership, biometric information) as defined in and in accordance with both the Protection of Personal Information Act 4 of 2013 ("POPIA"), and the Company's Data Privacy Policy.
2. All Personal Information that we collect will be processed, and held in accordance with the provisions of the Protection of Personal Information Act your rights thereunder as well as our Data Privacy Policy.
3. By not providing us with the Personal Information as requested on this form, we will not be able to consider your application for employment.
4. For complete details of our collection, processing, storage, and retention of Personal Information including, but not limited to, the purpose(s) for which personal information is used, the legal basis or bases for using it, details of your rights and how to exercise them, and Personal Information sharing, where applicable, please refer to our Privacy Notice and Data Privacy Policy available from [anneska.dejager@lowveldbus.co.za](mailto:anneska.dejager@lowveldbus.co.za) or [www.Lowveldbus.co.za](http://www.Lowveldbus.co.za).
5. For the purposes of this form, your Personal Information as required above / below shall be used for the following purposes:
  - 5.1 background checks such as identity, credit, criminal record, qualification/s and \_\_\_\_\_ (other) verifications.
  - 5.2 employment history verification
  - 5.3 \_\_\_\_\_.
6. Your Personal Information may be shared with third parties as required for the purposes of fulfilment of this application.
7. In terms of relevant labour legislation, such as the Basic Conditions of Employment Act, the Employment Equity act, etc.), we must obtain your Personal Information as per on this form. Should you refuse to make such information available to us, we will not be able to consider your application for employment with the Company.
8. Your Personal Information will be kept for a period of 12 months after the date of this application, for the purposes of recording keeping and prospective employment, where after it will be destroyed and/or deleted.
9. By signing this form, you agree to us processing your Personal Information as per above.

SIGNED AT \_\_\_\_\_ ON THE \_\_\_\_\_ OF \_\_\_\_\_ 202\_\_

\_\_\_\_\_  
APPLICANT (Full name and signature)

## 9. PROTECTION OF PERSONAL INFORMATION FOR WHATSAPP/FACEBOOK AND OTHER SOCIAL MEDIA GROUPS IN THE WORKPLACE

Members agree, by virtue of participation or inclusion to the following:

1. Any Personal Information (including opinions, views, preferences) shared on this group is done voluntarily.
2. Disclosed Personal Information is considered to have been made deliberately public.
3. Disclosed Personal Information may only be processed by the owner / custodian / administrator / or other members of this group, for lawful purposes specifically related to the primary purpose and / or activities of this group and / or of Lowveld Bus Service.
4. Personal Information disclosed on this group must be processed in accordance with all relevant company policies and the Protection for personal Information Act.
5. It is presumed that when you post the Personal Information of another person on the group, including of those that are not members of this group, consent was first obtained from them.
6. The owner(s) / custodian(s) / administrator(s) / member(s) of this group cannot be held liable for any consequences flowing from the disclosure of any Personal Information on the group.
7. Please respect the privacy of other group members and do not discuss the content of this group with anyone outside the group, unless so required operationally or alternatively with the consent of the owner(s) / custodian(s) / administrator(s) of the group.
8. Please do not share posts or screenshots from the group on other social media platforms.
9. If you deem content on the group to be defamatory or inappropriate, please explicitly disassociate yourself from the content by commenting on its inappropriateness and / or reporting such content immediately to the custodian(s) / owner(s) / administrator(s) of the group.
10. **For WhatsApp groups:** Ensure that pictures shared on the group are not automatically saved on your camera roll. You can ensure this by changing the settings in the group info tab.



## **10. EMAIL DISCLAIMER**

*This e-mail and any attachments are confidential and intended solely for the addressee and may also be privileged or exempt from disclosure under applicable law. If you are not the addressee, or have received this e-mail in error, please notify the sender immediately, delete it from your system and do not copy, disclose or otherwise act upon any part of this e-mail or its attachments. Internet communications are not guaranteed to be secure or virus-free. We do not accept responsibility for any loss arising from unauthorised access to, or interference with, any Internet communications by any third party, or from the transmission of any viruses. We may monitor replies to this e-mail for operational or business reasons. Any opinion or other information in this e-mail or its attachments that does not relate to our business is personal to the sender and we do not endorse it.*

**11. FORM 4 OF POPIA REGULATIONS – CONSENT TO DIRECT MARKETING BY ELECTRONIC COMMUNICATION**

**APPLICATION FOR THE CONSENT OF A DATA SUBJECT FOR THE PROCESSING OF PERSONAL INFORMATION FOR THE PUPOSE OF DIRECT MARKETING IN TERMS OF SECTION 69(2) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE ROTECTION OF PERSONAL INFORMATION, 2018  
(Regulation 6)**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(name of the data subject)

FROM: Lowveld Bus Service  
501-4 Grooffontein, R510  
**Ellisras, 0555**  
Contact number 014 763 2280/1  
Email address: info@lowveldbus.co.za

Full names and designation of persons signing on behalf of the company:

\_\_\_\_\_

\_\_\_\_\_  
Signature of the designated person

\_\_\_\_\_  
Date

**PART B**

I, \_\_\_\_\_ (full names of data subject) hereby:

give my consent to receive direct marketing of goods or services to be marketed by means of electronic communication.

Specify goods or services: \_\_\_\_\_

\_\_\_\_\_

Specify method of communication:

FAX: \_\_\_\_\_

Email: \_\_\_\_\_

SMS: \_\_\_\_\_

Others (Specify): \_\_\_\_\_

SIGNED AT \_\_\_\_\_ ON THE \_\_\_\_\_ OF \_\_\_\_\_ 202\_\_\_\_\_

\_\_\_\_\_  
Signature of Data Subject

## 12. OUR POLICY GLOSSARY

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Confidential information	<p>Confidential information is information that is available only to specified and relevant employees within the organisation. Confidential information should be subject to strict access controls. Unauthorised disclosure, modification or destruction of confidential information could cause us, another organisation, or individual, significant harm, or provide an unfair advantage.</p> <p>Examples include:</p> <ul style="list-style-type: none"><li>• contracts and agreements;</li><li>• tender documents;</li><li>• security-related information, such as, server configurations and password documents;</li><li>• infrastructure or network information (including hardware and software);</li><li>• research data and associated information;</li><li>• information relating to supply or procurement of goods or services before approval;</li><li>• legal advice or other information on legal action against or by us;</li><li>• trade secrets, intellectual property intended for commercialisations;</li><li>• business plans and projects while in development;</li><li>• internal memoranda and emails;</li><li>• minutes and agendas;</li><li>• technical documents such as system configurations and floor plans;</li><li>• research reports and publications;</li><li>• internal audit reports; and</li><li>• risk registers and reports.</li></ul>
Incident	<p>An incident includes:</p> <ul style="list-style-type: none"><li>• non-compliance with this policy and any related procedures;</li><li>• contraventions of any data protection legislation such as the POPIA; and</li><li>• security incidents such as breaches of confidentiality, failures of integrity or interruptions to the availability of personal information.</li></ul>
Information processing activities	<p>An information processing activity is a collection of interrelated tasks that achieve a specific result during which information is created, collected, used, transformed, stored or destroyed.</p> <p>A processing activity is important if we could experience critical or high levels of risk if the process or activity is disrupted or could no longer continue.</p>
Our information	<p>All data, records, and knowledge in electronic or any other format that forms a part of the intellectual capital we use, transform, or produce. It includes public, private, confidential, and personal information.</p>
Personal information	<p>Personal information means any information relating to an identifiable individual (living or deceased) or an existing organisation (e.g. an organisation</p>

or public body). This includes the personal information of all customers, staff members, job applicants, shareholders, board members, service providers, contractors, suppliers, members of the public, and visitors.

Examples include:

- identifiers such as a name identity number, staff number, account number, customer number, company registration number, tax number, photos, videos, or any other unique information that can be used to identify a person;
- demographic information such as race, gender, sex, pregnancy, marital status, national or ethnic or social origin, colour, sexual orientation, age, religion, conscience, belief, culture, language and birth;
- information relating to physical or mental health, wellbeing or disability;
- background information such as education, financial, employment, medical, criminal or credit history;
- contract details such as: physical and postal address, email address, telephone number, online identifier (e.g. a person's twitter handle) or location information;
- biometric information: this refers to techniques of identification that are based on physical, physiological, or behavioural characterisation such as blood-typing, fingerprinting, DNA analysis, retinal scanning, facial recognition and voice recognition;
- someone's opinions, views, and preferences;
- private or confidential correspondence and any further correspondence that would reveal the contents of the original correspondence;
- views or opinions about a person, such as interview notes and trade references; and
- the criminal behaviour of a data subject to the extent that the information relates to the data subject allegedly committing an offence; or any proceedings in respect of the alleged offence.

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POPIA

The Protection of Personal Information Act 4 of 2013 and its regulations.

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Private information

Private information is our information that is only available to authorised employees. The release of this information to the general public could cause us, another organisation, or an individual minor harm.

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Public information

Public information is our information that is publicly available without restriction, and that is unlikely to cause us, another organisation, or an individual harm.

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Record

Information created, received and maintained by the organisation as evidence of actions or decisions, to meet legal, regulatory, fiscal, operational and historical requirements.

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The organisation/we/us

Imperial Logistics Motion T/A Lowveld Bus Service

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Third parties

External organisations or individuals

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### 13. DOCUMENT METADATA

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