Smart TRUCK HIRE
The Smartest Way To Rent

Smart Truck Hire (Pty) Ltd
T/A SMART TRUCK HIRE (PTY) LTD
REGISTRATION NUMBER: 2006/023521/07

DOCUMENT RETENTION POLICY

It is Smart Truck Hire (Pty) Ltd's Policy to maintain complete, accurate and high quality Records including Records consisting Personal Information of Data Subjects. Records are to be retained for the period of their immediate use, unless longer retention is required for historical reference, contractual, legal or regulatory requirements or for other purposes as may be set forth below. Records that are no longer required, or have satisfied their required periods of retention, shall be destroyed.

No Officer, Director, Employee, Contractor or Volunteer of Smart Truck Hire (Pty) Ltd shall knowingly destroy a document with the intent to obstruct or influence the investigation or proper administration of any matter within the jurisdiction of any Government department or agency or in relation to or contemplation of any such matter or case. This Policy covers all Records and Documents of Smart Truck Hire (Pty) Ltd.

Responsibility For Administration

The Information Officer of Smart Truck Hire (Pty) Ltd shall be responsible for administering this Policy.

Purpose Of This Policy

It is the Policy of Smart Truck Hire (Pty) Ltd:

- To comply with applicable legal and regulatory duties to retain documents;
- To possess all documents needed for Smart Truck Hire (Pty) Ltd's normal business purposes, including the administration of our ongoing business relationships;
- Therefore, Smart Truck Hire (Pty) Ltd directs and expects all Officers, Directors, Employees, Contractors and Volunteers to follow the Rules and Procedures set forth herein. Please be aware that "documents" includes not only documents in paper form, but e-mail messages and all other forms of electronically stored information. Also be aware that the Rules and Procedures apply to all computers and other electronic devices provided to the Operator by Smart Truck Hire (Pty) Ltd for use in the business of Smart Truck Hire (Pty) Ltd, regardless of whether those computers or devices are used on Smart Truck Hire (Pty) Ltd's premises or elsewhere.

Legal Hold On Documents

From time to time, the Information Officer of Smart Truck Hire (Pty) Ltd may issue a "legal hold", suspending the destruction of any Records due to pending, threatened, or otherwise reasonably foreseeable litigation, audits, Government investigations, or similar proceedings. If and when the Directors, Officers and Employees of Smart Truck Hire (Pty) Ltd informed of this by the Information Officer, the Directors, Officers and Employees are under a duty to discard any documents relevant to the subject matter of the lawsuit, investigation or proceeding.

The Directors, Officers and Employees shall be informed of the specific types of documents that are relevant and must be retained for these purposes by the Information Officer. Until that point in time, the Directors, Officers and Employees of Smart Truck Hire (Pty) Ltd may not discard any document that may be relevant without the written approval of the Information Officer. If in doubt, the document needs to be saved.

In all other circumstances, Directors, Officers and Employees must retain the documents listed in the Schedule hereto for the periods of time set forth in that Schedule. The Schedule reflects Smart Truck Hire (Pty) Ltd's legal obligations for document retention.

The Information listed in the Schedule is intended as a guideline and may not contain all the Records that Smart Truck Hire (Pty) Ltd may be required to keep in the future. Questions regarding the retention of documents not listed in this Schedule should be directed to the Information Officer of Smart Truck Hire (Pty) Ltd.

Failure to follow the Document Retention Policy can result in possible civil and criminal sanctions against Smart Truck Hire (Pty) Ltd and its Officers, Directors and Employees, and possible disciplinary action against responsible individuals, up to and including termination of employment.

Schedule

1. Companies (Companies Act 2008)

The **Companies Act, No. 71 of 2008**, consolidates and amends the Law relating to companies. This Act became effective 1 May 2011 and should be read with the Companies Amendment Act, No 3 of 2011, and the Companies Regulations, 2011.

The Act expressly provides that Records must be kept "in written form, or other form or manner that allows that information to be converted into written form within a reasonable time."

	DOCUMENT	RETENTION PERIOD
1.1	General rule: Any documents, accounts, books, writing, records or other information required to be kept in terms of the Act and other public regulations	7 years
1.2	Registration Certificate	Indefinite
1.3	Memorandum of Incorporation and alterations or amendments	Indefinite
1.4	Rules	Indefinite
1.5	Certificated Securities Register and Uncertificated Securities Register	Indefinite
1.6	Register of Company Secretary and Auditors	Indefinite
1.7	Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) - Register of disclosures of person who hold beneficial interest equal to or in excess of 5% of the Securities of that Class issued	Indefinite
1.8	Notice and Minutes of all Shareholders Meetings including: - Resolutions adopted - Document made available to the Holders of Securities	7 years
1.9	Copies of Reports presented at the Annual General Meeting of the company	7 years
1.10	Copies of Annual Financial Statements required by the Act	7 years
1.11	Copies of Accounting Records as required by the Act	7 years
1.12	Record of Directors and past Directors, after the Director has retired from the company	7 years
1.13	Written communication to the Holders of Securities	7 years
1.14	Minutes and Resolutions of Directors' Meetings, Audit Committee and Directors' Committees	7 years

2. STATE-OWNED ENTITIES (Public Finance Management Act)

State-owned entities have to apply the **Public Finance Management Act, No. 1 of 1999 (PFMA)**. Entities that fall under the definition of the PFMA are National and Provincial Government, which would include entities such as The Human Rights Commission, the Competition Board, Eskom, Denel, etc. The PFMA has a list of all the entities that it applies to in the Schedules attached to the Act.

Paragraph 40(1)(a) of the PFMA states that: "The Accounting Officer for a department, trading entity or constitutional institution must keep full and proper Records of the financial affairs of the department, trading entity or constitutional institution in accordance with any prescribed norms and standards"

Accounting Officers must retain all Financial Information in its original form as follows:

· Information relating to one financial year – should be retained for one year after the Audit Report for the relevant financial year has been tabled in Parliament or the provincial legislature.

· Information relating to more than one financial year – should be retained for one year after the Audit Report for the last of the financial years to which the information relates.

If the retention period has expired, the information may be stored in an alternative form that still ensures the integrity and reliability of the Information.

The Treasury Regulations Section 17(2) to the PFMA provides the detailed guidance to this Section of the PFMA regarding the retention of documents.

State-owned entities that are registered companies must comply with the requirements that are the most stringent between the Companies Act and the PFMA.

	DOCUMENT	RETENTION PERIOD
2.1	General Ledger and Cash Books or similar records	15 years
2.2	Internal Audit Reports	10 years
2.3	Main transaction summary Records, including General Journals and Transaction Summaries.	10 years
2.4	Primary evidentiary Records, including copies of forms issued for value, vouchers to support payments made, pay sheets, returned warrant vouchers or cheques, invoices and similar Records associated with the receipt or payment of money	5 years
2.5	Source documents; General and incidental source documents not included above, including stock issue and receivable notes, copies of official orders (other than copies for substantiating payments or for unperformed contracts), bank deposit books and post registers	5 years
2.6	Subsidiary ledgers, including inventory cards and records relating to assets no longer held or liabilities that have been discharged	5 years
2.7	Supplementary Accounting Records, including, for example, cash register strips, bank statements and time sheets	5 years
2.8	System appraisals	10 years

Municipal Finance Management Act

The **Municipal Finance Management Act, No. 56 of 2003, (MFMA)** applies to all municipalities and municipal entities and has as its goal to secure sound and sustainable management of the financial affairs of municipalities and other institutions in the local sphere of government.

With regards to the retention of documents it states in Section 62(1)(b) that:

"The Accounting Officer of a Municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that full and proper Records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards".

Due to the absence of more specific guideline, we advise that the same periods as for the PFMA are used, except where specific other regulations are available for use in the various industries.

3. CLOSE CORPORATIONS

The **Close Corporations Act, No. 69 of 1984**, has the goal of providing for the management, control and liquidation of close corporations. The Administrative Regulations identify the various periods that documents relating to the Close Corporation must be retained.

	DOCUMENT	RETENTION PERIOD
3.1	Accounting Records, including supporting Schedules to Accounting Records and ancillary Accounting Records	15 years
3.2	Amended Founding Statement (forms CK 2 and CK 2A)	Indefinite
3.3	Annual Financial Statements, including Annual Accounts and the Report of the Accounting Officer	15 years
3.4	Founding Statement (Form CK 1)	Indefinite
3.5	Microfilm image of any original Record reproduced directly by the camera – the "camera master"	Indefinite
3.6	Minutes Books as well as Resolutions passed at Meetings	Indefinite

4. LABOUR RELATIONS

Employee relations are governed by a variety of legislation, including the **Basic Conditions of Employment Act 1997 and the Labour Relations Act 1995**.

The Basic Conditions of Employment Act, No. 75 of 1997, states that various documents relating to Employees should be kept for future reference.

	DOCUMENT	RETENTION PERIOD
4.1	Written particulars of Employee must be kept after termination of employment.	3 years
4.2	Employee's name and occupation	3 years
4.3	Time worked by each Employee	3 years
4.4	Remuneration paid to each Employee	3 years
4.5	Date of birth of any Employee under 18 years of age	3 years

There is also a reference that an Employer who keeps Records in terms of this section is not required to keep any other record of time worked and remuneration paid as required by any other Employment Law.

The Labour Relations Act, No. 66 of 1995, applies to Employees, Employers, Trade Unions and Employers' Organisations and provides a framework where the Parties can collectively bargain regarding remuneration, basic conditions of service and other matters of importance.

Various Records relating to the structures created in this Act have to be kept for future reference.

	DOCUMENT	RETENTION PERIOD
4.6	Bargaining Council must retain the following documents in original or reproduced form: - Books of account - Supporting vouchers - Income and expenditure Statements - Balance Sheets - Auditor's Reports - Minutes of its Meetings	3 years
4.7	Registered Trade Unions and registered Employers' Organisations must retain the following documents in original or reproduced form: - Books of account - Supporting vouchers - Records of subscriptions or levies paid by its Members - Income and expenditure Statements - Balance Sheets - Auditor's Reports - Minutes of its Meetings	3 years
4.8	Registered Trade Unions and registered Employers' Organisations must retain a list of its Members	Indefinite
4.9	Registered Trade Unions and registered Employers' Organisations must retain the ballot papers for a period of three years from the date of every ballot	3 years
4.10	Records to be kept by the Employer in original or reproduced form: - Collective agreements - Arbitration award	3 years

4.11	Employers must keep prescribed details of any strike, lock-out or protest action involving its Employees	Indefinite
4.12	Employers should keep Records for each Employee specifying the nature of any disciplinary transgressions, the actions taken by the Employer and the reasons for the actions	Indefinite
4.13	The Commission must keep the following Records: - Books of accounts - Records of income, expenditure, assets and liabilities	Indefinite

5. AUDITORS

The **Auditing Profession Act, No. 26 of 2005**, implicitly requires that documents should be retained for 3 years. Section 47 requires the Regulatory Board, or any person authorised by it, to inspect or review the practice of a Registered Auditor at least every three years.

The International Standard on Quality Control (ISQC 1) paragraph A61 specifically requires that the retention period for audit engagements is to be no shorter than five years from the date of the Auditors' Report.

	DOCUMENT	RETENTION PERIOD
5.1	Working papers, statements, correspondence, books or other document in the possession or under the control of a Registered Auditor	5 years after completion of the audit

6. HEALTH AND SAFETY

The Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993, provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by Employees in the course of their employment or for death by these injuries at their place of work.

The Act states that certain Records relating to the earnings should be retained

	DOCUMENT	RETENTION PERIOD
6.1	Registers, Record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the Employees	4 years

The Occupational Health and Safety Act, No. 85 of 1993 was enacted to provide for the health and safety of Employees at work and for persons using plant and machinery as well as other hazardous employment conditions. Certain documents have to be kept based on the Administrative Regulations.

	DOCUMENT	RETENTION PERIOD
6.2	A Health and Safety Committee shall keep Record of each recommendation made to an Employer in terms of issues affecting the health of Employees and of any Report made to an Inspector in terms of the recommendation	3 years
6.3	Records of incidents reported at work (Annexure 1 of the General Administration Regulations, 2003)	3 years
6.4	Records of assessments and air monitoring, and the asbestos inventory (Asbestos Regulations, 2001)	Min of 40 years
6.5	Medical surveillance records (Asbestos Regulations, 2001)	Min of 40 years
6.6	Records of risk assessments and air monitoring results (Hazardous Biological Agents Regulations)	40 years
6.7	Medical surveillance records (Hazardous Biological Agents Regulations)	40 years
6.8	Records of assessments and air monitoring (Hazardous Chemical Substances Regulations, 1995)	30 years
6.9	Medical surveillance records (Hazardous Chemical Substance Regulations, 1995)	30 years
6.10	Records of assessments and air monitoring (Lead Regulations, 2001)	40 years
6.11	Medical surveillance records (Lead Regulations, 2001)	40 years
6.12	All records of assessments and noise monitoring (Noise-induced Hearing Loss Regulations, 2003)	40 years
6.13	All medical surveillance records, including the baseline audiogram of every employee (Noise-induced Hearing Loss Regulations, 2003)	40 years

7. CREDIT AGREEMENTS

The public is protected by the **National Credit Act, No. 34 of 2005**, to promote and advance the social and economic welfare of Consumers, by promoting a fair and transparent credit industry and assisting Consumers to make more informed decisions before buying goods and services on credit. To ensure that this process occurs, certain documents must be retained.

	DOCUMENT	RETENTION PERIOD
7.1	Debt Counsellors, in respect of each Consumer: • Application for debt review; • Copy of all documents submitted by the Consumer; • Copy of rejection letter (if applicable); • Debt restructuring proposal; • Copy of any Order made by the Tribunal and/or the Court; • Copy of Clearance Certificate	3 years from the earlier of the date on which the Registrant created, signed or received
7.2	Credit Providers, in respect of each Consumer: • Application for credit; • Application for credit declined; • Reasons for decline of application for credit; • Pre-agreement statement and quote; • Credit agreement entered into with Consumer; • Documentation in support of steps taken in terms of Section 81(2) of the Act; • Record of payments made; • Documentation in support of any steps taken after default by Consumer	3 years from the earlier of the date on which the Registrant created
7.3	Credit Providers, in respect of operations: • Record of income, expenses and cash flow; • Credit transaction flows; • Management Accounts and Financial Statements	3 years from the earlier of the date on which the Registrant created
7.4	Credit Bureaux, • All documents relating to disputes, inclusive of but not limited to: ◦ documents from the Consumer; ◦ documents from the entity responsible for disputed information; ◦ documents pertaining to the dispute; • Correspondence addressed to and received from sources of information as set out in Section 70(2) of the Act	3 years from the earlier of the date on which the Registrant created
7.5	Details and results of disputes lodged by the Consumers	1.5 years
7.6	Enquiries	2 years
7.7	Payment Profile	5 years
7.8	Adverse information	1 year
7.9	Debt restructuring	Until a Clearance Certificate is issued

7.10	Civil Court Judgments	The earlier of 5 years or until the Judgment is rescinded by a Court or abandoned by the Credit Provider in terms of Section 86 of the Magistrate's Court Act, 32 of 1944
7.11	Administration Orders	The earlier of 10 years or until Order is rescinded by a Court
7.12	Sequestrations	The earlier of 10 years or until Order is rescinded by a Court
7.13	Liquidations	Unlimited
7.14	Rehabilitation Orders	5 years

8. ELECTRONIC COMMUNICATION

The **Electronic Communication and Transaction Act, No. 25 of 2005**, regulates electronic communication and to prohibit the abuse of Information. There are certain principles stated for the electronic collection of Personal Information and also the timeframe that this Information must be kept.

	DOCUMENT	RETENTION PERIOD
8.1	Personal Information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the Personal Information of a Data Subject	As long as information is used, and at least 1 year thereafter
8.2	A Record of any Third Party to whom the Personal Information was disclosed must be kept for as long as the Personal Information is used	As long as information is used and at least 1 year thereafter
8.3	All Personal Information which has become obsolete	Destroy

9. TAX

The **Income Tax Act, No. 58 of 1962**, is the Act governing all the Laws relating to income taxes and donations and the Value Added Tax Act, No. 89 of 1991, provides for the taxation of the supply of goods and services as well as the importation of goods. These Acts provide specific time periods that documents must be retained.

	DOCUMENT	RETENTION PERIOD
9.1	Income tax Records kept by person who has rendered a return including: • Ledgers • Cash books • Journals • Cheque books • Bank statements • Deposit slips • Paid cheques • Invoices • Stock lists • Other books of accounts • Electronic representations of information	5 years
9.2	Records relating to taxable capital gain or assessed capital loss (from date return received from Commissioner) • Agreement for acquisition, disposal or lease of asset - details of asset transferred into a trust • Copies of valuations used in determining the taxable capital gain or assessed capital loss • Invoices or other evidence of payment records such as bank statements and paid cheques relating to any costs claimed in respect of the acquisition, improvement or disposal of any asset • Details supporting the proportional use of an asset for both private and business purposes • Details of any continuous absence of more than 6 months from a primary residence, as contemplated in the Eighth Schedule	5 years
9.3	Documents relating to where objection and appeal is lodged	Until appeal / objection is final
	Value added tax	
9.4	Vendors are obliged to keep the following records: • Record of all goods and services • The rate of tax applicable to the supply and the Suppliers or their Agents • Invoices • Tax invoices • Credit notes • Debit notes • Bank statements • Deposit slips • Stock lists • Paid cheques	5 years

9.5	Records of importation of goods and documents • Bill of entry • Documents prescribed by Custom and Excise Act • Receipt for payment of import tax	5 years
9.6	Vendors should keep the following information: • Charts and codes of accounts • Accounting Instruction Manual • System and programme documentation which describes the accounting system used in the various accounting period.	5 years
9.7	Documentary proof substantiating the zero rating of supplies	5 years

The documents relating to the Income Tax must be retained in their original form or electronic format as prescribed by the Commissioner.

The documents relating to VAT shall be kept in either a book form for a period of 5 years after the completion of the last entry in the book or in another form for a period of 5 years after the completion of the last transactions to which they relate.

10. CONSUMER PROTECTION ACT No 68, 2008

The Consumer Protection Act, No 68 of 2008, seeks to promote a fair, accessible and sustainable marketplace, to provide for improved standards of consumer information and to provide for unfair marketing and business practices. The Act became effective on 31 March 2011 and should be read with the Consumer Protection Act Regulations. There are specific requirements for information to be kept by intermediaries, for auctions and promotional competitions.

	DOCUMENT	RETENTION PERIOD
	Disclosure by Intermediary as per Section 27(3)(b)	
10.1	Information provided to a Consumer by an intermediary - • Full names, physical address, postal address and contact details; • Id number and registration number; • Contact details of public officer in case of a juristic person; • Service rendered; • Intermediary fee; • Cost to be recovered from the Consumer; • Frequency of accounting to the Consumer; • Amounts, sums, values, charges, fees or remuneration specified in monetary terms	3 years
10.2	Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided	3 years
10.3	Record of advice furnished to the Consumer reflecting the basis on which the advice was given	3 years
10.4	Written instruction sent by intermediary to the Consumer	3 years
	Promotional competitions as per Section 36(3)(a)	

10.5	A person who conducts a promotional competition must retain – • Full details, including identity or registration numbers, addresses and contact numbers of the promoter; • Rules of promotional competition; • Copy of offer to participate in promotional competition; • Names and identity numbers of persons responsible for conducting the promotional competition; • Full list of prizes offered in promotional competition; • A representative selection of materials marketing the promotional competition; • List of all instances when the promotional competition was marketed, including dates, medium used and places where marketing took place; • Names and identity numbers of persons responsible for conducting the selection of prize winners in the promotional competition; • Acknowledgement of receipt, identity number and the date of receipt of the prize by the prize winner; • Declarations or affirmation that prize winners are not employees, directors, agents, or consultants who directly controls or is controlled by the promoter, or the spouses, life partners, business partners or immediate family members; • Basis of determining the prize winners; • Summary describing the proceedings to determine the winners; • Whether an independent person oversaw the determination of the prize winners; • The means by which the prize winners were announced and frequency; • List of name and identity numbers of prize winners; • List of dates when prizes were handed over to the prize winners; • Steps taken by the promoter to contact the winner; • Reasons for prize winner not receiving or accepting the prize and steps taken by promoter to hand over the prize	3 years
	Auctions as per Section 45 of the Act	
10.6	Written Agreement that contains the terms and conditions upon which the Auctioneer accepts the goods for sale.	3 years

11. Changes To this Policy

Smart Truck Hire (Pty) Ltd reserves the Right to amend, alter and terminate this Policy at any time

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