



Protection of Personal Information Act and PAIA Manual

1. INTRODUCTION

This POPI Act Policy and PAIA Manual describes the manner in which the company will meet its legal obligations and requirements concerning confidentiality, information security standards and access to information. The requirements within this policy are based upon the Protection of Personal Information Act, No 4 of 2013 and the Promotion of Access to Information Act, No 2 of 2000.

2. APPLICATION

The company needs personal information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by this manual. The company is, accordingly, the “responsible party” as defined in the POPIA and the company herewith further ensures that:

- 2.1. the data is processed lawfully, fairly and transparently;
- 2.2. the data is processed for the purpose for which it is collected;
- 2.3. the data will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- 2.4. the data is adequate, relevant and not excessive for the purpose for which it is collected;
- 2.5. the data is accurate and kept up to date;
- 2.6. the data will not be kept for longer than is necessary;
- 2.7. the data is processed in accordance with integrity and confidentiality principles, including physical and organisational measures to ensure that the personal information is both in physical and electronic form and are subject to appropriate levels and are subject to appropriate levels of security when stored, used and communicated by the company;
- 2.8. is processed in accordance with the rights of the customers, where applicable;
- 2.9. the customers have the right to be:
 - 2.9.1. notified that their personal information has been collected;
 - 2.9.2. notified that the data has been breached;
 - 2.9.3. know whether the company holds personal information about them and to access that information;
 - 2.9.4. request the correction or deletion of information which may be out of date, incomplete, misleading or unlawfully obtained;
 - 2.9.5. object to the company’s use of their personal information;
 - 2.9.6. object to the processing of personal information for purposes of direct marketing;
 - 2.9.7. complain to the Information Regulator regarding infringements of any right protected under the POPIA Act and institute civil proceedings regarding the non-compliance with the protection of their personal information.

3. PURPOSE OF PROCESSING OF PERSONAL INFORMATION

Our customer’s personal information may only be processed for specific purposes as set out herein.





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CONSUMERS	Operate and manage consumers' accounts and manage any application, agreement or correspondence consumers may have with the company
	Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or any other way in which the company wishes to inform clients of their products and services.
	Make or assist in making any credit decisions about consumers.
	Performing duties in terms of any agreement with consumers.
	To form a view of consumers as individuals and to identify, develop or improve product that may be of interest to consumers.
	Carry out market research, business and statistical analysis.
	Recovering any debt consumers may owe to the company complying with the company's regulatory and other obligations, performing any administrative and operational purposes including the testing of systems.
	Any other reasonably required purpose relating to the company's business.
EMPLOYEES	Contact details
	Employment history
	Refences
	Vetting information
	Financial information including banking details
	IT information
	General matters relating to employees; pension and medical aid
	Any other reasonably required purpose relating to the employment or possible employment relationship
SUPPLIERS	Verifying information and performing checks
	Purposes related to the agreement or business relationship or possible agreement or business relationship between the parties.
	Payment of invoices
	Complying with the company's regulatory and other obligations.
	Any other reasonably required purpose relating to the company's business.

4. CATEGORIES OF CUSTOMERS (DATA SUBJECTS AND PERSONAL INFORMATION)

EMPLOYEES	Name & contact details
	Identity documents, including passports, employment history and references
	Banking and financial details
	Details of payment to third parties (deductions from salary)
	Employment contracts, employment equity plans
	Medical Aid Records
	Pension Fund Records
	Remuneration Salary Records
	Performance Appraisals



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	Disciplinary Records
	Leave Records
	Training Records
CONSUMERS OR PROSPECTIVE CONSUMERS	Postal and/or street address
	Title and name
	Contact numbers and email addresses
	Ethnic group
	Emp history
	Age
	Gender
	Marital status
	Nationality
	Language
	Financial information
Identity or passport number	
SUPPLIERS	Name and contact details
	Identity and/or company information and directors' information
	Banking and financial information
	Information about their products or services
	Other information not specified and reasonably required to be processed for the company's business operations.

5. RECIPIENTS OF PERSONAL INFORMATION

The company herewith confirms that personal information will be shared as follows:

- 5.1. any firm, organisation or person that the company uses to collect payments and recover debts or to provide a service on its behalf;
- 5.2. any firm, organisation or person that provides the company with products or services;
- 5.3. any payment system the company uses;
- 5.4. regulatory governmental authorities or ombudsmen, or other authorities, including taxes authorities, where the company has a duty to share information;
- 5.5. third parties to whom payments are made on behalf of employees;
- 5.6. financial institutions from whom payments are received on behalf of customers;
- 5.7. any other operator not specified; and
- 5.8. employees, contractors and temporary staff and agents.

6. CROSS BORDER TRANSFER OF PERSONAL INFORMATION

Personal information may be transmitted transborder to the company's suppliers in other countries, and personal information may be stored in data services hosted outside South Africa, which may not have adequate data protection laws. The company will endeavour to ensure that its dealers and suppliers have adequate protection of personal information and that the consent of the clients or customers are obtained



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at all times except where it is for the benefit of the customer and there is no reasonable possibility to obtain such consent.

7. CROSS BORDER FLOW OF PERSONAL INFORMATION

The POPIA Act provides that personal information may only be transferred out of the Republic of South Africa if:

- 7.1. the recipient country can offer such data and adequate level of protection, i.e. its data privacy laws must be substantially similar to that contained within the POPIA Act; or
- 7.2. the consumer consents to the transfer of their personal data; or
- 7.3. the transfer is necessary for the performance of a contractual obligation between the customers and the company; or
- 7.4. the transfer is necessary for the performance of a contractual obligation between the company and a third party, in the interest of the client or customer; or
- 7.5. the transfer is for the benefit of the customer and it is not reasonably possible to obtain consent from the customer who would in all likelihood provide such consent;
- 7.6. the company may retain personal information collected from their customers for the period in which there is an ongoing legitimate business to maintain such personal information or to comply with applicable, legal, tax or accounting requirements.

8. SECURITY SAFEGUARDS

- 8.1. The company shall ensure the integrity and confidentiality of all personal information in its possession by taking responsible steps to identify all reasonably foreseeable risks to information security and to establish and maintain appropriate safeguards against such risks.
- 8.2. The company uses a range of physical, electronic and procedural safeguards to do so. The company updates these safeguards from time to time in order to address new and emerging security threats.
- 8.3. The company trains people on privacy matters as appropriate and seeks to limit access to personal information to those employees who need to know that information.
- 8.4. The company implements appropriate security measures to protect all personal information that is in the company's possession against accidental or unlawful destruction, loss, alteration, unauthorised disclosure, unauthorised access.
- 8.5. Where there are reasonable grounds to believe that personal information in the company's possession has been accessed or required by any unauthorised person, the company will notify the relevant regulator and the customer, unless a public body responsible for detection, prevention or investigation of offences or the relevant regulator informs the company that notifying the customer would impede a criminal investigation.

9. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

The customer has a right to the following related to the personal information kept by the company:

- 9.1. enquire what personal information the company has on record;
- 9.2. request access to the personal information that is held by the company;
- 9.3. ask the company to update, correct or delete any out of date or incorrect personal information on record;



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- 9.4. unsubscribe from any direct marketing communications that may be sent to the customers;
- 9.5. object to the processing of any personal information in the company's possession;
- 9.6. the prescribed form attached to this manual annexed as annexure "X" may be submitted to the company at any time for correction or deletion of customers' personal information on the company's system.

10. DIRECT MARKETING

All direct marketing communication shall contain the company and/or the company's details and an address or method for the customer to opt out of receiving further marketing communication.

- 10.1. Direct marketing – Direct marketing by electronic means to existing customers is only permitted if the customer's details were obtained in the context of a sale and service and for the purpose of marketing the same or similar product. The customer must be given the opportunity to opt out of receiving direct marketing on each occasion of their direct marketing;
- 10.2. Consent – the company may send electronic direct marketing communication to the customers who have consented to receiving it. The company may only approach the customer for consent once;
- 10.3. Record keeping – the company shall keep records of dates of consent, wording of the consent, who obtained the consent, proof of opportunity to opt out on each marketing contact and record of opt-outs.

11. DESTRUCTION OF DOCUMENTS

- 11.1. The documents may be destroyed. Personal information documents may be destroyed after the termination of the retention periods specified herein or as determined by the company from time to time.
- 11.2. Each Department is responsible for attending to the destruction of its documents and electronic records, which must be done on a regular basis.
- 11.3. Files must be checked in order to make sure that they may be destroyed and also to ascertain if there are important original documents in the file.
- 11.4. Original documents must be returned to the holder thereof, failing which, they should be retained by the company pending such return.
- 11.5. Deletion of electronic records must be done in consultation with the IT Department to ensure that the deletion information is incapable of being reconstructed and/or removed.

12. STATUTORY RETENTION PERIODS

Legislation	Document Type	Period
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Companies Act	<ul style="list-style-type: none"> • Any documents, accounts, books, writing, records or other info that a company is required to keep in terms of the Act; • Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities; • Copies of reports presented at the annual general meeting of the company; • Copies of annual financial statements required by the Act; • Record of directors and past directors, after the director has retired from the company; • Written comms to holders of securities and minutes and resolutions of directors' meetings, audit committee and directors' committees. 	7 years
	<ul style="list-style-type: none"> • Registration certificate; • Memorandum of Incorporation and alterations and amendments; • Rules; • Securities register and uncertified securities register; • Register of company secretary and auditors and • Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) – Register of disclosure of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued. 	Indefinitely
Consumer Protection Act	<ul style="list-style-type: none"> • Full names, physical address, postal address and contact details; • ID number and registration number; • Contact details of public officer in case of a justice person; • Service rendered; • Cost to be recovered from the consumer; • Frequency of accounting to the consumer; • Amounts, sums, values, charges, fees, remuneration specified in monetary terms; • Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions. 	3 years



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Financial Intelligence Centre Act	<ul style="list-style-type: none"> • Whenever a reportable transaction is concluded with a customer, the institution must keep record of the identity of the customer; • If the customer is acting on behalf of another person, the identity of the person on whose behalf the customer is acting and the customer's authority to act on behalf of that other person; • If another person is acting on behalf of the customer, the identity of that person and that other person's authority to act on behalf of the customer; • The manner in which the identity of the persons referred to above was established; • The nature of that business relationship or transaction; • In the case of a transaction, the amount involved and the parties to that transaction; • All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction; • The name of the person who obtained the identity of that person transaction on behalf of the accountable institution; • Any document or copy of a document obtained by the accountable institution. 	5 years
Compensation for Occupational Injuries and Diseases Act	Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees	4 years
	<u>Section 20(2) documents:</u> <ul style="list-style-type: none"> • Health and safety committee recommendations 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; • Records of incidents reported at work. 	3 years



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	<p><u>Asbestos Regulations 2001, Regulation 16(1):</u></p> <ul style="list-style-type: none"> Records of assessment and air monitoring, and the asbestos inventory; Medical surveillance records <p><u>Hazardous Biological agents Regulations 2001, Regulations 9(1) and (2):</u></p> <ul style="list-style-type: none"> Records of risk assessments and air monitoring; Medical surveillance records <p><u>Lead Regulations 2001, Regulation 10:</u></p> <ul style="list-style-type: none"> Records of assessments and air monitoring; Medical surveillance records <p><u>Noise-induced Hearing Loss Regulations 2003, Regulation 11:</u></p> <ul style="list-style-type: none"> All records of assessment and noise monitoring All medical surveillance records, including the baseline audiogram of every employee 	40 years
	<p><u>Hazardous Chemical Substance Regulations 1995 Regulation 9:</u></p> <ul style="list-style-type: none"> Records of assessments and air monitoring; Medical surveillance records 	30 years
Basic Conditions of Employment Act	<p>Section 29(4):</p> <ul style="list-style-type: none"> Written particulars of an employee after termination of employment; <p>Section 31:</p> <p>-Employee's name and occupation;</p> <ul style="list-style-type: none"> Time worked by each employee; Remuneration paid to each employee; Date of birth of any employee under the age of 18 years 	3 years
Employment Equity Act	<ul style="list-style-type: none"> Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act; Section 21 report which is sent to the Director General 	
Labour Relations Act	<p>Records to be retained by the employer are the collective agreements and arbitration awards.</p>	Indefinite
	<p>An employee must retain prescribed details of any strike, lock-out or protest action involving its employees</p>	



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Unemployment Insurance Act	Employers must retain personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed	5 years
Tax Administration Act	<p>Section 29 documents which:</p> <ul style="list-style-type: none"> • Enable a person to observe the requirements of the Act; • Are specifically required under a Tax Act by the Commissioner by the public notice; • Will enable SARS to be satisfied that the person has observed these requirements. 	5 years

Income Tax Act	<ul style="list-style-type: none"> • Amount of remuneration paid or due by him to the employee; • The amount of employee's tax deducted or withheld from the remuneration paid or due; • The income tax reference number of that employee; • Any further prescribed information ; • Employer Reconciliation return. 	5 years
Value Added Tax Act	<ul style="list-style-type: none"> • Where a vendor's basis of accounting is changed, the vendor shall prepare lists of debtors and creditors showing the amounts owing to the creditors at the end of the tax period immediately preceding the changeover period; • Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS; • Vendors are obliged to retain records of all goods and services, rate of tax applicable to the supply, list of suppliers or agents, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques; • Documentary proof substantiating the zero rating of supplies; • Where a tax invoice, credit or debit note, has been issued in relation to a supply by an agent or a bill of entry as described in the Customs and Excise Act, the agent shall maintain sufficient records to enable the name, address and VAT registration number of the principal to be ascertained. 	5 years



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PAIA MANUAL

INTRODUCTION

The PAIA or the Promotion of Access to Information Act gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or the protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual conforms requesters of procedural and other requirements which request must be met as prescribed by the Act.

1. NATURE OF THE BUSINESS

The company is engaged in the wholesale and retail sale of industrial and engineering supplies.

2. CONTACT DETAILS

EIS Engineering and Industrial Supplies cc
HJ Da Silva
50/54 Balfour Road, Jacobs, 4052
PO Box 12652, Jacobs, 4026
031 451 7700
finance@eis.co.za

3. GUIDE TO THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

A guide to the Act, (as contemplated under section 10 of the PAIA Act) is available from the South African Human Rights Commission. This guide contained such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its content should be directed to:

The South African Human Rights Commission; PAIA Unit (the Research and Documentation Department)
Postal Address: Private Bag X2700, Houghton, 2041
Telephone: +27-114 848 300
Fax number: +27-114 847 146
Website: www.saharc.org.za
Email: PAIA@sahrc.org.za

4. ACCESS TO RECORDS HELD BY THE COMPANY

Records held by the company may be accessed on request only once the requirements for access have been met. A requestor is any person making a request for access to a record of the company and in this regard, the Act distinguishes between two types of requestors:

- a. Personal requestor



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A personal requestor is a requestor who is seeking access to a record containing personal information about the requestor. Subject to the provisions of the Act and applicable law, the company will provide the requested information, or give access to any records with regards to the requestors personal information. The prescribed fee for reproduction of the information requested will be charged by the company.

1. Other requestor

This requestor (other than a personal requestor) is entitled to request access to information pertaining to third parties. However, the company is not obliged to grant access prior to the request of fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by the company.

5. REQUEST PROCEDURE

A requestor must comply with all the procedural requirements contained in the Act relating to a request for access to records. A requestor must complete the prescribed form enclosed herewith marked annexure "A" and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address stated herein. The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:

- the record or records requested;
- the identity of the requestor;
- what form of access is required; and
- the postal address, fax number or email of the requestor.

A requestor may state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is to be exercised or protected. The requestor must also provide an explanation of why the requested record is required for the exercise or protection of that right.

The company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.

The requestor shall be informed in writing whether access has been granted or denied. If in addition the requestor requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requestor must then submit proof of the capacity in which the requestor is making request to the satisfaction to this Information Officer.

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

6. DECISION

The company will within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the company has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30



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days if the request is for a large quantity of information, or the request requires a search for information held at another office of the company (other than the head office) and the information cannot reasonably be obtained within the 30-day period. The Information Officer will notify the requestor in writing should an extension be necessary.

7. FEES

The Act provides for two types of fees, the request fee, which will be a standard fee and an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs where applicable. When a request is received by the Information Officer of the company, the Information Officer shall by notice require the requestor, other than a personal requestor, to pay the prescribed request fee before further processing of the request. If a search for the record is necessary and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requestor to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requestor has paid the fee or fees as indicated. A requestor whose request for access to a record 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 requested form. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer shall repay the deposit to the requestor.

8. CATEGORIES OF RECORDS HELD BY THE COMPANY:

Subject	Category
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Companies Act Records	<ul style="list-style-type: none">• All trust deeds;• Documents of Incorporation;• Index of names of Directors;• Memorandum of Incorporation;• Minutes of meetings of the Board of Directors;• Minutes of meetings of Shareholders;• Proxy forms;• Register of debenture-holders• Register of directors' shareholdings;• Share certificates;• Share Register and other statutory registers and/or records and/or documents;• Special resolutions / resolutions passed at General and Class meetings;• Records relating to the appointment of:<ul style="list-style-type: none">➤ Auditors➤ Directors;➤ Prescribed Officer➤ Public Officer➤ Secretary
Financial Records	<ul style="list-style-type: none">• Account Records;• Annual Financial Reports;• Annual Financial Statements;• Asset Registers;• Bank Statements;• Banking details and bank accounts;• Banking Records;• Debtors / Creditors statements and invoices;• General ledgers and subsidiary ledgers;• General reconciliation;• Invoices;• Paid cheques;• Policies and procedures;• Rental agreements; and• Tax Returns



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<p style="text-align: center;">Income Tax Records</p>	<ul style="list-style-type: none"> • PAYE Records; • Documents issued to employees for income tax purposes; • Records of payments made to SARS on behalf of employees; • All other statutory compliances; • VAT; • Regional Services Levies; • Skills Development Levies; • UIF • Workmen’s Compensation
<p style="text-align: center;">Personnel Documents and Records</p>	<ul style="list-style-type: none"> • Accident books and records; • Address lists; • Disciplinary Code and Records; • Employee benefits arrangements rules and records; • Employment contracts; • Employment Equity Plan; • Forms and applications; • Grievance Procedures; • Leave Records; • Medical Aid Records; • Payroll Reports / Wage Register; • Pension Fund Records; • Safety, Health and Environmental Records; • Salary Records; • SETA Records; • Standard letters and notices • Training Manuals; • Training Records; • Workplace and Union Agreements and Records.
<p style="text-align: center;">Procurement Department</p>	<ul style="list-style-type: none"> • Standard Terms & Conditions for supply of services and products; • Contractor, client and supplier agreements; • Lists of suppliers, products, services and distribution; and Policies and Procedures.
<p style="text-align: center;">Sales Department</p>	<ul style="list-style-type: none"> • Customer details • Credit Application information • Information and records provided by a third party



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Marketing Department	<ul style="list-style-type: none"> • Advertising and promotional material
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports; • Risk management frameworks; and • Risk management plans.
Safety, Health and Environment	<ul style="list-style-type: none"> • Complete Safety, Health and Environment Risk Assessment; • Environmental Management Plans; • Inquiries, inspections, examinations by environmental authorities.
IT Department	<ul style="list-style-type: none"> • Computer / mobile devices usage policy documentation; • Disaster recovery plans; • Hardware asset registers; • Information security policies / standards / procedures; • Information technology systems and user manuals; • Information usage policy documentation; • Project implementation plans; • Software licencing; and • System documentation and manuals.
Corporate Social Responsibility	<ul style="list-style-type: none"> • CSR schedule of projects / record of organisations that receive funding; • Reports, books, publications and general information related to CSR spend; • records and contracts of agreement with funded organisations.

9. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

Records of a public nature, typically those disclosed on the company's website and in its various annual reports, may be accessed without the need to submit a formal application. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment interview such records will still have to be made with the Information Officer.



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10. REFUSAL OF ACCESS TO RECORDS

A private body such as the company is entitled to refuse a request for information if the information relates to the following:

The main grounds to refuse request:

- a. mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve unreasonable disclosure of personal information of that natural or juristic person;
- b. mandatory protection of personal information and/or for disclosure of any information in addition to any other legislative regulatory or contractual agreements in compliance with the provisions of the POPIA Act;
- c. mandatory protection of the commercial information of a third party if the record contains:
 - i) trade secrets of the first party;
 - ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - iii) information disclosed in confidence by a third party to the company if the disclosure could put that third party at its advantage in negotiations or commercial competition.
- d. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- e. mandatory protection of the safety of individuals and the protection of property;
- f. mandatory protection of records which would be regarded as privileged in legal proceedings.

The commercial activities of a private body such as the company, which may include:

- a. trade secrets of the company;
- b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the company;
- c. information which, if disclosed, could put the company at a disadvantage in negotiations or commercial competition;
- d. a computer program which is owned by the company and which is protected by copyright;
- e. the research information of the company or a third party if its disclosure would disclose the identify of the company, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- f. request for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused;
- g. all requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation;
- h. if a request record cannot be found or if the record does not exist, the Information Officer shall, by way of affidavit, notify the requestor that it is not possible to give access to the requested record.

11. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST

a. Internal remedies:

The company does not have internal appeal procedures. The decision made by the Information Officer is final. Requestors will have to exercise such external remedies as at their disposal if the request for



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information is refused and the requestor is not satisfied by the answer supplied by the Information Officer.

b. External remedies:

- a requester that is dissatisfied with the Information Officer's refusal to disclose information may, within 30 days of notification of the decision, apply to a court for relief;
- a third party dissatisfied with the Information Officer's decision to grant a request for information may, within 30 days of notification of the decision, apply to court for relief.

For purposes of the Act, the court that has jurisdiction over these applications are the Constitutional Court, High Court or another court of similar status and a Magistrates Court designated by the Minister of Justice and constitutional development, and which is presided over by a designated Magistrate.

12. LIST OF APPLICABLE LEGISLATION

Records of the company and other legal entities in which the company has a direct controlling interest or indirect controlling interest through its subsidiaries may be kept by or on behalf of the company in accordance with the following legislation:

- Basic Conditions of Employment Act 57 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003
- Collective Investment Schemes Control Act 45 of 2002
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Copyright Act 98 of 1978
- Currencies and Exchanges Act 9 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Services Board Act 97 of 1990
- Income Tax Act 58 of 1962
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health and Safety act 85 of 1993
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Prevention of Organised Crime Act 121 of 1998
- Prevention and combating of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Securities Transfer Tax Act 25 of 2007



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- Securities Transfer Tax Administration Act 26 of 2007
- Trade Marks Act 194 of 1993
- Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

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