



MANUAL FOR PAIA AND POPIA

Information Manual in terms of the **Promotion of Access to Information Act**, No. Act 2 of 2000 and the **Protection of Personal Information Act**, No. 4 of 2013, as approved by the CEO of Khauleza IT Solutions (Pty) Ltd on 30 June 2021

A. General

A.1. Background on the PAIA Act and the POPI Act

The right to privacy, including the privacy of personal information, and the right to information, in certain circumstances, including personal information, are essential in a free and democratic society. These rights must be balanced as they can be in conflict. The right to privacy is integral to human rights as recognized and protected in the South African Constitution and are given substance by the Promotion of Access to Information Act, No. 2 of 2000 (PAIA) and Protection of Personal Information Act, No. 4 of 2013 (POPIA). This legislation therefore provides the basis for protecting and regulating protection of personal information as well as access to information, including personal information, for legitimate and appropriate reasons and requirements.

A.2 Purpose of PAIA, POPIA and this Manual

A.2.1 PAIA aims to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights and therefore it provides third parties with the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or 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 informs Requestors of procedural and other requirements that a request must meet as prescribed by PAIA.

A.2.2 POPIA aims to give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at: **(1)** – balancing the right to privacy against other rights, particularly the right of access to information; and **(2)** – protecting important interests, including the free flow of information within the Republic and across international borders. POPIA also aims to regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information, provide persons with rights and remedies to protect their personal information from processing that is not in accordance with the POPIA, and establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by POPIA.

- A.2.3 This Manual aims to inform the request for Records and provides the requirements and guidelines to an individual or entity wishing to obtain Records. It should be noted that Records are not available as a matter of course but subject to the provisions of the Acts.
- B. This Manual will be updated from time to time and it is advised that any user hereof ensures, by liaising with the Information Offices, that such user has at his/her/its disposal the latest version.

Definitions and Abbreviations

- **Entity** – means Khauleza IT Solutions Proprietary Limited.
- **Information Officer** – means the Information Officer of the Entity as contemplated by the Acts, the contact details of whom, for purposes of this Manual and the Acts can be found on the 2nd page hereof.
- **Manual** – means this document, any annexes or appendices and any amendments or addenda hereto.
- **PAIA** - Promotion of Access to Information Act.
- **PI** (were used) – means Personal Information as defined in POPIA.
- **POPIA** – the Protection of Personal Information Act, 4 of 2013.
- **Records** – the records and information listed and contemplated in this Manual and/or contemplated in the Acts.
- **SAHRC** - South Africa Human Rights Commission, the contact details of which, for purposes of this Manual and the Acts can be found on the 3rd page hereof.
- **the Acts** – means the Promotion of Access to Information Act, No. 2 of 2000 and the Protection of Personal Information Act, No. 4 of 2013.

1. Introduction to the Entity

We provide Managed ICT Services ranging from Maintenance Services, Helpdesk, Procurement, IMACD (Installations, Moves, Additions, Changes and Disposals), Print Management Solutions, File Servers, Networks and the establishment of Communications Infrastructure. We have defined and implemented “Extended Services” in support of our Primary Services and these are based on Logistics Management and Centralised Repair Centres. These services enhance our efficiency in ensuring a high level of “uptime” of the Distributed

2. Particulars in terms of Section 51

2.1 Contact Details

- 2.1 Khauleza IT Solutions Proprietary Limited (“the Entity”)
- 2.2 Postal Address: P.O. Box 36013, Menlo Park, 0102
- 2.3 E-mail address: alisha.moodley@khauleza.co.za
- 2.3 Physical Address: 61 George Storrar Drive, Groenkloof, Pretoria, 0181
- 2.4 Telephone Number: +27 (0)12 346 0036
- 2.5 Web Address: www.khauleza.co.za
- 2.6 Information Officer: Alisha Moodley
- 2.7 Email Address of Information Offices: alisha.moodley@khauleza.co.za

2.2 Section 10 Guide

The South African Human Rights Commission (SAHRC) published a “Guide on how to use the Promotion of Access to Information Act 2 of 2000” which is available on the SAHRC website www.sahrc.org.za. Queries are to be directed to:

The South African Human Rights Commission; PAIA Unit – The Research and Documentation Department; Postal Address: Private Bag 2700, Houghton, 2041; Telephone Number: +27 11 877 3600; Fax Number: +27 11 484 7146; Web Address: www.sahrc.org.za; Email Address: paia@sahrc.org.za.

2.3 Other Legislation Records

Records (as amended) that are or may be available in terms of other legislation, in as far as such legislation is operative or applicable to the Entity at a relevant period or time, are as follows: **(1)** – the Basic Conditions of Employment, No. 75 of 1997; **(2)** – the Broad Based Black Economic Empowerment Act, No. 53 of 2003; **(3)** – the Companies Act, No. 61 of 1973; **(4)** – the Consumer Protection Act, No. 68 of 2008; **(5)** – the Compensation for Occupational Injuries and Health Diseases Act, No.130 of 1993; **(6)** – the Constitution of the Republic of South Africa, No. 108 of 1996; **(7)** – the Copyright Act, No. 98 of 1978; **(8)** – the Credit Agreements Act No. 75 of 1980; **(9)** – the Currency and Exchanges Act No. 9 of 1933; **(10)** – the Customs and Excise Act, No. 91 of 1964; **(11)** – the Debt Collectors Act, No. 114 of 1998; **(12)** – Disaster management Act, No. 57 of 2002; **(13)** – the Electronic Communications and Transaction Act. No. 25 of 2002; **(14)** – the Electrical Installations Regulations, GNR 242 of 6 March 2009; **(15)** – the Employment Equity Act, No. 55 of 1998; **(16)** – the Council for Built Environment Act, No. 43 of 2000; **(17)** – the Financial Intelligence Centre Act, No. 38 of 2001; **(18)** – the Mine Health & Safety Act, No. 29 of 1996; **(19)** – the National Credit Act, No. 34 of 2005; **(20)** – the National Road Traffic Act, No. 93 of 1996; **(21)** – the Income Tax Act, No. 95 of 1967; **(22)** – the Labour Relations Act, No. 66 of 1995; **(23)** – the Occupational Health & Safety Act, No. 85 of 1993; **(24)** – the Pension Funds Act, No. 24 of 1956; **(25)** – the Prevention of Organised Crime Act, No. 121 of 1998; **(26)** – the Promotion of Access to Information Act, No. 2 of 2000; **(27)** – the Protected Disclosures Act, Act 26 of 2000; **(28)** – the Protection of Personal Information Act, No. 4 of 2013; **(29)** – the Prevention and Combating Corrupt Activities Act, No. 12 of 2004; **(30)** – the Regional Services Councils Act, No. 109 of 1985; **(31)** – the Skills Development Levies Act, No. 9 of 1999; **(32)** – the Skills Development Act, No. 97 of 1998; **(33)** – The King IV Report on Corporate Governance for South Africa, 2016; **(34)** – the Tax on Retirement Funds Act, No. 38 of 1996; **(35)** – the Tobacco Products Control Act, No. 83 of 1993; **(36)** – the Unemployment Contributions Act No. 4 of 2002; **(37)** – the Unemployment Insurance Act, No. 63 of 2001; and **(38)** – the Value Added Tax Act, No. 89 of 1991.

2.4 Access to Entity Records

2.4.1 Records Freely Available

The following records, should same be or still be in existence, are freely available (and some may be available on the Entity website at www.vnarch.co.za) without having to request access in terms of the PAIA Act, section 52(2): **(1)** – the Entity Profile; **(2)** ISO 9001:2015 and 27001:2013 Certifications and OEM Certifications and Accreditations; **(3)** – the Professional Services and Capability Statements; **(4)** – the Empowerment and Skills Development policy and related instances thereof; **(5)** – the Corporate Social Investment Policy and related instances thereof; **(6)** - Descriptions of Projects executed; **(7)** - Location of Offices and contact details; and **(8)** – the information on our website at www.khauleza.co.za.

2.4.2 Records that may be requested

The following records may be requested based on, subject to and in accordance with the provisions of the relevant legislation or regulations:

2.4.2.1 **Corporate Records:** (1) – Registers required in terms of the Companies Act; (2) – Financial Records and Management Accounts; (3) – Audit Statements and Tax Records; (4) – Legal and Contractual Records; (5) – Corporate Policies and Procedures; (6) – Insurance Policies; (7) – Purchasing Records; (8) – Employee Records; (9) – Skills Development and Training Records; (10) – Pension Fund and Medical Aid Records; and (11) – Correspondence.

2.4.2.2 **Operational Records:** (1) – Project Records; (2) – Client Records; (3) – Contracts; (4) – Tenders; (5) – Project Plans, Reports, Designs, Drawings and Specifications; (6) – minutes and Correspondence; (7) – ISO Records; (8) – Time and Expense Records; and (8) – Billing Records.

2.4.3 Request Procedure

Form of Request: (1) – The Requester seeking information under PAIA must use the prescribed form (J752 Form C) to make the request for access to a record. This request must be made to the Information Officer. This request must be made to the address or electronic mail address of the body concerned [section 53(1)]. The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester. The Requester should also indicate which form of access is required. The Requester should also indicate if any other manner is to be used to inform the Requester and state the necessary particulars to be so informed [section 53(2)(a) and (b) and (c)]. (2) – The Requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [section 53(2)(d)]. (3) – If a request is made on behalf of another person, the Requester must then submit proof of the capacity in which the Requester is making the request to the satisfaction of the Information Officer [section 53(2)(f)].

Fees: (1) – A Requester who seeks access to a record containing PI about the Requester is not required to pay the request fee. Every other Requester, who is not a personal requester, must pay the required request fee. (2) – The Information Officer will notify the Requester (other than a personal requester) by notice, requiring the Requester to pay the prescribed fee (if any) before further processing the request [section 54(1)]. (3) – The fee that the Requester must pay to a private body is R50 (listed in the Guide referred to in Section 2.2 above). The Requester may lodge an application to the court against the tender or payment of the request fee [section 54(3)(b)]. (4) – After the Information Officer has made a decision on the request, the Requester will be notified in the required form and, should the request be granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [section 54(6)].

2.5 Matters regarding and in terms of POPIA (references are to sections in POPIA)

2.5.1 Section 13 – PI may only be collected for specific, explicitly defined and lawful purposes and the Data subject, as defined in POPIA, must be aware of the purpose for which the information is being collected.

- 2.5.2 Section 14 – Should PI no longer be needed for the specific purpose it must, unless its retention is legally required or allowed, allowed by contract or consent of the Data subject, be destroyed in a manner that prevents reconstruction. The Entity may retain PI, provided that it employs safeguards preventing use for any other purpose, for historical, statistical or research purposes and must retain same as required by all applicable legislation.
- 2.5.3 Section 15 – PI can only be used for the purpose for which it has been collected.
- 2.5.4 PI will only be transferred across borders due to hosted cloud storage services and then only in terms of the provisions of POPIA and the Entity will require that such service provider is contractually bound to ensure that: **(1)** – the country to which transfer occurs has the necessary legislative framework to ensure protection of the PI; **(2)** – there exists the necessary contractual framework between the service provider and third parties; and **(3)** – processes are implemented that meet industry or general standards of security, procedure and documentation (in as far as same may exist).
- 2.5.5 The Entity will use reasonable efforts in respect of security measures which may include virus protection, software updates, password controls, malware protection and physical security.
- 2.5.6 As an indication PI may and can be used for meeting contractual obligations, criminal record checks, keeping of records and accounts, employment application processes, credit worthiness checks, security clearance procedures, access control and physical security protocols and processes, statistical analysis for business information purposes, registering and attending to complaints, human resource processes and administration and tender process requirements.
- 2.5.7 The following PI, not intended as an exhaustive list, may be held by the Entity in respect of persons such as, again not intended as an exhaustive list, employees, directors, shareholders, clients, suppliers, service providers, contractors, distributors and value-added resellers:
- identity number, race, language, financial information, gender, telephone numbers, physical and postal addresses, banking details and account number, biometric data, credit check information as received, date of birth, educational information, employment history, marital status, email addresses, contact details, bank account numbers, SAPS clearance information received, next of kin details, medical records, first and last names of contact persons medical records, name of business or legal entity and registration number if relevant, entity VAT number; CIPC documentation, financial information; ISO Certifications; SARS and tax related information, skills certifications and OHS training records and documentation.
- 2.5.8 The Entity may share or supply PI with recipients such as:
- employees and representatives of the Entity, hosting partners, shareholders, clients, contractors, suppliers, vendors agents, entities involved in due diligence and/or reviews and/or audits and/or investigations and/or research and/or consulting to the Entity, third-party verification services, pension and/or provident and/or group risk Funds, collection agencies, sheriff of the court, regulatory, statutory or governments bodies, banks, insurance and other financial institutions.

2.6 Other Information

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

2.7 Manual Availability

This manual is available for inspection free of charge at our offices at 61 George Storrar Dr, Groenkloof, Pretoria, 0181. Copies are available on the Internet at www.khauleza.co.za or from the Information Officer.