

PAIA and POPIA Manual

PAIA AND POPIA MANUAL

Of

PULLIES AND GEARS (Pty)Ltd

Registration number: 1998/011392/07

In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000As

amended ("PAIA")

And

The Protection of Personal Information Act No.4 of 2013 as amended ("POPIA")

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1 Introduction

The Promotion of Access to Information Act, 2000 ("PAIA" / "the Act") gives effect to section 32 of the Constitution of the Republic of South Africa 1996, which provides that everyone has the right of access to information.

Section 51 of the Act requires that all private bodies (**PULLIES AND GEARS** is defined) prepare and make available a manual, to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies' records.

2 COMPANY Information and Contact Details of the Information Officer

The details of the COMPANY are as follows:

FULL NAME	PULLIES AND GEARS
REGISTRATION NUMBER	1998/011392/07
PHYSICAL ADDRESS	7F TSAKA ROAD SEBENZA EDENVALE GAUTENG, 1619.
POSTAL ADDRESS	P.O. BOX 3162. EDENVALE. GAUTENG. 1610.
EMAIL ADDRESS	admin@pulliesandgears.co.za
TELEPHONE NUMBER	0671699189

The responsibility for administration of, and compliance with, PAIA and POPIA have been delegated to the Information Officer. Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officer as follows:

INFORMATION OFFICER	Ms. MARILIA PINHO MANICA SUCENA DE MATOS
PHYSICAL ADDRESS	7F TSAKA ROAD SEBENZA EDENVALE GAUTENG, 1619.
POSTAL ADDRESS	P.O. BOX 3162. EDENVALE. GAUTENG. 1610
EMAIL ADDRESS	admin@pulliesandgears.co.za

3 SOUTH AFRICAN INFORMATION REGULATOR

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The PAIA guide is available in all official South African languages at no cost, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Information Regulator at:

The Information Regulator (South Africa)

JD House, 27 Stiemens

Street, Braamfontein,

Johannesburg, 2001

Telephone 010 023 5200

Facsimile 010 023 5241/42

E-mail PAIAComplaints@inforegulator.org.za

POPIAComplaints@inforegulator.org.za

Website [Home - Information Regulator \(inforegulator.org.za\)](http://inforegulator.org.za)

4 Applicable Legislation

The following are some of the legislation in terms of which records are held by **PULLIES AND GEARS**. This is not an exhaustive list and it must be pointed out that related records are not necessarily available to requestors in terms of the Act:

- Basic Conditions of Employment Act 57 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002

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- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act, No 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organized Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

5 Access to Records held by COMPANY

5.1 Automatic Disclosure of Records

Certain information is automatically available for inspection on request, including:

- Annual Reports
- Marketing Materials
- Other literature intended for public viewing

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5.2 Categories of Records Held by the COMPANY

The following categories of records and information that are not automatically available and will only be made available upon receipt and consideration of a request of information in the prescribed form in terms of **PAIA and POPIA**:

- Administration Records
- Agreement and Contractual Records
- Financial Records
- Human Resource Records
- Income Tax Records
- Information Technology Records
- Insurance Records
- Intellectual Property Records
- Legal Records
- Marketing Records
- Movable and Immovable Property Records
- Operation Records
- Public Affairs Records
- Statutory Compliance Records
- Tax Records
- Third Party Records

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6 REQUEST PROCESS

Records held by **PULLIES AND GEARS** may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of **PULLIES AND GEARS**.

Requests for access to records held by **PULLIES AND GEARS** must be made by the requester using the prescribed Form C:

Request for Access to Record of Private Body, available on the SAHRC website or the Department of Justice and Constitutional Development website (www.doj.gov.za). Such request must be made to the Information Officer at the address, or email address provided for in clause 2 above.

IN LODGING THE REQUEST, THE REQUESTER MUST:

- Provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester;
- Indicate which form of access is required and specify a postal address, fax number and/or email address within the Republic;
- Indicate whether, in addition to a written response, the requester requests to be informed in any other manner and state the necessary particulars to be so informed;

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- Identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- If a request is made on behalf of a 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.
- 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.
- 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.
- If access is requested to a record that contains information about a third party, **PULLIES AND GEARS** is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
- In the event of the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.
- The Information officer, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

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7 AVAILABILITY OF THE MANUAL

This manual will be updated as required or when the relevant legislation changes. This manual is available for inspection at <http://pulliesandgears.co.za/>. The manual is also available for viewing at **PULLIES AND GEARS** offices. Copies of the manual may be made available subject to the prescribed fees.

8 PRESCRIBED FEES

The requester needs to pay an access fee as prescribed by the Minister for Justice and Constitutional

Development to enable the **COMPANY** to recover the cost of processing a request and giving access to records in terms of PAIA. Other fees apply depending on the request.

Please see the following link to see the prescribed fees:

<https://www.justice.gov.za/paia/PAIA-brochure.pdf>

Payment details can be obtained from the Information Officer.

A request will not be processed until the prescribed fees have been paid and where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

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9 GROUNDS FOR REFUSAL TO ACCESS RECORDS

Access to certain records may be or must be denied on the grounds set out in the Act. Mandatory grounds for refusal include but are not limited to:

- Privileged information
- Information for the protection of the privacy of individuals;
- Information for the protection of commercial information and confidential information of third parties;
- Information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
- Information privileged from production in legal proceedings;
- Commercial information of **PULLIES AND GEARS** ; and
- Research information.

If **PULLIES AND GEARS** cannot find the records that the requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the requester will receive a notice in this regard from the Information Officer, setting out the measures taken to locate the document and accordingly the inability to locate the document.

Requests for information that are clearly frivolous or vexatious or which involved an unreasonable diversion of resources shall be refused.

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10 PROTECTION OF PERSONAL INFORMATION ACT

The purpose of the Protection of Personal Information Act (POPIA) is to promote the protection of personal information of individuals and businesses and to give effect to their right of privacy as provided for in the Constitution.

PULLIES AND GEARS needs personal information relating to both individual and juristic persons in order to carry out its business, organizational functions and meet its legal requirements. The manner in which this information is processed and the purpose for which it is processed is determined by **PULLIES AND GEARS**. **PULLIES AND GEARS** is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

- Is processed lawfully, fairly and transparently;
- Is processed only for the purposes it was collected;
- Will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- Is accurate; and
- Is not excessive for the purpose for which it was collected.

10.1 PURPOSE

PULLIES AND GEARS will only process personal information that, *inter alia*,:

- Is necessary to enable us to provide our various services;
- Is necessary conclusion and management of various contracts;

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- Is necessary for marketing requirements; and
- Is necessary for recruitment and general employee management.

10.2 CATEGORIES OF DATA SUBJECTS

- Employees: We hold personal and employment-related information about our current, past, and prospective employees.
- Clients: We collect information about our current, past, and potential clients to provide them with our products and services.
- Suppliers: We maintain information about our current, past, and potential suppliers to manage our supply chain effectively.
- Candidates: We collect information about individuals who apply for a job at our company to assess their suitability for employment.
- Prospects: We gather information about potential leads for our company to expand our business.
- Operators: We handle data about individuals whose data is transferred by the responsible party so that an operator may provide a service.
- Customers: We collect information about all individuals who purchase our products or services.
- Retailers: We maintain information about businesses that sell our products or services.
- Partners: We collect information about businesses or individuals who have a partnership with our company.
- Shareholders: We hold information about individuals or entities that hold shares in our company.

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- Contractors: We collect information about individuals or businesses that provide services to our company under a contract.
- Consultants: We maintain information about individuals or businesses that provide expert advice to our company.
- Credit Recipients: We collect information about individuals or businesses that receive credit from our company.
- Banks: We maintain information about banks that our company interacts with for business transactions.
- Export Partners: We collect information about businesses or individuals involved in the export of our products or services.
- Import Partners: We maintain information about businesses or individuals involved in the import of goods or services for our company.
- Regulatory Bodies: We collect information about government or industry bodies that regulate our company.
- Insurance Providers: We maintain information about insurance companies that provide coverage to our company.
- Legal Advisors: We collect information about individuals or firms that provide legal advice to our company.
- Auditors: We maintain information about individuals or firms that conduct audits for our company.

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10.3 CROSS BORDER TRANSFERS

PULLIES AND GEARS does not generally do cross border information transfers.

However, in the unlikely event that cross border transfer of personal information is necessary and/or unavoidable, **PULLIES AND GEARS** shall ensure that the data protection and privacy laws of such countries to which personal information is transferred, are similar to the legislation in South Africa, and that the recipients of the personal information commit to the same standard of data protection as that which **PULLIES AND GEARS** has committed to.

10.4 RECIPIENTS OF PERSONAL INFORMATION

PULLIES AND GEARS, its affiliates and their respective representatives.

10.5 INFORMATION SECURITY MEASURES

We have implemented reasonable technical and organizational measures to ensure the safety of all information. These measures include:

- Physical security measures
- Access control measures
- Encryption measures
- Cyber security measures
- Anti-virus measures
- Security firewalls
- Password control

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- Employee training and awareness
- Policies