



Sawubona CI (Pty) Ltd.

Promotion of Access to Information Act Manual

This manual is prepared in accordance with the
Promotion of Access to Information Act, 2000 (PAIA)
and addresses the requirements of the
Protection of Information Act, 2013 (PoPIA)

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1. Statement

It is Sawubona CI (Pty) Ltd.'s policy to ensure that all business operations are conducted in such a manner that adheres to and complies with the legal and regulatory requirements of the Republic of South Africa.

2. Purpose of the Manual

The purpose of the manual is to address the requirement of transparency as prescribed by the Protection of Personal Information Act, 2013 (PoPIA) and to provide guidance to individuals who seek to request access to information or records held by or otherwise under Sawubona CI (Pty) Ltd.'s control, as prescribed by the Promotion of Access to Information Act, 2000 (PAIA).

3. Relationship with existing policies

This manual forms part of the Sawubona CI (Pty) Ltd. (hereafter Sawubona) Information Security Management System (ISMS) as it regulates the access to information and records owned, held by, or otherwise under Sawubona's control.

4. Availability of the Manual

A copy of this manual is available at the offices of Sawubona and can be found on the website noted in section 5.1.

Sawubona will update this manual annually upon review provided that pertinent changes are required or sooner if required by law.

5. Company Introduction and Details of the Information Officer

5.1. Company Introduction

Sawubona is a privately-owned and independent business in the Technology sector.

Sawubona seeks to improve the relevance, quality and price of products and services received by South Africans. Sawubona also seeks to reduce undesired, irrelevant spam. This is achieved by helping consumer business to tailor and improve their products, offers and services by better understanding their customers.

Company Details	
Registered Company Name	Sawubona CI (Pty) Ltd.
Trading As	Sawubona
Physical Address	193 Bryanston Drive, Cnr William Nicol Dr, The Braes Bryanston
Postal Address	PO BOX 71931 Bryanston Johannesburg Gauteng 2021
Contact Number	+27(0)11 305 7300
Email Address	mohit@sawubona.co.za
Website	http://www.sawubona.co.za/

5.2. The Information Officer

In terms of both PoPIA and PAIA, any individual who would like to make a request for information or records held by or under the control of Sawubona may submit a request to the Information Officer as noted below.

For details on the request procedure, please see Section 8.

Details of the Information Officer and Deputy Information Officer(s)	
Head of Company	Mohit Narotam
Appointed Information Officer	Mohit Narotam
E-mail Address	informationofficer@sawubona.co.za
Deputy Information Officer(s)	Tamaryn Shalom
E-mail Address	tamaryn@sawubona.co.za

6. Collection and Processing of Information (PoPIA)

In terms of the PoPIA, personal information is any data that can be used to identify a person. It is defined as “information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person”.

The PoPIA prescribes eight conditions for the lawful processing of Personal Information (PI) by a Responsible Party (RP). These conditions must be reasonably adhered to as is required and deviation is prohibited unless exemptions specified in Chapter 4 of the PoPIA are applicable. *Please refer to Annexure B for a list of the eight conditions along with a brief definition of each.*

The PoPIA makes provision for the right of the Data Subject (DS) to be informed of and consent to the collection, processing, and retention of their PI. The categories and details of which are provided below.

6.1. Collection and Processing

As a consumer insights company, Sawubona may use records of PI primarily for the purposes of providing customer insight services and solutions to corporate clients. Sawubona may also use PI relating to third party suppliers, contractors, service providers, employees, and clients for legitimate business purposes which are aligned with the business functions and activities.

6.2. Purpose of Data Processed

Sawubona collects, processes and where required retains the PI of the data subjects as described in section 6.4 below for the following purposes:

- 6.2.1. To render services according to client instructions/requirements
- 6.2.2. To fulfil contractual obligations
- 6.2.3. Accounts and Record keeping
- 6.2.4. To comply with Tax laws

6.3. Categories of data subjects and information processed

Data Subject Category	Information Processed
Personnel (Employees, Potential Employees, New Recruits and Contractors)	Personal information such as South African identity number, date of birth, age and previous employment information.
Service Providers (including Outsourced/Hosted Services and Auditors)	Service provider information such as company registration details, BEE certificates, VAT registration details.
Clients – entities (Current, Prospective, and Historic)	Entity information such as entity name, registration number, tax-related information, contact details for representatives.
Clients – Natural Persons (Current, Prospective, and Historic)	Personal information such as South African identity number, data of birth, age and email.

6.4. Sharing of Personal Information

Sawubona may at times share PI referenced in section 6.2 with Third Parties for the purposes of providing products and services to corporate and individual clients, and employees. Personal Information may also be shared to fulfil contractual obligations and for any other legal obligations we might have. Below is a non-exhaustive list of recipients with whom PI may be shared:

- 6.4.1. Regulators and Law enforcement agencies
- 6.4.2. Banks
- 6.4.3. Audit Firm
- 6.4.4. The South African Revenue Service (SARS)
- 6.4.5. Medical Aid Companies
- 6.4.6. Insurers
- 6.4.7. Recruitment Agencies may collect personal information on behalf of Sawubona.

6.5. Trans-border/Cross Border Flow of Personal Information

Where necessary and with prior consent from the DS, Sawubona may at times further process PI with Third Parties situated in other countries. In such instances, Sawubona will ensure that the intended recipients of PI have adequate safeguards in place that align to Chapter 3 of the PoPIA for the protection and lawful processing of PI.

6.6. Retention and Security

- 6.6.1. Sawubona retains personal information for the period required to achieve the purpose for which the PI was collected. However, legal, and regulatory requirements may at times dictate an extended retention period.
- 6.6.2. Sawubona endeavours to employ the best efforts through the continuous assessment, development, and implementation of the ISMS framework to ensure that reasonable protection of the confidentiality, integrity, and availability of PI is maintained.

7. Related Records/Information Held and Applicable Legislation (PAIA)

PAIA grants any requester access to records held or controlled by a private body, on condition that the record of information is required for the exercise or protection of any rights, referencing in particular, personal information rights as described in PoPIA.

This section serves as guidance to the records that are held by and includes records related to Sawubona business operations.

Requestors must take into consideration applicable prescribed fees for reproduction where access is granted (see Section 10 of this document).

7.1. Records relating to Sawubona are provided below

Records Held/Controlled	May Be Disclosed	May Not Be Disclosed	Limited Disclosure	May Not Be Refused
Company Secretarial and Legal				
Statutory Records		12		
Incorporation Documents	1			
Evidence of Executive, Board and Shareholder Decisions Taken		12		
Share Register		12		
General Contract Information		12		
Financial Records				
Audited Financial Statements		12		
Tax, VAT, and PAYE Records		12		
Management Accounts		12		
Human Resources				
Employee/Staff Records		5 & 9	4	
Employment Contracts		5	4	
Policies and Procedures		12		
Health and Safety Records		5, 8, & 9	4	
Employment Equity Plan		12		
Training and Development Records		12		
Medical Aid Records		8/9	4	
Payroll Records		5	4	
Company Investment				
Investment Policy Documents		12		
Economic Reports and Forecasts		12		
Research Reports		12		
Board Committee Submissions		12		
Property Investments		9 & 12		
Sales and Marketing				
Market Information		12 & 13		
Research Information		13		
Performance and Sales Records		12 & 2		

Records Held/Controlled	May Be Disclosed	May Not Be Disclosed	Limited Disclosure	May Not Be Refused
Client Databases		12	4	
Marketing and Product Strategies		12		
Information Risk Management				
Incident Response Plan		9 & 12		
Documented Information Security Controls		12		

7.2. Reason Key

Reason Code	Explanation
1	Publicly accessible
2	Request received after the commencement of legal proceedings (criminal or civil) – PAIA Section 7
3	Subject to copyright
4	Personal information that belongs to the requester of the information – PAIA Section 61
5	Unreasonable disclosure
6	Likely to harm the commercial or financial interests of third party – PAIA Section 64(a)(b)
7	Likely to harm the company or third party in contract or other negotiations – PAIA Section 64(c)
8	Would breach a duty of confidence owed to a third party in terms of an agreement – PAIA Section 65
9	Likely to compromise the safety of individuals or protection of property – PAIA Section 66
10	Legally privileged document – PAIA Section 67
11	Environmental testing: investigation which reveals public safety; environmental risks – PAIA Section 64(2) and Section 68(2)
12	Commercial information of private body – PAIA Section 68
13	Likely to prejudice research and development information of the company or a third party – PAIA Section 69
14	Disclosure in public interest – PAIA Section 70

7.3. Available Records in relation to Legislation

Sawubona hold records for the purposes of PAIA in relation to, among others, the below listed main laws. Requesters may request access to information in terms of the legislation provided below:

7.3.1. Basic Conditions of Employment Act 75 of 1997

- 7.3.2. Companies Act 71 of 2008
- 7.3.3. Companies Amendment Act 3 of 2011
- 7.3.4. Consumer Protection Act 68 of 2008
- 7.3.5. Income Tax Act 58 of 1962
- 7.3.6. Labour Relations Act of 1995
- 7.3.7. Occupational Health and Safety Act 85 of 1993
- 7.3.8. Promotion of Access to information Act 2 of 2000
- 7.3.9. Protection of Personal Information Act 4 of 2013
- 7.3.10. Value Added Tax Act 89 of 1991

8. Access to Information and Records

The Request Procedure

In accordance with the PAIA section 53 (2), the Personal Requester/Requester must comply with the below stated procedural requirements and pay the related fees when requesting access to information or records held by Sawubona.

- 8.1. The Personal Requester/Requester must complete the prescribed Form C (Annexure 1) and submit the completed form to the Information Officer noted in Section 5.2.
- 8.2. The Personal Requester/Requester must also supply sufficient details in the request to enable the Information Officer to identify the Personal Requester/Requester and to locate the requested information or record. The Personal Requester/Requester must also state which form of access is required and how he/she/it wish to be informed of the decision.
- 8.3. The Personal Requester/Requester must also specify the right that he/she/it is seeking to exercise or protect and explain why access to the requested information, record(s), or other details is necessary to exercise or protect the specified right.
- 8.4. The Personal Requester must supply proof of identity when submitting a request for access to information or records pertaining to himself/herself/itself.
- 8.5. Such a requester is exempt from paying a request fee but is liable to pay where applicable the reproduction fee.
- 8.6. If a request is made on behalf of another person, the Requester must submit satisfactory proof of the capacity in which the request is being made.
- 8.7. The Information Officer must inform the Requester of the required non-refundable fee to be paid before the request is processed further.
- 8.8. Should the Requester dispute the payment of a fee, the Requester may lodge a complaint with the Information Regulator or an application to court against the tender or payment of the request fee.
- 8.9. Should a Personal Requester/Requester require assistance with or have queries regarding this procedure, he/she/it may contact the Information Officer on the details provided in Section 5.2.

9. The Decision-Making Process

9.1. Processing Time

- 9.1.1. The Information Officer must process the request within 30 days.
- 9.1.2. The processing time will only commence once the Personal Requester/Requester has supplied all the required information in clauses 8.1.1 through 8.1.3., where applicable 8.1.4. to the Information Officer.
- 9.1.3. The Information Officer within the initial 30 days may request for an extension not exceeding an additional 30 days if:
 - The request is for a large number of records/information or requires a search through a large number of records.
 - The request requires consultation with a third party before a decision can be made.

9.2. Notification Process

- 9.2.1. If the request for access is granted; the Information Officer must give written notification to the Personal Requester/Requester of the decision, the form of access that has been granted and the related fees that are due (See Section 10).
- 9.2.2. If the request for access is declined; the Information Officer must give written notification to the Personal Requester/Requester of the decision and provide the reason for refusal as well as the provisions in Chapter 4 of the PAIA whereupon the decision was based.
- 9.2.3. Personal Requesters/Requesters may contact the Information Officer for further information regarding:
 - The reason for the refusal or
 - The manner of access if the request is granted.

10. Request Fees

The applicable fees will be calculated according to the below:

General Fee Structure	
Activity	Applicable Fees excl. VAT
Request Fee (Personal Requesters Exempt)	R50,00
Location and preparation for disclosure	R30,00 per hour
Deposit Fee	1/3 (one third) of the amount
Postal Fee is payable where required	
Reproduction Fee Structure	
Activity	Applicable Fees excl. VAT
Copy per A4 Page	R1,10
Printing per A4 Page	R0,75
Copy on a Compact Disc (CD)	R70,00
Transcription of Visual Images per A4 Page	R40,00
Copy of a Visual Image	R60,00
Transcription of an Audio Recording per A4 Page	R20,00
Copy of an Audio Recording	R30,00

11. Right of Appeal

Dissatisfied Personal Requesters/Requesters and Third Parties have the right to appeal the decision of the Information Officer.

11.1. Remediation Available

11.1.1. The decision of the Information Officer is final. Sawubona does not have an internal appeal procedure.

11.1.2. Within 30 days of receiving notice of the decision, a dissatisfied Personal Requester/Requester may lodge a complaint with the Information Regulator or apply to a Court for relief against the decision of the Information Officer.

11.1.3. Within 30 days of receiving notice of the decision to grant access to information or records, where such information/records relate to a third party, the third party may lodge a complaint to the Information Regulator or apply to a Court for relief.

11.1.4. For the purposes of PAIA and PoPIA, the Courts that have jurisdiction over these applications are:

- Constitutional Courts,
- High Courts,
- 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. The Information Regulator

In terms of PoPIA, should a DS believe that their PI is being unlawfully collected, processed and/or retained, the DS may lodge a complaint with the Information Regulator.

In terms of PAIA, should a Personal Requester/Requester be dissatisfied with the decision of the Information Officer regarding a request for access, the Personal Requester/Requester may lodge a complaint to the Information Regulator.

A guide on how to use The Acts will be made available by the Information Regulator.

Data Subjects/Requesters can direct queries pertaining to The Acts to the Information Regulator using the contact information provided below:

The Office of the Information Regulator	
Chief Executive Officer	Mr Mosalanyane Mosala
Physical Address	JD House 27 Stiemans Street Braamfontein Johannesburg, 2001
Postal Address	P.O Box 31533 Braamfontein, Johannesburg 2017
Contact Number	+27 (0) 10 023 5200
Email Addresses	infoereg@justice.gov.za complaints.IR@justice.gov.za

13. Glossary

Term	Description/Definition
PAIA	Promotion of Access to Information Act
PoPIA	Protection of Personal Information Act
ISMS	Information Security Management System
PI	Personal Information
RP	Responsible Party
DS	Data Subject
Private Body	A natural person who carries or has carried on any trade, business, or profession.
Requester	Any juristic or natural person requesting access to information, records, or other details to exercise or protect a right.
Personal Requester	A person seeking access to a record containing their own personal information.
Juristic Person	A body recognized by the law as being entitled to rights and duties in the same way as a natural person, the common example being a company.
Natural Person	An identifiable, living individual human being entitled to certain rights and duties.
SARS	South African Revenue Service

Annexure A: Request Form (Form C)

A. Particulars of Sawubona

The Information Officer
Sawubona
Physical address: 42 Wierda Road West, Wierda Valley, Sandton, 2196
Postal address: PO Box 71931, Bryanston, Johannesburg, Gauteng, 2021

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

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D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....

.....

.....

.....

2. Reference number, if available:

.....

.....

.....

.....

3. Any further particulars of record:

.....

.....

.....

.....

E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....

.....

.....

.....

.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your _____

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at on this day..... of..... year

.....
Signature of request /
Person on whose behalf the request is made

Annexure B: PoPIA – The 8 Conditions

Chapter 3 of PoPIA defines the eight conditions for the lawful processing of personal information. For ease of reference a brief definition of each condition is given below:

- 1. Accountability:**
The Responsible Party must ensure the conditions stipulated in the Act are complied with.
- 2. Processing Limitation:**
Personal information must be processed lawfully and in a reasonable manner that does not infringe upon the privacy of the Data Subject.
- 3. Purpose Specification:**
Personal information must be collected for a specific, explicitly defined, and lawful purpose related to the function or activity of the Responsible Party.
- 4. Further Processing Limitation:**
Further processing of personal information must be in accordance or compatible with the initial purpose for which it was collected.
- 5. Information Quality:**
A Responsible Party must take reasonable and practical steps to ensure that the personal information is complete and accurate, updated where necessary and must not be misleading.
- 6. Openness:**
When collecting personal information, the Responsible Party must take reasonable and practical steps to ensure that the Data Subject is aware of the collection and the purpose of collection.
- 7. Security Safeguards:**
The Responsible Party must secure the confidentiality, integrity, and availability of personal information in its possession or under its control.
- 8. Data Subject Participation:**
Data Subjects have the right to know whether a Responsible Party holds any of their personal information.