

PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000

This manual applies to:

Watko Promotional CC ta Branded Image - 2005/094432/23

Registered Office Address:

Unit 1, Pastorie Park, 33 Lourens Street, Somerset West, 7130

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1. Introduction

Watko Promotional CC ta Branded Image (hereafter “Branded Image”) is committed to the observance of and compliance with the directives of the South African Constitution and national legislation which endorse the key principles of good corporate governance, transparency and accountability.

The Promotion of Access to Information Act No. 2 of 2000 (PAIA) gives effect to carry out section 32 of the South African Constitution, which focuses on the right to access information i.e. everyone has the right of access to information held by the state or a private body to enforce a culture of transparency and accountability.

Section 51 of PAIA obliges private bodies (including Branded Image) to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.

This manual constitutes Branded Image’ PAIA manual. This manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (POPIA). POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

2. Availability of the Manual

This manual will be updated as required or when the relevant legislation changes. This manual can be requested from the Information Officer.

3. Branded Image Contact Details

All requests for access to records in terms of PAIA must be in writing and must be addressed to:

Unit 1, Pastorie Park, 33 Lourens Street, Somerset West, 7130

Telephone: 082 546 6337, Dirk Jacobus Kotze, Tel 021 8520659

Email: accounts@brandedimage.co.za (Information Officer)

4. Guide of the South African Human Rights Commission

The South African Human Rights Commission (“SAHRC”) is mandated under PAIA to promote the right of access to information, monitor the implementation of PAIA, make recommendations to strengthen

PAIA and to report annually to Parliament. The SAHRC has compiled a guide that contains information which would be reasonably required of any person wishing to exercise any rights set out in the Act. The guide is available in all the countries’ official languages and can be viewed at www.sahrc.org.za.

Any enquiries regarding the above guide and its contents should be directed to:

The South African Human Rights Commission

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

Website: www.sahrc.org.za

Email: PAIA@sahrc.org.za

5. Information Regulator

Any queries where you believe Branded Image has not adequately dealt with your request, or to lodge a complaint should be directed to:

The Information Regulator (South Africa)

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Website: www.justice.gov.za

Email: infoereg@justice.gov.za

6. Records Available in terms of any Other Legislation

Branded Image keeps information and records in accordance with the following legislation, which includes, but is not limited to the following legislation:

1. The Constitution of the Republic of South Africa No.3 of 1994;
2. Close Corporation Act No 69 of 1984;
3. Consumer Protection Act No. 68 of 2008;
4. The Value-Added Tax Act No. 89 of 1991;
5. Income Tax Act No. 58 of 1962;

6. South African Revenue Services Act, 34 of 1997;
7. Basic Conditions of Employment Act No. 75 of 1997;
8. Employment Equity Act No. 55 of 1998;
9. Labour Relations Act No. 66 of 1995;
10. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000;
11. The Occupational Health and Safety Act No. 85 of 1993;
12. Skills Development Act No. 97 of 1998;
13. Skills Development Levies Act No. 9 of 1999;
14. Unemployment Insurance Contributions Act No. 4 of 2002;
15. Unemployment Insurance Fund Act No. 63 of 2001;
16. The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
17. Administration of Estates Act 66 of 1965;
18. Arbitration Act 42 of 1965;
19. Collective Investment Schemes Control Act 45 of 2002;
20. Companies Act 71 of 2008;
21. Copyright Act of 98 of 1978;
22. Currency and Exchanges Act 9 of 1933;
23. Debtors Collectors Act 114 of 1998
24. Electronic Communications and Transactions Act 25 of 2005;
25. Finance Act 35 of 2000;
26. Financial Advisory and Intermediary Services Act 37 of 2002;
27. Financial Institutions (Protection of Funds) Act 28 of 2001;
28. Financial Intelligence Centre Act 38 of 2001;
29. Financial Relations Act 65 of 1976;
30. Financial Services Board Act 97 of 1990;
31. Financial Services Ombud Schemes Act 37 of 2004;
32. Harmful Business Practices Act 23 of 1999;
33. Insolvency Act 24 of 1936;
34. Inspection of Financial Institutions Act 80 of 1998;
35. Intellectual Property Laws Amendments Act 38 of 1997;
36. Long Term Insurance Act 52 of 1998;
37. Medical Schemes Act 131 of 1998;
38. National Credit Act 34 of 2005;
39. National Road Traffic Act 93 of 1996;
40. Pension Funds Act 24 of 1956;
41. Post Office Act 44 of 1956;

42. Promotion of Access to Information Act 2 of 2000;
43. Protection of Businesses Act 99 of 1978;
44. SA Reserve Bank Act 90 of 1989;
45. Short Term Insurance Act 53 of 1998;
46. Tax on Retirement Funds Act 38 of 1996;
47. The Securities Services Act 36 of 2004;
48. Trade Marks Act 194 of 1993.

From time to time, Branded Image may be required to comply with other legislation as a result of the products and services being provided to customers operating in different sectors.

7. Categories of Requestors

The capacity under which a Requestor makes a request for records defines the category in which the Requestor will fall into. There are four categories of Requestors:

- 7.1. A Data Subject who makes requests about themselves;
- 7.2. A Representative who makes a request on behalf of the Data Subject(s);
- 7.3. A Third Party who requests information about a Data Subject; or
- 7.4. A Public Body who requests information in the public interest.

8. Categories of Records held by Branded Image

This manual sets out a description of the subjects on which Branded Image holds records, and categories of records held on each subject (refer to Appendix B). These include operational records utilised in the day to day running and administration of the business. Access to the listed records /information per Appendix B does not guarantee access requests will be approved / granted.

9. Automatically available information

Information that is obtainable via the Branded Image website about Branded Image is automatically available and need not be formally requested in terms of this manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- 9.1. brochures
- 9.2. press releases
- 9.3. publication; and
- 9.4. various other marketing and promotional material.

10. Request Process

POPIA provides that a data subject may, upon proof of identity, request Branded Image to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA provides that a data subject may object, at any time, to the processing of personal information by Branded Image, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing.

A data subject may also request Branded Image to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Branded Image is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

If a data subject that wishes to:

- submit a data subject access request, must complete the form attached hereto as Appendix A.2;
- object to the processing of their personal information must complete the form attached hereto as Appendix C; and
- request a correction or deletion of personal information or the destruction or deletion of a record of personal information must complete the form attached hereto as Appendix D and submit it to the Information Officer.

The purpose of this section is to provide directive and guidance on the process to follow when requesting information from Branded Image.

The Requestor should contact Branded Image's [Information Officer](#) to obtain guidance on the process to follow when sending documentation containing personal information. This includes application forms and proof of identification documents.

The prescribed form must be used and completed to make the request for access to a record.

The form can be downloaded from the Department of Justice website (refer to Appendix A).

Proof of identification of the Requestor (and related third parties acting on behalf of the Requestor) must be provided on submitting the request form.

The requester must specify the right that they are seeking to protect or that they wish to

exercise and provide an explanation as to why the requested records are required for the protection or exercise of that right.

If the request is made on behalf of another person, then proof is required of the capacity in which the requester is making the request.

Proof of identity must be provided in the form of a certified copy of the Requestor's and/or delegate's identity document or passport via secure methods provided by the Information Officer in the initial correspondence.

An initial response to a request will take approximately 30 days. The [Information Officer](#) may extend the period by an additional 30 days depending on the complexity of the request requirements.

Please note that an application for access to information can be refused in the event that the application does not comply with the requirements of PAIA.

The successful completion and submission of the access request does not automatically allow the Requestor access to the requested records.

If access to a record/information is granted, the Requestor will be notified, and the notification will include the following:

- An indication of the access fee that should be paid upon gaining access (if any).
- An indication of the form in which the access will be granted.

If access to a record/information is denied, the Requestor will be notified, and will include the following:

- Adequate reasons for the refusal.
- Process to appeal the refusal.

Should the requester not be satisfied with the decision of the Information Officer, the Requester may apply to court for relief. In terms of PAIA, the said application must be made within 180 days after the decision has been made by the [Information Officer](#).

11. Prescribed Request Fees

Prescribed fees were published by the Minister of Justice and Constitutional Development in the Government Gazette No. 23119, General Notice No. 187 of 15 February 2002. Please refer to Appendix E for Branded Image's fee structure.

12. Information available in terms of POPIA

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Branded Image's will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is

collected. Please also refer to the Branded Image's Privacy Statement for further information.

Categories of personal information collected by Branded Image

Branded Image may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

The purpose of processing personal information

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed by Branded Image will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.

In general, personal information is processed for purposes of on-boarding clients and suppliers, service or product delivery, records management, security, employment and related matters.

Categories of data subjects

Branded Image holds information and records on the following categories of data subjects:

- customers of Branded Image;
- employees / personnel of Branded Image;
- Independent contractors of Branded Image;

- suppliers of Branded Image; and
- any third party with whom Branded Image conducts business.

Categories of recipients to whom personal information may be supplied

Depending on the nature of the personal information, Branded Image may supply information or records to the following categories of recipients:

- statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- anyone making a successful application for access in terms of PAIA or POPIA; and
- subject to the provisions of POPIA and other relevant legislation, Branded Image may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Branded Image operates.

Transborder flows of personal information

Branded Image may need to transfer a data subject's information to service providers in countries outside South Africa, these countries may not have data-protection laws which are similar to those of South Africa. Where this is done, Branded Image do so in accordance with applicable laws.

13. Appendices

Appendix A.1 : PAIA Request Form

The application form can be obtained from:

https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

Appendix A.2 : POPIA Data Subject Access Request Form

DATA SUBJECT ACCESS REQUEST FORM - SECTION 23
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2013

Name of Responsible Party request is made to	
If access to your own personal information records:	
DETAILS OF DATA SUBJECT	
Name(s) and surname/ registered name of data subject:	
Contact number(s):	
E-mail address:	
Detailed description of requested records and/or personal information. (If you are requesting access to your personal information, please identify the personal information record containing the person information, if known.)	

Preferred method of access to records	Confirmation of records	Receive a copy
Responsible Party Use ONLY		
Date Received:		
Comments:		

Signed at this day of20.....

.....
Signature of data subject/designated person

Appendix B: Record Categories

CC Documents	Licences
Public Officer and other Prescribed Officers	

Management Reports	Records held in compliance to specific legislation, regulations and codes
Finance and Accounting	
Annual Financial Statements	Tax Records (company and individual employees)
Accounting Records	Banking Records Banking Statements
Statutory Returns Records	Electronic Bank Records
Asset Register	Rental Agreements
Invoices	General Correspondence
Management Accounts and Records	Budgets
Insurance	Share Register
Financial Transactions	Purchase and Order Records
Banking Records	Contracts
Financial Policies and Procedures	Risk Management Records
Internal Audit Records	
Income Tax records	
Pay As You Earn (PAYE) Records	Documents Issued to Employees for Income Tax
Payments to SARS on Behalf of Employees	Statutory Records
Human Resources	
Employment Contracts	Employment Equity Plan (if applicable)
Medical Aid Records	Pension Fund Records
Salary Records	Disciplinary Records and Performance Appraisals
Disciplinary Code	Leave Records
Attendance Registers	Industrial and Labour Relations Records
Training Records and Manuals	Identity Documents
Bank and Address Particulars	Background Check (criminal records, credit checks)
Life Cover and Provident fund: tax reference number and ID numbers of nominated beneficiaries	
Environmental Health and Beauty	
Safety Organizational Structures	Policies and Procedures
Sales	
Customer Complaints	General Correspondence
Logistics	
Policies and Procedures	General Correspondence
Information Technology (IT)	
IT Policies and Procedures	General Correspondence
Marketing	
General Correspondence	

Appendix C: POPIA Form 1

**FORM 1 OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION - SECTION 11(3)
REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

Note:

Affidavits or other documentary evidence as applicable in support of the objection may be attached.

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....

Signature of data subject/designated person

Appendix D: POPIA Form 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

Affidavits or other documentary evidence as applicable in support of the request may be attached.

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED

Appendix E: Fees Payable

Request fees:

Where a Requestor submits a request for access to information held by Branded Image relating to a person other than the Requestor, a request fee in the amount of R50.00 is payable up-front. Upon receipt of payment, Branded Image will further process the received request.

If access to a record/s is granted by Branded Image, the Requestor may be required to pay an access fee for the search for, the preparation and for the re-production of the record/s. The access fees which apply are set out below.

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of PAIA or an exclusion is determined by the Minister in terms of Section 54 (8). This includes the following:

- A single person whose annual income does not exceed R14,712.00; or
- Married persons or a person and his/her life partner whose annual income does not exceed R27,192.00

Branded Image, as a registered CC, will add VAT to all aforementioned fees in terms of the Value Added Tax (VAT) Act.

A Requestor may lodge a complaint with a court of law against the payment of the request fee.

All payments shall be made in the form of an Electronic Funds Transfer (EFT) to the Branded Image bank account. Banking details to be obtained from Branded Image's Information Officer.

Branded Image is entitled to withhold a record until the required access fees have been paid. The applicable access fees which will be payable are:

Access Fees for Reproduction	
Each photocopy of A4 sized part or a part thereof	R1.10
Each photocopy of A4 sized page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Copy of a computer readable memory stick	R7.50
Copy of a computer readable compact disc	R70.00
Transcript copy of visual images of an A4 sized page or part thereof	R40.00
Copy of visual images	R60.00
Transcription of an audio record on an A4 sized page or part thereof	R20.00
Copy of the audio record	R30.00

Times reasonably spent to locate a record and preparation for the disclosure or part thereof	R30.00 per hour
Request Fees	
Access to a record containing personal information of the Requestor	Free
Any other access to a record as a public body made by a Requestor and another person other than the Requestor	R50.00
Postal Fees	
Postage of a record to the Requestor	R9.75
Courier of a record to the Requestor	R99.00

Deposits:

Where Branded Image receives a request for access to information held on a person other than the Requestor himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record/s of disclosure will take more than 6 (six) hours, a deposit is payable by the Requestor.

The Requestor may make an application to Court to be exempted from the requirement to pay this deposit.

If a deposit is made and access to the record/s requested is subsequently refused, the deposit will be repaid to the Requestor. The amount of the deposit is equal to a 1/3 (one third) of the amount of the applicable access fee.