

**MANUAL FOR:**

**Yobi Code (Pty) Ltd – 2015/186650/07 (the “Company”)**

**PREPARED AND COMPILED IN TERMS OF:**

**The Promotion of Access to Information Act, Act 2 of 2002 (“PAIA”) and the Protection of Personal Information Act, Act 4 of 2013 (“POPIA”)**

**PREPARATION AND COMPILATION OF THIS MANUAL WAS DONE IN COMPLIANCE WITH SECTION 51 OF POPIA AND SECTION 17 OF POPIA**

**1. INTRODUCTION**

**1.1 General**

PAIA aims to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

POPIA was enacted to give effect to the constitutional right of privacy by safeguarding personal information processed by a “responsible party” and prescribes, amongst others, certain obligations regarding information officers of “private bodies” to make the “private body” as accessible as reasonably possible.

Section 51 of PAIA specifically provides that the head of a “private body” must make a manual available which contains the information and details prescribed via sections 51(1)(a) through 51(1)(e) of the Act. Section 17 of POPIA provides that a “responsible party” must maintain the documentation of all processing operations under its responsibility as referred to in section 51 of PAIA.

In this context:

- a “private body” is defined, via both POPIA and PAIA, to include, amongst others, any former or existing juristic person (but excluding a “public body” as defined); and
- a “responsible party” is defined as a private body which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

The Company qualifies under the definition of “private body” and “responsible party”, and as such this Manual was prepared and compiled in compliance with section 51 of PAIA and section 17 of POPIA.

**1.2 Right Of Access**

Section 50(1) of PAIA provides that any requester must be given access to any record of a “private body”

if: - that record is required for the exercise or protection of any rights;

- the requester complies with the procedural requirements of PAIA relating to a request for access to that record; and

- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of PAIA.

Section 23(1) of POPIA provides that a data subject, having provided adequate proof of identity, has the right to:

- request a “responsible party” to confirm, free of charge, whether or not the “responsible party” holds personal information about the data subject; and
- request from a “responsible party” the record or a description of the personal information about the data subject held by the “responsible party”, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

Section 23(4) of POPIA determines that a “responsible party” may or must refuse, as the case may be, to disclose any information requested as contemplated above, to which the grounds for refusal of access to records set out in the applicable sections of Chapter 4 of Part 3 of PAIA apply.

Accordingly this Manual provides a reference to the records held by the Company and the process that needs to be adopted to access such records.

**The information officer referred to in section 55(1) of POPIA is the same information officer referred to in sections 1 and 51 of PAIA.**

**Section 17 of PAIA provides for the designation of a deputy information officer of a “public body”, and section 56 of**

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POPIA extends the designation of a deputy information officer for a “*private body*”. In order to render the Company as accessible as reasonably possible the information officer (named in section 2 of this Manual) has designated the deputy information officer named in section 2 of this Manual.

All requests for access to information (other than information which is available to the public) must be addressed to the information officer or deputy information officer named in section 2 of this Manual.

The information officer and deputy information officer named in section 2 of this Manual, oversee the functions as required in terms of both POPIA and PAIA.

## 2. CONTACT DETAILS

### 2.1 Company

Name:	YOBICODE (PTY) LTD
Registration Number:	2015/186650/07
Postal Address:	*
Physical Address:	Glenfield Office Park, Block F, Cnr Glenwood and Oberon Street, Faerie Glen, Gauteng, 0081
Phone Number:	+27 (0) 87 230 0329
Website:	www.yobicode.co.za
E-Mail:	popia@signa.co.za

### 2.2 Head of Company

Name and Surname:	Andre Coetzee
Position within Company:	Director
Postal Address:	*
Physical Address:	Glenfield Office Park, Block F, Cnr Glenwood and Oberon Street, Faerie Glen, Gauteng, 0081
Phone Number:	+27 (0) 87 230 0329
E-Mail:	popia@signa.co.za

### 2.3 Information Officer

Name and Surname:	Andre Coetzee
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Head of Company

Postal Address:	*
Physical Address:	Glenfield Office Park, Block F, Cnr Glenwood and Oberon Street, Faerie Glen, Gauteng, 0081
Phone Number:	+27 (0) 87 230 0329
E-Mail:	popia@signa.co.za

#### 2.4 Deputy Information Officer

Name and Surname:	Fhumulani Phadziri
Postal Address:	*
Physical Address:	Glenfield Office Park, Block F, Cnr Glenwood and Oberon Street, Faerie Glen, Gauteng, 0081
Phone Number:	+27 (0) 87 230 0329
E-Mail:	popia@signa.co.za

### 3. GUIDE

The South African Human Rights Commission is required, in terms of section 10 of PAIA, to compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. Section 10 of PAIA further provides that the Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission.

At date of compilation of this Manual, any enquiries regarding the aforementioned guide should be directed to the South African Human Rights Commission or the Information Regulator at:

#### Information Regulator:

Postal Address:	The Information Regulator (South Africa), P.O Box 31533, Braamfontein, Johannesburg, 2017.
Street Address:	The Information Regulator (South Africa), JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone Number:	(011) 877 3628
E-Mail:	inforeg@justice.gov.za
Website:	<a href="https://www.justice.gov.za/inforeg/">https://www.justice.gov.za/inforeg/</a>

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**South African Human Rights Commission:**

Postal Address:	The South African Human Rights Commission Head Office, 27 Stiemens Street, Braamfontein.
Street Address:	The South African Human Rights Commission Head Office, 27 Stiemens Street, Braamfontein.
Phone Number:	011 877 3600 // 011 877 3645
E-Mail:	tsebulela@sahrc.org.za
Website:	www.sahrc.org.za

**4. RECORDS OF THE COMPANY**

The accessibility of the records listed below, may be subject to any ground for refusal contemplated in Chapter 4 of Part 3 of the Act, and may further be subject to the requester having provided sufficient details so as to enable proper and accurate identification of the requester.

The following is a list of records that are held at the Company's office. The Company's records are classified and grouped according to the following subjects and categories:

<b>Administration:</b>	Attendance Registers Memorandum of Incorporation Correspondence Constitutional/Founding Documents Licenses, Permits and other Authorisations Minutes of Management, Board, Shareholder, Employee and Staff Meetings Records Relating to the appointment of Directors / Auditors / Secretaries / Public Officers and other officers Securities Register Statutory Returns and Records Administrative Records Internal Policies and Procedures
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<p><b>Human Resources:</b></p>	<p>Conditions of Service</p> <p>Employee Records</p> <p>Employment Contracts</p> <p>Employment Equity Records</p> <p>General Correspondence</p> <p>Industrial and Labour Relations Records</p> <p>Information relating to Health and Safety Regulations and Incidents</p> <p>Pension and Provident Fund Records</p> <p>Performance Appraisals</p> <p>Personnel Guidelines, Policies and Procedures</p> <p>Remuneration Records and Policies</p> <p>Salary Surveys</p> <p>Skills Requirements</p> <p>Staff Requirement Policies</p> <p>Statutory Records</p> <p>Training Records</p>
<p><b>Operations:</b></p>	<p>Brochures on Company Information</p> <p>Client and Customer Registry</p> <p>Supplier Registry</p> <p>Company Generated Records Regarding Clients, Customers, Suppliers, Business and Operations</p> <p>Contracts</p> <p>Product Records</p>

	<p>General Correspondence</p> <p>Information Relating to Sales</p> <p>Information Relating to Development</p> <p>Operational Records</p> <p>Marketing and Future Strategies</p> <p>Statutory Records</p> <p>Internal Policies and Procedures</p>
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<b>Finances:</b>	Annual Financial Statements Banking Records Bank Statements Invoices Asset Registers Budgets and Projections Feasibility Studies Business Plans Financial Transactions General Correspondence Insurance Information Internal Audit/Review Information Management Accounts Purchase and Order Records Stock Records Tax Records and Returns (Company and Employee) Records of payments made to SARS Contracts Statutory Records Internal Policies and Procedures
<b>Information Technology:</b>	IT Policies, Manuals and Procedures Network Diagrams and Information User Manuals Statutory Records Internal Policies and Procedures
<b>Statutory Records:</b>	These include records held by the Company (if any) in terms of: Basic Conditions of Employment Act, Act 75 of 1997 Companies Act, Act 71 of 2008 Compensation for Occupational Injuries and Health Diseases Act, Act 130 of

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	<p>1993</p> <p>Consumer Protection Act, Act 68 of 2008</p> <p>Electronic Communications and Transactions Act, Act 25 of 2002</p> <p>Employment Equity Act, Act 55 of 1998</p> <p>Financial Advisory and Intermediary Services Act, Act 37 of 2002</p> <p>Financial Intelligence Centre Act, Act 38 of 2001</p> <p>Income Tax Act, Act 58 of 1962</p> <p>Insolvency Act, Act 24 of 1936</p> <p>Intellectual Property Laws Amendments Act, Act 38 of 1997</p> <p>Interception and Monitoring Prohibition Act, Act 127 of 1992</p> <p>Labour Relations Act, Act 66 of 1995</p> <p>National Credit Act, Act 34 of 2005</p> <p>Occupational Health and Safety Act, Act 85 of 1993</p> <p>PAIA</p> <p>POPIA</p> <p>Protection of Businesses Act, Act 99 of 1978</p> <p>Skills Development Act, Act 97 of 1998</p> <p>Skills Development Levies Act, Act 9 of 1999</p> <p>Unemployment Contributions Act, Act 4 of 2002</p> <p>Unemployment Insurance Act, Act 63 of 2001</p> <p>Value Added Tax Act, Act 89 of 1991</p> <p><b>The above is not an exhaustive list of statutes that may require the Company to keep records</b></p>
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## 5. INFORMATION REQUEST PROCEDURE

### 5.1 General

The Company's records may only be accessed by a requester once all of the prerequisite requirements for access have been met. This includes that:

- the requested record is required for the exercise or protection of any rights;
- the requester complies with the procedural requirements set out in PAIA and/or POPIA, as may be applicable, relating to a request for access to that requested record; and
- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of the Act.

### 5.2 Request Form

A requester must use the prescribed form to make a request for access to a record of the Company. A request for access in terms of PAIA and a request for access in terms of POPIA has the same prescribed form.

An appropriate request form is available from the offices of the Company or via the Company's website at [www.yobicode.co.za](http://www.yobicode.co.za). For avoidance of doubt a request for access to a record of the Company must:

- substantially correspond with Form C of Annexure B to PAIA; and
- provide, indicate, specify, identify and/or state the disclosures/items required in section 53(2) of PAIA. This includes that the request form must be completed with enough particularity to at least enable the Company's information officer and/or deputy information officer to identify: i) The Company record or records requested; ii) The full names and identity number of the requester; iii) The form of access required, if the request is

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granted; iv) The postal address or fax number of the requester; v) The right the requester is seeking to exercise or protect and vi) An explanation of why the requested record is required for the exercise or protection of the relevant right.

### 5.3 Submission and Processing

The completed request form must be submitted to the Company's information officer and/or deputy information officer, at their postal or physical address, fax number or electronic mail address recorded in 2 above.

Processing of any request for information will be subject to payment of any and all mandatory fees as per 7 below.

If the request is made on behalf of another, the requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Company's information officer and/or deputy information officer.

### 5.4 Decision and Reply

**The successful completion and submission of a request form does not automatically allow or grant a requester access to the requested record.**

The Company will, within 30 days of receipt of a request, decide whether to grant or decline the request and will give notice with reasons (if required) to that effect.

If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, he must state that manner and the necessary particulars, along with the relevant request form, in order to be so informed.

The 30 day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large volume of records, or the request requires a search for information held at another office of the Company and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be or become relevant.

## 6. DENIAL OF ACCESS

### 6.1 Grounds

PAIA provides a number of grounds on which a request for access to information could be refused. These grounds mainly protect the privacy of individuals and the confidential information of third parties.

Access to information could be refused in terms of Chapter 4 of Part 3 of PAIA on the following grounds (refer further to the Company's *POLICY ON LAWFUL PROCESSING OF PERSONAL INFORMATION - [ITEM NO. 2.1 OF THE COMPANY'S POPIA COMPLIANCE FRAMEWORK – MANDATORY ITEMS]*):

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that person;
- Mandatory protection of commercial information of third party, if the records contain: i) trade secrets of that third party; ii) financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; iii) Information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of the Company, which may include: i) Trade secrets of the Company; ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company; iii) information which, if disclosed, could put the Company at a disadvantage in negotiations or commercial competition; iv) a computer program which is owned by the Company and which is protected by copyright;
- The research information of the Company or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

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

## **6.2 Remedies available when the Company denies a request for information**

The Company does not have internal appeal procedures. Therefore, the decision made by the information officer and/or deputy information officer is final. Requesters who are dissatisfied with a decision of the information officer and/or deputy information officer will have to exercise external remedies at their disposal.

A requester or a third party, who is dissatisfied with the information officer and/or a deputy information officer's refusal to disclose information, or with the disclosed information, may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

## **7. INFORMATION OR RECORDS NOT FOUND**

7.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the information officer and/or deputy information officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

7.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the information officer and/or deputy information officer with every person who conducted the search.

7.3 The notice, as set out in 7.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA and/or POPIA.

7.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the information officer and/or deputy information officer in accordance with any legal obligation or right to do so.

## **8. INFORMATION REQUESTED ABOUT A THIRD PARTY**

8.1 Section 71 of PAIA makes provision for a request for information or records about a third party.

8.2 In considering such a request, the Company will adhere to the provisions of sections 71 to 74 of PAIA.

8.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of PAIA in terms of which the Company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of the Company by referring the matter to the High Court.

## **9. FEES**

### **9.1 General**

The fees applicable are prescribed in terms of the Regulations to PAIA. There are two types of fees payable in terms of PAIA, namely Request Fees and Access Fees.

The Company's information officer and/or deputy information officer will withhold a record until the requester has paid the fees as indicated.

### **9.2 Request Fees**

The non-refundable request fee is payable upon submission of any request for access to any record. This does not apply if the Company is mandated to respond and/or assist free of charge (see section 23 of POPIA for example).

The applicable request fee amounts to R50.00 (incl. VAT).

### **9.3 Access Fees**

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 specifically excluded in terms of PAIA or an exclusion is determined by the Minister in terms of section 54(8).

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If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the Regulations to PAIA for this purpose, the Company's information officer and/or deputy information officer will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted. If a deposit has been paid in respect of a request for access, which is refused, then the Company's information officer and/or deputy information officer will repay the deposit to the requester.

The applicable access fees which are payable (incl. VAT) are set out in Form 3 (Outcome of Request and of Fees Payable) as stipulated in Regulation 8 of PAIA

**10. MANUAL AVAILABILITY AND UPDATES**

This Manual is available at:

- The offices of the South African Human Rights Commission
- The Company's website at [www.yobicode.co.za](http://www.yobicode.co.za); and
- The Company's head office as set out in 2 above.

In respect of hard copies, any transmission costs or postage will be for the account of the requester.

The Company reserves the right to amend this Manual at any time. Unless otherwise stated, the current version of this Manual from time to time shall supersede and replace all previous versions of this Manual.

Version	Date	Description	Approved By

**11. SIGNATURE AND ENDORSEMENT BY THE HEAD OF COMPANY:**

<p>SIGNATURE: _____</p> <p>DATE: _____</p>
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*Head of Company*