



**PAIA MANUAL**

AS REQUIRED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT, NO. 2 OF 2000 (AS AMENDED) FOR MSC CRUISES S.A.  
INCORPORATED IN GENEVA, SWITZERLAND (EXTERNAL PROFIT COMPANY)

(Registration Number: 2012/165726/10)

## **1. INTERPRETATION**

1.1. In this Agreement unless the context otherwise requires: –

- 1.1.1. the singular shall import and include the plural and vice versa;
- 1.1.2. words indicating one gender shall import and include other genders;
- 1.1.3. words indicating natural persons shall import and include artificial persons;
- 1.1.4. the headnotes to this Agreement are used for the sake of convenience only and shall not govern the interpretation of the clauses to which they relate.

1.2. Unless such meaning is inconsistent with the context, the following terms shall throughout this Agreement have the meanings respectively ascribed to them, namely: -

- 1.2.1. “**Act**” means the Promotion of Access to Information Act No. 2 of 2000, together with all relevant regulations promulgated therein, as amended from time to time;
- 1.2.2. “**Data Subject**” means any natural or juristic person who interacts with the Company in any manner and/or to whom the Personal Information in question relates, and shall further bear the meaning ascribed to it in POPIA, and shall include the plural, where appropriate;
- 1.2.3. “**Fees Payable**” means the fees payable for a request and/or access as prescribed by law and amended from time to time;
- 1.2.4. “**Information Officer**” means the head of the Company as contemplated in section 1 of the Act;
- 1.2.5. “**Information Regulator**” means the office of the Information Regulator that has been established, in terms of Section 39 of the POPIA to monitor and enforce compliance with both POPIA and the Act;

- 1.2.6. **"Manual"** means this Information Manual prepared in accordance with POPIA and Section 51 of the Act together with all of its annexures, as amended from time to time;
  - 1.2.7. **"Personal Information"** shall bear the meaning ascribed to it in the POPIA;
  - 1.2.8. **"POPIA"** means the Protection of Personal Information Act No. 4 of 2013, as may be amended from time to time;
  - 1.2.9. **"Request"** means a request for access to a record in terms of section 53 of the Act;
  - 1.2.10. **"Requester"** means any natural or juristic person making a request for access to a record, as defined in terms of section 53 of the Act;
  - 1.2.11. **"Request Form"** means the form annexed hereto which is to be completed by a Requester whom seeks to make a Request in terms of Section 53 of the Act;
  - 1.2.12. **"the Company"** means MSC Cruises S.A. Incorporated In Geneva, Switzerland (External Profit Company) (Registration Number: 2012/165726/10);
  - 1.2.13. **"Unique Identifier"** means any identifier that is assigned to a Data Subject and is used by the Company or any other responsible party for the purposes of operations and that uniquely identifies that Data Subject in relation to the Company or other responsible party, as ascribed to it in POPIA. "Responsible party" bears the definition ascribed to it in POPIA.
- 1.3. Certain terms or phrases applicable to this Manual have been defined throughout.
  - 1.4. The headings of the clauses in this Manual are for the purpose of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Manual nor any clause hereof.
  - 1.5. If any provision in a definition is a substantive provision conferring any right or imposing any obligation on any party, then notwithstanding that it is only in the

interpretation clause, effect shall be given to it as if it were a substantive provision in this Manual.

- 1.6. The eiusdem generis rule shall not apply and accordingly, whenever a provision is followed by the word/s “including” or “includes” or “in particular” or “inter alia” (but to mention a few) and specific examples, such examples shall not be construed so as to limit the ambit of the provision concerned.
- 1.7. Any reference to legislation is to that legislation as at the date of issuance of this Manual, as amended or replaced from time to time, and includes all regulations and schedules to such legislation.
- 1.8. Insofar as there is a conflict in the interpretation of or application of this Manual and the Act and POPIA, the Act and POPIA shall prevail.
- 1.9. This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act and POPIA. A Requester is advised to familiarise his/her/itself with the provisions of the Act and POPIA before lodging any request with the Company.

## **2. NATURE OF BUSINESS AND CONTACT DETAILS**

### **2.1. Nature of Business:**

MSC Cruises S.A. Incorporated in Geneva, Switzerland (External Profit Company) (hereinafter referred to as “*the Company*”) is a global cruise company that operates fleet of passenger ships, both domestically and internationally. The Company offers cruise packages and deals that include accommodation, dining, onboard service, entertainment, sport and wellness, and a variety of customised services.

### **2.2. Contact Details (Section 51(1)(a)):**

Name of Company:	MSC Cruises S.A. Incorporated in Geneva, Switzerland (External Profit Company), with Registration Number: 2012/165726/10.
Head of Company:	Ross Volk
Information Officer:	Ross Volk
Physical Address:	Woodmead North Office Park 54 Maxwell Drive, Building 5

	Woodmead Johannesburg (South Africa)
Postal Address:	Same as the physical address
Telephone Number:	(087) 630 0333
Facsimile Number:	
Email Address:	publicofficer@msccruises.co.za
Website Address:	www.msccruises.co.za

- 2.3. The Information officer may appoint, where it is deemed necessary, Deputy Information Officers as allowed in terms of Section 17 of the Act as well as Section 56 of POPIA. This is in order to render the Company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed.

### **3. OVERVIEW OF THIS MANUAL**

- 3.1. The aim of this Manual is to facilitate requests for access to records of the Company.
- 3.2. The Act (as amended by POPIA) gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. The Company supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, and to enforce those rights as set out in the Act and POPIA.
- 3.3. Section 9 of the Act recognises the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
- 3.3.1. Limitations aimed at reasonable protection of privacy;
  - 3.3.2. Commercial confidentiality; and
  - 3.3.3. Effective, efficient and good governance.

- 3.4. This Manual complies with Section 10 of the Act and recognises that in line with the commencement of POPIA, that the appointed Information Regulator will be responsible for regulating compliance by the Company with POPIA and the Act and its Regulations (including, those published by the Minister of Justice and Correctional Services dated 27 August 2021).

#### **4. GUIDE BY THE INFORMATION REGULATOR (SECTION 51(1)(b))**

- 4.1. The Information Regulator has compiled a guide in terms of Section 10 of the Act, which contains such information, in an easily comprehensible form and manner, as may be reasonably be required by a person who wishes to exercise any right in terms of the Act and POPIA. The guide is available in each of the official languages and is available in braille.

- 4.2. The guide further contains information relating to, *inter alia*:-

4.2.1. the objects of the Act / POPIA;

4.2.2. the assistance available from the Information Regulator in terms of the Act / POPIA;

4.2.3. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by the Act / POPIA, including the manner of lodging:-

4.2.3.1. an internal appeal;

4.2.3.2. a complaint to the Information Regulator; and

4.2.3.3. an application to court against a decision by the information officer and/or head of a private body.

- 4.3. The guide is available for inspection at the physical address of the Company (in at least 2 (two) official languages), as well as of the Information Regulator, during office hours. The contact details of the Information Regulator are as follows:-

JD House, 27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

P.O Box 31533  
Braamfontein  
Johannesburg  
2017

Telephone: 010 023 5200

Website: <https://inforegulator.org.za/>

Email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

Furthermore, the guide is available at the following link:

<https://inforegulator.org.za/paia-guidelines/>

Request for physical copies of the guide and/or copies can be made from the Information Regulator and/or the Information Officer by completion and submission of **Form 1: Request for a Copy of the Guide** available at the following link:

<https://inforegulator.org.za/training/wp/paia-forms/>

## **5. CATEGORIES OF INFORMATION HELD BY THE COMPANY**

### **5.1. Records automatically available (Section 51(1)(c))**

5.1.1. The following categories of records are freely available without a person having to request access in terms of the Act: -

5.1.1.1. Marketing and promotional material published by the Company;

5.1.1.2. Public communications by the Company;

5.1.1.3. Information as published on the website of the Company.

5.1.2. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 7 below –

- 5.1.2.1. personnel records are available to the employee whose file it is;
- 5.1.2.2. records of disciplinary hearings and related matters are available to the employee concerned;
- 5.1.2.3. the company's policies and procedures manual(s) and related documentation.

## 5.2. **Records Available in Terms of other Legislation (Section 51 (1)(d))**

Where applicable to the business of the Company, records are kept in accordance with the following legislation:

- 5.2.1. Basic Conditions of Employment Act 57 of 1997;
- 5.2.2. Companies Act 71 of 2008;
- 5.2.3. Consumer Protection Act 68 of 2008;
- 5.2.4. Currencies and Exchanges Act 9 of 1993;
- 5.2.5. Electronic Communications and Transactions Act 25 of 2002.
- 5.2.6. Employment Equity Act 55 of 1998;
- 5.2.7. Income Tax Act 58 of 1962;
- 5.2.8. Inspection of Financial Institutions Act 80 of 1998;
- 5.2.9. Labour Relations Act 66 of 1995;
- 5.2.10. Occupational Health and Safety Act 85 of 1993;
- 5.2.11. Promotion of Access to Information Act 2 of 2000;
- 5.2.12. Protection of Personal Information Act 4 of 2013;
- 5.2.13. Skills Development Act 97 of 1998;
- 5.2.14. Skills Development Levy Act 9 of 1999;
- 5.2.15. Trade Marks Act 194 of 1993;
- 5.2.16. Unemployment Insurance Act 30 of 1966;
- 5.2.17. Unemployment Insurance Contributions Act 4 of 2002;
- 5.2.18. Value Added Tax Act 89 of 1991.

## 5.3. **Other types of records held by the Company (Section 51(1)(e))**



- 5.3.1. The Company maintains records on the following categories and subject matters. However, please note that by recording a category or subject matter in this Manual does not imply that a request for access to such records will be honoured.
- 5.3.2. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act / POPIA.
- 5.3.3. These records include and are **not automatically available** without a request in terms of the Act:

- 5.3.3.1. Company Records

- 5.3.3.1.1. Secretarial Records

- 5.3.3.1.2. Incorporation Information

- 5.3.3.1.3. Director information

- 5.3.3.1.4. Resolutions

- 5.3.3.1.5. Minutes of meetings

- 5.3.3.1.6. Shareholders / directors registrations

- 5.3.3.2. Financial Records

- 5.3.3.2.1. Financial Statements/Records

- 5.3.3.2.2. Invoices/Quotes and the like

- 5.3.3.2.3. Documents relating to taxation

- 5.3.3.2.4. Financial Agreements

- 5.3.3.2.5. Banking details

- 5.3.3.2.6. Assets register

- 5.3.3.2.7. Accounting records
- 5.3.3.2.8. Salaries
- 5.3.3.2.9. A list of the Company's creditors and debtors
- 5.3.3.3. Insurance Records
  - 5.3.3.3.1. Insurance Policies
- 5.3.3.4. Operational Records
- 5.3.3.5. Intellectual Property
- 5.3.3.6. Information Technology
  - 5.3.3.6.1. Software licenses
  - 5.3.3.6.2. Data protection measures
  - 5.3.3.6.3. Data retention formula
  - 5.3.3.6.4. Breach recovery measures
- 5.3.3.7. Marketing Records
- 5.3.3.8. Service Records
- 5.3.3.9. Property Records (including lease / ownership agreements)
- 5.3.3.10. Employee Records

Personnel refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors, executive directors, non-executive directors, all permanent,

temporary and part-time staff as well as contract workers.  
Personnel records include the following:

- 5.3.3.10.1. Any personal records provided to the Company by its personnel;
- 5.3.3.10.2. Any records a third party has provided to the Company about any of its personnel;
- 5.3.3.10.3. Conditions of employment and other personnel-related contractual and quasi legal records;
- 5.3.3.10.4. Internal evaluation records;
- 5.3.3.10.5. Other internal records and correspondence.

#### 5.3.3.11. Policies and Directives

- 5.3.3.11.1. Internal Policies and procedures (Employees)
- 5.3.3.11.2. External Policies and procedures (Clients and other)

#### 5.3.3.12. Customer Information

Please be aware that the Company protects the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act. Customer information includes the following: -

- 5.3.3.12.1. Any records a customer has provided to the Company or a third party acting for or on behalf of the Company or a third party acting on behalf of the customer;
- 5.3.3.12.2. Personal records of customers;

- 5.3.3.12.3. Credit information and other research conducted in respect of customers;
- 5.3.3.12.4. Any records a third party has provided to the Company about customers;
- 5.3.3.12.5. Confidential, privileged, contractual and quasi legal records of customers;
- 5.3.3.12.6. Records generated by or within the Company pertaining to customers, including transactional records.

#### 5.3.3.13. Other Parties

Records are kept in respect of other parties, including without limitation travel partners, commercial partners, business or trade associates, contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to the Company. The following records fall under this category:

- 5.3.3.13.1. Personnel, customer or the Company's records which are held by another party as opposed to being held by the Company; and
- 5.3.3.13.2. Records held by the Company pertaining to other parties, including financial records, correspondence, contractual records (including, service level / contractor agreements), electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

- 5.3.4. A request for access to a record of the company must be refused if the disclosure of the record would involve the unreasonable disclosure of Personal Information about a third party including a deceased individual.

## **6. PROCESSING OF PERSONAL INFORMATION**

### **6.1. Privacy Policy**

- 6.1.1. Please view the Privacy Policy of the Company located at <https://www.msccruises.co.za/privacy> for further information on the:

- 6.1.1.1. purpose of processing Personal Information;
- 6.1.1.2. description of categories of Data Subject and of the information/categories of information relating thereto;
- 6.1.1.3. the recipients or categories of recipients to whom the Personal Information may be supplied;
- 6.1.1.4. planned transborder flows of Personal Information;
- 6.1.1.5. security measures of the Company aimed at ensuring the confidentiality, integrity and availability of the information.

### **6.2. Purpose of Processing Personal Information**

- 6.2.1. The Company will only process Personal Information in line with the laws relevant to such information, such as the Act / POPIA, and in a manner that is lawful, sufficient, relevant and not excessive given the purpose for which it is collected/processed.
- 6.2.2. The Company processes Personal Information for several purposes, all of which are context specific depending on the type of engagement with the Company, or a function or activity of the Company. These include but are not limited to: -
- 6.2.2.1. customer care and support;

- 6.2.2.2. sending personalised newsletters and communications;
- 6.2.2.3. ensuring security and safety while using the Company's products or services;
- 6.2.2.4. to maintain and update the Company's client, or potential client databases;
- 6.2.2.5. any uses set out in the Passage Contract of the Company;
- 6.2.2.6. credit, debit or other payment card verification and screening and/or any other type of payment related Personal Information;
- 6.2.2.7. conducting the recruitment and hiring processes;
- 6.2.2.8. complying with regulatory reporting and statutory obligations;
- 6.2.2.9. fulfilling any contractual terms that the Company has to the Data Subject or any third party;
- 6.2.2.10. conducting due diligence processes in respect of commercial partners, business or trade associates and/or any joint ventures;
- 6.2.2.11. to administer and advance the Company's business activities with its travel partners, commercial partners, business or trade associates, suppliers, joint ventures, employees and/or independent contractors;
- 6.2.2.12. to assess general market conditions;
- 6.2.2.13. in relation to supplier and travel partner information, to create profiles on our systems, to receive and make payment, and for general supplier and travel partner administration (including the updating and maintaining of the Company's supplier and/or travel partner database (including potential suppliers and travel partners));

- 6.2.2.14. to maintain and improve the website and to improve the experience of the Company's website users, and to retain and make information available on the website;
- 6.2.2.15. for business operations;
- 6.2.2.16. accounting, billing, reporting and auditing;
- 6.2.2.17. credit checking or screening;
- 6.2.2.18. authentication and identity checks;
- 6.2.2.19. debt collection;
- 6.2.2.20. to enhance the safety and security of the Company's services and for health, training, administrative and legal purposes;
- 6.2.2.21. data matching and dedupe, statistical and market analysis;
- 6.2.2.22. advertising and marketing for the Company, its affiliates and third parties;
- 6.2.2.23. developing, testing and maintaining systems;
- 6.2.2.24. studies, research and development of new features, products or services;
- 6.2.2.25. where required by law and/or in connection with legal proceedings or disputes;
- 6.2.2.26. the facilitation of insurance and finance solutions in connection with the Company's products and/or services;
- 6.2.2.27. for the furtherance and/or protection of the legitimate interests of the Data Subject, the Company or in public interest.

**6.3. Description of the categories of Data Subjects and of the information or categories of information relating thereto**

6.3.1. The type and extent of Personal Information collected by the Company depends on the context and manner of the Data Subject's interaction with the Company.

6.3.2. The Company processes the following Personal Information relating to the following categories of Data Subjects, including but not limited to:-

<b>Data Subjects</b>	<b>Personal Information that may be processed</b>
<b>Customer</b>	<p>Natural: Name, identity number, contact details (such as, email address, physical address, billing address), driver's license/passport details, payment/transaction/account information (such as, credit card information), photographs, video footage (including, CCTV footage), date of birth, title, gender and race, health information such as dietary requirements and health issues, credentials (such as, login details, passwords and other similar security information used for authentication and account access), details relevant to other bookings (including, booking identification, cruise type, date of cruise, ship, passengers on the booking, destination, duration, price paid, cabin information and the date of booking), details of other bookings or travel arrangements by other service provider(s) or commercial partners (e.g. airlines, transfers, accommodation providers), website / marketing preferences and communications, and can include Unique Identifiers, including codes or numbers used by the Company to identify them</p> <p>Juristic (including, charterers/cruise organisers/travel agents): the name of the entity, registration number, contact details (such as, email address, physical address, billing address), incorporation documents, contact details for representatives, payment/transaction/account information (such as, credit card information), credentials (such as, login details, passwords and other similar security information used for authentication and account access), details relevant to other bookings (including, booking identification, cruise type, date of cruise, ship, passengers on the booking, destination, duration, price paid, cabin information and the date of</p>



	<p>booking), details of other bookings or travel arrangements by other service provider(s) or commercial partners (e.g. airlines, transfers, accommodation providers), website preferences, tax-related information (including, tax clearance, income tax and VAT registration details) , banking information including account numbers and payment account information, BEE certificates, contractual agreements, website / marketing preferences and communications, and can include Unique Identifier, including codes or numbers used by the Company to identify them.</p>
<p><b>Travel or commercial partners</b></p>	<p>The name of the entity, registration number, contact details (such as, email address, physical address, billing address), incorporation documents, contact details for representatives, video footage (including, CCTV footage), payment/transaction/account information (such as, credit card information), credentials (such as, login details, passwords and other similar security information used for authentication and account access), details relevant to other or related bookings (including, booking identification, cruise type, date of cruise, ship, passengers on the booking, destination, duration, price paid, cabin information and the date of booking), website preferences, tax-related information (including, tax clearance, income tax and VAT registration details), banking information including account numbers and payment account information, BEE certificates, contractual agreements, website / marketing preferences and communications, and can include a Unique Identifiers, including codes or numbers used by the Company to identify them.</p>
<p><b>Suppliers</b></p>	<p>As above.</p>
<p><b>Independent Contractors</b></p>	<p>As above.</p>

<b>Employees</b>	Name, identity number, contact details (such as, email address, physical address), account information (such as, bank account details for payment of salary), date of birth, title, gender and race, marital status, disability, employment history, criminal background checks, CVs, education history, income tax reference number, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information, video footage (including, CCTV footage), photographs, biometric data, credentials (such as, login details, passwords and other similar security information used for authentication and account access), and can include a Unique Identifiers, including codes or numbers used by the Company to identify them
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**6.4. The recipients or categories of recipients to whom the personal information may be supplied**

6.4.1. The Company will not intentionally share Personal Information, whether for commercial gain or otherwise, other than with permission, or as permitted by applicable law, or where it is necessary to administer the relationship with the Data Subject, or where a legitimate interest exists for doing so, or in the manner as set out in the Company's Privacy Policy. Personal Information can be shared with the following, which list is not an exclusive list:

6.4.1.1. the Company's agents, advisers, business partners, suppliers and other third parties, or any other person or entity that has agreed to be bound by the Act / POPIA;

6.4.1.2. with the Company's banking institution and/or other financial institutions or support service providers, where the sharing of Personal Information is necessary to effect any form of payment and/or transactions between Data Subjects and the Company;

6.4.1.3. with a travel partner when the Data Subject books through that travel partner;

6.4.1.4. with the Company's commercial partners, which operate within the following industries:

6.4.1.4.1. tourism and hospitality, which includes, tour operators, local tour guides, charterers and/or cruise organisers;

6.4.1.4.2. transportation services which include bus, airplane or other means of transportation;

6.4.1.4.3. insurance companies;

6.4.1.4.4. restaurants and shops; and

6.4.1.4.5. with Port agents and authorities, for immigration purposes, and is shared on the basis of the legal obligation that the Company has in relation to the provision of information to authorities;

6.4.1.5. within the group of companies and related businesses, brands and affiliates;

6.4.1.6. with the Company's employees, suppliers, consultants, contractors and agents if and to the extent that they require such Personal Information in order to process it for the Company and/or in the provision of services for or to the Company;

6.4.1.7. with service providers that perform services for or on behalf of the Company;

all of which will be required to comply with the Act and POPIA.

## 6.5. **Planned transborder flows of personal information**

- 6.5.1. The Company will transfer your Personal Information to certain recipients in other jurisdictions other than the Republic of South Africa, such as to another entity within the Company's group and related businesses, brands and affiliates, and to authorities and to service providers located overseas.
  - 6.5.2. The Company ensures that any such international transfers are either necessary for the performance of a contract between the customer and the overseas recipient, or are made subject to appropriate or suitable safeguards as required by Section 72 of POPIA.
- 6.6. **General description of Information Security Measures to be implemented by the Company to ensure the confidentiality, integrity and availability of the Personal Information**
- 6.6.1. The Company has implemented appropriate and reasonable organisational and technical security measures.
  - 6.6.2. The Company will manage the security of its information technology systems to ensure that Personal Information is adequately protected through the implementation of security controls in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification and/or destruction.
  - 6.6.3. Security measures will be applied in a context-sensitive manner, wherein the greater the sensitivity of the information, the greater the security measures implemented in response thereto.
  - 6.6.4. The Company will continuously review its security controls which will include regular testing of protocols and measures put in place to combat potential cyber-attacks on the Company's infrastructure.
  - 6.6.5. The Company will ensure that all paper and electronic records containing Personal Information are securely stored and made accessible only to authorised individuals.
  - 6.6.6. The Company's Operators and third-party service providers will be required to abide by POPIA and the Act.

## **7. ACCESS TO RECORDS HELD BY THE COMPANY**

- 7.1. Requests for access to records held by the Company must be made on the prescribed Request Form. A copy of the Request Form (**Form 2: Request for Access to Record**) is annexed hereto and marked as "**Annexure A**". The form can also be accessed from the website of the Information Regulator:

<https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

Please note: Using a form that does not substantially correspond to this form may result in your request being refused (if enough information or otherwise is not provided), or delayed.

- 7.2. The Request Form must:-

- 7.2.1. provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the Requester;
- 7.2.2. indicate which form of access is required;
- 7.2.3. specify a postal and/or street address, facsimile address and/or email address at which the reply to the Request must be addressed;
- 7.2.4. identify the right that the Requester is seeking to exercise or protect;
- 7.2.5. provide an explanation of why the requested record is required for the exercise or protection of that right;
- 7.2.6. in the event that the request is made on behalf of another person, the Requester must provide proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of the Company.

- 7.3. Proof of identity is required to authenticate the identity of the Requester/Data Subject, and the request. The Company may require any acceptable proof of identity, such as a certified copy of an identity document or other legal forms of identity.

- 7.4. The Request Form shall be submitted to the Information Officer at the address, telephone number, telefax number or e-mail address set out at 2.2 above.
- 7.5. The Company will, within 30 (thirty) days of receipt of Request, make a decision whether to grant or decline the Request and give written notice with reasons (if required) to the Requester to that effect (in the manner indicated by the Requester). This period can be extended for a period of 30 (thirty) days by written notice to the Requester (in the manner indicated by the Requester), should the Request:-
- 7.5.1. be for a large quantity of information or require that a large number of records are searched and, without an extension, this search would interfere with the normal activities of the Company;
  - 7.5.2. require a search through records in an office of the Company not situated in the same city or town and could thus not be completed within the initial 30 (thirty) days;
  - 7.5.3. require a level of consultation in order to act on the Request, which cannot reasonably be completed within just 30 (thirty) days; and/or
  - 7.5.4. the Requester consents to such an extension.
- 7.6. If the Request for access is granted, the Company will advise the Requester in the manner stipulated in the Request on an Outcome of Request and Fees Payable Form that corresponds substantially with **Form 3: Outcome of Request and Fees Payable**, which is annexed hereto and marked as "**Annexure B**", of –
- 7.6.1. The access fee to be paid for the information; and
  - 7.6.2. The format in which access will be given.
- 7.7. After access is granted, actual access to the record will be given as soon as reasonable possible.
- 7.8. Should the Information officer fail to respond within 30 (thirty) days after a Request has been received, it is deemed that the head of the Company has refused the request.

- 7.9. The Requester may utilise the remedies available to them, as detailed in the guide compiled by the Information Regulator (for more information on the guide, please see section 4 above).

## **8. FEES PAYABLE**

- 8.1. The Fees Payable in respect of any Request are prescribed by law, which can be found at Annexure B of the Regulations published by the Minister of Justice and Correctional Services dated 27 August 2021, which can be located at the following link:

<https://www.justice.gov.za/legislation/notices/2021/20210827-gg45057gon757-PAIAregulations.pdf>

- 8.2. Please take note that requests need not be accompanied by payment but will only be processed upon payment of the prescribed fees.
- 8.3. POPIA provides that a Data Subject may, upon providing proof of identity, request the Company to confirm, free of charge, whether or not it holds Personal Information of the Data Subject.
- 8.4. In addition, the Requester may request from the Company the record or a description of the Personal Information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information:
- 8.4.1. within a reasonable time;
  - 8.4.2. at a prescribed fee, if any;
  - 8.4.3. in a reasonable manner and format; and
  - 8.4.4. in a form that is generally understandable.
- 8.5. If a Requester is required to pay a fee for services provided to the Requester in terms of paragraph 8.4 to enable the Company to respond to the request, the Company will give the Requester a written estimate of the fee before providing the services, and may require the Requester to pay a deposit for all or part of the fee.

8.6. The Act makes provision for two (2) types of Fees Payable, these are request fees and access fees:

8.6.1. The request fee is a standard non-refundable administration fee, payable prior to the request being considered. Any Requester making a request for access to their own Personal Information is exempt from paying a request fee.

8.6.2. The access fee is for the reproduction, search and preparation of the record requested, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form and postal costs.

8.7. Upon receipt of a Request by the Company, the Company will, by written notice advise the Requester (in the manner indicated by the Requester) to pay the prescribed Fees Payable (if any), prior to the processing of the Request.

8.8. In the event that the Information Officer is of the opinion that the prescribed hours (as per the Regulations of the Act) will be exceeded to search, reproduce and/or prepare the information requested, the Company will notify the Requester (except in the case of a personal Requester) to pay as a deposit (this being the prescribed portion of the access fee).

8.9. The Company shall withhold a record until the Requester has paid the Fees Payable, as indicated.

8.10. If a deposit has been paid in respect of a Request, which has subsequently been refused, then the Company shall repay the deposit to the Requester.

## **9. GROUNDS FOR REFUSAL TO ACCESS OF RECORDS OF THE COMPANY**

See "**Annexure C**" attached.

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

10.1. 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 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.

- 10.2. 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 with every person who conducted the search.
- 10.3. The notice, as set out in 10.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 10.4. 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.
- 10.5. The Company may refuse, on certain specified grounds, to provide information to a Requester as provided for in Chapter 4 of Part 3 of the Act, which are contained in Annexure "C" hereto.

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

- 11.1. The Act makes provision for a request for information or records about a third party. In considering such a request, the Company will adhere to the provisions the Act, as well as the POPIA.
- 11.2. 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. The Act entitles third parties to dispute the decisions of the Information Officer by referring the matter to the High Court.

## **12. REMEDIES IN THE EVENT OF REFUSAL OF ACCESS**

- 12.1. Save for direct Requests to the Information Officer, the Company does not offer any further internal appeal procedure. The outcome to a Request provided by the Company is final, however, Requesters are at will to exercise external remedies at their disposal where a Request is refused and the reasons provided therefore are unsatisfactory to the Requester.

- 12.2. A Requester who is dissatisfied with the Company's refusal to disclose the information sought may, within 180 (one hundred and eighty) days of the notification of the decision, apply to a High Court of South Africa with the appropriate jurisdiction for relief.

### **13. UPDATING OF MANUAL**

The Company will update this Manual at such intervals as may be necessary

**“Annexure A”**

**FORM 2: REQUEST FORM FOR ACCESS TO RECORD OF A PRIVATE BODY**

in terms of Section 53(1) of the Promotion of Access to Information Act 2 of 2000

[Regulation 7]

**1. PARTICULARS OF THE PRIVATE BODY**

TO: The Information Officer:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*(Address)*

Email Address: \_\_\_\_\_

Fax Number: \_\_\_\_\_

**2. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

*(a) The particulars of the person who requests access to the record must be recorded below.*

*(b) The address and/or fax number in the Republic to which information must be sent.*

*(c) Proof of the capacity in which the request has been made, if applicable, must be attached.*

Full names and surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Cell Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

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

---

**3. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE**

*(This section must only be completed if a Request is made on behalf of another person)*

Full names: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

Facsimile Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Cell Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

**4. 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.*

Description / Particulars  
of record:

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Reference Number:  
(if applicable) \_\_\_\_\_

Any further  
Particulars of

Record: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**5. TYPE OF RECORD**

*(Mark the applicable box with an "X")*

5.1. Records in written or printed form	
5.2. Record comprises of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
5.3. Record consists of recorded words or information which can be reproduced in sound	
5.4. Record is held on computer or in an electronic, or machine-readable form	

**6. FORM OF ACCESS TO RECORD**

*(a) Please note that compliance with your Request 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 instances, you will be informed if access will be granted in another form.*

*(c) The Fees Payable for access to the record, if any, will be determined partly by the form in which access is required.*

Kindly mark the appropriate box with an "X" down in the space provided down below:-

6.1. Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on a computer or in an electronic or machine-readable form)</i>	
6.2. Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
6.3. Transcription of soundtrack <i>(written or printed document)</i>	
6.4. Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
6.5. Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
6.6. Copy of record saved on cloud storage server	

**7. MANNER OF ACCESS**

(Mark the applicable box with an "X")

7.1. Personal inspection of record at registered address of the Company <i>(including listening to recorded words, information which can be reproduced in sound, or information held on a computer or in an electronic or machine-readable form)</i>	
7.2. Postal services to postal address of Requester	
7.3. Postal services to street address of Requester	
7.4. Courier service to street address of Requester	
7.5. Facsimile of information in written or printed format <i>(including transcriptions)</i>	
7.6. Email of information <i>(including soundtracks if possible)</i>	
7.7. Cloud share / file transfer	
7.8. Preferred language: _____ <i>(Please note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

**8. 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.*

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

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

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**9. FEES PAYABLE**



- 9.1. 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.
- 9.2. You will be notified of the amount required to be paid as the Request fee.
- 9.3. 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.
- 9.4. If you qualify for an exemption of the payment of any fee, kindly state the reason for such exemption below:

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**10. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

- 10.1. You will be notified in writing whether your Request has been approved or denied.
- 10.2. If you wish to be informed of the outcome of your Request in another manner, please specify the manner and provide the necessary particulars in order to enable compliance with your Request:

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SIGNED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_ (MONTH) \_\_\_\_\_ (YEAR)

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

**“Annexure B”**

**FORM 3: OUTCOME OF REQUEST AND OF FEES PAYABLE**

[Regulation 8]

**Note:**

1. *If your request is granted the –*
  - (a) *amount of the deposit (if any) is payable before your request is processed; and*
  - (b) *the requested record / portion of the record will only be released once proof of full payment is received*
2. *Please use the reference number hereunder in all future correspondence.*

**TO:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reference No.: \_\_\_\_\_

Your request dated \_\_\_\_\_ refers.

**1. YOU REQUESTED:**

Personal inspection of information at the registered address of the Company <i>(including listening to recorded words, information which can be reproduced in sound, or information held on a computer or in an electronic or machine-readable form)</i> is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B to the Regulations.	
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OR

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on a computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

**2. TO BE SUBMITTED:**

Personal inspection of record at registered address of the Company <i>(including listening to recorded words, information which can be reproduced in sound, or information held on a computer or in an electronic or machine-readable form)</i>	
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Postal services to postal address of Requester	
Postal services to street address of Requester	
Courier service to street address of Requester	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
Email of information <i>(including soundtracks if possible)</i>	
Cloud share / file transfer	
Preferred language: _____ <i>(Please note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

**3. KINDLY NOTE THAT YOUR REQUEST HAS BEEN:**


**Approved**

**Denied, for the following reasons:**

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**4. FEES PAYABLE WITH REGARDS TO YOUR REQUEST:**

Item	Description	Cost per A4 page or part thereof / item / request	Total
1.	The request fee payable by every Requestor	R140.00	
2.	Photocopy	R2.00	
3.	Printed black & white copy	R2.00	
4.	For a copy in a computer-readable form on: (i) Flash Drive • To be provided by Requestor (ii) Compact disc • If provided by Requestor • If provided to Requestor	R40.00 R40.00 R60.00	
5.	For a transcription of visual images per A4 page	Service to be outsourced. Will depend on the quotation of the service provider.	
6.	Copy of visual images		
7.	Transcription of an audio record, per A4 page	R24.00	

8.	Copy of an audio record on: (i) Flash drive • To be provided by Requestor (iii) Compact disc • If provided by Requestor • If provided to Requestor	R40.00 R40.00 R60.00	
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of R435.00.	R145.00	
10.	Postage, email or any other electronic transfer	Actual costs	
<b>Total:</b>			

**5. DEPOSIT PAYABLE (IF SEARCH EXCEEDS SIX HOURS):**

Yes

No

Hours of search: \_\_\_\_\_  
 Amount of deposit: \_\_\_\_\_  
 (calculated on one third of total amount per request)

The amount must be paid into the following bank account:

Name of Bank: \_\_\_\_\_  
 Account Holder: \_\_\_\_\_  
 Type of Account: \_\_\_\_\_  
 Account Number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Ref No.: \_\_\_\_\_  
 POP send to: \_\_\_\_\_

**Signed at** \_\_\_\_\_ **this** \_\_\_\_\_ **day of**  
 \_\_\_\_\_ **20**\_\_\_\_\_.

\_\_\_\_\_  
**Information Officer**

## **ANNEXURE "C"**

### **GROUND FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY**

The information contained in this section is a summary of the grounds upon which a private body is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a Requester with clarity as to the reasons why a request may be refused by the private body (but does serve as a substitute for the grounds set out in the Act)

#### **A. Section 63: Mandatory protection of privacy of a third party who is a natural person**

The Information Officer must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

##### **However, a record may not be refused if it consists of information:**

- a) About an individual who has consented, in writing, to the disclosure of the information;
- b) Already publicly available;
- c) Given to the private body by the individual to whom it relates, and that individual was informed by the private body before it is disclosed that the information belongs to a class of information that may already be publicly available;
- d) About an individual's physical or mental health, or well-being, who is under the care of the Requester, and who is under the age of 18 years or incapable of understanding the nature of the request, and further if the disclosure would be in the individual's best interests;
- e) About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- f) About an individual who is or was an official of a private body, and the information relates to the position or functions of the individual.

#### **B. Section 64: Mandatory protection of commercial information of a third party**

The Information Officer must refuse a request for access to a record of that private body if it contains:

- a) Trade secrets of a third party;
- b) Financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;
- c) Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

##### **However, a record may not be refused if it consists of information:**

- a) About a third party who has already consented in writing to its disclosure to the requester;
- b) About the results of any product or environmental testing or other investigation supplied by the private body or the results of any such testing or investigation carried out on by or on behalf of the private body and its disclosure would reveal a serious public safety or environmental risk.

#### **C. Section 65: Mandatory protection of certain confidential information of a third party**

The head of a private body must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

#### **D. Section 66: Mandatory protection of safety of individuals, and protection of property**

- a) The Information Officer must refuse a request for access to a record of that body, if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- b) The Information Officer may refuse a request for access to a record of that body if its disclosure would be likely to prejudice or impair:
  - i) The security of a building, structure, ship, vessel, or system, including a computer or communication system; a means of transport or any other property;

ii) The methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public or part of the public or the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

**E. Section 67: Mandatory protection of records privileged from production in Legal Proceedings**

The Information Officer must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

**F. Section 68: Commercial information of the private body**

The Information Officer may refuse a request for access to a record of that body, if the record:

- a) Contains trade secrets of the private body;
- b) Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely cause harm to the commercial or financial interests of that body;
- c) Contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations; or prejudice the body in commercial competition;
- d) Is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the private body, unless it is required to give access to a record in terms of the Act.

***However, a record may not be refused if it consists of information:***

About the results of any product or environmental testing or investigation (excluding the results of preliminary testing or investigations conducted for developing methods of testing), carried out by or for the public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

**G. Section 69: Mandatory protection of research information of a third party, and protection of research information of a private body**

1) The Information Officer must refuse a request for access to a record of that body, if the record contains information about research being carried out or to be carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to expose:

- a) the third party; or
- b) the person carrying out the research or will be carrying out the research on behalf of the third party; or
- c) the subject matter of the research; to a serious disadvantage.

2) The Information Officer may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed, it would likely to expose:

- a) the private body; or
- b) the person carrying out the research or will be carrying out the research on behalf of the private body; or
- c) the subject matter of the research; to a serious disadvantage.

**H. Section 70: Mandatory disclosure in the public interest**

a) Despite the above listed grounds for refusal, the head of a private body must grant a request for access to a record of that body if, the disclosure thereof would reveal evidence of:

- a) a substantial contravention of, or failure to comply with the law; or
- b) an imminent and serious public safety or environmental risk; and
- c) the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.