

## **PAIA AND POPIA MANUAL**

**Of**

**Sharon Munyaka Incorporated (SMINC)**

**Registration Number: 2013/019368/21**

**In terms of Section 51 of the Promotion of  
Access to Information Act No. 2 of 2000 As  
amended ("PAIA")**

**And**

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

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## 1. Definitions

As per the context of the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act (PAIA), the following definitions are applicable:

**“Data Subject”** means the person to whom personal information relates.

**“Information Officer”** means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the “head” of the Company by the Acts; The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the “head” of the Company in writing.

**“Personal Information”** means information about an identifiable individual, 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 individual.

- information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.
- any identifying number, symbol or other assigned to the individual, the address, fingerprints, or blood type of the individual.
- correspondence sent by the individual 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 individual.
- the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual but excludes information about an individual who has been dead for more than 20 years.

**“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- The collection, receipt, recording, organisation, collation, storage, updating, or modification, retrieval, alteration, consultation, or use
- Dissemination by means of transmission, distribution or making available in any other form;
- Merging, linking, as well as restriction, degradation, erasure, or destruction of information.

**“Records”** means any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, irrespective of whether it was created by the Company.

**“Request”** means a request for access to a record of the Company.

**“Requestor”** means any person, including a public body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person.

**“Responsible Party”** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose and means for processing personal information.

**“Unique Identifier”** means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

## 2. Introduction

The Promotion of Access to Information Act, 2000, as amended ("PAIA" / "the Act") gives data subjects the right to approach the responsible party to request information held by them, which is required in the exercise and/or protection of any right.

As per Section 17 of the Protection of Personal Information Act (POPIA), 2013, a responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act.

This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act, and further incorporates or addresses the requirements of the Protection of Personal Information Act, 2013 ("POPIA")

Enquiries regarding PAIA and POPIA, can be made via the following channels:

- **PAIA**

The South African Human Rights Commission  
PAIA Unit (the Research and Documentation Department)  
Postal address: Private Bag 2700, Houghton, 2041

**Website:** [www.sahrc.org.za](http://www.sahrc.org.za)

**Email:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

- **POPIA**

The Information Regulator (South Africa)  
JD House, 27 Stiemens Street  
Braamfontein, Johannesburg, 2001

**Website:** [www.justice.gov.za](http://www.justice.gov.za)

**Email:** [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

### 3. Company Information and Contact Details of the Information Officer

<b>Full Name</b>	Sharon Munyaka Incorporated
<b>Registration Number</b>	2013/019368/21
<b>Managing Director</b>	Dr Sharon Munyaka
<b>Addresses</b>	<p><b>Johannesburg:</b> 53 Melrose Street, Melrose Estate Johannesburg, 2196</p> <p><b>Gqeberha:</b> 33 Winston Ntshona Street, Central, Gqeberha, 6001</p>

The responsibility for administration of, and compliance with, PAIA and POPIA have been delegated to the Information Officer.

Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officers as follows:

<b>Information Office</b>	<p><b>Name:</b> Dr Sharon Munyaka <b>Email:</b> <a href="mailto:sharon@smunyakainc.co.za">sharon@smunyakainc.co.za</a> <b>Fax:</b> 086 517 9551 <b>Phone:</b> 072 408 7569</p>
<b>Deputy Information Officer</b>	<p><b>Name:</b> Dr Tatenda Nyabvudzi <b>Email:</b> <a href="mailto:assessments@smunyakainc.co.za">assessments@smunyakainc.co.za</a> <b>Phone:</b> 071 910 3233</p>

#### **4. Personal Information We Collect**

We collect personal information when data subjects ask us to contact them or request services from us. For this purpose, we will collect basic personal details (Name and Surname), contact details (Telephone Number and Email Address) as well as the details related the data subject's service needs.

We also receive personal information from third parties and or business partners with whom we conduct business to support their operations and business needs.

The personal information we receive from third parties includes but not limited to, personal details (Name, Surname, Identity Number) and contact details (Telephone Number and Email Address) of the data subjects.

#### **5. Safeguarding Information:**

SMINC is legally obliged to provide adequate protection for the personal information we hold and to prevent any unauthorized access and/or use of personal information.

We maintain administrative, technical, and physical safeguards to protect against loss, misuse or unauthorised access, disclosure, alteration, or destruction of the personal information that we hold.

SMINC employs the following measures to ensure the safety of all information:

- Access control measures.
- Password control.
- Physical security measures.
- Security Firewalls.
- Virus protection software and update protocols.

We will continuously review our security controls and processes to ensure that personal information remains secure.

## **6. Protection of Personal Information**

SMINC ensures that Personal Identifiable Information of Data Subjects is:

- is accurate and up to date.
- will not be kept for longer than necessary.
- is processed only for the purposes for which it was collected for.
- will not be processed for a secondary purpose unless consent is provided.
- is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, processed, and communicated.
- is processed in accordance with the rights of Data Subjects, where applicable.

## **7. Rights of Data Subjects**

Data subjects have the following rights:

- To be notified that their Personal Information is being collected.
- To be notified in the event of a data breach.
- To enquire whether SMINC holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual.
- To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
- To complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her or its personal information.



## **8. Request for Information Process**

Requests for access to records held by SMINC must be made by the requester using the prescribed Form C: Request for Access to Record, available on the SAHRC website or the Department of Justice and Constitutional Development website (<https://www.justice.gov.za/inforeg/docs2-f.html>)

Such request must be made to the Information Officer or /her Deputy at the postal or physical address, fax number or electronic mail address stated in section 3.

In lodging the request, the requestor must comply with all the procedural requirements contained in the Act relating to a request for access to a record. The requester must:

- Provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.
- Indicate which form of access is required and specify a postal address, fax number and/or email address within the Republic.
- Indicate whether, in addition to a written response, the requester requests to be informed in any other manner and state the necessary particulars to be so informed.
- Identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

If access is requested to a record that contains information about a third party, SMINC is obliged to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

The Information officer, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

## **9. Grounds for refusal**

The Information Officer may refuse a request for information for the following reasons:

- Where the disclosure would amount to an unreasonable disclosure of personal information.
- Where such information was supplied in confidence by a third party.
- Where the disclosure would breach the duty of confidence owed to a third party.
- Where the disclosure would endanger the life or physical safety of an individual.
- If the disclosure is privileged under legal proceedings or research conducted by or on behalf of a third party.
- Where the disclosure would compromise the investigation where proceedings are pending.

## 10. Prescribed Fees

In certain circumstances the requester will be required to pay a fee as prescribed by the Act. The PAIA provides for two types of fees:

- **A request fee** is a non- refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered. Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee as prescribed by PAIA is payable up-front before the institution will further process the request received.
- **An access fee** is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.

Please see the following link to see the prescribed fees:  
<https://inforegulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>

Payment details can be obtained from the Information Officer.

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

## 11. Updating of the Manual

The Information Officer will on a regular basis update this manual.