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b Informativ (Pty) Ltd
2014/067874/07

PAIA Manual

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Updated by: Mieke Bezuidenhout

b Informativ (Pty) Ltd

This manual has been prepared in terms of the section 51 of the Promotion of Access to Information Act 2 of 2000 and to address the requirements of the Protection of Personal Information Act 4 of 2013.

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Annexures:

1. *Annexure A - Form 1 - Request for a Copy of the Guide - Regulations 3 **(Click Here)***
2. *Annexure B - Form 2 - Request for Access to Record - Regulations 7 **(Click Here)***
3. *Annexure C - Form 1 - Objection to the Processing of Personal Information in Terms of Section 11(3) of the Personal Information Act, 2013 (Act No. 4 Of 2013) - Regulations Relating to the Protection of Personal Information, 2017 - Regulations 2(1) **(Click Here)***
4. *Annexure D - 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, 2017 - Regulation 3(2) **(Click Here)***
5. *Annexure E - Form 3 - Outcome of Request and of Fees Payable - Regulation 8 **(Click Here)***

1. Definitions:

Client:	Any natural or juristic person that received or receives services from b Informatic (Pty) Ltd .
Conditions for Lawful Processing:	The conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPI and in paragraph 12 of this Manual.
Data Subject:	The person to whom personal information relates.
Information Officer:	The individual who is identified in paragraph 3 of this manual.
Manual:	This manual.
PAIA:	The Promotion of Access to Information Act 2 of 2000.
Personal Information:	<p>Means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:</p> <ol style="list-style-type: none">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; andThe 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
Personnel:	Any person who works for, or provides services to or on behalf of b Informatic (Pty) Ltd , and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of b Informatic (Pty) Ltd , which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers

POPI:	The Protection of Personal Information Act 4 of 2013.
POPI Regulations:	The regulations promulgated in terms of section 112(2) of POPI.
Private Body:	Means - <ul style="list-style-type: none"> a. A natural person who carries or has carried on any trade, business or profession, but only in such capacity; b. A partnership which carries or has carried on any trade, business or profession; or c. Any former or existing juristic person, but excludes a public body.
Processing:	Means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including: <ul style="list-style-type: none"> a. The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; b. Dissemination by means of transmission, distribution or making available in any other form; or c. Merging, linking, as well as restriction, degradation, erasure or destruction of information.
SAHRC:	The South African Human Rights Commission.

Any other terms not described herein will have the meaning as ascribed to it in terms of PAIA or POPI.

2. Introduction:

- 2.1 For the purpose of POPI and PAIA, **b Informatic (Pty) Ltd** is defined as a private body. In accordance with **b Informatic (Pty) Ltd** obligations in terms of POPI and PAIA, **b Informatic (Pty) Ltd** has produced this manual.
- 2.2 This manual sets out all information required by both PAIA and POPI.
- 2.3 This manual also deals with how requests are to be made in terms of PAIA.
- 2.4 This manual also establishes how compliance with POPI is to be achieved.

3. Contact Details:

Name:	b Informatic (Pty) Ltd
Registration Number:	2014/067874/07
Physical Address:	34 Landina Gardens 2010 Wekker Road Moreleta Park Pretoria 0181
Postal Address:	34 Landina Gardens 2010 Wekker Road Moreleta Park Pretoria 0181
Contact Number:	(012) 004 1310
Information Officer:	Brenden Igmar Espag
Email Address:	admin@binformatic.co.za

Background information of **b Informatic (Pty) Ltd** can be found at: <https://www.binformatic.co.za>

4. Guide of the Information Regulator:

- 4.1 A guide to PAIA and how to access information in terms of PAIA has been published pursuant to section 10 of PAIA.
- 4.2 The guide contains information required by an individual who may wish to exercise their rights in terms of PAIA.
- 4.3 The table of contents includes a direct link to **Annexure A**. To obtain a copy of the guide, we kindly request you to establish contact with the designated Information Officer via the contact information specified in point 3 above, under the section titled "Contact Details". (New)
- 4.4 You may also inspect the guide on **b Informatic (Pty) Ltd** website at <https://www.binformatic.co.za> in English.
- 4.5 You may also request a copy of the guide from Information Regulator at the following details:
<https://infoeregulator.org.za/paia-guidelines/>

Information Regulator:

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone: (010) 023 5200
Website: www.infoeregulator.org.za
Email: PAIACompliance@infoeregulator.org.za

5. Latest Notices in Terms of Section 52(2) of PAIA:

- 5.1 At this stage no Notice(s) has/have been published on the categories of records that are available without having to request access to them in terms of PAIA.

6. Availability of Certain Records in Terms of PAIA:

- 6.1 **b Informatic (Pty) Ltd** holds and/or process the following records for the purposes of PAIA and POPI.
- 6.2 The following records may be requested; however, it should be noted that there is no guarantee that the request will be honoured. Each request will be evaluated in terms of PAIA and any other applicable legislation.

Products and/or Services:

All products and/or services are available freely on **b Informatic (Pty) Ltd's** website as set out above.

Human Resources:

Employment Contracts
Personnel records and correspondence
Training records
Internal policies

Legal:

Agreements with Clients
Agreement with Suppliers
Licenses and Permits
Power of Attorneys
Lease agreements

Company Secretarial:

Memorandum of Incorporation
Secretarial records
Tradename registrations
Company registration documents
Statutory registers
Minutes of Director's meetings
Register of Directors
Share Certificates

Financial:

Accounting records
Annual reports
Interim reports
Auditor details and reports
Tax returns
Insurance records

Client:

Client database
Correspondence with Clients
Documentation prepared for Clients.
Invoices, receipts, credit and debit notes

Marketing:

Published Marketing material

Miscellaneous:

Internal Correspondence

Information technology records
Domain name registrations
Website information
Asset registers
Title Deeds

7. Records Available in Terms of other Legislation:

b Informatic (Pty) Ltd may be in possession of records in terms of the following legislation as and when applicable:

- 7.1 Basic Conditions of Employment Act, No. 75 of 1997.
- 7.2 Companies Act, No. 71 of 2008.
- 7.3 Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993.
- 7.4 Constitution of the Republic of South Africa Act, No. 108 of 1996.
- 7.5 Electronic Communication and Transactions Act, No. 25 of 2002.
- 7.6 Employment Equity Act, No. 55 of 1998.
- 7.7 Financial Intelligence Centre Act, No. 38 of 2001.
- 7.8 The Labour Relations Act, No. 66 of 1995.
- 7.9 Skills Development Levies Act, No. 9 of 1999.
- 7.10 Unemployment Insurance Act, No. 63 of 2001.
- 7.11 Value Added Tax Act, No. 89 of 1991.
- 7.12 Income Tax Act, No. 58 of 1962.
- 7.13 Occupational Health and Safety Act No. 85 of 1993.

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

8. Request Process:

- 8.1 The requester is obligated to complete **Annexure B** which can be found in the table of contents, on page 2, and then forward it to the Information Officer using the provided contact details specified above.
- 8.2 The prescribed form must be submitted as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail as is stated herein.

- 8.3 The prescribed form must be completed with enough particularity to enable the information officer to determine:
- 8.3.1 The record(s) requested;
 - 8.3.2 The identity of the requestor;
 - 8.3.3 What form of access is required; and
 - 8.3.4 The postal address or fax number of the requestor.
- 8.4 The requestor must state that the records are required for the requestor to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. An explanation of why the records requested is required to exercise or protect the right.
- 8.5 The request for access will be dealt with within 30 days from date of receipt, unless the requestor has set out special grounds that satisfies the Information Officer that the request be dealt with sooner.
- 8.6 The period of 30 days may be extended by not more than 30 additional days, if the request is for a large quantity of information, or the request requires a search for information held at another office of **b Informatic (Pty) Ltd** and the information cannot be reasonably obtained within 30 days. The information officer will notify the requestor in writing should an extension be necessary.
- 8.7 The Information Officer is responsible for communicating a response to the access request using “**Annexure E**”, which can be conveniently accessed through a direct link in the table of contents on page 2. This communication is intended to inform the requestor of:
- 8.7.1 The decision;
 - 8.7.2 Fees payable in terms of paragraph 11.
- 8.8 In the event that the Information Officer is of the opinion that the searching and preparation of the record for disclosure would amount to more than 6 hours, he/she shall inform the requestor to pay a deposit not exceeding one third of the amount payable.
- 8.9 Should the requestor have any difficulty with the form, or the process laid out herein, the requestor should contact the Information Officer for assistance.
- 8.10 An oral request can be made to the Information Officer should the requestor be unable to complete the form due to illiteracy or a disability. The Information Officer will complete the form on behalf of the requestor and provide a copy of the form to the requestor.

9. Grounds for Refusal:

The following are grounds upon which **b Informatic (Pty) Ltd** may, subject to the exceptions in Chapter 4 of PAIA, refuse a request for access in accordance with Chapter 4 of PAIA:

- 9.1 Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
- 9.2 Mandatory protection of the commercial information of a third party, if the Records contain:

- 9.2.1 Trade secrets of that third party;
- 9.2.2 Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
- 9.2.3 Information disclosed in confidence by a third party to **b Informatic (Pty) Ltd**, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 9.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 9.4 Mandatory protection of the safety of individuals and the protection of property;
- 9.5 Mandatory protection of records that would be regarded as privileged in legal proceedings;
- 9.6 Protection of the commercial information of **b Informatic (Pty) Ltd**, which may include:
 - 9.6.1 Trade secrets;
 - 9.6.2 Financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of **b Informatic (Pty) Ltd**;
 - 9.6.3 Information which, if disclosed, could put **b Informatic (Pty) Ltd** at a disadvantage in contractual or other negotiations or prejudice **b Informatic (Pty) Ltd** in commercial competition; and/or
 - 9.6.4 Computer programs which are owned by **b Informatic (Pty) Ltd**, and which are protected by copyright and intellectual property laws;
 - 9.6.5 Research information of **b Informatic (Pty) Ltd** or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
 - 9.6.6 Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

10. Remedies Should a Request be Refused:

- 10.1 **b Informatic (Pty) Ltd** does not have an internal appeal procedure in light of a denial of a request, decisions made by the information officer is final;
- 10.2 The requestor may in accordance with sections 56(3) (c) and 78 of PAIA, apply to a court for relief within 180 days of notification of the decision for appropriate relief.

11. Fees:

The following fees shall be payable upon request by a requestor:

Request fee (payable on every request)	R140.00
Photocopy of an A4 page or part thereof	R2.00
Printed copy of an A4 page or part thereof	R2.00
Hard copy on flash drive (flash drive to be provided by requestor)	R40.00

Hard copy on a compact disc (compact disc to be provided by requestor)	R40.00
Hard copy on a compact disc (compact disc to be provided by b Informatic (Pty) Ltd)	R60.00
Transcription of visual images per A4 page	As per quotation of service provider
Copy of visual images	As per quotation of service provider
Transcription of an audio record per A4 page	R24.00
Copy of an audio record on flash drive (flash drive to be provided by requestor)	R40.00
Copy of an audio on a compact disc (compact disc to be provided by requestor)	R40.00
Copy of an audio on a compact disc (compact disc to be provided by b Informatic (Pty) Ltd)	R60.00
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	R145.00
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 (cannot exceed total cost)	R435.00
Postage, email or any other electronic transfer	Actual expense, if any.

12. POPI:

Conditions for lawful processing:

12.1 POPI has eight conditions for lawful processing and includes:

- 12.1.1 Accountability
- 12.1.2 Processing limitation
- 12.1.3 Purpose specification
- 12.1.4 Further processing limitation
- 12.1.5 Information quality
- 12.1.6 Openness
- 12.1.7 Security safeguards
- 12.1.8 Data subject participation

12.2 **b Informatic (Pty) Ltd** is involved in the following types of processing:

- 12.2.1 Collection
- 12.2.2 Recording
- 12.2.3 Organisation

- 12.2.4 Structuring
- 12.2.5 Storage
- 12.2.6 Adaptation or alteration
- 12.2.7 Retrieval
- 12.2.8 Consultation
- 12.2.9 Use
- 12.2.10 Disclosure by transmission
- 12.2.11 Dissemination or otherwise making available
- 12.2.12 Alignment or combination
- 12.2.13 Restriction
- 12.2.14 Erasure
- 12.2.15 Destruction

12.3 **b Informatic (Pty) Ltd** processes information for the following purposes:

- 12.3.1 to fulfil agreements in relation to its employees;
- 12.3.2 to provide services to its Clients in accordance with terms agreed to by the Clients;
- 12.3.3 to undertake activities related to the provision of services, such as:
 - 12.3.3.1 to fulfil domestic legal, regulatory and compliance requirements
 - 12.3.3.2 to verify the identity of Customer representatives who contact **b Informatic (Pty) Ltd** or may be contacted by **b Informatic (Pty) Ltd**;
 - 12.3.3.3 for risk assessment, information security management, statistical, trend analysis and planning purposes;
 - 12.3.3.4 to monitor and record calls and electronic communications with the Client for quality, training, investigation and fraud prevention purposes;
 - 12.3.3.5 to enforce or defend **b Informatic (Pty) Ltd** or **b Informatic (Pty) Ltd** affiliates' rights;
 - 12.3.3.6 to manage **b Informatic (Pty) Ltd's** relationship with its Clients, which may include providing information to its Clients and its Clients affiliates about **b Informatic (Pty) Ltd** and **b Informatic (Pty) Ltd** affiliates' products and services;
 - 12.3.3.7 the purposes related to any authorised disclosure made in terms of agreement, law or regulation;

12.3.3.8 any additional purposes expressly authorised by **b Informatic (Pty) Ltd's** Client;

12.3.3.9 any additional purposes as may be notified to the Client or Data Subjects in any notice provided by **b Informatic (Pty) Ltd.**

12.4 **b Informatic (Pty) Ltd** processes personal information the following categories of Data Subjects:

12.4.1 Juristic persons:

12.4.1.1 Corporate clients

12.4.1.2 Suppliers

12.4.2 Natural persons:

12.4.2.1 Individuals

12.4.2.2 Staff

12.4.2.3 Clients

12.4.2.4 Suppliers

12.5 **b Informatic (Pty) Ltd** process the following categories personal information:

12.5.1 Client profile information;

12.5.2 Bank account details;

12.5.3 Payment information;

12.5.4 Client representatives;

12.5.5 Names;

12.5.6 Email addresses;

12.5.7 Telephone numbers;

12.5.8 Facsimile numbers;

12.5.9 Physical addresses;

12.5.10 Tax numbers;

12.5.11 Identity Numbers;

12.5.12 Passport Numbers;

12.6 Recipients of Personal Information:

12.6.1 **b Informatic (Pty) Ltd, b Informatic (Pty) Ltd's** affiliates, their respective representatives

12.6.2 When making authorised disclosures or transfers of personal information in terms of Section 72 of POPI, personal information may be disclosed to recipients in countries that do not have the same level of protection for personal information as South Africa does.

12.7 The following Security measures are implemented by **b Informatic (Pty) Ltd**:

12.7.1 **b Informatic (Pty) Ltd** implements numerous Security measures to protect personal information that is stored electronically and physically.

12.7.2 **b Informatic (Pty) Ltd** ensures that appropriate security measures are taken and updates these measures on a regular basis.

12.7.3 **b Informatic (Pty) Ltd** have also implemented various policies for additional security for personal information stored both physically and electronically.

12.8 The personal information that is stored physically is protected as follows:

12.8.1 Where physical records of the data exist, such records will be stored in a secure area that can be 'locked-away' as to avoid a breach of the personal information.

12.8.2 Such physical data records will be 'locked-away' and secured when not in use.

12.8.3 **b Informatic (Pty) Ltd** may share personal information with third parties and in certain instances this may result in cross border flow of the personal information. The personal information will always be subject to protection, not less than the protection it is afforded under the Protection of Personal Information Act No.4 of 2013.

12.9 Objection to the processing of personal information by a data subject:


12.9.1 Section 11(3) of POPI and regulation 2 of the POPI regulations provide that a data subject may, at any time, object to the processing of their personal information using "**Annexure C**". A direct link to this form can be found on page 2 in the table of contents.

12.10 Request for correction or deletion of personal information:

12.10.1 Section 24 of POPI and regulation 3 of the POPI regulations provide that a data subject may request the correction and/or deletion of their personal information using "**Annexure D**". A direct link to this form can be found in the table of contents on page 2.

12.10.2 Regulation 8 of the POPI regulations provides for requests the outcomes of requests and of fees payable using "**Annexure E**". A direct link to this form can be found in the table of contents on page 2.

Signature of Information Officer:

Signature:  _____

Date: 29/02/2024

Document History:

Version	Date	Updated by
1.0	[18/10/2023]	[Brenden Espag]
2.0	[29/02/2024]	[Mieke Bezuidenhout]