

SYREX (PROPRIETARY) LIMITED

(Registration number: 2013/076869/07)

PAIA MANUAL AND POPIA POLICY

In terms of Section 51 of the Promotion of Access to Information Act 2 of 2022

And

In terms of the Protection of Personal Information Act 4 of 2013



www.syrex.co.za

1. INTRODUCTION

1.1. The following words will bear the following meaning in this Manual:-

1.1.1. **“PAIA”** shall mean the Promotion of Access to Information Act, No.2 of 2000, together with all relevant regulations published from time to time

1.1.2. **“Data Subject”** shall mean the person to whom Personal Information relates;

1.1.3. **“Personal Information”** shall mean any and all data that is obtained from the Data Subject that is not available in the public domain.

1.1.4. **“Responsible Party”** shall mean Syrex and Syrex’s employees authorised to process the Data subject’s Personal Information.

1.1.5. **“POPIA”** shall mean the Protection of Personal Information Act, No.4 of 2013, together with all relevant regulations published from time to time.

1.1.6. **“Requestor”** shall mean either the Data Subject or a Third Party requesting access to the Personal Information.

1.1.7. **“Third Party”** shall mean in relation to a request for access to-

1.1.7.1. A record of a public body, any person (including but not limited to, the government of a foreign state, an international organization or an organ of that government or organization) other than-

1.1.7.1.1. The Requestor concerned; and

1.1.7.1.2. A public body;or

1.1.7.2. a record of a private body, any person (including but not limited to, a public body) other than the requestor, but for the purposes of section 34 and 63, the reference to “person” in clauses 1.5.1 and 1.5.2 hereof must be construed as a reference to “natural person”;

1.1.8. **“the/this Manual”** shall mean this Syrex Promotion of Access to Information Manual together with all annexures thereto as available at the offices of Syrex from time to time;

1.1.9. **“SAHRC”** shall mean the South African Human Rights Commission;

1.1.10. **“Website”** shall mean www.syrex.com

1.2. PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. This is information by the State but also information held by any

other person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints.

- 1.3. The Syrex Promotion of Access to Information Manual is published in terms of Section 51 of PAIA and section 23-25 of POPIA. The Manual is to assist potential Requestors as to the procedure to be followed when requesting when requesting access to information/ documents from Syrex as contemplated in terms of PAIA.
- 1.4. Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of PAIA. In addition, in compliance with POPIA a responsible Party who processes Personal Information must notify Data Subject of the manner in which the Data Subject can access their personal information held by the Responsible Party.
- 1.5. The manual may be amended from time to time and as soon as any amendments have been finalised the latest version of the Manual will be made public.
- 1.6. Any Requestor is advised to contact the Information Officer should he/ she requires assistance in respect of the utilisation of this Manual and/or requesting of documents/ information from Syrex.

2. THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

- 2.1. In terms of section 51 of PAIA, all private bodies are required to compile an Information Manual.
- 2.2. PAIA applies to all records held by a private body. Record is defined in section 1 of PAIA as any recorded information, regardless of the form or medium. In the possession or under the control of the private body-whether or not it was created by that private body.
- 2.3. Where a request is made in terms of section 50 of PAIA, the body to whom the request is made, is obliged to release the information, however, this obligation is subject to the applicable legislative and regulatory requirements as set out in sections 63 to 70 of PAIA, namely:
 - 2.3.1. The mandatory protection of the privacy of a Third Party who is a natural person;
 - 2.3.2. The mandatory protection of commercial information of a Third Party;
 - 2.3.3. The mandatory protection of certain confidential information of a Third Party;

- 2.3.4.The mandatory protection of the safety of individuals and the protection of property;
- 2.3.5.The mandatory protection of records privileged from production in legal proceedings;
- 2.3.6.Commercial information of a Third Party;
- 2.3.7.Mandatory protection of research information of a Third Party;
- 2.3.8.Mandatory protection of research information from a Third Party; and
- 2.3.9.Mandatory protection in the public interest.

3. CONTACT DETAILS OF APPOINTED INFORMATION OFFICER

NAME OF DULY APPOINTED

INFORMATION OFFICER PERSON: BARBARA WATSON

NAME OF MANAGING DIRECTOR: DAVID HERSELMAN

POSTAL ADDRESS: SUITE176

PRIVATE BAG X51

JOHANNESBURG

2021

PHYSICAL ADDRESS: CURZON PLACE

TURNBERRY OFFICE PARK

48 GROSVENOR ROAD

BRYANSTON

JOHANNESBURG

2021

TELEPHONE: 0861 179 739

FCSMILE: 0861 279 739

E-MAIL: bv@syrex.com

WEBSITE: www.syrex.com

4. THE SOUTH AFRICAN HUMAN RIGHTS' COMMISSION SECTION 10 GUIDE ON HOW TO USE PAIA

- 4.1. PAIA grants a Requestor access to records of a private body if the record is required for the exercise or protection of any rights. Should a public body lodge such a request, the public body must be acting in the public interest.
- 4.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the prescribed rates. The forms and tariffs are dealt with in section 6 and 7 of PAIA.
- 4.3. Requestors are referred to the guide in terms of section 10, which has been compiled by the SAHRC, which will contain information for the purpose of exercising Constitutional Rights. The guide is available from the SAHRC and the relevant contact details are as follows:

SAHRC-PAIA Unit, The Research and Documentation Department:

Postal Address: Private Bag 2700

Houghton

2041

Telephone: 011 484 8300

Facsimile: 011 484 0582

E-mail: PAIA@sahrc.org.za

Website: www.sahrc.org.za

5. CLASSIFICATION OF ACCESSIBILITY OF RECORDS

5.1. Records which may not be disclosed in terms of PAIA

- 5.1.1. Requests made after the commencement of criminal or civil proceedings in terms of section 7;
- 5.1.2. Information required to be kept confidential in terms of any statute, regulation, rule or other lawful prescription;
- 5.1.3. Unreasonable disclosures of personal information related to natural persons in terms of section 63(1).
- 5.1.4. Information in term of section 64(1)(a) and (b) that is likely to harm the commercial or financial interests of a Third Party.
- 5.1.5. Information in terms of section 64(1)© likely to harm Syrex or Third Party in contract or other negotiations;
- 5.1.6. Information in terms of section 65 likely to breach a duty of confidence owed to a third party;
- 5.1.7. Information in terms of section 66 likely to compromise the safety of individuals or the protection of property;
- 5.1.8. Legally privileged documents in terms of section 67;
- 5.1.9. Commercial information of Syrex as soecified in section 68; and
- 5.1.10. Information in terms of section 69 likely to prejudice the research and development of SYREX or a third party.

5.2. Records of information of which disclosures may not be refused in terms of PAIA.

- 5.2.1. Disclosure in the public interest in terms of section 70.

5.3. Records that may be disclosed in terms of PAIA.

- 5.3.1. Statutory instruments/ public access documents.

5.4. Records of Information available without a person having to request access to same

5.4.1. All information on <https://www.hjw.co.za>

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

6.1. Syrex keeps information/ documents in accordance with the following legislation (please note that this is not an exhaustive list):-

- 6.1.1. Basic conditions of Employment Act No. 75 of 1997
- 6.1.2. Pension Fund Act No. 24 of 1956
- 6.1.3. Electronic Communications Transactions Act No. 25 of 2002
- 6.1.4. Employment Equity Act No. 55 of 1998
- 6.1.5. Labour Relations Act No. 66 of 1995
- 6.1.6. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- 6.1.7. Occupational Health and Safety Act No. 85 of 1993
- 6.1.8. Unemployment Insurance Act Contributions Act No. 4 of 2002
- 6.1.9. Unemployment Insurance Act No. 63 of 2001
- 6.1.10. Companies Act No. 61 of 1973
- 6.1.11. Income Tax Act No. 89 of 1991
- 6.1.12. Value-Added Tax Act No. 89 of 1991
- 6.1.13. Copyright Act No. 98 of 1978
- 6.1.14. Skills Development Act No. 9 of 1999 and Amendments
- 6.1.15. Skills Developments Levies Act No. 9 of 1999
- 6.1.16. Promotion of Access to Information Act No. 2 of 2000

7. ACCESS TO THE RECORDS HELD BY SYREX

7.1. This section of the Manual sets out the subject and categories of records held by Syrex. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

7.2. Records which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)

7.2.1. Information that is freely available

- All documents and Information found on the website.

7.2.2. A description of the subjects of the records held and the categories in which these subjects are classed:

- The documents/ information listed herein below pertain not the day-to-day management of the business of Syrex. Its is recorded that access to these documents may be protected by privacy or the grounds of refusal set out in PAIA. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA, POPIA and other applicable legislation:-

Company Secretary

- Compliance with Corporate Governance
- Memorandum and Articles of Association
- Company Register
- Shareholders Agreements
- Board Meetings Minutes
- Share Certificates
- General Correspondence
- Department Description of categories of records held
- Debt securities
- Attendance Registers
- Resolutions
- Presentations by various divisions
- Minute books

- Financial Reports
- Directors' records

Finance

- Invoices
- Credit/ Debit notes
- Journals, Ledgers and Balance Sheets
- Income Statements
- Trial Balance Statements
- Cash Flow Statements
- Tax Invoices
- Debtors and Creditors
- Salary Information
- Auditors Report
- Asset Register
- General correspondence
- Banking records
- Internal Policies and Procedures

Suppliers and Administration

- Administration Suppliers
- Debtors and Creditors
- Insurance Policies
- Lease Agreements
- Office Building structures
- Tender Contracts
- Employee travel records

- Internal Policies and procedures
- General correspondence
- Risk Management System
- Operational Risk Review reports

Personnel Documents and Records

- Employment Contracts
- Provident Fund Records
- Salary Records
- Disciplinary records
- Policy Manuals
- Leave Records
- Training Records
- General correspondence

Legal

- Contracts/ Agreements
- Litigation Records
- Insurance and Company Policies
- General correspondence
- Clients

Marketing

- Development of new products
- Advertising
- General correspondence

8. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY SYREX

- 8.1. Chapter 3 of POPIA provides for the minimum conditions for the lawful processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 8.2. Syrex has developed and implemented a Data Protection Policy (“the policy”) which is available on the website.
- 8.3. Syrex processes the following categories of Personal Information:
 - 8.3.1. Personal details
 - 8.3.2. Demographic information
 - 8.3.3. Identifier information
 - 8.3.4. Contact details
 - 8.3.5. Attendance records
 - 8.3.6. Consent records
 - 8.3.7. Telephone records
 - 8.3.8. Payment details
- 8.4. Syrex processes Personal Information in the ordinary course of the business of IT related services and will only process Personal Information lawfully in terms of the policy. Syrex uses Personal Information collected from its Data subjects to do the following which is not an exhaustive list:
 - 8.4.1. Compile and present a proposal
 - 8.4.2. Register a new client, vendor, supplier, agent, reseller etc;
 - 8.4.3. Process orders;
 - 8.4.4. Conduct credit checks;
 - 8.4.5. Making payments or recover money owed;
 - 8.4.6. Fulfil contractual obligations and deliver services;
 - 8.4.7. Notify of changes or updates etc;
 - 8.4.8. Administer and protect Syrex’s business;
 - 8.4.9. Safeguard network and infrastructure security

- 8.4.10. Communication, development and improvement of services;
- 8.4.11. Transfer of information to service providers and other third parties pursuant to service contracts or business-related requirements; or
- 8.4.12. Recruitment and/ or human resources

8.5. In addition to the above, Syrex may process Personal Information for:

- 8.5.1. Relationship management purposes in relation to its services (including, but not limited to, processing that is necessary for the development and improvement of our IT and related services), for accounts management, and for marketing activities in order to establish, maintain and/ or improve our relationship with our clients; and
- 8.5.2. Internal management and management reporting purposes, including but not limited to: conducting internal audits, conducting internal investigations, implementing internal business controls, providing central processing facilities and for insurance purposes;
- 8.5.3. Compliance with applicable laws, court order and fraud prevention; and
- 8.5.4. Safety and security purposes and/ or to protect your interest.

8.6. Syrex may transmit or transfer Personal Information outside the Republic of South Africa ("RSA") to a foreign country and process it in that country. Personal Information may be stored on services outside RSA in a country which may not have the same level of data protection. Whilst Syrex will request the other party to adhere to Syrex's privacy principles, your consent to Syrex processing your Personal Information in a foreign country whose data protection laws may be less.

8.7. Syrex has implemented physical, electronic, and managerial security safeguards to protect Personal Information that it processes, including but not limited to:

- 8.7.1. Personal Information is stored in limited access servers;
- 8.7.2. Where appropriate, Syrex uses industry standard encryption;
- 8.7.3. Physical and network security measures;
- 8.7.4. Network security measures
- 8.7.5. Disaster recovery procedures
- 8.7.6. Encryption methods

8.7.7. Audits for identifying vulnerabilities and attacks; and

8.7.8. Regular staff training.

8.8. Syrex does not share information with third parties where necessary to perform certain functions to provide services and during normal business operation. Syrex does outsource business functions to third parties. Syrex will only disclose Personal Information for legitimate business purposes in accordance with applicable laws and confidentiality purposes.

8.9. In addition, Syrex may disclose Personal Information to third parties in the following circumstances:

8.9.1. For the purpose of reporting any actual or suspected breach of applicable law or regulation;

8.9.2. Where it is necessary for the purpose of, or in connection with, actual or threatened legal proceedings or establishment, exercise or defence of legal rights;

8.9.3. To any relevant party for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including but not limited to, safeguarding against, and the prevention of threats to, public security; and

8.9.4. To any relevant third-party acquirer(s), in the event of a sale or transfer all or any portion of its business or assets (including, but not limited to, in the event of a reorganization, dissolution or liquidation).

8.10. Where Syrex uses third party suppliers, known as an Operators, to the extent required by law, Operators are bound by contractual obligations to:

8.10.1. Only process such personal information strictly in accordance with Syrex's prior written instructions;

8.10.2. Use appropriate measures to protect the confidentiality and security of such personal information;

8.10.3. Establish and maintain the security measures as set out in clause 8.7 above;

8.10.4. Where an Operator is located in a foreign country, it is subject to binding corporate rules and agreements which provide an adequate level of protection which may be less stringent than POPI.

9. THE REQUEST PROCEDURES

PAIA-Access Request

9.1. A request for access to information to Syrex in terms of section 50 of the Act must be made in terms of Form C contained in Regulation 187 of 15 February 2002, published in terms of the Act, and available on the website.

9.2. The request must be made by the Requestor to the Information Regulator or online on the website. In his/her request, the Requester must atleast provide:

9.2.1. Sufficient particulars to enable Syrex to identify:

- a. The record or records requested; and
- b. The Requester

9.2.2. An indication of the form of access required:

- a. Particulars of the postal address or telefax number of the Requester in the Republic of South Africa
- b. Details of the right the Requester is seeking to exercise or protect and an explanation of why the requester record is required for the exercise or protection of that right;
- c. If, in addition to a written reply, the Requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed; and
- d. If the request is made on behalf of a person, to submit proof of the capacity in which the Requester is making the request, to the reasonable satisfaction of the directors of Syrex

POPIA-Objection, Correction or Deletion Requests

9.3. Upon receipt of the requested information, the following actions may be taken:

9.3.1. No further action necessary;

9.3.2.Object to the processing of Personal Information; or

9.3.3.Request for the correction or deletion of the Personal Information

9.4. Once a decision has been made, use the relevant Prescribed POPIA Form on the website.

10. APPLICABLE FEES

10.1. A Requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

10.1.1.1. The head of the private body must the requester (other than a personal requester) by notice requiring the requester to pay the prescribed fee (if any) before further processing the request.

10.1.1.2. The fee that the requester must pay to a private body is R150. The requester may lodge an application to the court against the tender or payment of the request fee.

10.2. After the head of the private body has made a decision on the request, the payment must be notified in the required form.

10.3. If the request is granted then a further access fee must be paid for the search. Reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

11. PRESCRIBED FEES

The following prescribed fee to access information of private bodies are applicable:

	The fees for preparation of records referred to in regulation 54(2)(b) are as follows:			RAND
1	(a)		For every photocopy of an A4-size page or part thereof	R1,10
	(b)		For every printed copy of an A4-size page or part thereof held on a computer or electronic or machine-readable	R0,75
	(c)		For a copy in a computer-readable form on:	
		(i)	Electronic media	R7,50
		(ii)	Memory drive	R70,00
		(iii)	For a transcription of visual images, for an A4-size page or part thereof	R40,00
	(d)	(i)	For a copy of visual images	R60,00
		(ii)	For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	The request fee payable by a requester, other than a personal requester			R50,00
	The access fees payable by a requester referred to in regulation 54(6) are as follows:			
2	(a)		For every photocopy of an A4-size page or part thereof	R1,10
	(b)		For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
	(c)		For a copy in a computer-readable form on-	
		(i)	Electronic media	R7,50
		(ii)	Memory drive	R70,00
		(d)	(i)	For a transcription of visual images, for an A4-size page or part thereof
		(ii)	For a copy of visual images	R60,00
	(e)		For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	(f)		To search for and prepare the record for disclosure for each hour or part of an hour reasonably required for such	R30,00
	For purposes of section 54(2) of the Act, the following applies:			
3	(a)		Six hours as the hours to be exceeded before a deposit is payable; and	
	(b)		One third of the access fee is payable as a deposit by the requester.	
4			The actual postage is payable when a copy of a record must be posted to a requester.	

12. AVAILABILITY OF THE MANUAL

- 12.1. This manual is available for inspection at the offices of Syrex, free of charge.
- 12.2. Copies of the manual may be obtained, subject to the prescribed fees, at the offices of Syrex.
- 12.3. The manual can also be accessed on the website of the SAHRC (www.sahrc.org.za) and the website.

13. REMEDIES

- 13.1. Syrex does not have internal appeal procedures regarding the PAIA and POPIA requests. As such, the decision made by the Information Officer is final. If a request is denied, the Requester is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

D. 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.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) 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.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access 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 a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. 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.

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

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

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE