



BRAND *et al* (PTY) LTD

REGISTRATION NUMBER: 2004/035928/07

**Manual prepared in accordance with
the Promotion of Access to Information Act, 2000
and
the Protection of Personal Information Act, 2013**

Date of compilation: 3 May 2018

INTRODUCTION

- 1.1. BRAND *et al* (Pty) Ltd (registration number: 2004/035928/07) (“BRAND *et al*”) provides a full service of marketing, media, advertising and ancillary solutions to their respective clients.
- 1.2. Any requests in terms of the Promotion of Access to Information Act (Act no. 2 of 2000) (“PAIA”) made in relation to BRAND *et al* shall be made in terms of this Manual.

2. PURPOSE OF THE MANUAL

- 2.1. The purpose of PAIA is to give effect to persons’ constitutional right of access to any information held by another person and which information is required for the protection or exercise of any rights of the requester.
- 2.2. PAIA obliges private bodies to compile a Manual which would assist a requester to obtain access to information held by the private body and stipulates the minimum requirements with which the Manual has to comply.
- 2.3. The purpose of the Protection of Personal Information Act (Act no. 4 of 2013) (“POPIA”) is to, amongst others, promote the protection of persons’ personal information that is processed by public and private bodies and to protect persons against the unlawful collection, retention, dissemination and use of their personal information.
- 2.4. POPIA has amended certain provisions of PAIA for purposes of balancing the need for requesters’ access to information against the need to ensure the protection of persons’ personal information.
- 2.5. The purpose of this Manual is, in accordance with PAIA and POPIA -
 - 2.5.1. to make available to potential requesters, information regarding the records held by BRAND *et al*;
 - 2.5.2. to define the manner and form in which a request for information (“Information Request”) must be submitted to BRAND *et al*;
 - 2.5.3. to set out the criteria and grounds to be applied by BRAND *et al* in granting or refusing an Information Request; and
 - 2.5.4. to set out the purpose why and the manner in which personal information is processed by BRAND *et al*.
- 2.6. The responsibility for the administration of, and compliance with, the provisions of PAIA and POPIA have been delegated by the Managing Director of BRAND *et al* to its Information Officer.
- 2.7. A requester who requires further information in regard to the use of this Manual and/or procedure to be followed, may direct enquiries to the Information Officer at the following contact details:

3. CONTACT DETAILS

- 3.1. Name of company: BRAND *et al* (Pty) Ltd
- 3.2. Managing Director: Pieter Christoffel van der Westhuizen
- 3.3. Information Officer: Chrisna-Mari Els
- 3.4. Postal address: PO Box 2931, Faerie Glen, 0043

- 3.5. Physical address: Boardwalk office park,
c/o Solomon Mahlangu & Haymeadow Crescent, Faerie Glen, Pretoria
- 3.6. Website: <http://www.etal.co.za/>
- 3.7. Phone number: (012) 991 7810
- 3.8. Electronic mail address: chrisna-mari@etal.co.za

4. GUIDE IN TERMS OF SECTION 10 OF PAIA

- 4.1. PAIA grants a requester access to the records of a private body, if the record is required for the exercise or protection of any of the requester's rights. If a public body lodges a request for the records as such, it 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 rates provided, which is dealt with in sections 6 and 7 of PAIA.
- 4.3. In terms of section 10 of PAIA, the Information Regulator shall update and make available the guide that has been prepared by the South African Human Rights Commission ("SAHRC"), in order to contain such information (in an easily understandable form and manner), as may reasonably be required by a person who wishes to exercise any rights as contemplated in PAIA and POPIA.
- 4.4. The aforementioned guide can be accessed through the SAHRC's website on www.sahrc.org.za, or queries must be directed to –

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700

Physical address: Braampark Forum 3

Hoofd Street

Braamfontein

Johannesburg

Telephone: +27 11 877 3622

Fax: +27 11 403 0668

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za / info@sahrc.org.za

5. RECORDS KEPT IN TERMS OF APPLICABLE LEGISLATION

BRAND *et al* keeps records in accordance with the following legislation –

- 5.1. Labour Relations Act (Act no. 66 of 1995)
- 5.2. Basic Conditions of Employment Act (Act no. 75 of 1997)
- 5.3. Employment Equity Act (Act no. 55 of 1998)
- 5.4. Unemployment Contributions Act (Act no. 4 of 2002)
- 5.5. Unemployment Insurance Contributions Act (Act no. 4 of 2002)
- 5.6. Unemployment Insurance Act (Act no. 63 of 2001)
- 5.7. Skills Development Levies Act (Act no. 9 of 1999)
- 5.8. Skills Development Act (Act no. 97 of 1998)
- 5.9. Compensation for Occupational Injuries and Diseases Act (Act no. 130 of 1993)
- 5.10. Occupational Health and Safety Act (Act no. 85 of 1993)
- 5.11. Companies Act (Act no. 71 of 2008)
- 5.12. Income Tax Act (Act no. 95 of 1967)
- 5.13. Value Added Tax Act (Act No. 89 of 1991)
- 5.14. Long Term Insurance Act (Act no. 52 of 1998)
- 5.15. Short Term Insurance Act (Act no. 53 of 1998)
- 5.16. Copyright Act (Act no. 98 of 1978)
- 5.17. Trade Marks Act (Act no. 194 of 1993)
- 5.18. National Credit Act (Act no. 34 of 2005)
- 5.19. Electronic Communications and Transactions Act (Act no. 25 of 2002)
- 5.20. Intellectual Property Laws Amendment Act (Act no. 28 of 2013)

6. RECORDS HELD BY BRAND *et al*

BRAND *et al* keeps records with information falling in the following categories:

6.1. Administration and Management

- 6.1.1. Company records
- 6.1.2. Statutory records
- 6.1.3. BRAND *et al* policies and procedures
- 6.1.4. Minutes of internal meetings
- 6.1.5. Risk insurance and insurance records

6.1.6.Commercial contracts

6.2. Financial Records

6.2.1.Annual financial statements

6.2.2.Asset registers

6.2.3.Auditor's reports

6.2.4.Banking records

6.2.5.Creditors and debtors records

6.2.6.Invoices and statements

6.2.7.Tax returns

6.3. Operational Records

6.3.1.PAYE records

6.3.2.Documents issued to employees for income tax purposes

6.3.3.Records of payment made to SARS on behalf of employees

6.3.4.VAT records

6.3.5.Skills development levies

6.3.6.Records of Unemployment Insurance Fund contributions

6.3.7.Workmen's compensation records

6.3.8.Service Level Agreements

6.4. Employee Records

6.4.1.List of employees

6.4.2.Appointment records and employment contracts

6.4.3.Payroll records

6.4.4.Health and safety records

6.4.5.Internal policies and administrative forms

6.4.6.Training schedules

6.4.7.Personnel records including personal details, disciplinary records, performance and assessment records

6.5. Information Technology

6.5.1. Computer software

6.5.2. User statistics

6.5.3. Software licenses

7. AVAILABILITY OF RECORDS WITHOUT REQUEST

7.1. At this stage, no notice has been published on the categories of records that are automatically available from BRAND *et al* without a person having to request access thereto in terms of PAIA.

7.2. A private body may, on a voluntary basis, make available a description of categories of records that are automatically available without a person having to request access in terms of PAIA.

7.3. The only fee for access to these records may be a prescribed fee for reproduction.

7.4. However, certain records are available on the BRAND *et al* website at <http://www.etal.co.za>.

7.5. These records include:

7.5.1. Marketing Brochures and Guides

7.5.2. Publications

8. PROCESSING OF PERSONAL INFORMATION

8.1. In terms of POPI, personal information must be processed for a specific purpose. The purpose for which any personal information may be processed by BRAND *et al* is for business administration and commercial services such as:

8.1.1. rendering of services according to instructions given by clients;

8.1.2. employee administration;

8.1.3. keeping of accounts and records; and

8.1.4. complying with tax laws and any other applicable legislative and regulatory requirements.

8.2. The purpose for processing of personal information is ordinarily disclosed explicitly or implicitly, at the time the personal information is collected.

8.3. BRAND *et al* may process personal information and retain records relating to natural persons or juristic persons who fall within the following non-exhaustive categories:

8.3.1. Contracted service providers of BRAND *et al*;

8.3.2. Clients of BRAND *et al*;

8.3.3. Suppliers of BRAND *et al*;

- 8.3.4. Contractors and sub-contractors of BRAND *et al*;
 - 8.3.5. Employees of BRAND *et al*;
 - 8.3.6. Directors of BRAND *et al*; and
 - 8.3.7. Any third party with whom BRAND *et al* conducts business.
- 8.4. BRAND *et al* may supply personal information to the following recipients or service providers who render the following services:
- 8.4.1. Statutory oversight bodies, regulators or judicial commissions of enquiry making a request therefor;
 - 8.4.2. Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request therefor in terms of the applicable rules;
 - 8.4.3. The South African Revenue Services, or another similar authority;
 - 8.4.4. Third parties with whom BRAND *et al* have a contractual relationship for the capturing, organising, storage and/or retention and archiving of data; and
 - 8.4.5. Anyone making a successful application for access in terms of PAIA.
- 8.5. Subject to the provisions of POPIA and the National Credit Act (Act no. 34 of 2005), BRAND *et al* may share information about a client's creditworthiness with any credit bureau or credit provider's industry association or other association for an industry in which BRAND *et al* operates.
- 8.6. BRAND *et al* may transfer personal information of a person (whether a natural person or where applicable, a juristic person) to a third party who is in a foreign country in order to administer certain services, but may only do so subject thereto that:
- 8.6.1. The third party who is the recipient of the personal information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:
 - 8.6.1.1. effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a person; and
 - 8.6.1.2. includes provisions, that are substantially similar to those contained in POPIA, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country.
 - 8.6.2. The person consents to the transfer;
 - 8.6.3. The transfer is necessary for the performance of a contract between the person and BRAND *et al* or for the implementation of pre-contractual measures taken in response to the person's request;
 - 8.6.4. The transfer is necessary for the conclusion or performance of a contract concluded in the interest of the person between BRAND *et al* and a third party; or
 - 8.6.5. The transfer is for the benefit of the person, and:
 - 8.6.5.1. it is not reasonably practicable to obtain the consent of the person subject to that transfer; and
 - 8.6.5.2. if it were reasonably practicable to obtain such consent, the person would be likely to provide consent as such.

- 8.7. BRAND *et al* takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in its possession. BRAND *et al* takes appropriate technical and organizational measures designed to ensure that personal data remains confidential and secure against unauthorized or unlawful processing and against accidental loss, destruction or damage.
- 8.8. Relevant security measures include:
- 8.8.1. Firewalls;
 - 8.8.2. Virus protection software and update protocols;
 - 8.8.3. Physical access control;
 - 8.8.4. Secure setup of hardware and software making up the information technology infrastructure;
and
 - 8.8.5. Outsourcing to service providers who process personal information on behalf of BRAND *et al* and who are contracted to implement security controls.

9. REQUEST PROCEDURES

- 9.1. A request for access to records held by BRAND *et al* in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the Promotion of Access to Information, 2002 (Form C). A copy of the form is attached as Annexure A to this Manual. The request must be made to the Information Officer at the address, fax number or email address, specified in section 3 above.
- 9.2. The requester must provide sufficient detail on the prescribed form to allow BRAND *et al* to identify the record or records which have been requested and to identify the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to BRAND *et al*. The requester is also required to indicate the form of access to the relevant record that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 9.3. The requester is required to identify the right he, she or it is seeking to exercise or protect by accessing records held by BRAND *et al* and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 9.4. BRAND *et al* may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which includes that access would result in the unreasonable disclosure of personal information about a third party.
- 9.5. BRAND *et al* is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of BRAND *et al*'s decision in another reasonable manner as well, this manner must be set out in the request and the relevant details must be included to allow BRAND *et al* to inform the requester in the preferred manner.
- 9.6. BRAND *et al* will make a decision in relation to a request for access to records within 30 (Thirty) days of receipt of the request, unless third parties are required to be notified of the request or the thirty day period is extended as provided for in PAIA and will notify the requester accordingly.
- 9.7. A requester aggrieved by the Information Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may apply to court within 180 (One Hundred and Eighty) days of being informed of the decision in question for an appropriate order. The Court may confirm, amend or set aside the decision complained of and make certain ancillary orders.
- 9.8. A requester must pay the prescribed fee before processing of the request will take place.

10. 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.
- 10.2. The request fee payable by a requester, other than a personal requester, is R50.00 (Fifty Rand).
- 10.3. The Information Officer will notify the requester (other than a personal requester) by notice, to pay the prescribed fee (if any) before further processing the request.
- 10.4. The fees for the reproduction of a record as prescribed by the Minister of Justice are set out in Annexure B to this Manual.
- 10.5. The access fee payable for searching for the record for disclosure is R30.00 (Thirty Rand) for each hour or part of an hour reasonably required for such search.
- 10.6. If the Information Officer is of the opinion that six hours will be exceeded to search, reproduce and or prepare the information requested, a deposit is payable equal to one third of the access fee referred to in paragraph 10.5 above.
- 10.7. Single persons whose annual income after permissible deductions does not exceed R14 712.00 (Fourteen Thousand Seven Hundred and Twelve Rand), as well as married persons or persons in a life partnership whose joint annual income after permissible deductions does not exceed R27 902.00 (Twenty Seven Thousand Nine Hundred and Two Rand), are exempted from paying access fees.

11. INFORMATION OR RECORDS NOT FOUND

- 11.1. If all reasonable steps have been taken to find a record and such a record cannot be found or if the records sought do not exist, then the Information Officer shall inform the requester, by way of an affidavit or affirmation, that it is not possible to give access to the record requested.
- 11.2. The affidavit or affirmation shall provide a full account of all steps taken to find the record or to determine the existence thereof, including the details of all communications by the Information Officer with the persons who conducted the search.
- 11.3. If the record in question is to be found at a later stage, 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.

12. AMENDMENT AND UPDATING OF MANUAL

- 12.1. BRAND *et al* may update this Manual every 12 months or at such intervals as may be deemed necessary.
- 12.2. The Manual may be amended from time to time. As and when amendments are effected, the latest version of the Manual will be made public.

13. AVAILABILITY OF THE MANUAL

- 13.1. This Manual is available for inspection at the offices of BRAND *et al*, located at Boardwalk Office Park, cnr of Solomon Mahlangu Road and Haymeadow Crescent, Faerie Glen, Pretoria, free of charge.
- 13.2. Copies of the Manual may be obtained, subject to the payment of the prescribed fees in paragraph 10, at the offices of BRAND *et al*.
- 13.3. The Manual can also be accessed on the website of BRAND *et al* at <http://www.etal.co.za> and the SAHRC at www.sahrc.org.za.

FORM C

Request for Access to record of a Private Body

Section 53 (1) of the Promotion of Access to the information Act 2 of 2000 – Regulation 10

A. Particulars of private body	
Company Name and Registration number:	
The Managing Director:	
B. Particulars of person requesting access to the record	
<p>a. The particulars of the person who requests access to the record must be given below.</p> <p>b. The address and/or fax number in the Republic to which the information is to be sent must be given.</p> <p>c. Proof of the capacity in which the request is made, if applicable, must be attached.</p>	
Full names and surnames:	
Identity number:	
Postal address:	
Fax number:	
Telephone number:	
E-mail address:	
Capacity in which request is made, when made on behalf of another person:	
C. Particulars of person on whose behalf request is made	
This section must be completed ONLY if a request for information is made on behalf of another person.	
Full names and surname:	
Identity number:	
D. Particulars of record	

- a. Provide full particulars of the record.
- 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:

2. Reference number if available:

3. Any further particulars of record:

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 to the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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 hereunder, 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 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.			
1. If the record is written or in printed form:			
*Copy of record		Inspection of record	
2. If record consists of visual images (this includes photographs, slides, video recording, 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* (CD or DVD)
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage payable	YES		NO
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:			
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:			
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 of _____ 20____.

Signature of Requester/person on whose behalf request is made