

POPIA & PAIA Manual

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Open Box Software
POL004



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1. POPIA & PAIA MANUAL

1.1 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:

1. "Data Subject" means the person to whom personal information relates.
2. "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.
3. "Personal Information" means information about an identifiable individual, including, but not limited to-
 - a. 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.
 - b. 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.
 - c. any identifying number, symbol or other particular, assigned to the individual.
 - d. the address, fingerprints or blood type of the individual.
 - e. the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual.
 - f. 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.
 - g. the views or opinions of another individual about the individual.
 - h. the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
 - i. 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.
4. "Personnel" means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary, and part-time staff as well as contract workers.
5. "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –
 - 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.
6. "Record" 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.
7. "Request" means a request for access to a record of the Company.

8. "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.
9. "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.
10. "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.

1.2 INTRODUCTION

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act (PAIA), 2 of 2000, and describes the type of records held by Open Box Software and the procedures for data subjects to access that information. 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.

The process of requesting information in terms of the Act is subjected to applicable legislative and/or regulatory requirements, and the applicable request forms are available as Annexures within this manual. Enquiries regarding PAIA and POPIA, can be made via the following channels:

1. PAIA

The South African Human Rights Commission
 PAIA Unit (the Research and Documentation Department)
 Postal address: Private Bag 2700, Houghton, 2041
 Telephone: +27 11 484-8300
 Fax: +27 11 484-7146
 Website: www.sahrc.org.za
 Email: PAIA@sahrc.org.za

2. POPIA

The Information Regulator (South Africa)
 JD House
 27 Stiemens Street
 Braamfontein
 Johannesburg
 2001
 Website: www.justice.gov.za
 Email: inforeg@justice.gov.za

1.3 COMPANY DETAIL

With more than two decades of experience in the software development industry, Open Box Software focus efforts on providing tailor-made solutions and services.

Company Detail	
MD/CEO	Brendan Canny
Contact Detail	+1 332 245 4315

Information Security Officer	Denzil Morrison
Contact Detail	+27 21 713 9300
Company Contact Detail	info@openboxsoftware.com
Company Website	https://www.openboxsoftware.com/home

The latest copy of this manual is available on the company's website, [Home | Open Box Software](#) and can also be requested from the Information Security Officer at Open Box Software.

1.4 COMPANY RECORDS

Categories of information held by Open Box Software are outlined in the following table:

Category	Records
Company Act	Company registration document
	Name & Appointment of Directors
	Share Certificates
	Board Meeting Minutes
	Share and statutory Registers
	Appointment of Auditors
Financial Records	Accounting Records
	Annual Financial Statements
	Bank Accounts and statements
	Asset Registers
	Debtors / Creditors statements and invoices
	General Ledgers
	Invoices
	Tax Returns
Income Tax	PAYE Records
	VAT records
	Skills Development Levies
	SARS records
	UIF
Personnel	Recruitment (CV's & Interview Questionnaire)
	Address Lists

	Employee benefits: 1. Medical Aid Information 2. Pension Information 3. Funds at Work Information
	Employment contracts
	Forms and applications
	Payroll Information
	Leave records
	Skills Development Records (training certificates)
	Employee Information Sheet
Procurement	Supplier Agreements
	Supplier Lists
	Policies & Procedures
Sales	Client details
	Advertising material
	Company details
Governance	Audit Reports
	Risk Management Framework
	Risk Register
	Safety, Health & Environment Documents
	Policies & Procedures
	Business Continuity Plan
	Information Security Management System
Information & Communication Technology	Asset Registers
	User Manuals
	Software Applications
	Policies & Procedures
	Software Licensing
	Systems Documentation & Manuals
	Database systems

Client Information	Client records and security details
	Consent Forms
	Financial Detail
	Company Details
	Application Information
	Client Contracts
Debtor Information	Debtor details
	Banking details
Compliance	Authorities to debit
	Recordings
	Regulatory mandate requests

1.5 RECORDS HELD AS PER LEGISLATIONS

Information is retained in terms of the following legislations and is usually available only to the persons or entities specified in such legislation. Although we have used our best efforts to supply a list of applicable legislation, it is, however, possible that this list may be incomplete.

1. Basic Conditions of Employment No. 75 of 1997
2. Companies Act No. 61 of 1973
3. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
4. Constitution of the Republic of South Africa 2008
5. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
6. Copyright Act, No 98 of 1978
7. Debtor Collectors Act No. 114 of 1998
8. Electronic Communications Act, No 36 of 2005
9. Employment Equity Act No. 55 of 1998
10. Finance Act No. 35 of 2000
11. Financial Services Board Act No. 97 of 1990
12. Financial Relations Act No. 65 of 1976
13. Harmful Business Practices Act No. 23 of 1999
14. Income Tax Act No. 95 of 1967
15. Insurance Act No 27 of 1943
16. Intellectual Property Laws Amendments Act No. 38 of 1997
17. Labour Relations Act No. 66 of 1995
18. Medical Schemes Act No. 131 of 1998
19. Occupational Health & Safety Act No. 85 of 1993
20. Pension Funds Act No. 24 of 1956
21. Short Term Insurance Act No. 53 of 1998

22. Skills Development Levies Act No. 9 of 1999
23. Unemployment Contributions Act No. 4 of 2002
24. Unemployment Insurance Act No. 63 of 2001
25. Value Added Tax Act No. 89 of 1991
26. Financial Intelligence Centre Act, no. 38 of 2001
27. Financial Advisory and Intermediary Services Act, no. 37 of 2002

1.6 PROTECTION OF PERSONAL INFORMATION

Open Box Software is capturing, processing, storing, and communicating Personal Identifiable Information (PII) to perform its business functions. It is accountable and a responsible party in ensuring that the PII of a Data Subject:

1. It is processed lawfully, fairly, and transparently.
2. It is processed only for the purposes for which it was collected for.
3. It will not be processed for a secondary purpose unless consent is provided.
4. It is accurate and kept up to date.
5. It will not be kept for longer than necessary.
6. It 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.
7. It is processed in accordance with the rights of Data Subjects, where applicable.

1.7 RIGHTS OF DATA SUBJECT

Data subjects have the following rights:

1. To be notified that their Personal Information is being collected.
2. To be notified in the event of a data breach.
3. To know whether Open Box Software 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.
4. To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
5. To object to the use of their Personal Information and request the deletion of such Personal Identifiable Information. Deletion is, however, subject to the record keeping requirement of Open Box Software as well as the regulations and legislation to be adhered to.
6. To object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
7. 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.

1.8 INFORMATION SECURITY MEASURES

Open Box Software is committed to protect the integrity and confidentiality of personal information in its possession and under its control, by the implementation of a security strategy that includes technical and organisational measures. These include a risk management framework to continuously guide control selection and implementation as well as assessing the effectiveness thereof. The security controls are implemented and monitored as part of the Information Security Management System. The Information Security Policy directs the rules, policies and procedures to ensure data, systems, networks and users within the organisation meet the security requirements.

1.9 REQUEST OF INFORMATION

In terms of POPIA, a data subject may, upon providing proof of identity, request Open Box Software to confirm the information being held about the data subject. The data subject may also request access to the information being held, including information about the identity of third parties who have or have had access to such information. The data subject is allowed at any time to object to the processing of information by Open Box Software, unless legislation provides for such processing.

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. In order to request the information, the prescribed form (see Form C attached to this document) must be completed, and the requester fee (if applicable) be paid to the Information Officer. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall serve a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

The request will be processed within a 30 (thirty) day period, and the outcome of the request will be communicated in writing. This period may be extended by an additional 30 days depending on the complexity of the request requirements.

The process to request information from Open Box Software is as follows:

1. Documentation containing personal identifiable information must not be sent directly to Open Box Software via email. If required to communicate personal information, the Information Officer at Open Box Software should be contacted to obtain guidance on secure methods and process for submission.
2. Open Box Software will require proof of identification of the data subject (requestor) or related third parties requesting information on behalf of the requestor for all requests.
3. The relevant prescribed form must be used and completed in full to file a request for access to a record. In the event that an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The following forms are available as part of this manual:
4. Form C: Request for Access to Record of a Private Body.
5. Please note that an application for access to information can be refused in the event that the application does not comply with the requirements of PAIA. If access to a record/information is denied, the Requestor will be notified, and adequate reasons for the refusal will be provided.
6. Should the requester not be satisfied with the decision of the Information Officer, the Requester may apply to the court for relief. In terms of PAIA, the said application must be made within 180 days after the decision has been made by the Information Officer.
7. The successful completion and submission of the access request does not automatically allow the Requestor access to the requested records.
8. If access to a record/information is granted, the Requestor will be notified, and an indication of the access fee (if any) will be provided.

1.10 OBJECTION TO PROCESSING PII

Section 11 (3) of POPIA and Regulation 2 of POPIA provides that a Data Subject may, at any time object to the Processing of his/her/its PII by following the process stipulated in this manual.

1.11 REQUEST FOR CORRECTION OR DELETION

Section 24 of POPI and Regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form. To ensure the lawfulness and correctness of the data, the data subject may also request Open Box Software to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the company is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

Given the above Open Box Software is required by Law to keep and retain records for relevant South African and African authorities upon compliance requests and or audits, therefore Open Box Software only archives records and does not destroy records.

2. REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (FORM C)



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REPUBLIC OF SOUTH AFRICA

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
 (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
 [Regulation 10]

A. Particulars of private body

The Head:

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B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
 (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

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Postal address:

Telephone number:

 ()

Fax 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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:

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

Reason for exemption from payment of fees:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 ☐

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:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 year

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

3. REQUEST FOR CORRECTION OR DELETION OF INFORMATION (FORM 2)

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, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

DETAILS OF THE DATA SUBJECT	
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
Code () Contact number(s):	
Fax number/E-mail address:	
DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
Code () Contact number(s):	
Fax number/ E-mail address:	
INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN	
(Please provide detailed reasons for the request)	

Signed at this day of20.....
 Signature of data subject/ designated
 person