



**PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
("PAIA") AND PROTECTION OF PERSONAL INFORMATION ACT
4 OF 2013 ("POPI") MANUAL**

TABLE OF CONTENTS

1. INTERPRETATION OF THIS MANUAL	3
2. AIM OF THIS MANUAL	3
3. THE COMPANY	3
4. THE INFORMATION OFFICER	4
5. THE DEPUTY INFORMATION OFFICER	4
6. GUIDANCE ON PAIA	4
7. RECORDS HELD BY FLUXMANS	6
8. HOW TO REQUEST ACCESS TO A RECORD	10
9. PAYMENT OF FEES	11
10. APPLICABLE TIME-PERIODS	12
11. OUTCOME OF REQUEST	13
12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS	13
13. REMEDIES FOR REFUSAL	13
14. PROCESSING PERSONAL INFORMATION	13
15. CATEGORIES OF DATA SUBJECTS	14
16. TYPES OF PERSONAL INFORMATION THAT MAY BE PROCESSED	14
17. PURPOSE OF PROCESSING PERSONAL INFORMATION	15
18. RECIPIENTS OF PERSONAL INFORMATION	15
19. CROSS-BORDER TRANSFER/FLOW OF PERSONAL INFORMATION	16
20. PROCESSING OF PERSONAL INFORMATION: OBJECTION BY THE DATA SUBJECT	17
21. REQUEST FOR THE CORRECTION OR DELETION OF PERSONAL INFORMATION	18
22. DATA SECURITY	18
23. AVAILABILITY OF THIS MANUAL	19
24. UPDATING OF THIS MANUAL	19

1. INTERPRETATION OF THIS MANUAL

- 1.1. This manual should be interpreted in conjunction with the provisions of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**") and the provisions of the Protection of Personal Information Act 4 of 2013 ("**POPIA**").

2. AIM OF THIS MANUAL

- 2.1. The aim of this manual is to:

- 2.1.1. facilitate requests for access to information as set out in sections 14 and 51 of PAIA, which gives effect to the rights enshrined in section 32 of the Constitution of the Republic of South Africa 1996 ("**the Constitution**"); and
- 2.1.2. address the requirements as set out in POPIA, which provides for the lawful and fair processing of personal information, in accordance with the right to privacy as entrenched in section 14 of the Constitution.

3. THE COMPANY

- | | |
|--------------------------------------|---|
| 3.1. Full name: | Fluxmans Inc. (" Fluxmans ") |
| 3.2. Registration No.: | 2000/024775/21 |
| 3.3. Physical address (Head Office): | 24 Fricker Road, Illovo, 2196 |
| 3.4. Telephone: | 011 328 1700 |
| 3.5. Website: | https://www.fluxmans.com/ |
| 3.6. Email: | info@fluxmans.com |
| 3.7. Postal address: | Private Bag X41, Saxonwold, 2132 |

4. THE INFORMATION OFFICER

4.1. Name: Ryszard Lisinski

4.2. Email Address: io@fluxmans.com

4.3. Contact Number: 011 328 1700

5. THE DEPUTY INFORMATION OFFICER

5.1. Name: Michael Geel

5.2. Email Address: mgeel@fluxmans.com

5.3. Contact Number: 011 328 1768

6. GUIDANCE ON PAIA

6.1. The Information Regulator has, in terms of section 10(1) of PAIA updated and made available the revised Guide on how to use PAIA ("**Guide**"), in an easily comprehensible form and manner, as may be reasonably required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

6.2. The Guide is available in each of the official languages and in braille.

6.3. The aforesaid Guide contains the description of:

6.3.1. the objects of PAIA and POPIA;

6.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:

6.3.2.1. the Information Officer of every public body; and

- 6.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- 6.3.3. the manner and form of a request for:
 - 6.3.3.1. access to a record of a public body contemplated in section 11; and
 - 6.3.3.2. access to a record of a private body contemplated in section 50;
- 6.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 6.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
 - 6.3.6.1. an internal appeal;
 - 6.3.6.2. a complaint to the Regulator; and
 - 6.3.6.3. an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or decision by the Regulator or a decision of the head of a private body;

- 6.3.7. the provisions of sections 14 and 51 requiring a public body and a private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 6.3.8. the provisions of sections 155 and 526 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 6.3.9. the notices issued in terms of sections 227 and 548 regarding fees to be paid in relation to requests for access; and
 - 6.3.10. the regulations made in terms of section 92.
- 6.4. Members of the public can inspect or make copies of the Guide from the offices of the Regulator during normal working hours. The Guide is available in English and Afrikaans.
- 6.5. The Guide can also be obtained:
- 6.5.1. upon request to the Information Officer; or
 - 6.5.2. from the website of the Regulator (<https://info regulator.org.za/>).

7. RECORDS HELD BY FLUXMANS

7.1. Records that are automatically available in terms of section 51(1)(c)

- 7.1.1. At this stage, no notices have been published by the Information Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA.
- 7.1.2. The records that are located on the Fluxmans website, however, are automatically available and are freely accessible to any person requesting this information. It is therefore not necessary to

apply for access thereto in terms of PAIA. Fluxmans' website address is <https://www.fluxmans.com/>.

7.2. Records held by Fluxmans in accordance with other legislation

7.2.1. Fluxmans is required in accordance with other legislation to retain certain records.

7.2.2. **We hold records for the purposes of PAIA in accordance with the following legislation, among others:**

Category of Records	Applicable Legislation
Any documents, accounts books, writing, records or other information that a company is required to keep in terms of the Companies Act 71 of 2008	Companies Act 71 of 2008
Notice of incorporation	Companies Act 71 of 2008
Memorandum of incorporation and all amendments thereto	Companies Act 71 of 2008
Rules	Companies Act 71 of 2008
Register of company secretary and auditors	Companies Act 71 of 2008
Notice and minutes of all shareholders meetings	Companies Act 71 of 2008
Copies of reports presented at the annual general meeting	Companies Act 71 of 2008
Copies of annual financial statement required by the Companies Act 71 of 2008	Companies Act 71 of 2008
Copies of accounting records as required by Companies Act 71 of 2008	Companies Act 71 of 2008
Records of directors and past directors	Companies Act 71 of 2008
Written communication to holders of securities	Companies Act 71 of 2008
Minutes and resolutions of directors' meetings, audit committee and directors' committees	Companies Act 71 of 2008
Securities register and uncertificated securities register	Companies Act 71 of 2008
All documentation of clients required in terms of section 22, 22A and 29 in terms of the Financial Intelligence Centre Act 38 of 2001	Financial Intelligence Centre Act 38 of 2001

All documentation of employees required in terms of sections 81(1) and (2) of the Compensation for Occupational Injuries and Diseases Act 130 of 1993	Compensation for Occupational Injuries and Diseases Act 130 of 1993
All documentation of employees required in terms of section 29(4) and 31 of the Basic Conditions of Employment Act 75 of 1997	Basic Conditions of Employment Act 75 of 1997
All documentation of employers and employees in respect of section of the Employment Equity Act 55 of 1998, Regulation 9(3) and 21 of the Employment Equity Regulations, 2014	Employment Equity Act 55 of 1998 and Regulations
All documentation of employers and employees required in terms of sections 53(4), 98(4), 99, 205(1) and (2), 205(3), Schedule 3 section 8(a) and Schedule 8 section 5 of the Labour Relations Act 66 of 1995	Labour Relations Act 66 of 1995
All documentation of employees required in terms of section 56(2)(c) of the Unemployment Insurance Act 63 of 2001	Unemployment Insurance Act 63 of 2001
All documentation required in terms of Rules 54.9, 54.12 and 54.15.3 of the Legal Practice Act 28 of 2014	Legal Practice Act 28 of 2014
All documentation required in terms of section 55 and Regulation 40 of the Properties Practitioners Act 22 of 2019	Properties Practitioners Act 22 of 2019
All documentation required in terms of section 29(3)(a), 29(3)(b), 29(3)(c), 32(a) and 32(b) of the Tax Administration Act 28 of 2011	Tax Administration Act 28 of 2011
All documentation required in terms of the Fourth Schedule paragraph 14(1) and the Sixth Schedule paragraphs 14(a)-(d),	Income Tax Act 58 of 1962
All documentation required in terms of sections 11(3), 15(9), 16(2) and 55(1)(a) of the	Value-Added Tax Act 89 of 1991
All documentation required in terms of section 17 of the Trust Property Control Act 57 of 1988	Trust Property Control Act 57 of 1988
Broad Based Black Economic Empowerment certificate required in terms of the Broad Based Black Economic Empowerment Act 53 of 2003	Broad Based Black Economic Empowerment Act 53 of 2003

7.3. Categories of records held by Fluxmans which are available without a person having to request access

Type of Record	Available on website	Available on request
Fluxmans privacy policy	x	x
Fluxmans Broad Based Black Economic Empowerment certificate	x	x
Fluxmans e-mail disclaimer and e-mail confidentiality note	x	x
Fluxmans POPIA and PAIA manual	x	x
PAIA form 2 (request for access to record)	x	x
PAIA form 3 (outcome of request and of fees payable)	x	x

7.4. Other types of records held by Fluxmans in terms of section 51(1) of PAIA

7.4.1. Certain records held by Fluxmans are not automatically available without a request in terms of PAIA and a request made in terms of PAIA for any of the said records may be refused in accordance with any of the grounds of refusal as set out in PAIA. These records are as follows:

7.4.1.1. **Statutory records:** company incorporation documents; share register; memorandum of Incorporation; minutes of meetings of the board of directors; records relating to the appointment of directors, auditors and other officers;

7.4.1.2. **Income tax:** pay-as-you-earn (PAYE) records; documents issued to employees for income tax purposes; records of payments made to South African Revenue Services on behalf of employees; all

or any statutory compliance; Value Added Tax; skills development levies; Unemployment Insurance Fund;

- 7.4.1.3. **Labour relations:** personnel documents and records; employment contracts; medical aid records; Pension Fund records; disciplinary records; salary records; disciplinary code and/or procedures; leave records; training records; training manuals; address lists; internal telephone lists;
- 7.4.1.4. **Finance:** receipts and payments; bank statements; a list of the company's debtors and creditors; budgets; management accounts; asset registers; invoices; salaries; minutes of meetings; correspondence;
- 7.4.1.5. **Risk and compliance:** contracts; policies and procedures; risk assessment; compliance records;
- 7.4.1.6. **Others:** IT usage statistics and equipment details; supplier lists; secretarial records; media releases and public relation events records.

8. HOW TO REQUEST ACCESS TO A RECORD

- 8.1. To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as **Annexure A**. This request must be sent to the Information Officer at the address provided in paragraph 4.2.
- 8.2. For POPIA-related requests to object to the processing of personal information or to correct or delete personal information, such request must be made in writing on the applicable prescribed **Form 1** (objection) or **Form 2** (correction or deletion), which are attached to this Manual as **Annexure B**.

- 8.3. The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 8.4. If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.
- 8.5. PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will decide whether or not to grant a request for access to information.

9. PAYMENT OF FEES

- 9.1. PAIA provides for two types of fees, namely:
 - 9.1.1. a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
 - 9.1.2. an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal and electronic transfer costs.
- 9.2. Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any) before further processing of the request.
- 9.3. If the search for and preparation for disclosure of the record has been made, including the arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this

purpose, Fluxmans Consulting will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

9.4. Fluxmans may withhold a record until the requester has paid the fees as indicated in **Annexure C**.

9.5. A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.

9.6. In terms of POPIA, a data subject has the right to request Fluxmans to confirm, free of charge, whether or not it holds personal information about the data subject and request from Fluxmans the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

9.7. POPIA further provides that where the data subject is required to pay a fee for services provided to them, Fluxmans must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

10. **APPLICABLE TIME-PERIODS**

10.1. Fluxmans will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.

10.2. The 30-day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period

would unreasonably interfere with the activities of Fluxmans or the records are not located at Fluxmans' offices.

11. **OUTCOME OF REQUEST**

Should the request be refused, the refusal notice will provide adequate reasons for the refusal, including the provisions of PAIA relied upon.

12. **GROUND FOR REFUSAL OF ACCESS TO RECORDS**

12.1. **In terms of sections 62 to 69 of PAIA access granted to a record may be refused on *inter alia* one or more of the following grounds:** protection of privacy of a third party who is a natural person; protection of the commercial information of a third party; protection of certain confidential information of a third person; protection of the safety of individuals and the protection of property; protection of records privileged from production in legal proceedings; the commercial information and activities of Fluxmans; the protection of research information of a third party and any other ground legally available upon which to refuse access to the information requested.

12.2. Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

13. **REMEDIES FOR REFUSAL**

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

14. **PROCESSING OF PERSONAL INFORMATION**

14.1. Chapter 3 of POPIA provides for the minimum conditions that are required for the lawful processing of personal information by a Responsible Party. These minimum conditions may not be departed from unless specific exclusions apply, as highlighted in POPIA.

14.2. In order to carry out the everyday tasks and obligations of its business, Fluxmans processes personal information relating to both natural and juristic persons.

14.3. The manner in which this information is processed and the purpose for which it is processed is determined by Fluxmans. Fluxmans is therefore termed a “*Responsible Party*” for the purposes of POPIA and will ensure that the personal information of a Data Subject is processed and protected in accordance with POPIA.

15. CATEGORIES OF DATA SUBJECTS

15.1. In terms of Section 1 of POPIA, a “*Data Subject*” is defined as being either a natural or a juristic person.

15.2. **For the purposes of this manual, the categories of Data Subjects that Fluxmans may collect personal information from include:** clients; employees; directors; agents; financial institutions; potential clients; interviewees/potential job candidates; attendees of Fluxmans' seminars and other events at Fluxmans' premises; suppliers; any other third party vendor, business or organisation who provides Fluxmans with a product or service.

16. TYPES OF PERSONAL INFORMATION THAT MAY BE PROCESSED

16.1. **Personal information that may be received from any of the abovementioned parties by Fluxmans, subject to their role and relationship with Fluxmans, includes:** full names; contact details (inclusive of email addresses, phone numbers, and physical addresses); credit information; banking details; employment history (inclusive of prior employment contracts); educational and training history; disciplinary proceedings; criminal history; medical aid and pension fund records; identity number (inclusive of identity books and passports; age; gender; nationality; language; online appraisals, reviews and recommendations; any other information that may be required by Fluxmans in order to carry out its operations and comply with its obligations in the ordinary course of business).

17. PURPOSE OF PROCESSING PERSONAL INFORMATION

17.1. Section 13 of POPIA provides that personal information must be collected for a *“specific, explicitly defined and lawful purpose related to a function or activity of the Responsible Party.”*

17.2. Fluxmans will process your personal information in the ordinary course of the business of providing legal and related services.

17.3. **Fluxmans processes personal information for the purposes of:** performing its duties and meeting the obligations and requirements of any agreement or contract between itself and a client or third party; the management of the administrative and accounting practices carried out in the ordinary course of business; employee recruitment processes; marketing and statistical purposes (inclusive of social media marketing, SMS communication, email communication and telephonic communication); payment processes; security and software protocol; statutory requirements and any other purpose that may be relevant in order to successfully conduct the business activities of Fluxmans.

18. RECIPIENTS OF PERSONAL INFORMATION

18.1. The recipients to whom Fluxmans may provide a Data Subject's personal

information include: governmental authorities if required by law; any organisation through which Fluxmans implements its payments processes; any financial institution from which payment is received on behalf of an employee, client, organisation, or firm by Fluxmans; any organisation through which Fluxmans conducts its day to day transactions, administration, and account operations and any employee, director or agent who is employed or who acts on behalf of Fluxmans.

18.2. Should Fluxmans disclose your information to third parties, the latter will be obliged to use that personal information for the reasons and purposes the information was disclosed for. To this end, we have agreements in place with the relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which your personal information is being transferred to.

18.3. Fluxmans may be obliged to disclose your personal information where we have a duty to disclose in terms of law or where we believe it is necessary to protect our rights. This includes where we are required to disclose your personal information as a result of litigation being instituted by or against us.

19. CROSS-BORDER TRANSFER/FLOW OF PERSONAL INFORMATION

19.1. Fluxmans does not transfer personal information to any region outside of the Republic of South Africa.

19.2. Should this change at any point in time, Fluxmans will process and transfer personal information in accordance with section 72 of POPIA.

19.3. Section 72 of POPIA provides that personal information may only be transferred outside of the Republic of South Africa if the recipient

organisation of the information is able to successfully implement and maintain a similar and “adequate level” of protection over the information that is transferred and subsequently received by it.

19.4. Personal information may be transferred to a region outside of the Republic if:

19.4.1. the transfer of the aforementioned personal information is necessary for the purposes of upholding a contractual obligation; and

19.4.2. the data subject to whom the personal information relates provides consent for the personal information to be transferred outside of the Republic.

19.5. If it is likely that the Data Subject to whom the personal information relates will grant their consent to the transfer of personal information, obtaining such consent is not necessary as outlined in section 72(e)(ii) of POPIA.

20. PROCESSING OF PERSONAL INFORMATION: OBJECTION BY THE DATA SUBJECT

20.1. Sections 11(3) and 11(4) of POPIA allow for a Data Subject to object, at any time, to their personal information being processed.

20.2. In accordance with the provisions set out in sections 11(3) and (4) of POPIA, Fluxmans will, as soon as is reasonably practicable, desist from processing the personal information of a Data Subject if and when they communicate such a request to Fluxmans.

20.3. A Data Subject must, as per the procedure set out on the Fluxmans website, inform Fluxmans that they do not wish to have their personal information processed any longer.

21. REQUEST FOR THE CORRECTION OR DELETION OF PERSONAL INFORMATION

21.1. Section 24 of POPIA provides that a Data Subject may request that their personal information be:

21.1.1. corrected; or

21.1.2. deleted,

if that personal information is "*inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully.*"

21.2. Fluxmans will, as soon as is reasonably practicable, correct or delete the personal information of a Data Subject.

21.3. Fluxmans will provide the Data Subject with evidence proving that the personal information of the Data Subject has been corrected or deleted.

22. DATA SECURITY

22.1. Fluxmans takes reasonable, appropriate and adequate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access. We contractually mandate any third parties to which your personal information is transferred to do the same.

22.2. Fluxmans regularly reviews our security controls and related processes to ensure that your personal information is secure. These security controls include Checkpoint Firewalls, Anti-virus, Anti-malware and Security Information and Event Management.

22.3. Where there are reasonable grounds to believe that your personal information has been accessed or acquired by any unauthorised person,

we will notify the Information Regulator and you, unless the Information Regulator or a public body responsible for detection, prevention or investigation of offences, informs us that notifying you will impede a criminal investigation.

23. AVAILABILITY OF THIS MANUAL

This manual is available in electronic and hard copies in English. The hard copies are available at the head office of Fluxmans. The electronic version of this manual is available on Fluxmans' website.

24. UPDATING OF THIS MANUAL

Fluxmans will review and update this manual, if necessary, on a periodic basis.