



inq. Digital South Africa (Pty) Ltd

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Gauteng
2021
South Africa
www.inq.inc

INQ. DIGITAL SOUTH AFRICA (PROPRIETARY) LIMITED

(Registration number: 2013/076869/07)

THE PROMOTION OF ACCESS TO INFORMATION

MANUAL

("PAIA Manual")

Prepared in terms of section 14 of the
Promotion of Access to Information Act 2 of 2000 (as amended)

1. DEFINITIONS

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

- 1.1.1. **“DIO” shall mean Deputy Information Officer;**
- 1.1.2. **“inq.”** shall mean inq. Digital South Africa (Proprietary) Limited,
- 1.1.3. **“IO”** shall mean the Information Officer of inq.;
- 1.1.4. **“the/this Manual”** shall mean this inq. Promotion of Access to Information Manual together with all annexures thereto as available at the offices of Syrex from time to time;
- 1.1.5. **“PAIA” shall mean the Promotion of Access to Information Act, No. 2 of 2000, together with** all relevant regulations published from time to time;
- 1.1.6. **“POPIA”** shall mean the Protection of Personal Information Act, No. 4 of 2013, together with all relevant regulations published from time to time;
- 1.1.7. **“Regulator” shall mean Information Regulator;**
- 1.1.8. **“Requestor”** shall mean a third-party requesting access to information;
- 1.1.9. **“RSA”** shall mean the Republic of South Africa;
- 1.1.10. **“SAHRC”** shall mean the South African Human Rights Commission; and
- 1.1.11. **“Website”** shall mean inq.co.za; and

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

1.2. This Manual is published in terms of Section 51 of PAIA and Section 23 of POPIA which oblige private bodies to compile a manual to enable a person to obtain access to information held by such a private body and stipulates the minimum requirements that the manual has to comply with.

1.3. Section 51 of PAIA also creates a legal right to access records of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA.

1.4. Any Requestor is advised to contact the DIO should he/she require assistance in respect of the use of this Manual and/or the request of documents/information from inq.

2. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to –

2.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

2.2. have a sufficient understanding of how to make a request for access to a record of inq. by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

2.3. know the description of the records of the body which are available in accordance with any other legislation;

2.4. access all the relevant contact details of the IO and DIO who will assist the public with request of access to records;

2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 2.6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if the body has planned to transfer or process personal information outside RSA and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF INQ.

3.1. Information Officer

Name: David John Herselman

Tel: 0861 179 739

Email: david.herselman@inq.inc

3.2. Deputy Information Officer

Name: Joyce Morudi

Tel: 011 721 1900

Email: joyce.morudi@inq.inc

3.3. Access to information general contacts

Email: legal@inq.co.za

3.4. Head Office

Postal Address: Suite 176, Private Bag X51, Bryanston, Johannesburg, 2021

Physical Address: Curzon Place, Turnberry Office Park, 48 Grosvenor Road, Bryanston, Johannesburg, 2021

Telephone: 011 721 1900

Email: legal@inq.co.za

Website: inq.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form in order to assist by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille at SAHRC.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA

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

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;

4.3.3. the manner and form of a request for-

4.3.3.1. access to a record of a public body contemplated in section 113; and

- 4.3.3.2. access to a record of a private body contemplated in section 50;
- 4.3.4.the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5.the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6.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-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7.the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8.the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9.the notices issued in terms of sections 22 and 541 regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92.
- 4.3.11. Members of the public can inspect or make copies of the Guide from the offices the Regulator, during normal working hours or from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

5. CATEGORIES OF RECORDS OF INQ. WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Information that is obtainable via inq.'s website is automatically available and need not be formally requested in terms of this Manual. These records may include:

- 5.1. Names of directors and managers;

5.2. Products and services descriptions

5.3. Business address;

5.4. Business contact details;

5.5. Business Partner;

5.6. Company profile; and

5.7. Privacy policy

6. DESCRIPTION OF THE RECORDS OF INQ. WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

inq. 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 Occupation Injuries and Disease Act No. 130 of 1993

6.1.7. Occupational Health and Safety Act No. 85 of 1993

6.1.8. Unemployment Insurance Act No. 63 of 2001

6.1.9. Unemployment Insurance Contributions Act No. 4 of 2002

6.1.10. Companies Act No. 61 of 1973

6.1.11. Income Tax Act No. 89 of 1991 and Amendments

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 Development Levies Act No. 9 of 1999

6.1.16. Promotion of Access of Information No. 2 of 2000

(collectively referred to as “**Applicable Legislation**”)

7. DESCRIPTION OF THE SUBJECTS ON WHICH INQ. HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

7.1. inq. maintains records on the categories and subject matters listed in paragraph 7.3 below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA, POPIA, Applicable Legislation and contractual obligations.

7.2. Please note further that many of the records held by inq. are those of third parties, such as clients, employees, suppliers and partners. Many of the records held are confidential and are the property of others and not of inq.

7.3. When considering a request for information under PAIA, inq. will take into consideration the following:

7.3.1. The mandatory protection of the privacy of a third party who is a natural person;

7.3.2. the mandatory protection of commercial information of a third party;

7.3.3. the mandatory protection of certain confidential information of a third party;

7.3.4. the mandatory protection of the safety of individuals and the protection of property;

7.3.5. the mandatory protection of records privileged from production in legal proceedings;

7.3.6. commercial information of a third party;

7.3.7. mandatory protection of research information of a third party;

7.3.8. the mandatory protection of research information from a third party; and

7.3.9. mandatory protection in the public interest.

7.4 Description of the subjects of the records held and the categories in which these subjects are classed:

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
- General correspondence

Finance:

- Invoices
- Credit/Debit Notes
- Journals, Ledgers & 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 & Procedures
- Budgets & Forecast
- General correspondence

Suppliers and Administration:

- Administration Suppliers
- Debtors and Creditors
- Insurance Policies
- Lease Agreements
- Office Building Structures
- Tender Contracts
- Employees travel records
- Internal Policies and procedures
- General correspondence
- Risk Management System
- Operational Risk Review Reports

Human Resources:

- Employment Contracts
- Provident Fund Records
- Salary Records
- Disciplinary records
- Policy Manuals

- Leave Records
- Training Records
- General Correspondences

Legal

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

Marketing

- Development of new products
- Advertising
- General Correspondence

8. PROCESSING OF PERSONAL INFORMATION

inq. has implemented a Privacy Policy which is available on the Website. We strongly advise that you read this Manual together with the Privacy Policy.

8.1 Purpose of Processing Personal Information

inq. processes personal information in the ordinary course of the business of IT related services and will only process personal information lawfully in terms of POPIA, its Privacy Policy and Applicable Legislation. The purposes for processing personal information at inq. is for the following (which shall not be considered as an exhaustive list):

- prepare proposal, annual reports, strategic planning and annual performance planning;
- register a new client, vendor, supplier, agent, reseller etc.;
- processing service and product orders;

- conduct credit checks;
- making payments or recover money owed;
- fulfilling contractual obligations and delivering services;
- notifying relevant parties of changes or updates etc.;
- administering and protecting inq.'s business and interest;
- safeguarding network and infrastructure security;
- communication, development and improvement of services;
- transfer of information to service providers and other third parties pursuant to service contracts or business-related requirements;
- recruitment and/or human resources;
- 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;
- compliance with applicable laws, court order and fraud prevention; and
- safety and security purposes and/or to protect your interest.

8.2 Description of the categories of subjects and of the information or categories of information relating thereto

- Customers / Clients: names, address, registration numbers or identity numbers, employment status and bank details;
- Service Providers: names, registration number, vat numbers, address, trade secrets and bank details;
- Employees: names, identity numbers, telephones numbers, address, qualifications, gender and race

8.3 The recipients or categories of recipients to whom the personal information may be supplied

- To the South African Police Services: Identity number and names, for criminal checks;
- To the South African Qualifications Authority: Qualifications, for qualification verifications;
- To the Credit Bureaus: Credit and payment history, for credit information

8.4 Planned transborder flows of personal information

As a global company, inq. may transfer personal information to countries where it conducts business in accordance with its Privacy Policy. In addition, inq. has entered into an intra group agreement with its affiliates within the inq. group of companies for the establishment of Binding Corporate Rules (“**BCR**”). The BCR is implemented to protect the personal information of clients, suppliers and employees or any other subject during the transfer of personal data within its international group of companies.

8.5 General description of Information security measures to be implemented by inq. to ensure the confidentiality, integrity and availability of the information

inq. has implemented physical, electronic, and managerial security safeguards to protect personal information and to ensure the confidentiality and integrity of the personal information under its care. This may include:

- Limited access on servers;
- Physical and network security measures;
- Network security measures;
- Disaster recovery procedures;
- Encryption methods;
- Antivirus;
- Anti-malware;
- Audits for identifying vulnerabilities and attacks; and
- Regular staff training.

9. THE REQUEST PROCEDURE

9.1. Completion of the prescribed form

9.1.1. Any request for access to a record in terms of PAIA must substantially correspond with Form 2 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations and should be specific in terms of the record requested.

9.1.2. POPIA provides that a data subject may, upon proof of identity, request inq. to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

9.1.3. POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, inq. must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

9.1.4. POPIA provides that a data subject may object, at any time, to the processing of personal information by inq., on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form and submit it to the IO at the postal or physical address or electronic mail address set out above.

9.1.5. A data subject may also request inq. 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 inq. is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

9.2. Objection, Correction or Deletion Requests

Upon receipt of the requested information, the following steps are available:

- Object to the processing of personal information; or
- Request for the correction or deletion of the personal information

The prescribed forms for the above actions are available on the Website.

9.3. Applicable Fees

9.3.1.A Requester who seeks access to a record containing personal information about himself/herself/itself is not required to pay the request fee. Every other Requester (requesting on behalf of another) must pay a fee:

9.3.1.1. inq. will notify the Requester by notice of the prescribed fee before attending to the request;

9.3.1.2. The fee is R150. The Requester may lodge an application to a Court of Law against the tender or payment of the request fee.

9.3.2.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.

9.3.3.The following prescribed fees 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
	(a)	For every photocopy of an A4-size page or part thereof	R1,10
1	(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	R40,00
		(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.	

9.4. Timelines for consideration of a request for access to information

9.4.1. Requests will, where reasonably possible, be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

9.4.2. The DIO will inform the requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with Form 3 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations.

10. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

10.1. There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put inq. (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by inq..

10.2. **Remedies available to a requester on refusal of access**

10.2.1. There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the IO is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

10.2.2. Where a third party is affected by the request for access and the IO has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

11. AVAILABILTY OF THE MANUAL

- 11.1. This Manual is available for inspection at the head office of inq., free of charge and an electronic copy is available on the Website.
- 11.2. Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of inq..
- 11.3. The manual can also be accessed on the website of the SAHRC (www.sahrc.org.za).

12. UPDATING OF THE MANUAL

13.

inq. will on a regular basis update this manual.

Issued by

DAVID JOHN HERSELMAN

Managing Director and Information Officer

On _____ 2024