

**PORTIMIX PROPRIETARY LIMITED**  
**Registration Number : 2011/100614/07**

	<b>Date implemented</b>
	<b>30 JUNE 2021</b>
<b>Document Name</b>	<b>Manual prepared in terms of Section 51 of the Promotion of Access to Information Act (Act 2 of 2000) “PAIA MANUAL”</b>
<b>Version</b>	<b>1</b>
<b>Next review date</b>	<b>30 JUNE 2022</b>

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**1. INTERPRETATION**

- 1.1. Unless the context dictates otherwise, the words and expressions in this paragraph 1 shall bear the following meanings and cognate expressions shall bear corresponding meanings-
- 1.1.1. **“Affiliate”** shall mean a corporation, subsidiary, company, partnership or other organisation which directly or indirectly Controls, is controlled by or under common control of Portimix or which is associated with Portimix;
- 1.1.2. **“Companies Act”** means the Companies Act, 71 of 2008, as amended from time to time;
- 1.1.3. **“Control”** means the ability, by virtue of ownership, right of appointment, right to control election or appointment, voting rights, the ability to control the exercise of voting rights, management agreement, or agreement of any kind, to control or direct, directly or indirectly, the board or executive body or decision-making process of management of such entity;
- 1.1.4. **“Data Subject”** means the person to whom Personal Information relates;
- 1.1.5. **“Board Member”** means a director of Portimix and **“Board Members”** shall mean all of them;
- 1.1.6. **“Guide”** means the guide referred to in section 10 of the PAIA, being the guide originally compiled by the SAHRC containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the PAIA, which guide is to be updated by the Information Regulator to ensure that it contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in both the POPIA and the PAIA;
- 1.1.7. **“Information Officer”** means the person named at paragraph 3 of this PAIA Manual and identified as the information officer for Portimix;
- 1.1.8. **“Information Regulator”** means the Information Regulator established in terms of the POPIA to exercise certain powers and to perform certain duties and functions in terms of the POPIA and the PAIA;

- 1.1.9. **“PAIA”** means the Promotion of Access to Information Act, 2 of 2000, as well as any regulations relating thereto, as amended from time to time;
- 1.1.10. **“Personal Information”** means information relating to an identifiable, living natural person or juristic person, including, but not limited to-
- 1.1.10.1. 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 person;
- 1.1.10.2. information relating to the education or the medical, financial, criminal or employment history of the person;
- 1.1.10.3. any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assigned to the person;
- 1.1.10.4. the biometric information of the person;
- 1.1.10.5. the personal opinions, views or preferences of the person;
- 1.1.10.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 1.1.10.7. the views or opinions of another individual about the person; and
- 1.1.10.8. the name of the person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 1.1.11. **“POPIA”** means the Protection of Personal Information Act, 4 of 2013, as amended from time to time;
- 1.1.12. **“POPIA Regulations”** means the regulations promulgated in terms of section 112(2) of POPIA;
- 1.1.13. **“Portimix”** means Portimix Proprietary Limited, Registration Number 2011/100614/07, a company with limited liability duly incorporated according to the laws of the Republic of South Africa;
- 1.1.14. **“Prescribed Officer”** bears the meaning set out in the Companies Act;
- 1.1.15. **“Private Body”** means any former or existing juristic person;
- 1.1.16. **“Processing”** means any operation or activity or set of operations, whether or not by automatic means, concerning Personal Information, including-

- 1.1.16.1. the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation of use;
- 1.1.16.2. dissemination by means of transmission, distribution or making available in any other form; or
- 1.1.16.3. merging, linking, as well as restriction, degradation, erasure or destruction of information

and **“Process”** and **“Processed”** shall have corresponding meanings thereto;

1.1.17. **“Public Body”** means-

- 1.1.17.1. any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- 1.1.17.2. any other functionary or institution when-
  - 1.1.17.2.1. exercising a power of performing a duty in terms of the Constitution or a provincial constitution; or
  - 1.1.17.2.2. exercising a public power or performing a public function in terms of any legislation.

1.1.18. **“Record”** means any recorded information-

- 1.1.18.1. regardless of form or medium;
- 1.1.18.2. in the possession or under the control of Portimix; and
- 1.1.18.3. whether or not it was created by Portimix;

1.1.19. **“Responsible Party”** means a Public or Private Body or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information; and

1.1.20. **“Requester”** in relation to a Private Body, means-

- 1.1.20.1. any person, including but not limited to, a Public Body or an official thereof, making a request for access to a Record of that Private Body; or
- 1.1.20.2. a person acting on behalf of the person contemplated in 1.1.20.1; and

1.1.21. **“SAHRC”** means the South African Human Rights Commission referred to in section 181(1)(b) of the Constitution of the Republic of South Africa.

## 2. INTRODUCTION

- 2.1. The PAIA was enacted to give effect to the provisions of section 32 of the Constitution of the Republic of South Africa, which provides that any person has a right to gain access to information held by the State and any other person when that information is required for the exercise or protection of any rights.
- 2.2. The key objectives of the PAIA are to:
  - 2.2.1. promote transparency, accountability and effective governance of all Public and Private Bodies;
  - 2.2.2. to assist members of the public to effectively scrutinize and participate in decision making by Public Bodies that affects their rights;
  - 2.2.3. to ensure that the State promotes a human rights culture and social justice in relation to access to information and imposing an additional obligation for certain public bodies in certain instances to act in the public interest; and
  - 2.2.4. to establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to records of Public and Private bodies in a speedy, inexpensive and effortless manner as reasonably possible.
- 2.3. In terms of section 51 of the PAIA, all Private Bodies are required to compile a manual containing information as stipulated in Section 51(1) of the PAIA (**“PAIA Manual”**).
- 2.4. Portimix is a private company duly incorporated in the Republic of South Africa and is regarded as a Private Body in terms of the PAIA.
- 2.5. This PAIA Manual, which was prepared in accordance with section 51 of the PAIA, addresses certain requirements of the POPIA and constitutes Portimix’s PAIA Manual.
- 2.6. The purpose of the PAIA Manual is to give effect to the objectives of the PAIA by promoting the right of access to information, fostering a culture of transparency and accountability with regard to access to information in accordance with the PAIA and the POPIA, and to establish mechanisms or procedures to give effect thereto.
- 2.7. Section 9 of the PAIA recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to-
  - 2.7.1. limitations aimed at the reasonable protection of privacy;
  - 2.7.2. commercial confidentiality; and
  - 2.7.3. effective, efficient and good governance.
- 2.8. This PAIA Manual complies with the requirements of the Guide and recognises that the Information Regulator established under the POPIA will be responsible for regulating compliance with the PAIA, the POPIA and their regulations thereto.

### 3. INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE PAIA

Name of Private Body	Portimix Proprietary Limited
Head of Portimix	Werner Rudolph van Rhyh (Chief Executive Officer)
Postal Address	P O Box 2506, Saxonwold, 2132
Physical Address	Waterfall House (formerly Ad Outpost Building), Woodmead North Office Park, 54 Maxwell Drive, Jukskei View, Sandton, 2191
Telephone Number	011 253 9222
Fax Number	011 253 9009
Email address	<a href="mailto:popia@waterfall.co.za">popia@waterfall.co.za</a>

### 4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 OF PAIA

- 4.1. A Guide has been compiled in terms of Section 10 of PAIA by the SAHRC. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.
- 4.2. The Guide is available for inspection at the office the Information Regulator at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.
- 4.3. For further information, please contact the Information Regulator whose contact details are as follows:

Postal Address: P. O. Box 31533, Braamfontein, Johannesburg,  
2001  
Email: [inforeq@justice.gov.za](mailto:inforeq@justice.gov.za)

### 5. INFORMATION OFFICER

- 5.1. Portimix has appointed an Information Officer in accordance with the POPIA. In addition to its obligations prescribed under the POPIA, the designated Information Officer is also responsible for assessing any requests to Portimix for access to information in terms of the PAIA as well as to oversee any other obligations which Portimix may have under the POPIA.
- 5.2. The Information Officer may appoint Deputy Information Officers to assist it in the fulfilment of its obligations.

5.3. The contact details of the Information Officer are:

Information Officer	Werner Rudolph van Rhyn (Chief Executive Officer)
Postal Address	P O Box 2506, Saxonwold, 2132
Physical Address	Waterfall House (formerly Ad Outpost Building), Woodmead North Office Park, 54 Maxwell Drive, Jukskei View, Sandton, 2191
Telephone Number	011 253 9222
Fax Number	011 253 9009
Email address	<a href="mailto:popia@waterfall.co.za">popia@waterfall.co.za</a>

## 6. RECORDS AUTOMATICALLY AVAILABLE

6.1. No notice has been submitted by Portimix to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of the PAIA.

## 7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

7.1. Portimix retains Records in terms of certain legislation that applies to its business and operations.

7.2. Unless disclosure is prohibited in terms of applicable legislation, regulations, contractual agreement or otherwise, Records that are required to be made available in terms of applicable legislation shall be made available for inspection by interested parties who are entitled to such information subject to the relevant legislation and applicable Portimix policies and procedures. Unless such Records are of a public nature, any request for access to such Records must be done in accordance with the requirements of the PAIA.

7.3. The applicable legislation includes, but is not limited to, the legislation listed below-

Broad-based Black Economic Empowerment Act 53 of 2003  
Companies Act No 71 of 2008 and Applicable Regulations  
Competition Act No. 89 of 1998  
Copyright Act No. 98 of 1978  
Electronic Communications Act, No. 36 of 2005;  
Electronic Communications and Transactions Act No 25 of 2002  
Financial Intelligence Centre Act No. 38 of 2001.  
Income Tax Act No 58 of 1962  
Intellectual Property Laws Amendment Act No. 38 of 1997  
Labour Relations Act No 66 of 1995  
National Environmental Management Act 107 1998

National Water Act 36 of 1998.  
Occupational Health and Safety Act No. 85 of 1993  
Promotion of Access to Information Act No.2 of 2000  
Protection of Personal Information Act 4 of 2013  
Trade Marks Act 194 of 1993  
Value Added Tax Act No 89 of 1991

- 7.4. Although Portimix has used its best endeavours to provide a list of applicable legislation, this list is not exhaustive and may not be complete and may be updated by Portimix from time to time.
- 7.5. If a Requester believes that a right of access to a Record exists in terms of legislation not listed above, the Requester is required to provide details thereof to the Information Officer for consideration.

## **8. SUBJECTS AND CATEGORIES OF RECORDS HELD BY PORTIMIX**

- 8.1. The subjects on which Portimix holds records and the categories on each subject in terms of Section 51(1)(e) of the PAIA are as listed below-

### **8.1.1. COMPANIES ACT RECORDS**

- 8.1.1.1. Documents of Incorporation;  
8.1.1.2. Memorandum of Incorporation;  
8.1.1.3. Minutes of meeting of the Board of Directors;  
8.1.1.4. Minutes of meetings of Shareholders;  
8.1.1.5. Proxy forms;  
8.1.1.6. Register of directors' shareholdings;  
8.1.1.7. Share certificates;  
8.1.1.8. Share Register and other statutory registers and/or records and/or documents; and  
8.1.1.9. Special resolutions/Resolutions passed at General and Special shareholder's meetings.
- 8.1.1.10. Records relating to the appointment of:
- 8.1.1.10.1. Auditors; and  
8.1.1.10.2. Directors.

### **8.1.2. FINANCIAL RECORDS**

- 8.1.2.1. Annual financial statements  
8.1.2.2. Banking records, bank statements, electronic banking records  
8.1.2.3. Audit reports



### **8.1.3. MARKETING DEPARTMENT**

- 8.1.3.1. Advertising and promotional material
- 8.1.3.2. Proposal documents
- 8.1.3.3. Communication strategies
- 8.1.3.4. Brand information management
- 8.1.3.5. New business development
- 8.1.3.6. Marketing strategies

### **8.1.4. SAFETY, HEALTH AND ENVIRONMENT**

- 8.1.4.1. Complete Safety, Health and Environment Risk Assessment.

### **8.1.5. IT DEPARTMENT**

- 8.1.5.1. Computer / mobile device usage policy documentation;
- 8.1.5.2. Disaster recovery plans;
- 8.1.5.3. Hardware asset registers;
- 8.1.5.4. Information security policies/standards/procedures;
- 8.1.5.5. Information technology systems and user manuals
- 8.1.5.6. Information usage policy documentation;
- 8.1.5.7. Project implementation plans;
- 8.1.5.8. Software licensing;
- 8.1.5.9. System documentation and manuals; and
- 8.1.5.10. Website

### **8.1.6. COMPLIANCE**

- 8.1.6.1. Privacy Notice;
- 8.1.6.2. POPIA Policy;
- 8.1.6.3. Information Security Policy; and
- 8.1.6.4. Personal Information Backup Policy.

8.2. Please note that a Requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the PAIA.

8.3. In addition to the standard access requirements under the PAIA, access to Records deemed confidential to a third party will be subject to consent by the third party concerned.

## **9. PERSONS WHO MAY ACCESS RECORDS HELD BY PORTIMIX**

9.1. There are two types of Requesters:

9.1.1. Personal Requester

- 9.1.1.1. This is a Requester who is seeking access to a record containing Personal Information about the Requester.
- 9.1.1.2. Portimix will voluntarily provide the requested information or give access to any Record with regard to the personal Requester's Personal Information. The prescribed fee for reproduction of the information requested will be charged.
- 9.1.2. Other Requester
- 9.1.2.1. This is a Requester who requests access to information on third parties.
- 9.1.2.2. In considering such a request, Portimix will adhere to the provisions of the PAIA.  
Section 71 requires that the Information Officer takes all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her/it that he/she/it may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the information.
- 9.1.2.3. Portimix is not obliged to voluntarily grant access to such Records. The Requester must fulfil the prerequisite requirements, in accordance with the requirements of the PAIA and as stipulated in Part 3 – Chapter 5 of the PAIA, including the payment of a request and access fee.

## 10. DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

### 10.1. Form of request:

- 10.1.1. The Requester must use the prescribed form, as attached to this manual, to make the request for access to a Record. This request must be made to the Information Officer as per the address, fax number or electronic mail address contained in paragraph 5 above.
- 10.1.2. The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester.
- 10.1.3. The Requester should indicate which form of access is required.
- 10.1.4. The Requester should indicate if any other manner is to be used to inform the Requester and state the necessary particulars to be so informed as prescribed in Section 53(2)(a), 53(2)(b) and 53(2)(c) of the PAIA.
- 10.1.5. The Requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right as prescribed in Section 53(2)(d) of the PAIA.
- 10.1.6. If a request is made on behalf of another person, the Requester must then submit proof of the capacity in which the Requester is making the request to the satisfaction of the designated head of the private body as prescribed in Section 53(2)(f) of the PAIA.
- 10.1.7. A Requester who seeks access to a record containing Personal Information about that Requester is not required to pay the request fee.
- 10.1.8. Every other Requester, who is not a personal Requester, must pay the required request fee.
- 10.1.9. Portimix will notify the Requester (other than a personal Requester) that the Requester should pay the prescribed fee (if any) before further processing the request as prescribed in Section 54(1) of the PAIA.
- 10.1.10. The Requester may lodge an application to the court against the tender or payment of the request fees as prescribed in Section 54(3)(b) of the PAIA.
- 10.1.11. Portimix will inform the Requester within 30 (thirty) days after receipt of the request of its decision whether or not to grant the request as prescribed in Section 56(1)(b) of the PAIA .
- 10.1.12. In terms of Section 57(1) of the PAIA, the 30 (thirty) day period indicated in paragraph 10.1.11 above may be extended by a further 30 (thirty) day period if-

- 10.1.12.1. the request is for a large number of Records or requires a thorough search through a large number of records and compliance with the original period would unreasonably interfere with the activities with Portimix;
- 10.1.12.2. the request requires a search for records in, or collection thereof from, an office of Portimix not situated in the same town or city as the office of the head that cannot reasonably be completed within the original period;
- 10.1.12.3. consultation among divisions of Portimix or with another private body is necessary or desirable to decide upon the request that cannot be reasonably completed within the original period;
- 10.1.12.4. more than one of the circumstances contemplated in paragraphs 10.1.12.1, 10.1.12.2 and 10.1.12.3 exist in respect of the request making compliance with the original period not reasonably possible; or
- 10.1.12.5. the requester consents in writing to such extension.
- 10.1.13. Once it has considered a request for access, the Information Officer will issue a written notice to the Requestor (unless another form of communication was required by the Requestor) communicating its decision. Where the Information Officer –
  - 10.1.13.1. grants the request, the notice will set out the access fee (if any) to be paid and the form in which the access will be given; and
  - 10.1.13.2. refuses the request, the notice will disclose the reasons for the refusal, including those grounds of refusal under the PAIA.
- 10.1.14. Where the Requestor disputes the fee, the form of access granted or any refusal to access, the Requester may apply to a Court with appropriate jurisdiction for relief.

## **11. GROUNDS FOR REFUSING A REQUEST**

- 11.1. Portimix has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA.
- 11.2. In addition, and subject to sections 7 and 70 of the PAIA, the main grounds on which Portimix may refuse a request for information as contemplated in the PAIA are:
  - 11.2.1. mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of Personal Information of that natural person;

- 11.2.2. mandatory protection of commercial information of a third party, if the Record contains –
  - 11.2.2.1. trade secrets of that third party;
  - 11.2.2.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 11.2.2.3. information disclosed in confidence by a third party to Portimix, if the disclosure of that information could reasonably be expected –
    - 11.2.2.3.1. to put that third party at a disadvantage in contractual or other negotiations; or
    - 11.2.2.3.2. to prejudice that third party in commercial competition;
  - 11.2.2.4. mandatory protection of certain confidential information if the disclosure would, *inter alia*, constitute a breach of a duty or confidence owed to a third party in terms of any agreement;
  - 11.2.2.5. mandatory protection of the safety of individuals and the protection of safety of property; and
  - 11.2.2.6. mandatory protection of Records which would be regarded as privileged in legal proceedings.
- 11.3. In addition to the above, Portimix may refuse a request for information on the following grounds-
  - 11.3.1.1. the protection of the commercial activities of Portimix, which include, but are not limited to –
    - 11.3.1.1.1. trade secrets of Portimix;
    - 11.3.1.1.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Portimix;
    - 11.3.1.1.3. information which, if disclosed, could put Portimix at a disadvantage in negotiations or commercial competition;
    - 11.3.1.1.4. a computer program which is owned by Portimix and which is protected by copyright except insofar as Portimix is required to give access to a Record to which access is granted in terms of the PAIA; and
    - 11.3.1.1.5. research information of Portimix or a third party on behalf of Portimix, if the disclosure would expose the third party, Portimix,

and/or the researcher of the subject matter of the research to serious disadvantage.

## **12. PRESCRIBED FEES**

12.1. The PAIA makes provision for two types of fees, namely:

12.1.1. a request fee (Section 22(1) of the PAIA), which is a form of administration fee to be paid by all Requesters except personal Requesters, before the request is considered and is not refundable; and

12.1.2. an access fee (Section 22(6) of the PAIA), which is paid by all Requesters in the event that a request for access is granted. This fee is inclusive of costs incurred by Portimix in obtaining and preparing a Record for delivery to the Requester.

12.2. Fees, in this regard, will be determined in accordance with Sections 22, 54 and 92(1)(a) of the PAIA, read together with any notices published by the Minister of Justice and Correctional Services in the Government Gazette from time to time.

12.3. Portimix may withhold a Record until the Requester has paid the requisite fees.

## **13. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY PORTIMIX**

13.1. Chapter 3 of the POPIA provides for the minimum conditions for lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in the POPIA.

13.2. Portimix requires Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is processed is determined by Portimix. Accordingly, Portimix is a Responsible Party for the purposes of the POPIA and will ensure that the Personal Information of a Data Subject, amongst other things as prescribed by the POPIA:

13.2.1. is processed lawfully, fairly and transparently;

13.2.2. is processed only for the purposes for which it was collected;

13.2.3. will not be processed for a secondary purpose unless that Processing is compatible with the original purpose;

- 13.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
- 13.2.5. is accurate and kept up to date;
- 13.2.6. will not be kept for longer than necessary;
- 13.2.7. 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, is subject to an appropriate level of security when stored, used and communicated by Portimix, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 13.2.8. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
  - 13.2.8.1. be notified in the event of a data breach;
  - 13.2.8.2. enquire whether Portimix holds Personal Information about them and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;
  - 13.2.8.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information;
  - 13.2.8.4. object to Portimix’s use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to PORTIMIX’s record keeping requirements);
  - 13.2.8.5. object to the Processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
  - 13.2.8.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under the POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information.

#### **14. PURPOSE OF PROCESSING OF PERSONAL INFORMATION**

- 14.1. As abovementioned, Personal Information held by Portimix can only be processed for a specific purpose.
- 14.2. The purposes for which Portimix processes or will process Personal Information is set out below, provided however that this is not an exhaustive list, with the specific purpose of processing being detailed in privacy and data collection notices-

- 14.2.1. For a shareholder, director or prescribed officer
  - 14.2.1.1. Verification of shareholder, director or prescribed officer information
  - 14.2.1.2. Any other reasonably required purpose relating to the relationship between Portimix and its shareholder, director or prescribed officer including the payment of any monies to such persons
- 14.2.2. For vendors/ suppliers/other businesses
  - 14.2.2.1. Verifying information and performing related checks
  - 14.2.2.2. Purposes relating to the actual or potential agreement or business relationship between the parties
  - 14.2.2.3. Payment of invoices
  - 14.2.2.4. Complying with Portimix’s regulatory and other obligations
  - 14.2.2.5. Any other lawful purpose relating to Portimix’s business
- 14.2.3. Prospective tenants
  - 14.2.3.1. Verifying information
  - 14.2.3.2. Purposes relating to a possible lease agreement between the prospective tenant and an Affiliate of Portimix
  - 14.2.3.3. Any other legitimate purpose relating to Portimix’s business

## **15. DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION**

- 15.1. As stipulated by section 1 of the POPIA, a Data Subject may either be a natural or a juristic person.
- 15.2. The various categories of Data Subjects that Portimix processes Personal Information in respect of, and the types of Personal Information relating thereto, includes but is not limited to those listed below-
  - 15.2.1. Corporate
    - 15.2.1.1. Shareholders
    - 15.2.1.2. Directors
    - 15.2.1.3. Prescribed Officers
  - 15.2.2. Vendors / suppliers/ other businesses
    - 15.2.2.1. Name and contact details
    - 15.2.2.2. Identity and/or company information and directors’ information
    - 15.2.2.3. Banking and financial information
    - 15.2.2.4. Information about products or services
    - 15.2.2.5. Other information not specified, reasonably required to be processed for business operations
    - 15.2.2.6. “know-your customer” data
    - 15.2.2.7. Payment beneficiaries – bank account details



- 15.2.2.8. Tax certificates
- 15.2.2.9. Professional curriculum vitae
- 15.2.2.10. B-BBEE certificates

15.2.3. Prospective tenants

- 15.2.3.1. Name and contact details
- 15.2.3.2. Identity and/or company information and directors' information
- 15.2.3.3. Banking and financial information
- 15.2.3.4. If signing surety, details of assets and liabilities, previous insolvency details (if applicable), marital status
- 15.2.3.5. Trading references
- 15.2.3.6. Other lessor references
- 15.2.3.7. Other information not specified, reasonably required to be processed for lease relationship
- 15.2.3.8. "know-your customer" data

## 16. PLANNED RECIPIENTS OF PERSONAL INFORMATION

16.1. The recipients to whom Portimix may provide a Data Subject's Personal Information includes, but is not limited to, those detailed below-

- 16.1.1. third parties, if you have consented thereto, or if it is for another legitimate reason, for the purposes listed in clause **Error! Reference source not found.** above;
- 16.1.2. our affiliates, as defined in the Companies Act No. 71/2008, if any;
- 16.1.3. other parties in connection with certain business transactions (in the event that We restructure or sell any of our businesses or assets, We may disclose your Personal Information to the prospective purchaser of such business or assets or other transacting party); or
- 16.1.4. companies that provide services to Us (companies that provided services to Us, or act on our behalf, may have access to information about you. These companies are limited in their ability to use information they receive in the course of providing services to Us or you).

## 17. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

17.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- 17.1.1. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in the POPIA; or
- 17.1.2. Data Subjects consent to the transfer of their Personal Information; or

- 17.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
  - 17.1.4. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
  - 17.1.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.
- 17.2. When making authorised disclosures or transfers of Personal Information in terms of Section 72 of POPIA, Personal Information may be disclosed to recipients located in countries which do not offer a level of protection for those Data Subjects as high as the level of protection offered in South Africa.

## **18. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION**

- 18.1. Portimix undertakes to institute and maintain data protection measures to accomplish the objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Portimix may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.
- 18.1.1. Access control of persons

Portimix will implement suitable measures in order to prevent unauthorised persons from gaining access to the data processing equipment where the data is processed.
  - 18.1.2. Data media control

Portimix undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by Portimix and containing personal data of prospective tenants of an Affiliate of Portimix, suppliers, shareholders, directors, prescribed officers and so forth.
  - 18.1.3. Data memory control

Portimix undertakes to implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

18.1.4. User control

Portimix will implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

18.1.5. Access control to data

Portimix represents that the persons entitled to use Portimix's data processing system are only able to access the data within the scope and to the extent covered by their respective access permission (authorization).

18.1.6. Transmission control

Portimix will be obliged to enable the verification and tracing of the locations/destinations to which the Personal Information is transferred by utilizing Portimix's data communication equipment/ devices.

18.1.7. Transport control

Portimix will implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorised persons during the transmission thereof or during the transport of the data media.

18.1.8. Organisation control

Portimix will maintain its internal organisation in a manner that meets the requirements of this manual.

Kindly note that the above is not an exhaustive list and is subject to change.

## 19. AVAILABILITY OF THE MANUAL

19.1. This PAIA Manual is made available in terms of the PAIA and section 4 of the POPIA Regulations.

19.2. This PAIA Manual is further available at the offices of PORTIMIX situated at Waterfall House, (formerly Ad Outpost Building), Woodmead North Office Park, 54 Maxwell Drive, Jukskei View, Sandton, 2191 for inspection during normal business hours.

To arrange for inspection of this PAIA Manual, kindly arrange an appointment by email [popia@waterfall.co.za](mailto:popia@waterfall.co.za)

19.3. Copies of the PAIA Manual can be obtained from the Portimix. A fee will be levied for copies of the PAIA Manual in accordance with paragraph 12 above.

To arrange for a copy of this PAIA Manual, kindly arrange an appointment by email [popia@waterfall.co.za](mailto:popia@waterfall.co.za)

FORM C  
**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

In terms of 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 (name of body): \_\_\_\_\_

**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: \_\_\_\_\_

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 to which access is requested, including the reference number if that is known to you, to enable the record to be located.*

- b) *(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) *(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees: \_\_\_\_\_

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**F. Form of access to record**

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

Disability: \_\_\_\_\_

Form in which record is required: \_\_\_\_\_

**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 requested.*

*Mark the appropriate choice with an X.*

**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 file)
- transcription of soundtrack (written or printed document)

**4. If record is held on computer or in an electronic or machine-readable form:**

- printed copy of record
- printed copy of information
- derived from the record
- copy in computer readable form
- (stiffy or compact disc)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

- YES
- NO

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**G. Particulars of right to be exercised or protected**

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. The Requester must sign all the additional folios.*

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

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 \_\_\_\_\_

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**SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF A REQUEST IS MADE**

**FORM E**

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS**

**FORM E**

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:**

(Section 52 of the Promotion of Access to Information Act, 2000

(Act 2 of 2000))

[Regulation 9A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 52(1)(b))
<b>FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):</b>	
.....	.....
.....	.....
.....	.....
<b>FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):</b>	
.....	.....
.....	.....
.....	.....
<b>FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii):</b>	
.....	.....
.....	.....
.....	.....
<b>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii):</b>	
.....	.....
.....	.....
.....	.....

**Objection to the Processing of Personal Information in terms of Section 11(3) of POPIA**

**Note:**

1. Affidavits or other documentary evidence as applicable in support of the objection 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.

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of Data Subject	
Unique identifier / Identity Number	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ registered name of Data Subject	
Residential, postal or business address	
Contact number(s)	
fax number / email address	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(D) TO (F) (Please provide detailed reasons for the objection)</b>

Signed at .....this.....day of .....20.....

-----  
**Signature of Data Subject**



**Request for correction or deletion of Personal Information or destroying or deletion of record of Personal Information in terms of Section 24(1) of POPIA**

**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 authorized to retain the record of information.

<b>A</b>	<b>Details of Data Subject</b>
Names(s) and surname/ registered name of Data Subject	
Unique Identifier/ Identity Number	
Residential, postal or business address	
Contact number(s)	
Fax number / email address	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ registered name of Data Subject	
Residential, postal or business address	
Contact number(s)	
Fax number / email address	
<b>C</b>	<b>Reasons for objection in terms of Section 11(1)(d) to (f) (Please provide details reasons for the objection)</b>

--	--

<b>D</b>	<b>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)</b>