



PAIA and POPIA MANUAL

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

This manual applies to
Control Union South Africa (Pty) Ltd
Registration Number 2012/172577/07
(the "Control Union")
(Including all Subsidiaries)

Implementation

JANUARY 2022

Registered office address:

Building 5, 57 Pretoria Road, Rynfield, Benoni 1501

Copy of the manual is available for inspection at Control Union and is available on Control Union website at www.controlunion.com

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (the “PAIA Act”) gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the PAIA Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the PAIA Act.

The Protection of Personal Information Act, 2013 (the “POPI Act”) provides for:

- a) promotion the protection of Personal Information¹ processed by public and private bodies;
- b) certain conditions so as to establish minimum requirements for the processing of Personal Information;
- c) to provide for the establishment of an Information Regulator to exercise certain powers and to perform certain duties and functions in terms of the POPI Act and the PAIA Act;
- d) to provide for the issuing of codes of conduct;
- e) to provide for the rights of persons regarding unsolicited electronic communications and automated decision making;
- f) to regulate the flow of Personal Information across the borders of the Republic; and
- g) to provide for matters connected therewith.

Section 14 of the Constitution of the Republic of South Africa, 1996, provides that everyone has the right to privacy. The right to privacy includes a right to protection against the unlawful collection, retention, dissemination, and use of personal information.

The POPI Act gives Data Subjects¹ the right to, in the prescribed manner², request a Responsible Party to correct or delete Personal Information about the Data Subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of Personal Information about the Data Subject that the Responsible Party is no longer authorised to retain access and/or request the correction or deletion of any Personal Information held about them that may be inaccurate, misleading or outdated.

Control Union endorses the spirit of the PAIA Act and POPI Act and believes that this Manual will assist requestors in exercising their rights. The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

This PAIA Manual was compiled in terms of Section 51 of the PAIA Act to facilitate access to records held by Control Union. It contains information required by a person wishing to exercise any right, contemplated by the PAIA Act. It is available in English.

A copy of this Manual is available to the public in a PDF (“Portable Document Format”) version on Control Union website or on request from the Deputy Information Officer referred to in this Manual.

2. BACKGROUND TO CONTROL UNION

Control Union forms part of a group of companies, of which the holding company is the Peterson Control Union (PCU). The PCU Management System applies to all companies that are part of PCU (as group company and/or subsidiary) and to those parties who use one of the PCU brands or PCU trademarks. The PCU Management System complies with the ISO 9001 standard. Control Union is committed to conducting its business in a manner that ensures long-term sustainability for the benefit of communities and all stakeholders.

Sustainability is a continuous journey and requires a multi-disciplinary approach. Good governance, sound risk management, stakeholder engagement, corporate social investment, minimising Control Union’s impact on the environment all form part of Control Union’s vision.

PCU is a logistics, quality, and risk management specialist with a global presence. Control Union (CU) offers among others inspection, laboratory and certification services to facilitate trust in global trade. The certificates of the divisions in the Group are recognized by authorities in almost every country in the world. PCU has in-

¹ As defined in terms of article 1 (Definitions) of POPI Act

² See sections 18 – 53 of the POPI Act

depth knowledge of, and experience in all aspects of the logistics chain of many commodities, including agricultural products, minerals and chemicals, as well as the upstream oil and gas industry. The international network of offices and laboratories enables PCU to offer clients a full range of global services. PCU operates in four divisions: • CONTROL UNION (CU) • PETERSON INSPECTIONS & LOGISTICS (PIL) • PETERSON OFFSHORE GROUP (POG) • PETERSON SERVICES (PROJECTS AND SOLUTIONS) These divisions are supported by a service division (PSO and PSS) for finance, human resources and Information and Communications Technology.

3. CONTACT DETAILS

Name of body: Control Union South Africa (Pty) Ltd

Registration Number: 2012/172577/07

Physical Address: Building no 5
57 Pretoria Road
Rynfield
Benoni
1501

Postal Address: Building no 5
57 Pretoria Road
Rynfield
Benoni
1501

Republic of South Africa

Telephone Number: +27 11 965 0012

Website: www.controlunion.com

4. DETAILS OF INFORMATION OFFICER

The Information Officer of Control Union is:

Name: Mr. Andre Alec Myburg

Physical Address: Office 130, Ipic Shopping Centre
Cnr Bottelary Road & Amandel Way
Soneike, Kuilsrivier, 7580
South Africa

Postal Address: Office 130, Ipic Shopping Centre
Cnr Bottelary Road & Amandel Way
Soneike, Kuilsrivier, 7580
South Africa

Telephone Number: +27 76 997 9244

E-mail: popiainfosa@controlunion.com

The Information Officer has delegated his powers to the Deputy Information Officer below in terms of the PAIA Act to handle all requests on Control Union's behalf and ensure that the requirements of the PAIA Act are administered in a fair, objective and unbiased manner.

The Deputy Information Officer: James Lidderd Wagenaar

Physical Address: Building no 5,
57 Pretoria Road
Rynfield, Benoni, 1501
South Africa

Postal Address: Building no 5,
57 Pretoria Road
Rynfield, Benoni, 1501
South Africa

Telephone Number: +27 82 611 5690

E-mail: popiainfosa@controlunion.com

5. SCOPE:

This Manual has been prepared in respect of Control Union Group of Companies, which includes the following related entities:

PCU operates in four divisions:

- CONTROL UNION (CU) in South Africa
- PETERSON INSPECTIONS & LOGISTICS (PIL)
- PETERSON OFFSHORE GROUP (POG)
- PETERSON SERVICES (PROJECTS AND SOLUTIONS)

These divisions are supported by a service division (PSO and PSS) for finance, human resources and Information and Communications Technology.

The scope of this Manual excludes Control Union's operations outside the Republic of South Africa and will serve to provide a reference regarding the records held by Control Union at its Registered Office and various operations within the borders of the Republic of South Africa.

6. POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

Control Union will protect the confidentiality of information provided to it by third parties, subject to Control Union's obligations to disclose information in terms of any applicable law or regulation or a court order requiring disclosure of information. If access is requested to a record that contains information about a third party, Control Union is obliged to attempt to contact such third party to inform him/her/it of the request.

Control Union will give the third party an opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Deputy Information Officer will consider these reasons in determining whether access should be granted to the requestor or not.

7. RECORDS AUTOMATICALLY AVAILABLE - [Section 51(1)(c)]

At this stage no notice(s) has/have been published in terms of section 52 of the PAIA on the categories of records that are automatically available, without a person having to request access in terms of PAIA.

Records that is automatically available at the registered office of Control Union on payment of the prescribed fee for reproduction are:

- Records of Control Union lodged in terms of government requirements such as the Registrar of Deeds;
- Documentation and information relating to Control Union which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008;
- Product and Services Brochures;
- News and other Marketing Information; and

Certain other information relating to Control Union's is also made available on the website, from time to time.

8. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: [Section 51(1)(d)]

Records are kept in accordance with such other legislation as applicable to Control Union, which includes, but is not limited to:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Companies Act 61 of 1973
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Customs and Excise Act 91 of 1964
- Deeds Registries Act 47 of 1937
- Employment Equity Act 55 of 1998
- Insurance Act 27 of 1943
- Patents Act 57 of 1987
- Promotion of Access to Information Act 2 of 2000
- Protected Disclosures Act 26 of 2000
- Skills Development Levies Act 9 of 1999
- Trademarks Act 194 of 1993
- Unemployment Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Constitution of South Africa Act 108 of 1996
- Copyright Act 98 of 1987
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Environmental Laws Rationalization Act 51 of 1997
- Intellectual Property Laws Amendments Act 38 of 1997
- Pension Funds Act 24 of 1956
- Promotion of Equality and Prevention of Unfair Discrimination Act No 4 of 2000
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- South African Revenue Service Act 34 of 1997
- Transfer Duty Act 40 of 1949
- Unemployment Insurance Act 63 of 2001

While Control Union has used its best endeavors to supply you with a list of applicable legislation it is possible that the above list may be incomplete. Wherever it comes to Control Union's attention that existing or new legislation allows a requester access on a basis other than that set out in the PAIA or POPIA Acts, we shall update the list accordingly.

9. PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

- 9.1. PAIA gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the PAIA Act, the body to whom the request is made is obliged to release the information, except where the PAIA Act expressly provides that the information may or must not be released.
- 9.2. One of the main requirements specified in the PAIA Act is the compilation of a manual that provides information on both the types and categories of records held by a private body. In terms of the PAIA Act, Control Union is regarded as a "private body" and therefore the requirements regarding access must be in compliance with the provisions of PAIA, relevant to private bodies and more in particular Section 51 of PAIA.
- 9.3. In compliance with Section 51 of PAIA, this Manual sets out the following details:
 - (a) Control Union's contact details including, physical and postal addresses, telephone and fax numbers, electronic mail address of the person tasked with actions in terms of this Manual;
 - (b) Information on how to obtain and access this Manual and a guide on how to use it;
 - (c) Categories of information held by Control Union that is available without a person having to formally request such details in terms of the PAIA Act;

- (d) Categories of information held by Control Union that is available in accordance with other legislation and which, subject to the PAIA Act, may be made available by Control Union on receipt of and consideration of a formal request, made in terms of the PAIA Act;
- (e) Sufficient information to facilitate a request for access to records and a description of the subjects on which records are available from Control Union;

9.4. Adherence to these requirements entails not only compilation of the external manual but also compliance with the general provisions stated in the PAIA and POPIA Acts.

10. GUIDE ON HOW TO USE THE ACT – [Section 10]

- 10.1. The Information Regulator for PAIA and POPIA has been tasked with the administration of the PAIA Act and POPIA.
- 10.2. In terms of Section 10 of the PAIA Act, the Human Rights Commission has compiled a guide which is intended to assist users in the interpretation of the PAIA Act and how to access the records of private public bodies such as Control Union; and the remedies available in law regarding a breach of any of the provisions of the PAIA and POPI Acts.
- 10.3. Should any person have queries or concerns relating to their rights and in particular their right to access information from a private body, such queries should be directed to:

The Information Regulator at <https://infoeregulator.org.za/> and 010 023 5200
 JD House, 27 Stiemens Street, Braamfontein Johannesburg 2001
 PO Box 31533
 Braamfontein,
 Johannesburg,
 2017

11. SUBJECTS AND CATEGORIES OF RECORDS HELD BY CONTROL UNION: [SECTION 51(1)(e)]

The list(s) below depict records of information which Control Union has available in terms of laws applicable to Control Union, listed under section 5 above (jointly referred to as Control Union). Some of this information and the access thereto may be restricted by law or to protect the Privacy and Private information of Data Subjects:

11.1 Corporate Secretariat and Governance:

- Annual Reports
- Board of Directors and Board Committee Terms of Reference
- Codes of Conduct
- Compliance Certification
- Health & Safety Records
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of Shareholders' Meetings
- Policies and Procedures
- Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers
- Share Register and other statutory registers
- Statutory Returns to Relevant Authorities

11.2 Company Policies and Directives:

- Internal relating to employees and Control Union
- External relating to clients and other third parties

11.3 Finance and Taxation:

- Accounting Records
- Annual Financial Statements
- Asset Register
- Banking Records Bank Statements
- Business Plan and Budgets
- Capital Expenditure Records
- Debtors and Creditors Statements and Invoices
- Documents issued to employees for income tax purposes
- Electronic banking records
- Financial Policies and Procedures
- General Ledger and Sub Ledgers
- Leases
- Management Reports
- Monthly expenses
- PAYE Records
- Payment Terms
- Records of payments made to SARS on behalf of employees
- Rental Agreements
- Risk Management and Insurance
- Tax Records and Returns
- Transaction Records
- Treasury Dealing
- All other statutory compliances
 - Income Tax Returns
 - Skills Development Levies Returns
 - UIF Returns
 - VAT Returns
 - Workmen's Compensation Returns

11.4 Personnel Documents and Records:

- CV's, application details
- Disciplinary Code and Records
- Disciplinary Procedures, CCMA and court matters, Retrenchment and legal processes re employment matters
- All employment records of employees, education and training Records, Union membership and information
- Employee Benefit Records
- Employee Relations
- Employment Contracts
- Employment Equity Plan
- Employee Information
- Forms and Applications
- Grievance Procedure
- Group HR Policies and Procedures
- Incentives and Bonuses
- IRP5's
- Job Profiles
- Letters of Appointment and Employment Contracts
- Medical Aid Records
- Organisational Structures
- PAYE Returns
- Payroll Reports
- Pension and Retirement Funding Records
- Performance Records
- Personal Records
- Remuneration Policy
- SETA Records
- Skills Development
- Social Responsibility
- Study Assistance Scheme/s
- Time Management
- Training and Development

- Leave Records
- UIF Returns

11.5 Information Technology and Infrastructure:

- Call Desk Agent Schedule
- Device Management
- Disaster Recovery Policy and Plans
- E and Voice mail
- Equipment Specifications
- Facilities
- Faults, Troubleshooting and Reporting
- Hardware and Software Manuals
- ICT Policies, Standards, Procedures and Templates
- Information, Communication and Technology Policies
- Internal Systems Support and Programming
- SAE3402 Audit Reports
- License Agreements
- Maintenance Plans
- Network Topologies/Diagrams
- Operating Systems
- Performance of Client Call Desk
- Performance of IT Infrastructure
- Root Cause Analyses
- Security Access
- Software Licences
- Supplier Agreements/ Vendor Agreements
- System/Application landscape Diagrams
- System documentation and manuals

11.6 Intellectual Property:

- Agreements relating to intellectual property
- Copyrights Agreements
- Designs
- Intellectual property pertaining to solutions and products developed
- Licenses
- Patents
- Trademark applications
- Know-how

11.7 Corporate Affairs and Investor Relations / Communications:

- Client Events
- Corporate Social Investment
- Media Releases
- Newsletters and Publications
- Public Corporate Records

11.8 Legal:

- Agreements and Contracts
- Competition Notifications
- Documents pertaining to commercial disputes, litigation, arbitration or regulatory investigations
- Health and Safety Records
- SAPS investigations and cases
- Records of Stolen Goods
- Subpoenas
- Title deeds and leases
- Trademark Registration Documentation
- Disputes with third parties and ex employees

11.9 Sales, Marketing and Communication:

- Actual Sales
- Branding
- Commission
- Customer Orders and Delivery Notes
- External Publications
- Marketing Brochures
- Media and Advertising
- Point of Sale (POS)
- Press releases / Communique
- Products and Services Brochures
- Proposals and Tenders
- Media and Advertising

11.10 Business Interactions with other entities:

- Agreements with third parties (Clients, Vendors and Suppliers)
- Contractual disputes with third parties
- Customer Credit vetting
- Customer Satisfaction Surveys
- Licensing and Maintenance Agreements
- Payment History
- Service Level Agreements

11.11 Insurance:

- Insurance Declarations
- Insurance Policies
- Insurance Claim Files
- Register of all immovable property owned by Control Union

11.12 Environmental:

- Impact Assessment
- Maintenance Records
- Records of disposal of equipment
- Standards

11.13 Regulatory:

- Applications
- Exemptions
- Licenses
- Permits
- Registrations
- Submissions

11.14 Logistics and Procurement:

- Dispatch
- Inspection
- Procurement Policy
- Purchase Orders
- Standard Terms and Conditions of Supply of Services, Products and Software to Control Union
- Statements of Work
- Inventory Records
- Supplier and Contractor Agreements
- Suppliers and Manufacturers Details
- Tender Documentation

11.15 Administrative:

- Correspondence with internal and external
- Intranet

parties

12. RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

Records of Control Union which are not automatically available must be requested in terms of the procedure set out in section 8 of this PAIA Manual or the Regulations as set out in terms of POPIA and which may be subject to the restrictions and right of refusal to access as provided for in the PAIA Act and in POPIA.

No request shall be accepted telephonically nor shall any information be supplied telephonically. Only the Information officer or any Deputy Information officer appointed shall have the mandate to disclose information in terms of this manual.

13. REQUEST PROCEDURE

- 13.1. Please be aware that Control Union is very concerned about protecting the private and/or confidential information of its Data Subjects. Please motivate any request for Personal Information very carefully, having regard to the POPI Act and the right that the requestor may rely upon. A request will not automatically be granted and short reasons for the refusal shall be supplied.
- 13.2. Any person making a request for access to records of Control Union is referred to as a "requester".
- 13.3. The requester must comply with all the procedural requirements contained in PAIA and POPIA Acts relating to the request for access to records.
- 13.4. The requester must complete the prescribed form application form attached hereto marked **Form C** and submit the form as well as payment of the request fee and a deposit, if applicable, to the Deputy Information Officer of Control Union at the postal or physical, fax or electronic mail address as stated above.

The prescribed form must be filled in with sufficient particulars to at least enable the Deputy Information Officer of Control Union to identify:

- (a) record or records requested;
 - (b) identity of the requester;
 - (c) which form of access is required, if the request is granted; and
 - (d) postal address, telephone number and fax number of the requester.
- 13.5. The requester must state that he/she requires the information to exercise or protect her/his right and clearly state what the nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the records are necessary to exercise or protect such a right.
 - 13.6. Such request must be processed within 30 (thirty) days after the request has been received.
 - 13.7. The requester shall be informed whether the access has been granted or denied within 30 (thirty) days of receipt of the request and give notice with reasons to that effect.
 - 13.8. The 30 (thirty) day period within which Control Union has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a vast amount of information, or the information cannot reasonably be obtained within the original 30 (thirty) day period. The Deputy Information Officer will notify the requester in writing should an extension be sought.
 - 13.9. If the request for access is granted, the Deputy Information Officer of Control Union must advise the requestor:
 - (a) the access fee (if any) to be paid upon access;

- (b) the form in which access will be given; and
 - (c) that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.
- 13.10. If the request for access is refused, the Deputy Information Officer of Control Union will:
- (a) state adequate reasons for the refusal, including the provisions of this Act relied on;
 - (b) exclude, from any such reasons, any reference to the content of the record; and
 - (c) state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.
- 13.11. In terms of Section 54 of the PAIA Act, if all reasonable steps have been taken to find the record requested and there are reasonable grounds to believe that the record is in possession of Control Union but cannot be found, and if it does not exist, then the Deputy Information Officer of Control Union must notify by way of affidavit or affirmation, the requester that it is not possible to give access to that record.
- 13.12. If after notice is given, the record in question is found, the requester must be given access thereto unless the ground for the refusal of access exists.
- 13.13. If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of the PAIA Act relied upon and provide the procedure to be followed should the requester wish appeal the decision.
- 13.14. Section 59 provides that the Deputy Information Officer of Control Union may serve a record and grant access only to that portion which the law does not prohibit access to.
- 13.15. The requester must pay the prescribed fee, before any further processing can take place.

14. FEES

- 14.1. The Act provides for two types of fees, namely:
- (a) A request fee, which will be a standard fee; and
 - (b) An access fee, which must be calculated by considering reproduction costs, search and preparation time and costs, as well as postal costs.
- 14.2. When the request is received by the Deputy Information Officer of Control Union, such person shall by notice require the requester to pay the prescribed request fee, if any, before further processing of the request.
- 14.3. If a requester requires access to records of his/her Personal Information, there shall be no request fee payable. However, the requester must pay the prescribed access and reproduction fees for such Personal Information.
- 14.4. If the search for the record has been made and the preparation of the record for disclosure including arrangements to make it available in the request form, requires more than the hours prescribed in the regulations for this purpose, the Deputy Information Officer of Control Union shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 14.5. The Deputy Information Officer of Control Union shall withhold the record until the requester has paid the fees as indicated in **Annexure "B"** hereto.
- 14.6. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the

prescribed hours to search for and prepare the records for disclosure including making arrangements to make it available in the request form.

- 14.7. If a deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer of Control Union must repay the deposit to the requester with interest at the prescribed rate.

15. THIRD PARTIES

- 15.1. If the request is for the record pertaining to the third party, the Deputy Information Officer of Control Union shall take all reasonable steps to inform the third party of the request. This must be done within 21 (twenty one) days of receipt of the request. The manner in which this is done must be by the fastest means reasonably possible, but if orally, the Deputy Information Officer of Control Union must thereafter give the third party a written confirmation of the notification.
- 15.2. The third party may, within 21 (twenty one) days thereafter either make representation to Control Union as to why the request should be refused; alternatively grant written consent to the disclosure of the record.
- 15.3. The third party must be advised of the decision taken by the Deputy Information Officer of Control Union whether to grant or to decline the request. A third party who is dissatisfied with the Deputy Information Officer of Control Union's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

16. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF SECTION 62-69 OF THE ACT

Control Union has the right to refuse access to information on legal grounds as set out in POPIA and in PAIA which will mainly be on one or more of the following grounds:

- 16.1. **Mandatory protection of the personal information, special personal information or privacy of a third party who is a natural person (including children)**, if such disclosure would involve the unlawful or unreasonable disclosure of Personal Information about a third party, including a deceased individual or child, subject to the provisions of section 63 (2) of PAIA or any section or regulation of POPIA.
- 16.2. **Mandatory protection of the personal, confidential or commercial information of a third party (which may be a natural person or legal entity)**, if the record contains:
- (a) Trade secrets of that party;
 - (b) Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party;
 - (c) Information disclosed in confidence by a third party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - (d) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- 16.3. **Mandatory protection of certain confidential information of third party**, where the head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- 16.4. **Mandatory protection of the safety of individuals and the protection of property**, where such disclosure could endanger the life or physical safety of an individual, or prejudice or impair the security of:
- (a) a building, structure or any system
 - (b) a means of transport, or

(c) any other property.

16.5. **Mandatory protection of records, which would be regarded as privileged from production in legal proceedings.**

16.6. **Commercial information of private body**, in that a request for access to a record may be refused if the record contains:

- (a) trade secrets, financial, commercial, scientific or technical information of the institution, which disclosure, could likely cause harm to the financial or commercial interest of the institution;
- (b) Information which, if disclosed could prejudice or put the institution at a disadvantage in negotiations or commercial competition; and
- (c) A computer program which is owned by the institution and which is protected by copyright.

16.7. **Mandatory protection of research information of the institution.** A request will be refused if this disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the researcher at a serious disadvantage.

16.8. **Mandatory disclosure in public interest.** Despite any of the protections mentioned above, the Director of Control Union shall grant a request for access to a record if:

- (a) the disclosure of the record would reveal evidence of-
 - (i) a substantial contravention of, or failure to comply with, the law; or
 - (ii) imminent and serious public safety or environmental risk; and
- (b) the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

17. APPEAL - REMEDIES [section 57(1)]

Control Union does not have an internal appeal procedure. As such, the decision made by the Information Officer (or the Deputy Information Officer) of Control Union is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Deputy Information Officer of Control Union.

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Deputy Information Officer's decision, apply to court for appropriate relief.

The court will review the request and decide whether in fact the Deputy Information Officer of Control Union should give the requester the information requested or not. A court hearing an application in terms of the PAIA Act may grant any order that is just and equitable including orders:

- (a) confirming, amending or setting aside the decision which is the subject of the application;
- (b) requiring the Deputy Information Officer of Control Union or relevant authority of a public body or the head of a private body to take such action or to refrain from taking such action, as the court considers necessary within the period mentioned in the court order;
- (c) granting an interdict, interim or specific relief, a declaratory order or compensation; or
- (d) granting an order as to costs.

18. WITHDRAWAL OF CONSENT IN TERMS OF POPIA

You may withdraw consent to process your personal information at any time by completing the withdrawal of consent notice attached hereto and by sending it to:

Name: **A.A. Myburg / J.L. Wagenaar**

Email : popiainfosa@controlunion.com

You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you by contacting the following:

Name: **A.A. Myburg / J.L. Wagenaar**

Email: popiainfosa@controlunion.com

19 OBJECTION TO PROCESSING IN TERMS OF POPIA

You may object to processing of your personal information at any time by completing the form 1, attached hereto and by sending it to:

Name: **A.A. Myburg / J.L. Wagenaar**

Email : popiainfosa@controlunion.com

You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you, by contacting the following:

Name: **A.A. Myburg / J.L. Wagenaar**

Email: popiainfosa@controlunion.com

20 REQUEST FOR ACCES TO PERSONAL INFORMATION, DELETION, CORRECTION OR DESTRUCTION IN TERMS OF POPIA

You may request access, deletion or correction or destruction of your personal information at any time by completing the form 2, attached hereto and by sending it to:

Name: **A.A. Myburg / J.L. Wagenaar**

Email : popiainfosa@controlunion.com

You may request reasonable assistance free of charge to make any request, or objection on any form supplied to you, by contacting the following:

Name: **A.A. Myburg / J.L. Wagenaar**

Email: popiainfosa@controlunion.com

21 COMPLAINTS IN TERMS OF POPIA

You may lodge a complaint with the Regulator at the address and contact particulars set out below in clause 22.

A complaint with the Regulator may be about an interference with the protection of your personal information the following regard:

- A breach of any of the conditions for lawful processing of POPIA; or
- non-compliance with sections 22,54,69,70,71,72 of POPIA; or
- a breach of a condition of a code of conduct in terms of section 60 of POPIA.

You may also lodge a complaint with the Control Union contacting the following:

Name: **A.A. Myburg / J.L. Wagenaar**

Email: popiainfosa@controlunion.com

You may also lodge a complaint with the Regulator in terms of section 63(3) of POPIA, if you are unhappy about the determination of an adjudicator as appointed by the Regulator, after the Regulator has investigated your complaint, by using form 5. The determination will have effect, until such time that the Regulator changes or overrules the determination post your complaint.

The complaint to the Regulator must be made in writing and should you experience any problems, you may contact the office of the Regulator who will provide you with reasonable assistance to make the complaint in writing.

The Regulator has the following powers when a complaint is lodged:

- Consult with the Control Union and with the complainant;
- Investigate the complaint by gathering information through subpoenas and warrants or search premises;
- Summons people to appear and testify or compel them to provide written evidence;
- Conduct private interviews with people;
- Conduct any enquiry she sees fit and
- Resolve the complaint by means of dispute resolution such as mediation and conciliation;
- Apply for fines and penalties to be ordered by a competent court as set out in section 107 and 109 of POPIA.
- Refer the matter to an enforcement committee and issue enforcement notices or information notices.
- Institute civil action for damages.

22 INFORMATION AND CONTACT

Information of the PAIA and POPIA Information Officer:

Name: **A.A. Myburg**
 Position: **Director**
 Email : popiainfosa@controlunion.com
 Website address: **www.controlunion.com**
 Enquiries : **Tel : +27 11 965 0012**

Information of the POPIA Regulator:

The Information Regulator
<https://inforegulator.org.za/>
Tel 010 023 5200
JD House,
27 Stiemens Street,
Braamfontein
Johannesburg 2001
PO Box 31533
Braamfontein,
Johannesburg, 2017

Document management:

Version Number	Responsible Person	Summary of Changes
Draft ver.001	A.A. Myburg	Drawing up of manual
Draft ver.002		
Draft ver.003		

DATE OF THIS MANUAL: 23 July 2022
NEXT REVISION: 23 July 2023
APPROVAL DATE : 23 July 2022
DOCUMENT MANAGER: James Wagenaar



AUTHORISED SIGNATURE _____

Annexure of forms:

Form C: PAIA – Application for access to record of a private body

Form 1 – POPIA – objection to processing

Form 2 – POPIA – request for correction or deletion of personal information or the destruction or the deletion of a record in terms of section 24(1) of POPIA

Form 5 – POPIA – complaint to the Regulator in terms of section 74

Part 1 of Form 5 of POPIA – complaint in terms of section 74(1)

Part 2 of Form 5 of POPIA – complaint in terms of section 74(2)

E. FEES

- (a) A request for access to a record, other than 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.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Note: Refer Annexure A for Fees

Reason for exemption from payment of fees:

F. FORM OF ACCESS TO RECORD

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:

Form in which record is required:

Mark the appropriate box with an "X"

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:						
	Copy of record*				Inspection of record	
2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)						
	View the images		Copy of the images*		Transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:						
	Listen to the soundtrack (audio cassette)				Transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:						
	Printed copy of record		Printed copy of information derived from		Copy in computer readable form* (stiffy or compact disc)	
* If you requested a copy or transcription of a record (above), do you wish for a copy or transcription to be posted to you? <i>A postal fee is payable.</i>					Yes	No

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED:

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

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

2. Explain why the requested record is required for the exercising 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 thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

1. How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20_____.

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1.10 for every photocopy of an A4-size page or part thereof.
2. The request fee payable by a requester referred to in regulation 11(2) is R50.00. People who are requesting access to their Personal Information are exempt from paying a request fee – all other fees are the same.
3. The fees for reproduction referred to in regulation 11(1) are as follows:

(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) stiffer disc	R7.50
(ii) compact disc	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) (i) For a transcription of an audio record, for an A6-size page or part thereof	R20.00
(ii) For a copy of an audio record	R30.00

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

(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) stiffer disc	R 7.50
(ii) compact disc	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) (i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
(ii) For a copy of an audio record	R30.00
(f) To search for and prepare the record for disclosure R30.00, for each hour or part of an hour reasonably required for such search and preparation.	

- (2) For purposes of section 54(2) of the PAIA Act, the following applies:

- (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.

- (3) The actual postage is payable when a copy of a record must be posted to a requester.

(4) The banking details to be supplied when application is made.