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GIJIMA PAIA MANUAL



Legal, Governance and Compliance

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ABBREVIATIONS AND ACRONYMS

Abbreviation	Explanation
DNA	Deoxyribonucleic Acid
CIPC	Companies and Intellectual Property Commission
CV	Curriculum Vitae

Abbreviation	Explanation
FICA	Financial Intelligence Centre Act
ICT	Information and Communication Technology
IO	Information Officer
POPIA/ POPI	Protection of Personal Information Act
ISO	International Standards Organisation
PAIA	Promotion of Access to Information Act
RFI	Request For Information
RFP	Request For Proposal
RFT	Request For Tender
RFQ	Request For Quotation

Table 1: Abbreviations and Acronyms

GLOSSARY OF TERMS

Term	Explanation
Gijima Group	Means Gijima Group Limited (registration number 1998/021790/06), a public company duly registered and incorporated according to the company laws of the Republic of South Africa, and its wholly owned subsidiaries and associated companies.
Objective	The defined purpose or aim of a Process, an Activity, or an organisation. Objectives are usually expressed as measurable targets.
Biometric Information	Means Personal Information in terms of POPIA. It is a technique of personal identification that is based on physical, physiological or behavioural characterisation including blood typing, fingerprinting, DNA analysis, retinal scanning and voice recognition.
Business Day	Means an ordinary workday when Gijima conducts its business, which is Monday to Friday, excluding weekends and official South African public holidays.
Client	Means any natural or juristic person who or which received or receives services and/or products from Gijima.
Conditions for Lawful Processing	Means the conditions for the lawful Processing of Personal Information as fully set out in chapter 3 of POPI.
Consent	Means a voluntary, specific and informed expression of will in terms of which a Data Subject provides permission for the Processing of Personal Information relating to him/her/it.
Data Subject	Means the natural or juristic person to whom Personal Information relates.
Employee	Means any person who works for, or provides services to, or on behalf of Gijima, and receives or is entitled to receive remuneration.
Gijima	Means Gijima Group Limited (registration number 1998/021790/06), a private company duly registered and incorporated according to the company laws of the Republic of South Africa, and its wholly-owned subsidiaries and associated companies.
Information Officer	Means the head of a Private Body. In the case of a juristic person: the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or the person who is acting as such or any person duly authorised by such acting person.
Information Regulator	Will bear the meaning ascribed thereto in POPIA.

Term	Explanation
Manual	Means this manual, together with all annexures thereto as amended and made available on the website of Gijima and at the head office of Gijima from time to time.
Minister	Means the Cabinet member responsible for the administration of justice.
PAIA	Means the Promotion of Access to Information Act, No. 2 of 2000, together with any regulations published thereunder.
Personal Information	As ascribed thereto under POPIA, means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to- (a) Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; (b) Information relating to the education or the medical, financial, criminal or employment history of the person; (c) Any identifying number, symbol, E-Mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; (d) The Biometric Information of the person; (e) The personal opinions, views or preferences of the person; (f) 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; (g) The views or opinions of another individual about the person; and (h) 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.
Personnel	Means any person who works for, or provides services to, or on behalf of Gijima, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Gijima, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers.
POPIA	Means the Protection of Personal Information Act, No. 4 of 2013, together with any regulations published thereunder.
Private Body	Means- (a) A natural person who carries or has carried on any trade, business or profession, but only in such capacity; (b) A partnership which carries or has carried on any trade, business or profession; or (c) Any former or existing juristic person but excludes a Public Body. For the purposes of this definition, and “Private Bodies” has a corresponding meaning.
Processing	Means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including- (a) The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use; (b) Dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or (c) Merging, linking, blocking, restriction, degradation, erasure or destruction of information. For the purposes of this definition, and “Process” has a corresponding meaning.
Public Body	Means any department or state or administration in the national, provincial or local sphere of government or functionary exercising public power. For the purposes of this definition, and “Public Bodies” has a corresponding meaning.
Record	Means any Recorded information-

Term	Explanation
	(a) Regardless of form or medium; (b) In the possession or under the control of that Public Body or Private Body, respectively; and (c) Whether or not it was created by that Public Body or Private Body, respectively.
Request For Information ("RFI")	Means the standard business Process the purpose of which is to collect written information about the capabilities of various suppliers. Normally it follows a format that can be used for comparative purposes. An RFI is primarily used to gather information to help make a decision on what steps to take next. RFI's are therefore seldom the final stage in a supplier selection Process and are instead often used in combination with the following: Request For Proposal ("RFP"), Request For Tender ("RFT"), and Request For Quotation ("RFQ"). In addition to gathering basic information, an RFI is often used as a solicitation sent to a broad base of potential suppliers for the purpose of conditioning suppliers' minds, developing strategy, building a database, and preparing for an RFP, RFT, or RFQ.
Request For Proposal ("RFP")	Means the document issued at an early stage of a procurement Process whereby an invitation is extended to suppliers, often through a bidding process, to submit a proposal on a specific product or service.
Request For Quotation ("RFQ")	Means a document that an organisation submits to one or more potential suppliers eliciting quotations for a product and/or service.
Request For Tender ("RFT")	Means a formal, structured invitation to suppliers for the supply of products or services. In the public sector, such a Process is required and determined in detail by law to ensure that the competition for the allocation of public money is open, fair and free from bribery and nepotism and in line with the relevant government procurement policies and frameworks. The closest equivalent to an RFT in the mainstream private sector is a Request For Proposal ("RFP"), which, since public money is not involved, typically has a less rigid structure. An RFT is usually an open invitation for suppliers to respond to a defined need as opposed to a request being sent to selected potential suppliers. The RFT often requests information following on from other information gathered previously from responses to a Request for Information ("RFI"). This will usually not only cover product and service requirements but will also ask for information about the suitability of the business.
Requester	Means any person or entity (including any Data Subject) requesting access to a Record that is under the control of Gijima.
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;
Third Party	Means any independent contractor, agent, consultant, subcontractor or other representative of Gijima.

Table 2: Glossary of Terms

1 PREAMBLE

Gijima is a Private Body in terms of PAIA.

PAIA affords persons the right access to records of a Private Body if the record is required for the exercise or protection of any rights in terms of PAIA and POPIA. Requests made must be in accordance with PAIA and must follow the prescribed procedures and fees as set out by the Act. The objectives of this Manual are to:

- (a) Set out the requirements on how to request information in terms of PAIA and POPIA;
- (b) Set out the manner and form in which an access for information request may be submitted; and
- (c) set out the grounds on which a request for information may be denied and to provide a list of information, Records and data held by Gijima.
- (d) How compliance with POPIA is to be achieved.

2 SCOPE OF THE MANUAL

This Manual applies to all entities within Gijima's Group of companies, including the following entities:

Entity Name	Registration Number
Gijima Holdings SA (Pty) Ltd	2013/086300/07
Gijima Holdings (Pty) Ltd	1998/021835/07
Gijima IT Services (Pty) Ltd	1996/006527/07
Gijima Specialised Solutions (Pty) Ltd	1998/020871/07
Imperial Crown Trading 196 (Pty) Ltd	2007/001660/07

3 GIJIMA'S CONTACT DETAILS

(Details required in terms of section 51(1)(a) of PAIA.)

Name of Body:	Gijima Group Limited
Registration Number:	1998/021790/06
Physical Address:	Gijima Head Office Midrand Business Gateway Midrand Gate Building South Wing Pioneer Avenue Midrand 1682
Postal Address:	PO Box 10629 Centurion 0046
Telephone Number:	010 449 5000
Information Officer:	Maphum Nxumalo
Email Address for Information requests:	informationofficer@gijima.com
Website:	www.gijima.com

4 INFORMATION REGULATOR SECTION 10 GUIDE

- (a) The Information Regulator has, in terms of section 10(1) of PAIA, amended, updated and made available the revised PAIA Guide in an easily comprehensible form and manner, which may be used as a guide by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- (b) The Guide has been published in various languages–
- The English version of the Guide is accessible [here](#);
 - The isiXhosa version of the Guide is accessible [here](#); and
 - The isiZulu version of the Guide is accessible [here](#)
- Should the requester wish to access the guide, the requester may request a copy from the Information Officer by submitting Annexure A, attached hereto, to the details specified above. The requester may also inspect the guide at Gijima Group's offices during ordinary working hours.

The requester may also request a copy of the guide from Information Regulator at the following details:

Physical Address:	JD House 27 Stiemens Street Braamfontein Johannesburg 2000	
Postal Address:	PO Box 31533 Braamfontein Johannesburg 2017	
Email:	enquiries@inforegulator.org.za	For general enquiries.
	PAIAComplaints@inforegulator.org.za	To lodge a complaint should a PAIA request be denied or there is no response from a Public Body or Private Body for access to Records.
	POPIAComplaints@inforegulator.org.za	To lodge a complaint should a person be of the opinion that his/her Personal Information has been violated.
Website:	https://inforegulator.org.za/	

5 LATEST NOTICES IN TERMS OF SECTION 52(2) OF PAIA

At this stage no Notice(s) has / have been published on the categories of records that are available without having to request access to them in terms of PAIA.

6 AVAILABILITY OF THE MANUAL

- (a) A copy of this Manual is available to any person, upon request subject to the payment of a reasonable prescribed fee either –
- On Gijima's website at <https://www.gijima.com/>; and
 - At the head office of Gijima Group for inspection on Business Days between 08h00 and 17h00.

7 CATEGORIES OF RECORDS HELD

- (a) Gijima maintains Records pertaining to the day-to-day operation of its business.
- (b) The inclusion of any category of Records in this Manual does not imply that a request for access to such Records would be honoured. Many of the Records held by Gijima are those of Third Parties such as clients, suppliers and Personnel. Gijima is committed to the protection of confidential information of Third Parties. Each request for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and any other applicable legislation. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such Records.
- (c) The broad categories and description of Records held by Gijima is set out in the table below.

Category of Record	Types of Records Held
<i>Company and company secretarial Records</i>	• Company name documents. • All statutory company registration documents. • Certificate of incorporation, certificate to commence business and Memorandum of Incorporation. • Other statutory documentation as issued by CIPC. • Minute books and board resolutions. • Registers of shareholding. • Minutes of shareholder's meetings. • Share certificates. • Registers of members. • Other statutory registers as required under relevant legislation. • Records relating to the appointment of directors, auditors, company secretary and officers of the company. • Licences and permits. • Certifications, professional qualifications and registrations. • Corporate structure diagrams.
<i>Accounting, financial, administration and business Records</i>	• Annual financial statements. • Formal books of account and financial statements, supporting schedules to books of account and ancillary books of account. • External auditor audit reports. • Company tax returns. • Budget information. • Mortgage bonds over fixed property. • Fixed asset registers. • Banking Records. • Creditors and debtors information. • Expenditure Records. • Insurance Records, policies, claim Records and details of insurance coverage, limits and insurers. • Vehicle and travel Records.
<i>Client Records</i>	• Contact details of clients. • Client agreements. • Client RFQ, RFP, RFI and other tender and bid information and responses. • Credit applications. • Client correspondence. • Minutes of client meetings.
<i>Human Resources Records</i>	• Employee policies. • Employee details include employment contracts, personal details and Records relating to remuneration, performance, attendance, training, leave and duties.

Category of Record	Types of Records Held
	• Personnel Records and correspondence. • Pension fund. • Group life insurance. • Information pertaining to share options, share incentives, bonus or profit-sharing agreements of each Employee. • Recruitment. • Details pertaining to industrial relations and labour law matters as well as awards. • Workplace Skills Plans ("WSP's"). • Training Records. • B-BBEE Records. • Statutory returns and Records.
<i>Property and facilities Records</i>	• Physical security Records. • Building maintenance Records. • Contracts and other Records related to fixed property. • Details of leases. • Minutes of meetings.
<i>Governance, risk and compliance</i>	• Code of Conduct. • Code of Ethics. • Corporate governance policies. • Delegation of authority Records. • Records and minutes of management meetings. • Risk management Records. • Internal audit Records.
<i>Information Management Records</i>	• Business continuity arrangements. • Disaster recovery arrangements. • Cyber incident Records. • ICT equipment registers. • Equipment, access and usage reports. • License agreements. • Domain name registrations. • ICT manuals, strategies, policies, procedures, standards, work instructions and guidelines. • Support, repair and maintenance Records. • Service level Records. • Telephone Records.
<i>Marketing and communication Records</i>	• Brand information. • Marketing plans and strategies. • Published marketing materials
<i>Operations Records</i>	• Specifications. • Certifications and accreditations. • ISO Records. • Project management documentation. • Stock management Records. • Operational policies, procedures, standards, work instructions and guidelines. • Health and safety documentation.
<i>Intellectual Property Records</i>	• Tradename registrations. • Trademark registrations.

Category of Record	Types of Records Held
	• Agreements relating to intellectual property.
<i>Legal Records</i>	• Agreements. • Correspondence relating to legal matters. • Power of attorney letters. • Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation or arbitration.

8 RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

(Information required under section 51(1)(b)(iii) of PAIA)

(a) Records are kept in accordance with the legislation applicable to Gijima, which includes but is not limited to, the following:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of the Republic of South Africa, 1996
- Consumer Protection Act 68 of 2008
- Conventional Penalties Act 15 of 1962
- Counterfeit Goods Act 37 of 1997;
- Currency and Exchanges Act 9 of 1933;
- Customs and Excise Act 91 of 1964;
- Designs Act 195 of 1993;
- Electronic Communications Act 36 of 2005
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962 (Section 75)
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- National Credit Act, 34 of 2005
- National Health Act 61 of 2003
- Occupational Health and Safety Act 85 of 1993
- Patents Act 57 of 1987
- Promotion of Access to Information Act 2 of 2000
- Prevention and Combating of Corrupt Activities Act 12 of 2004;
- Prevention of Organised Crime Act 121 of 1998;
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
- Protected Disclosures Act, 26 of 2000
- Pension Funds Act 24 of 1956
- Private Security Industry Regulation Act 56 of 2001;
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Skills Development Act 97 of 1998

- Tax Administration Act 28 of 2011
 - Tax on Retirement Funds Act 38 of 1996
 - Trademarks Act 194 of 1993
 - Unemployment Insurance Act 63 of 2001;
 - Unemployment Insurance Contributions Act 4 of 2002
 - Value Added Tax Act 89 of 1991
- (b) Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of PAIA.

9 REQUEST PROCESS FOR ACCESS TO RECORDS

9.1 Procedural requirements

- (a) Records, whether specifically listed in this Manual or not, will only be made available subject to the provisions of PAIA.
- (b) The Requester must use the prescribed form to make the request for access to a record, which form is attached hereto as ANNEXURE B. The prescribed form must be submitted with payment of a request fee and a deposit, if applicable.
- (c) This must be made to the Information Officer at the address or electronic mail address of the body concerned (see section 53(1) of PAIA).
- (d) The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester. The Requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address and if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed (see section 53(2)(a) and (b) and (c) and (e) of PAIA).
- (e) The Requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (see section 53(2)(d) of PAIA).
- (f) If a request is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the satisfaction of the head of the Private Body (see section 53(2)(f) of PAIA).

9.2 Granting or Declining a Request

(See sections 56 and 57 of PAIA.)

1. Requests for access by a Requestor will be Processed within 30 days unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessary. Such considerations include –
 - i. where the request is for a large number of records or requires a search through a large number of records (including where records that have been archived electronically need to be restored);
 - ii. where the request requires a search for records in, or collection of such records from, an office of Gijima located far away from any of Gijima 's regional offices;
 - iii. consultation among divisions of Gijima or with another Private Body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original 30-day period;
 - iv. more than one of the circumstances contemplated in the paragraphs above exist in respect of the request making compliance with the original period not reasonably possible; or
 - v. the requester consents in writing to such extension.
2. If an extension is necessary, you will be notified with the reasons for the extension. If the Information Officer fails to communicate a decision on a request, such a request is then deemed to have been refused.

3. Requests for access by a requestor must be refused by the Information Officer if –
 - i. the disclosure would involve the unreasonable disclosure of Personal Information about a third party (natural person), including a deceased individual (see section 63 of PAIA);
 - ii. the record contains (a) trade secrets of a third party, (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations; or to prejudice that third party in commercial competition (see section 64 of PAIA);
 - iii. the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement (see section 65 of PAIA);
 - iv. the disclosure could reasonably be expected to endanger the life or physical safety of an individual (see section 66(a) of PAIA);
 - v. the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege (see section 67 of PAIA); or
 - vi. the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose: (a) the third party; (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage (see section 69 of PAIA).
4. Requests for access by a requestor may be refused by the Information Officer if –
 - i. the disclosure would be likely to prejudice or impair: (i) the security of: (aa) a building, structure or system, including, but not limited to, a computer or communication system; (bb) a means of transport; or (cc) any other property; or
 - ii. (ii) methods, systems, plans or procedures for the protection of: (aa) an individual in accordance with a witness protection scheme; (bb) the safety of the public, or any part of the public; or (cc) the security of property contemplated in subparagraph (i) (aa), (bb) or (cc) (see section 66(b));
 - iii. the record:
 - contains trade secrets of Gijima ;
 - contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of Gijima ;
 - contains information, the disclosure of which could reasonably be expected:
 - to put Gijima at a disadvantage in contractual or other negotiations; or
 - to prejudice Gijima in commercial competition; or
 - is a computer program, as defined in section 1(1) of the Copyright Act No. 98 of 1978, owned by Gijima, except insofar as it is required to give access to a record to which access is granted in terms of PAIA; or
 - the record contains information about research being or to be carried out by or on behalf of Gijima, the disclosure of which would be likely to expose: (a) Gijima; (b) a person that is or will be carrying out the research on behalf of Gijima; or (c) the subject matter of the research, to serious disadvantage.
5. If a requested Record cannot be found or if the Record does not exist, the Requester will be notified, by way of an affidavit or affirmation, that it is not possible to give access to the requested Record. Such a notice will be regarded as a decision to refuse a request for access to the Record concerned for the purposes of POPIA.
6. If the Record in question should later be found, the requester will be given access to the Record unless access is refused by Gijima.

10 REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

- (a) Gijima does not have any internal appeal procedure that may be followed once a request to access Records has been refused. The decision of the Information Officer or Deputy Information Officer is final.
- (b) In the event the Requester is aggrieved by the Information Officer's decision to refuse a request for access, the Requestor may within 180 (one hundred and eighty) days of the Information Officer's decision, submit a complaint to the Information Regulator in the prescribed manner and form in accordance with section 77A of PAIA.
- (c) Alternatively, a Requester who is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court of competent jurisdiction for appropriate relief in accordance with sections 56(3)(c) and 78 of PAIA. For purposes of PAIA, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrates Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

11 PRESCRIBED FEES

- (a) A requester may be exempted from paying the requester fee.
- (b) Documents ordinarily available will not be subject to the prescribed fees.
- (c) Every other request made in terms of this Manual, will be subject to a prescribed fee of R140.00 before a request will be processed.
- (d) If the preparation of the Record(s) requested requires more than the prescribed 6 (six) hours, a deposit will be payable of not more than one-third of the access fee which would be payable if the request was granted.
- (e) A requester may lodge an application with a court against the tender or payment of the request fee and/or deposit.
- (f) Records may be withheld until the fees have been paid.
- (g) Payments should be made to Gijima Holdings (Pty) Ltd.
- (h) The prescribed fees in respect of a Private Body are set out below.

No.	Description	Amount
1	The request fee payable by every Requester for every request	R140.00
2	Photocopy / printed black and white copy of A4-size page	R2.00 per page or part thereof
3	Printed copy of A4-size page	R2.00 per page or part thereof
4	For a copy in a computer-readable form on: (a) Hard copy on flash drive (flash drive to be provided by Requester) (b) Hard copy on a compact disc: i. Compact disc to be provided by Requester ii. Compact disc to be provided by Gijima	R40.00 R40.00 R60.00
5	For a transcription of visual images per A4-size page	As per quotation of service provider
6	Copy of visual images	As per quotation of service provider
7	Transcription of an audio record per A4 page	R24.00
8	Copy of an audio record on: (a) Flash drive (flash drive to be provided by Requester) (b) Compact disc if provided by Requester (c) Compact disc if provided by Gijima	R40.00 R40.00 R60.00

No.	Description	Amount
9	To search for and prepare the Record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R145.00
	To not exceed a total cost of	R435.00
10	Deposit: if search exceeds 6 (six) hours	One-third of the amount per request was calculated in terms of items 2 to 8
11	Postage, email or any other electronic transfer	Actual expense, if any

- (i) Gijima, as a registered Private Body, will add VAT to all fees in terms of the Value-Added Tax Act.

12 DISPOSAL OF RECORDS

- (a) Gijima will dispose of all Records in accordance with its internal data retention and destruction policies as required under applicable law.

13 UPDATING OF RECORDS

- (a) While Gijima expects a Data Subject whose Personal Information it Processes to regularly update same, it should be noted that, in accordance with section 24(1) of POPIA, Gijima may, upon receipt of a request from a Data Subject –
- 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 Gijima is no longer authorised to retain in terms of section 14 of POPIA.

14 PROCESSING OF PERSONAL INFORMATION

(Information required under section 51(1)(c) of PAIA.)

14.1 Purpose of Gijima's Processing of Personal Information

- Gijima will Process Personal Information only in accordance with the identified purposes highlighted within its privacy policy located here www.gijima.com/data-privacy-and-security-policy and in ways that are for, or compatible with, the business purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.
- Gijima will retain Personal Information only for as long as is necessary to accomplish Gijima's legitimate business purposes or for as long as may be permitted or required by applicable law.
- We Process the Personal Information we collect for purposes of enabling us to operate and manage our normal operations, to engage with, transact and communicate with our Third-Party suppliers, clients, business partners, affiliates, employees and other third parties and these purposes include the following non-exhaustive purposes –
 - The conclusion or performance of contracts relating to our business operations;
 - To comply with obligations imposed on Gijima by an order of a court or the applicable law;
 - To protect the legitimate interests of the Data Subjects; or
 - Where it is necessary for protecting the legitimate interests of the Responsible Party.
- Gijima will comply with POPIA before transferring Personal Information to a Third Party who is a contractor or service provider of Gijima. Gijima will obtain assurances from such a third party that it will

Process Personal Information in a manner consistent with POPIA and Gijima's own information security policies and procedures (as updated from time to time). Where Gijima learns that a Third Party is using or disclosing Personal Information in a manner contrary to POPIA, Gijima will take reasonable steps to prevent such use or disclosure.

- (e) Gijima reserves the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of substantially all of our membership interests and/or assets or other corporate change, including to any prospective purchasers.

14.2 Categories of Data Subjects and associated Personal Information

- (a) Gijima collects Personal Information directly from the Data Subjects and/or Third Parties. Where Gijima obtains Personal Information from Third Parties, Gijima will ensure that it obtains the consent of the Data Subjects to do so or will only Process the Personal Information without the Data Subjects' consent where Gijima is permitted to do so in terms of applicable laws.
- (b) Data Subjects in respect of which Personal Information is Processed include client employees and candidates (direct and indirect), Third-Party service providers and subcontractors as well as consortium partners, visitors and Gijima Personnel.
- (c) The various categories of Data Subjects that Gijima Process Personal Information in respect of and the types of Personal Information relating thereto include but is not limited to those detailed below.

Data Subject	Personal Information Processed
Employees:	ID number, contact details, physical and postal address, date of birth, age, marital status, race, employment history, criminal and background checks, fingerprints, CVs, education history, banking details, income tax number, remuneration and benefits information, medical scheme and membership number, employee pension fund information, performance appraisals, disciplinary actions, employee disability information, employee contracts, payroll records, electronic access records, physical access records, CCTV records, health and safety records, training records, employment history, time and attendance records, etc.
Clients:	Natural persons: ID number, information required for FICA compliance, contact details, physical and postal address. Legal persons: Entity name, registration number, VAT number, contact details for representative persons, FICA documentation.
Suppliers and service providers:	Entity name, registration number, income tax number, tax information, contact details for representative persons, FICA documentation, B-BBEE certificates, invoices, statements, agreements, banking details.
Directors and shareholders:	Name and surname, ID numbers, tax numbers, TV license numbers, other information as required for reporting purposes.
Job applicants:	Name and surname, address, contact details, email address, telephone number, details of qualifications, skills, experience and employment history, current remuneration.
Website visitors:	Name, email address, company name, job title and telephone number.
Visitors:	Physical access cards, electronic access records and CCTV Records.

15 RECIPIENTS OF PERSONAL INFORMATION

- (a) As further detailed on Gijima's privacy policy located here www.gijima.com/data-privacy-and-security-policy, Gijima may share Personal Information with the Gijima group of companies, Third Parties engaged by us, or our business partners, to assist us to provide information, goods or services to Client's, Third Parties or business partners. Such Third Parties or business partners may include –

- i. Distributors of our products;
- ii. Technology partners and original equipment manufacturers and software distributors;
- iii. Hosting, data storage or archiving service providers, payment processing and debt collection services; and
- iv. Professional advisors.

15.1 Trans-border flows of Personal Information

- (a) In carrying out any cross-border transfers, Gijima will adhere to the provisions of POPIA.
- (b) Personal Information will always be subject to protection, not less than the protection it is afforded under POPIA.

15.2 Information security measures

- (a) The security and confidentiality of Personal Information is important to Gijima. We have implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.
- (b) We are committed to ensuring that our security measures that protect Personal Information are continuously reviewed and updated where necessary.
- (c) Gijima has and will continue to take steps to ensure that Third Parties that Process Personal Information on behalf of Gijima apply appropriate safeguards in compliance with POPIA and Gijima's own internal information security policies.
- (d) In Processing any Personal Information, Gijima will employ and comply with the information security requirement of its own information security policy.

15.3 Objection to the Processing of Personal Information by a Data Subject

- (a) Section 11(3) of POPIA and regulation 2 of the POPIA regulations provide that a Data Subject may, at any time object to the Processing of their Personal Information in the prescribed form available [here](#).

15.4 Request for correction or deletion of Personal Information

- (a) Section 24 of POPI and regulation 3 of POPIA regulations provide that a Data Subject may request for their Personal Information to be corrected and/or deleted in the prescribed form available [here](#).

16 UPDATING OF THE MANUAL

- (a) This Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be published and distributed in accordance with the provisions of PAIA and POPIA.

17 REFERENCES

Ref	Document Title	Source
1	Arbitration Act 42 of 1965	Government Gazette
2	Basic Conditions of Employment Act 75 of 1997	Government Gazette
3	Broad-Based Black Economic Empowerment Act 53 of 2003	Government Gazette
4	Companies Act 71 of 2008	Government Gazette

Ref	Document Title	Source
5	Compensation for Occupational Injuries and Diseases Act 130 of 1993	Government Gazette
6	Competition Act 89 of 1998	Government Gazette
7	Constitution of the Republic of South Africa, 1996	Government Gazette
8	Consumer Protection Act 68 of 2008	Government Gazette
9	Conventional Penalties Act 15 of 1962	Government Gazette
10	Counterfeit Goods Act 37 of 1997	Government Gazette
11	Currency and Exchanges Act 9 of 1933	Government Gazette
12	Customs and Excise Act 91 of 1964	Government Gazette
13	Designs Act 195 of 1993	Government Gazette
14	Electronic Communications Act 36 of 2005	Government Gazette
15	Electronic Communications and Transactions Act 25 of 2002	Government Gazette
16	Employment Equity Act 55 of 1998	Government Gazette
17	Financial Intelligence Centre Act 38 of 2001	Government Gazette
18	Income Tax Act 58 of 1962 (Section 75)	Government Gazette
19	Insolvency Act 24 of 1936	Government Gazette
20	Labour Relations Act 66 of 1995	Government Gazette
21	National Credit Act, 34 of 2005	Government Gazette
22	National Health Act 61 of 2003	Government Gazette
23	Occupational Health and Safety Act 85 of 1993	Government Gazette
24	Patents Act 57 of 1987	Government Gazette
25	Pension Funds Act 24 of 1956	Government Gazette
26	Prevention and Combating of Corrupt Activities Act 12 of 2004	Government Gazette
27	Prevention of Organised Crime Act 121 of 1998	Government Gazette
28	Private Security Industry Regulation Act 56 of 2001	Government Gazette
29	Promotion of Access to Information Act 2 of 2000	Government Gazette
30	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000	Government Gazette
31	Protected Disclosures Act, 26 of 2000	Government Gazette
32	Protection of Personal Information Act 4 of 2013	Government Gazette
33	Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002	Government Gazette
34	Skills Development Act 97 of 1998	Government Gazette
35	Tax Administration Act 28 of 2011	Government Gazette
36	Tax on Retirement Funds Act 38 of 1996	Government Gazette
37	Trademarks Act 194 of 1993	Government Gazette
38	Unemployment Insurance Act 63 of 2001	Government Gazette
39	Unemployment Insurance Contributions Act 4 of 2002	Government Gazette
40	Value Added Tax Act 89 of 1991	Government Gazette

Table 3: References

A ANNEXURE "A"

FORM 1 – PRESCRIBED FORM FOR REQUEST FOR A COPY OF THE GUIDE

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

TO: The Information Officer

I,

Full names:			
In my capacity as (mark with "x"):	Information officer		Other
Name of * GIJ-MAN-002597_Gijima PAIA Manual public/private body (if applicable)			
Postal Address:			
Street Address:			
E-mail Address:			
Facsimile:			
Contact numbers:	Tel.(B):		Cellular:

Hereby request the following copy(ies) of the Guide:

Language (mark with "X")	No of copies	Language (mark with "X")	No of copies
☐ Sepedi		☐ Sesotho	
☐ Setswana		☐ siSwati	
☐ Tshivenda		☐ Xitsonga	
☐ Afrikaans		☐ English	
☐ isiNdebele		☐ isiXhosa	
☐ isiZulu			

Manner of collection (mark with "X")

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)
☐	☐	☐	☐

Signed at _____ this _____ Day of _____ 20 _____

Signature of requester



B ANNEXURE B

FORM 2 – PRESCRIBED FORM FOR REQUEST FOR ACCESS TO RECORD

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

Note:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof such authorisation must be attached to this form

To: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person

Personal Information	
Full Names	
Identity Number	
Capacity in which request is made (when made on behalf of another person)	
Postal Address	
Street Address	
E-mail Address	
Contact Number	
Full names of person whose behalf request is made (if applicable)	
Identity Number	
Postal Address	
Street Address	
E-mail Address	
Contact Number	
Particulars of Record Requested	
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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)	
Description of the record or relevant part of the record:	

Reference number, if available	
Any further particulars of record	
Type of Record (Mark the applicable box with an "X")	
Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, videos, recordings, computer-generated images, sketches, etc.)	
Record consists of recorded words or information which can be reproduce in sound	
Record is held on computer or in an electronic, or machine-readable form	

Form of Access (Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form	
Written or printed transcription or virtual images (this include photographs, slides, video recordings, computer-generated images, sketches, etc.)	
Transcription of soundtrack (written or printed document)	
Copy of recorded on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

Manner of Access (Mark the applicable box with an "X")	
Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal service to postal address	
Postal service to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcription)	
E-mail or information (including soundtracks if possible	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Particulars of Right to be Exercised or Protected <i>If the provided space is inadequate, please continue on a separate page and attach it to this form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	



Explain why the record requested is required for the exercise or protection of the aforementioned right:	

Fees	
(a) A request fee must be paid before the request will be considered.	
(b) You will be notified of the amount of the access fee 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 the reason of exemption	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved, the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (please specify)

Signed at _____ this _____ Day of _____ 20 _____

Signature of requester/person on whose behalf request is made

For Official Use

Reference number:	
Request received by: (State Rank, Name and Surname of Information Officer)	
Date received	
Access fees:	
Deposit (if any)	

Signature of Information Office

C ANNEXURE "C"

FORM 1 – OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION 2018

[Regulation 2]

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.

A	DETAIL OF DATA SUBJECT
Name(s) and surname/registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
	Code ()
Contact numbers(s)	
Fax number / E-mail address:	
B	DETAIL OF RESPONSIBLE PARTY
Name(s) and surname/registered name of data subject:	
Residential, postal or business address:	
	Code ()
Contact numbers(s)	
Fax number / E-mail address:	
C	REASON FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed for the objection)

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D ANNEXURE D

FORM 2 – REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETING OF RECORD OF PERSONAL INFORMATION

14 No. 42110

GOVERNMENT GAZETTE, 14 DECEMBER 2018

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

Note:

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

Mark the appropriate box with an "X"

Request for:

☐

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐

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

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname/registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	
	Code ()
Contact numbers(s)	
Fax number / E-mail address:	
B	DETAIL OF RESPONSIBLE PARTY
Name(s) and surname/registered name of data subject:	
Residential, postal or business address:	
	Code ()
Contact numbers(s)	
Fax number / E-mail address:	

C	INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)

Signed at _____ this _____ Day of _____ 20 _____

Signature of data subject/designated person

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