

PAIA/POPIA Manual

1. Introduction

This manual is published in relation to sections 14 and 51 of Promotion of Access to Information Act, Act No. 2 of 2000 (further referred to as PAIA) which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996 which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to mechanisms and procedures that empower and educate all persons.

In addition, this manual explains how to access or object to, or request correction or deletion of personal information held by BCompliant in terms of sections 23, 24 and 25 of Protection of Personal Information Act, Act No. 4 of 2013 (further referred to as POPIA) and Regulations relating to POPIA.

2. Objective

The purpose of this manual is to facilitate requests to access records of BCompliant as provided for in PAIA, and to inform data subjects on the types of information that BCompliant processes. The manual further describes how a data subject may request access to personal information.

3. Contact details

The Information Officer

BCompliant cc

Attention: Ms. Retha Britz

Telephone number: 082 373 4339

Email: retha@bcompliantcc.co.za

Physical Address:

Honey Hills

7 Jubie Road

Barbeque Downs

Midrand

1684

Postal Address:

P.O. Box 2760

Sunninghill

2157

4. Definitions

4.1 Data Subject: Refers to any individual person who can be identified, directly or indirectly, via an identifier such as a name, an ID number, location data, or via factors specific to the person's physical, physiological, genetic, mental, economic, cultural or social identity. Data subjects include but may not be limited to: clients; potential clients; representatives of potential client organisation; or representatives of client organisations.

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

4.2 Information Officer: The director of BCompliant responsible for executing the duties and responsibilities assigned to the Information Officer as prescribed in terms of PAIA and POPIA.

4.3 Personal information: 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

4.4 Process, Processing or Processed includes collection, receipt, recording, organising, structuring, storage, adaptation or alteration, retrieval, or use of personal information; disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction

4.5 Sensitive Personal Information: Personal information about race or ethnicity, national identification number or any other information that may be deemed to be sensitive under applicable law

4.6 Service Provider: third party providers of various services whom we engage including but not limited to providers of information technology (IT), accounting or auditing services, taxation consultant and professional advisors.

5. Information that are automatically available

The information available on the BCompliant website (www.bcompliantcc.co.za) is automatically available and are freely accessible to any person requesting this information. It is not necessary to apply for access thereto in terms of PAIA section 51(1)(c).

6. Records held by BCompliant in accordance with other legislation

BCompliant is required in accordance with legislation and requirements to retain certain records. BCompliant holds records for the purposes of PAIA in accordance with the following legislation among others:

- Basic Conditions of Employment Act, Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, Act No. 53 of 2003
- Companies Act, Act No 71 of 2008
- Employment Equity Act, Act No. 55 of 1998

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

- Income Tax Act, Act No. 58 of 1962
- Skills Development Levies Act, Act No. 9 of 1999
- Skills Development Act, Act No. 9 of 1999
- Unemployment Insurance Act, Act No. 63 of 2001
- Value Added Tax Act, Act No. 89 of 1991
- Medicines and Related Substances Control Act 101 of 1965 after amendment by the Medicines and Related Substances Control Amendment Act (Act 90 of 1997) and relevant regulations
- South African GCP (SA GCP) guidelines of 2020
- ICH Guideline for Good Clinical Practice, E6 (R2), 2016
- Ethics in Health Research: Principles, Structures and Processes (2nd edition, 2015)

7. Types of records held by BCompliant in terms of section 51(1) of PAIA

Below are the categories and types of records which BCompliant holds in terms of the above-mentioned section of PAIA. These records are not automatically obtainable without a request in terms of PAIA. A request made in terms of PAIA for records in any of the categories below may be refused in accordance with any of the grounds of refusal as set out in PAIA.

Statutory records:

- BCompliant incorporated documentation

Income Tax: Documentation of BCompliant employees regarding -

- Pay-as-you-earn (PAYE)
- Employee income
- Payments made to the South African Revenue Services (SARS) on behalf of employees
- All or any statutory compliance
- Value Added Tax (VAT)
- Skills development levies
- Unemployment Insurance Fund (UIF)

Labour relations records of Bcompliant employees relating to:

- Documentation and records
- Contracts
- Disciplinary actions
- Salaries
- Leave
- Training records
- Addresses

Financial records of Bcompliant:

- Financial statements
- Receipts and payments
- Bank statements

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

- Debtors and creditors
- Management accounts
- Asset registers
- Invoices
- Payroll
- Correspondence

Risk and compliance:

- Confidentiality Disclosure Agreements
- Contracts
- Standard Operating Procedures
- Compliance records

Others:

- IT usage statistics and equipment
- Correspondence
- Training Registration Forms
- Training Attendance Registers

8. Processing of personal information

8.1 POPIA compliance

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of personal information. These conditions may not be deviated from unless specific exclusions apply as outlines in POPIA.

8.1.2 BCompliant processes personal information in accordance with POPIA. In terms of our privacy policy, BCompliant ensures that all processing conditions of POPIA are complied with at the time of processing of personal information.

8.2 Purpose for processing personal information by BCompliant

BCompliant will process personal information of data subjects in the ordinary course of the business of providing training and clinical quality assurance services. At BCompliant the data subject's personal information is used to respond to an enquiry made via the website or via email and to provide the data subject with the required information related to the enquiry. Personal information collected for training purposes as required by data subjects, is so that BCompliant can create a training course certificate for delegates as proof of the training attendance as required by section 30 of the Regulations dated 25 August 2017 published in terms of the Medicines and Related Substances Control Act 101 of 1965 as amended. BCompliant will primarily use the data subject's personal information only for the purpose for which it was originally provided by the data subject, or obtained by BCompliant. Personal information of data subjects will only be used for a secondary purpose if such purpose constitutes a legitimate interest and is closely aligned with the original or primary purpose for which the data subject's personal information was collected.

BCompliant processes personal information for a number of reasons including, but not limited to:

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

- Providing services requested in line with the requirement of other legislation
- Management of commercial relationships with clients
- Creating and managing required information for BCompliant suppliers
- Manage contracts, invoices and accounting
- Submitting quotations and invoices
- General human resource and finance functions including those obligations imposed by legislation
- Prepare or comment on opinions, correspondence, reports, publications and other documents or records
- To allow the proper functioning of the BCompliant website which includes amongst other things, proper display of content, interface personalisation and ensuring that the website is safe and secure to protect against misuse

8.3 Categories of data subjects

BCompliant processes the following personal information and special personal information relating to the following categories of data subjects, including but not limited to:

Individuals (clients and potential clients): Name, surname, Health or Allied Professions Council of South Africa Registration Number, cellular phone number, email address, billing address, payment amount, banking information in case of a refund, including bank account number; details of training courses that an individual attends that BCompliant hosted

Juristic persons (potential client organisation and client organisations): Entity name, billing address, VAT number, bank account number; SWIFT details; IBAN details, payment amount; correspondence address

Director: Name, surname, passport and national identity number, income tax reference number, physical and postal addresses, remuneration and benefit information, gender; date of birth/age; nationality and language preference, bank account number, marital status, curriculum vitae, employment history, education history

Employees, potential employees: Name, surname, passport or national identity number, income tax reference number, physical and postal addresses, gender; date of birth/age; nationality and language preference, bank account number, marital status, race, employment history, education history, curriculum vitae, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information

Service providers, including outsourced services, IT, bookkeeping and auditors: Company registration details, name, surname, email address, contact numbers, income tax reference number where applicable to individuals, physical and postal addresses, VAT number, bank account number, SWIFT details; IBAN details, payment amount; correspondence address, invoices, correspondence

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

9. Disclosure of personal information to third parties (both locally and internationally)

BCompliant may disclose a data subject's personal information to third parties such as its service providers, for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.

When BCompliant discloses personal information of data subjects to third parties, the disclosure will be for reasons and purposes the information was provided for and the data subject will be notified of such disclosure.

BCompliant may transfer personal information of a data subject to recipients outside of the Republic of South Africa due to the nature of BCompliant's business and services, provided that: the country to which the data is transferred has adopted a law that provides for an adequate level of protection like POPIA, the third party undertakes to abide by the applicable data protection legislation and if transfer of personal information of data subject/s is necessary to provide the services that BCompliant is required to do.

10. Data security

BCompliant takes reasonable, appropriate and adequate technical and organisational measures to ensure that the personal information of data subjects is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access. BCompliant contractually requires from any third party to which personal information of data subjects are being disclosed, to do the same.

BCompliant continuously reviews its security controls and related processes to ensure that the personal information of data subjects is secure. However, if there are reasonable grounds to believe that personal information have been accessed or obtained by any unauthorised person, the Information Regulator and you will be notified by BCompliant, unless the Information Regulator or a public body responsible for detection, prevention or investigation of offences informs BCompliant that notifying the data subject will impede a criminal investigation.

11. Access request to a record

To request a record in terms of PAIA, the requester must complete the prescribed Form C attached to this manual as Annexure A. This request must be completed and submitted to the BCompliant Information Officer as indicated in section 3.

For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 1 (Objection) or Form 2 (Correction or Deletion), which are attached to this manual as Annexures B and C respectively.

The requester must provide adequate information to enable the Information Officer to: identify the record(s) requested; to identify the requester; to identify which form of

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

access is required by the requester; to identify which right the requester would like to exercise or protect and identify the reason why the requester is requesting the record for the exercise or protection of that right.

If the 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 reasonable satisfaction of BCompliant's Information Officer.

PAIA makes provision for certain grounds upon which a request for access to personal information can be refused. On this basis, the BCompliant Information Officer will decide whether or not a request for access to personal information will be granted or refused.

12. Payment of fees

12.1 PAIA provides for two types of fees, namely:

12.1.1. A request fee: standard non-refundable administration fee payable by the requester prior to the request being considered

12.1.2 An access fee, payable by the requester when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal fees

12.2 Subsequent to a request being made, the BCompliant Information Officer, shall by notice require the requester, to pay the prescribed request fee (if any) before further processing of the request

12.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, BCompliant will request the requester to pay as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

12.4 BCompliant may withhold a record until the requester has paid the fees as indicated in Annexure D.

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

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

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

13. Applicable time-periods

BCompliant will inform the requester within 20 business days after receipt of the request as to whether or not the request was granted.

Title:	PAIA/POPIA Manual	
	Version: 2.0	Effective date: 01 August 2021

14. Refusal of a request

- 14.1 Should the request be refused, the notice will state adequate reasons for the refusal including the provisions of the PAIA relied upon and the requester may lodge an application with a Court against the refusal of the request.
- 14.2 In terms of sections 62 to 69 of PAIA, access to a record may be refused on one or more of the following grounds:
 - 14.2.1 Protection of privacy to a third party who is a natural person
 - 14.2.2 Protection of the commercial information of a third party
 - 14.2.3 Protection of certain confidential information of a third person
 - 14.2.4 Protection of the safety of individuals and the protection of property
 - 14.2.5 Protection of records privileged from production and legal proceedings
 - 14.2.6 Commercial information and activities
 - 14.2.7 The protection of research information of a third party
 - 14.2.8 Any other ground legally available on which to refuse access to the information requested
- 14.3 Despite any provisions of PAIA, a request must be granted if the disclosure of the Record would reveal evidence of substantial contravention of, or failure to comply with the law or imminent and serious public safety or environmental risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.
- 14.4 Should the requester be dissatisfied with BCompliant’s Information Officer’s decision to refuse access to the requested records, the requester may within 30 calendar days after notification of the refusal, apply to a Court for the appropriate relief.

15. Availability of the Manual

This manual is available in electronic and hard copy format in English. The hard copy is available at BCompliant’s office located as stipulated in section 3. The electronic version of this manual is available on BCompliant’s website.

16. Annexures to the manual

- Annexure A: PAIA Form C – Request for access to record of private body
- Annexure B: POPIA Form 1 – Objection to the processing of personal information
- Annexure C: POPIA Form 2 – Request for correction or deletion of personal information
- Annexure D: Fee structure for records requested from BCompliant

17. Updating of this Manual

This manual will be reviewed and updated if necessary, on a periodic basis.

Version	Summary of changes	Effective date
1.0	New Manual	01 Jul 2021
2.0	Editorial changes to be aligned with POPIA and PAIA requirements	01 Aug 2021

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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.....
.....
.....

2. Reference number, if available:

.....
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.....

3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....
.....
.....
.....
.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, 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) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

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 the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected

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

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

.....

.....

.....

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

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

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

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

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

Signed at this day of20.....

.....
Signature of data subject/designated person

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF 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 request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

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

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer 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 number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ 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. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person



PAIA/POPIA Manual

Annexure D: Fee structure for records requested by private bodies

Request fee payable by a requester him/herself	R50.00
Access fees:	
Hourly rate or part of an hour reasonably required to search for a record and to	R50.00
Photocopy of an A4-size page or part thereof	R10.00
Printed copy of an A4-size page or part thereof held on a computer or in electronic format	R75.00
For a copy in a computer-readable format – CD	R80.00
email	R20.00
The request fee payable by a requester, other than a personal requester	R60.00
Actual postal fees charged and payable before a hard copy of a record is posted	<i>To be confirmed at the time of postage</i>