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COLLABORATIVE AFRICA BUDGET REFORM INITIATIVE

**POLICY IN TERMS OF THE
PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013
AND
MANUAL IN TERMS OF THE
PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

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1 DEFINITIONS

In this document, unless the context indicates otherwise, the words and expressions set out below shall have the meanings assigned to them and cognate expressions shall have a corresponding meaning, namely:

- 1.1 African State means any state that which is, or is qualified to become, a member of the African Union;
- 1.2 Agreement means collectively the agreements establishing CABRI as an international organisation signed on 24 June 2007 and the hosting of the secretariat between the government of the Republic of South Africa and CABRI signed on 09 December 2012;
- 1.3 CABRI means the Collaborative Africa Budget Reform Initiative established as an international organisation in terms of the Agreement;
- 1.4 CABRI Website means the website which can be accessed by use of the following link: <https://www.cabri-sbo.org/en/>;
- 1.5 Clients means prospective and/or existing clients of CABRI utilising any or all Services provided, other than Member States and Public Finance Departments;
- 1.6 Contractor means any party with whom CABRI has a Contractual Arrangement in place and “**Contractors**” shall mean all of them as the context requires;
- 1.7 Contractual Arrangement means a tacit, oral and/or written agreement in place between such parties as the context may require;

1.8	Data Subject	means the person to whom the Personal Information Processed by CABRI relates and “ Data Subjects ” shall mean all of them as the context requires;
1.9	Development Partners	means all such countries, organisations, agencies and bodies that will contribute towards the development of CABRI, be it by way of provision of resources, funding and/or technical assistance;
1.10	Employee	means a current employee of CABRI and “ Employees ” shall mean all of them as the context requires;
1.11	HR Service Providers	means the providers of human resource services to CABRI;
1.12	Information Officer	shall have the meaning ascribed thereto in terms of clause 10 (<i>Information Officer</i>);
1.13	IT Service Providers	means the providers of information technology services to CABRI;
1.14	Member States	means an African State party to the Agreement;
1.15	PAIA	means the Promotion of Access to Information Act No. 2 of 2000;
1.16	PAIA Manual	means the PAIA manual contained in Section B of this document;
1.17	Personal Information	shall have the meaning ascribed thereto in terms of section 1 of POPI, namely: any information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to – information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age,

physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; correspondence sent by the person that would reveal the contents of the original correspondence; the views or opinions of another individual regarding the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;

- 1.18 POPI means the Protection of Personal Information Act No. 4 of 2013;
- 1.19 POPI Policy means the POPI policy contained in **Section A** of this document;
- 1.20 Processing shall have the meaning ascribed thereto in terms of section 1 of POPI, namely: any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 1.20.1 the collection receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;

- 1.20.2 dissemination by means of transmission, distribution or making available in any other form;
- 1.20.3 merging, linking as well as restriction, degradation, erasure or destruction of information; and
- “Process”** shall have a similar meaning as the context requires;
- 1.21 Potential Employee means a potential employee of CABRI and **“Potential Employees”** shall mean all of them as the context requires;
- 1.22 Public Finance Departments means governmental or administrative ministries of the Member States responsible for managing the financial affairs of public entities, such as national or local governments, agencies, or public corporations. Their financial functions include budgeting, revenue collection, expenditure planning, accounting, auditing, and financial reporting;
- 1.23 Regulator means the Information Regulator established in terms of POPI;
- 1.24 Services means any of the services provide by CABRI pertaining to all actions and advice to Clients, Member States and their respective Public Finance Departments to promote efficient and effective management of public finance to foster economic growth and enhance service delivery for the improvement of living standards of people living in Africa; and
- 1.25 VAT means value-added tax charged and levied in terms of the Value-Added Tax Act No. 89 of 1991.

SECTION A – POPI POLICY

2 BACKGROUND

This POPI Policy deals with the manner in which CABRI Processes Personal Information which is collected from Data Subjects and details the purpose of such Processing, the limitation on such Processing, the rights of Data Subjects, the retention of and restriction on records, the security and safeguards in respect of such Personal Information, and the obligations of the Information Officer appointed by CABRI.

3 PERSONAL INFORMATION COLLECTED

3.1 CABRI Processes Personal Information from various Data Subjects including, but not limited to: Clients; Member States; Public Finance Departments; Employees and other third parties as set out in this **clause 3** below:

3.1.1 Clients

CABRI collects the following documentation and/or information from a Client and any documentation and/or information related thereto, including but not limited to: name and surname of a Client insofar the Client is a natural person; name of a Client insofar the Client is a legal entity; identity number of a Client insofar the Client is a natural person; registration number of a Client insofar the Client is a legal entity; contact details of a Client; qualifications, certifications, permits and/or licences of a Client; banking details of a Client; and physical address of a Client.

3.1.2 Employees

CABRI collects the following documentation and/or information from an Employee and any documentation and/or information related thereto, including but not limited to: name and surname of an Employee; identity number of an Employee; passport number of an Employee; age of an Employee; nationality of an Employee; gender of an Employee; contact details of an Employee; physical and postal addresses of an Employee; employment history of an Employee; mental health information of an Employee; disabilities of an Employee; physical health and related information of an Employee; medical aid information of an Employee; dependents of an Employee; pension fund information of an Employee; banking details of an Employee; income tax number of an Employee; marital status of an Employee; names and surname of an Employee's spouse; identity number of an

Employee's spouse; occupation of an Employee's spouse; details of the employer of an Employee's spouse; contact details of an Employee's spouse; names and surname of an Employee's next of kin; contact details of an Employee's next of kin; relationship between an Employee and their next of kin and address of an Employee's next of kin.

3.1.3 Potential Employees

CABRI collects the following documentation and/or information from a Potential Employee and any documentation and/or information related thereto, including but not limited to: name and surname; identity number; age; gender; nationality; race; physical and postal address; employment history; qualifications; physical and/or mental health information; disabilities; credit history; and/or criminal information.

3.1.4 Development Partners

CABRI collects the following documentation and/or information from Development Partners and any documentation and/or information related thereto, including but not limited to: (i) if the Development Partner is a natural person: name and surname; identity number; age; gender; nationality; and race; (ii) if the Development Partner is a company: the name; the trading name; the registration number; the date of incorporation; the name and surname of each of the Development Partner's directors; (iii) if the Development Partner is a close corporation: the name; the trading name; the registration number; the name and surname of each of the Development Partner's members; (iv) if the Development Partner is a partnership: the name of the partnership; the trading name of the partnership; the name and surname of each of the Development Partner's partners; and/or (v) the VAT number; the physical and postal address; the contact details, including email address, telephone number and fax number; the banking details; the names, surnames and contact details, including telephone number, email address and fax number for contact persons; the name and surname, capacity and authority of any signatory to documents.

3.1.5 Contractor

CABRI collects the following documentation and/or information from a Contractor and any documentation and/or information related thereto, including but not

limited to: (i) if the Contractor is a natural person: name and surname; identity number; age; gender; nationality; and race; (ii) if the Contractor is a company: the name; the trading name; the registration number; the date of incorporation; the name and surname of each of the Contractor's directors; (iii) if the Contractor is a close corporation: the name; the trading name; the registration number; the name and surname of each of the Contractor's members; (iv) if the Contractor is a partnership: the name of the partnership; the trading name of the partnership; the name and surname of each of the Contractor's partners; and/or (v) the VAT number; the physical and postal address; the contact details, including email address, telephone number and fax number; the banking details; the names, surnames and contact details, including telephone number, email address and fax number for contact persons; the name and surname, capacity and authority of any signatory to documents.

3.1.6 Member States

CABRI collects the following documentation and/or information from Member States and any documentation and/or information related thereto, including but not limited to: contact details of a natural persons representing Member States; telephone numbers; email addresses; financial history of Member States; banking details of Member States and various correspondences.

3.1.7 Public Finance Departments

CABRI collects the following documentation and/or information from Public Finance Departments and any documentation and/or information related thereto, including but not limited to: contact details of a natural persons representing and working within the Public Finance Departments; financial history of the Public Finance Departments; banking details of the Public Finance Departments; telephone numbers; email addresses; financial statements and documents; advice, view and opinions of Data Subjects and various correspondences.

3.1.8 Other Third Parties

CABRI may also Process Personal Information of another Data Subject for such purposes as may be communicated by CABRI to such Data Subject in writing or verbally from time to time.

4 USE OF PERSONAL INFORMATION

4.1 CABRI shall only Process a Data Subject's Personal Information if the Processing is

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4.1.1 necessary to carry out its obligations in terms of an engagement between CABRI and the Data Subject in question;

4.1.2 consented to by the Data Subject in question;

4.1.3 required for CABRI to comply with its obligations imposed by law;

4.1.4 necessary to protect a legitimate interest of the Data Subject;

4.1.5 necessary to pursue the legitimate interests of CABRI or of a third party to whom the information is supplied; and/or

4.1.6 any other purposes as may be communicated by CABRI to the Data Subject in writing or verbally from time to time.

4.2 CABRI shall only use a Client's Personal Information for the purpose for which the information was collected which purpose may include, but will not be limited to, the following:

4.2.1 the obligations of CABRI in the contractual relationship between CABRI and the Client;

4.2.2 the obligations of the Client in the contractual relationship between CABRI and the Client;

4.2.3 payment of fees and/or other compensation to the Client, if necessary;

4.2.4 instituting legal action due to breach by the Client of his/her/its contractual obligations; and/or

4.2.5 any other purposes as may be communicated by CABRI to the Clients in writing or verbally from time to time.

4.3 CABRI shall only use an Employee's Personal Information for the purpose for which the information was collected which purpose may include, but will not limited to, the following:

- 4.3.1 the obligations placed on CABRI in terms of the employer-employee relationship between CABRI and an Employee;
- 4.3.2 in the course of and relating to the services which an Employee renders to CABRI;
- 4.3.3 ensuring that an Employee is mentally and physically fit for the services which the Employee renders to CABRI;
- 4.3.4 recording the Employee's Personal Information on annual financial reports distributed to clients and banks;
- 4.3.5 displaying the Employee's Personal Information on the CABRI Website;
- 4.3.6 for general marketing purposes of CABRI;
- 4.3.7 payment of an Employee's salary, wage and/or bonus;
- 4.3.8 payment of taxes to the South African Revenue Service on behalf of an Employee;
- 4.3.9 communicating with an Employee's medical fund, pension fund and/or trade union (insofar applicable);
- 4.3.10 communicating with an Employee's spouse and/or next of kin in the event of personal, health and/or other emergencies relating to an Employee; and/or
- 4.3.11 and/or any other purposes as may be communicated by CABRI to the Employee in writing or verbally from time to time.

- 4.4 CABRI shall only use Member States' and Public Finance Departments' Personal Information for the purpose for which the information was collected which purpose may include, but will not limited to, the following:
 - 4.4.1 necessary to carry out its obligations in terms of an engagement between CABRI and the Data Subject in question;
 - 4.4.2 consented to by the Member States and Public Finance Departments in question;

- 4.4.3 required for CABRI to comply with its obligations imposed by law and the Agreement;
 - 4.4.4 displaying the Personal Information of Member States and Public Finance Departments on the CABRI Website;
 - 4.4.5 required for CABRI to render the Services to the Member States and Public Finance Departments;
 - 4.4.6 required for CABRI to provide the necessary guidelines and actions to be taken in terms of public finance management; and/or
 - 4.4.7 any other purposes as may be communicated by CABRI to the Member States and Public Finance Departments in writing or verbally from time to time.
- 4.5 CABRI shall only use Development Partners' Personal Information for the purpose for which the information was collected which purpose may include, but will not limited to, the following:
- 4.5.1 performing its obligations in terms of its Contractual Arrangement with the Development Partners;
 - 4.5.2 correspondence with the Development Partners;
 - 4.5.3 displaying the Personal Information of Development Partners on the CABRI Website;
 - 4.5.4 for general marketing purposes of CABRI; and/or
 - 4.5.5 any other purposes as may be communicated by CABRI to the Development Partners in writing or verbally from time to time.
- 4.6 CABRI shall only use Contractor's Personal Information for the purpose for which the information was collected which purpose may include, but will not limited to, the following:
- 4.6.1 performing its obligations in terms of its Contractual Arrangement with the Contractor;
 - 4.6.2 correspondence with the Contractor;
 - 4.6.3 for general marketing purposes of CABRI; and/or

4.6.4 any other purposes as may be communicated by CABRI to the Contractor in writing or verbally from time to time.

5 DISCLOSURE OF PERSONAL INFORMATION

5.1 CABRI shall disclose the Personal Information of Data Subjects to such third parties as mentioned in this **clause 5** below:

5.1.1 Clients

CABRI shall disclose the Personal Information of Clients to the following third parties, including but not limited to: if CABRI is required to do so in terms of legislation and/or law and/or if the disclosure is reasonably necessary to protect the Client's rights and/or CABRI's rights and/or a third party's rights; where it is reasonably required in the ordinary course of business; IT Service Providers of CABRI; attorneys and professional advisors of CABRI; third parties whereby the Clients have consented for the Clients' Personal Information to be disclosed to such third parties.

5.1.2 Employees

CABRI shall disclose the Personal Information of Employees to the following third parties, including but not limited to: if CABRI is required to do so in terms of legislation and/or law and/or if the disclosure is reasonably necessary to protect the Employee's rights and/or CABRI's rights and/or a third party's rights; IT Service Providers of CABRI; HR Service Providers of CABRI; attorneys and professional advisors of CABRI; the Commission for Conciliation, Mediation and Arbitration; the Department of Labour; users of the CABRI Website; other receivers of marketing material of CABRI; third parties whereby the Employees have consented for the Employees' Personal Information to be disclosed to such third parties.

5.1.3 Potential Employees

CABRI shall disclose the Personal Information of a Potential Employee to the following third parties, including but not limited to: recruiters; IT Service Providers of CABRI; HR Service Providers of CABRI; attorneys and professional advisors of CABRI; third parties whereby the Potential Employee has consented for the Potential Employee's Personal Information to be disclosed to such third parties; if CABRI is required to do so in terms of legislation and/or law; and/or if the

disclosure is reasonably necessary to protect the Potential Employee's rights and/or CABRI's rights and/or a third party's rights.

5.1.4 Member States

CABRI shall disclose the Personal Information of Member States to the following third parties, including but not limited to: if CABRI is required to do so in terms of legislation and/or law and/or if the disclosure is reasonably necessary to protect the Member States' rights and/or CABRI's rights and/or a third party's rights; where it is reasonably required in the ordinary course of business; to adequately render the Services; IT Service Providers of CABRI; attorneys and professional advisors of CABRI; third parties whereby the Member States have consented for the Member States' Personal Information to be disclosed to such third parties.

5.1.5 Public Finance Departments

CABRI shall disclose the Personal Information of Public Finance Departments to the following third parties, including but not limited to: if CABRI is required to do so in terms of legislation and/or law and/or if the disclosure is reasonably necessary to protect the Public Finance Departments' rights and/or CABRI's rights and/or a third party's rights; where it is reasonably required in the ordinary course of business; IT Service Providers of CABRI; to adequately render the Services; attorneys and professional advisors of CABRI; third parties whereby the Public Finance Departments have consented for the Public Finance Departments' Personal Information to be disclosed to such third parties.

5.1.6 Development Partners

CABRI shall disclose the Personal Information of Development Partners to the following third parties, including but not limited to: if CABRI is required to do so in terms of legislation and/or law and/or if the disclosure is reasonably necessary to protect the Development Partners' rights and/or CABRI's rights and/or a third party's rights; where it is reasonably required in the ordinary course of business; IT Service Providers of CABRI; attorneys and professional advisors of CABRI; third parties whereby the Development Partners have consented for the Development Partners' Personal Information to be disclosed to such third parties.

5.1.7 Contractors

CABRI shall disclose the Personal Information of a Contractor to the following third parties, including but not limited to: IT Service Providers of CABRI; attorneys and professional advisors of CABRI; other receivers of marketing material of CABRI; third parties whereby the Contractor has consented for the Contractor's Personal Information to be disclosed to such third parties; if CABRI is required to do so in terms of legislation and/or law; and/or if the disclosure is reasonably necessary to protect the Contractor's rights and/or CABRI's rights and/or a third party's rights.

5.1.8 Other Third Parties

CABRI may also disclose Personal Information of another Data Subject to other third parties as may be communicated by CABRI to such Data Subject in writing or verbally from time to time.

6 LIMITATIONS OF PROCESSING

6.1 CABRI shall endeavour to only collect and Process such Personal Information which is adequate, relevant, and not excessive in terms of POPI.

6.2 CABRI shall only Process Personal Information if the Processing is:

6.2.1 necessary to carry out its obligations in terms of any contract;

6.2.2 consented to by the Data Subject in question;

6.2.3 required for CABRI to comply with its obligations imposed by law;

6.2.4 required to adequately render the Services;

6.2.5 necessary to protect a legitimate interest of the Data Subject; and/or

6.2.6 necessary to pursue the legitimate interests of CABRI or of a third party to whom the information is supplied.

6.3 CABRI must restrict Processing of Personal Information if:

6.3.1 its accuracy is contested by the Data Subject concerned, for a period enabling CABRI to verify the accuracy of the Personal Information;

- 6.3.2 CABRI no longer needs the Personal Information for achieving the purpose for which the Personal Information was collected or subsequently Processed, but it has to be maintained for purposes of proof;
 - 6.3.3 the Processing is unlawful and the Data Subject opposes its destruction or deletion and requests the restriction of use instead; and/or
 - 6.3.4 the Data Subject requests to transmit the Personal Information into another automated processing system.
- 6.4 Where the Processing of Personal Information is restricted pursuant to **clause 6.3** above, CABRI must inform the Data Subject before lifting the restriction on Processing.

7 RIGHTS OF DATA SUBJECTS

- 7.1 In terms of POPI, a Data Subject has, amongst others, the following rights:
- 7.1.1 to be notified that Personal Information of the Data Subject is being collected;
 - 7.1.2 to be notified that the Data Subject's Personal Information has been accessed or acquired by an unauthorised person;
 - 7.1.3 to establish whether CABRI holds Personal Information of the Data Subject and to request access to the Data Subject's Personal Information;
 - 7.1.4 to request, where necessary, the correction, destruction or deletion of the Data Subject's Personal Information;
 - 7.1.5 to object, on reasonable grounds, relating to the Data Subject's particular situation, to the Processing of the Data Subject's Personal Information;
 - 7.1.6 to object to the Processing of the Data Subject's Personal Information for purposes of direct marketing;
 - 7.1.7 not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated Processing of the Data Subject's Personal Information intended to provide a profile of such Data Subject;

7.1.8 to submit a complaint to the Regulator regarding the alleged interference with the protection of Personal Information of the Data Subject; and/or

7.1.9 to institute civil proceedings regarding the alleged interference with the protection of the Data Subject's Personal Information.

7.2 All requests made by a Data Subject when exercising the Data Subject's rights in terms of **clause 7.1**, shall be directed to the Information Officer of CABRI.

8 RETENTION AND RESTRICTION OF RECORDS

8.1 Personal Information of Data Subjects will not be retained for any longer than is necessary for achieving the purpose for which the Personal Information is collected and subsequently Processed, unless:

8.1.1 the retention of the record is required or authorised by law;

8.1.2 CABRI reasonably requires the record for lawful purposes related to its Services, functions or activities;

8.1.3 retention of the record is required by a contract between CABRI and the Data Subject;

8.1.4 the Data Subject has consented to the retention of the record; and/or

8.1.5 the retention of the Personal Information is for historical, statistical or research purposes.

8.2 CABRI shall destroy, delete or de-identify records of Personal Information relating to a Data Subject, in a manner that prevents reconstruction in an intelligible form, as soon as reasonably practicable after CABRI is no longer authorised to retain the Personal Information in terms of **clause 8.1** above.

9 SECURITY AND SAFEGUARDS

9.1 CABRI shall secure the integrity and confidentiality of Personal Information in its possession or under its control by taking appropriate, reasonable technical and organisational measures to prevent:

9.1.1 the loss of, damage to or unauthorised destruction of Personal Information;

- 9.1.2 unlawful access to or Processing of Personal Information.
- 9.2 CABRI shall take reasonable measures to:
 - 9.2.1 identify all reasonably foreseeable internal and external risks to Personal Information in its possession or under its control;
 - 9.2.2 establish and maintain appropriate safeguards against the risks identified;
 - 9.2.3 regularly verify that the safeguards are effectively implemented; and
 - 9.2.4 ensure that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.
- 9.3 CABRI shall have due regard to generally accepted information security practices and procedures which may apply to it generally or be required in terms of specific industry or professional rules and regulations.
- 9.4 Internal measures taken by CABRI to ensure that the provisions of **clause 9** above are complied with include:
 - 9.4.1 the appointment of the Information Officer and Deputy Information Officer;
 - 9.4.2 training its staff on the provisions of POPI;
 - 9.4.3 making CABRI's internal POPI policy binding upon its staff;
 - 9.4.4 for electronically stored Personal Information: conducting regular backups of data; having a firewall in place; having an anti-virus in place; ensuring Mimecast email scanning occurs; having access control in place; and conducting information technology penetration testing every 3rd (third) to 4th (fourth) year; and
 - 9.4.5 for hardcopy stored Personal Information: storing the hardcopies onsite; ensuring that the hardcopies are secure; and limiting public access to the hardcopies.

10 INFORMATION OFFICER

- 10.1 CABRI's information officer is Dr Kay Brown ("**Information Officer**") and the deputy information officer is Ms Rajeshree Subramoney ("**Deputy Information Officer**").
- 10.2 The Information Officer is responsible for:
- 10.2.1 encouraging CABRI's compliance with the conditions of lawful Processing of Personal Information as set out in POPI;
 - 10.2.2 dealing with requests made to CABRI in terms of POPI and PAIA;
 - 10.2.3 working with the Regulator in relation to investigations; and
 - 10.2.4 otherwise ensuring compliance by CABRI with the provisions of POPI.
- 10.3 The details of the Information Officer are set out below at **clause 21** (*Details of Information Officer and Head Office*) of this document.

SECTION B – PAIA MANUAL

11 BACKGROUND

- 11.1 PAIA provides for the right of access to information held by another person which is required for the exercise or protection of any rights.
- 11.2 This PAIA Manual has been prepared in accordance with section 51 of PAIA in order to provide for the manner and procedure in which records held by CABRI can be requested.

12 RIGHT TO ACCESS RECORDS OF PRIVATE BODY

In terms of PAIA, a person requesting records of a private body must be granted such access if:

- 12.1 the record is required for the exercise or protection of any rights;
- 12.2 the requesting person complies with the procedural requirements of PAIA; and
- 12.3 access is not refused in terms of a ground for refusal contained in PAIA.

13 RECORDS HELD IN TERMS OF LEGISLATION

CABRI is required to hold records in terms of, amongst others, the following Acts:

- 13.1 Basic Conditions of Employment Act No. 75 of 1997;
- 13.2 Broad-based Black Economic Empowerment Act No. 53 of 2003;
- 13.3 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 13.4 Companies Act No. 71 of 2008;
- 13.5 Currency and Exchanges Act No. 9 of 1933;
- 13.6 Electronic Communications and Transactions Act No. 25 of 2002;
- 13.7 Employment Equity Act No. 55 of 1998;
- 13.8 Financial Intelligence Centre Act No. 38 of 2001;
- 13.9 Income Tax Act No. 58 of 1962;
- 13.10 Labour Relations Act No. 66 of 1995;
- 13.11 Occupational Health and Safety Act No. 85 of 1993;
- 13.12 Regulation of Interception of Communications Act No. 70 of 2002;
- 13.13 Skills Development Act No. 97 of 1998;
- 13.14 Skills Development Levies Act No. 9 of 1999;
- 13.15 Trade Marks Act No. 194 of 1993;
- 13.16 Unemployment Insurance Act No. 63 of 2001;
- 13.17 Unemployment Insurance Contributions Act No. 4 of 2002; and
- 13.18 Value Added Tax Act No. 89 of 1991.

14 SUBJECTS AND CATEGORIES OF RECORDS HELD BY CABRI

14.1 The inclusion of any category of information of records must not be taken to mean that the said records will be made available to such person requesting access without following the necessary procedure set out in this PAIA Manual.

14.2 In addition to the Personal Information collected and Processed by CABRI in terms of the POPI Policy, the following records are held by CABRI:

14.2.1 Company Records:

- 14.2.1.1 registration certificate;
- 14.2.1.2 memorandum of incorporation;
- 14.2.1.3 minutes of meetings;
- 14.2.1.4 details of directors;
- 14.2.1.5 group organogram; and
- 14.2.1.6 board and shareholder resolutions,

14.2.2 Financial Records:

- 14.2.2.1 annual financial statements;
- 14.2.2.2 accounting records;
- 14.2.2.3 asset register;
- 14.2.2.4 bank and related records;
- 14.2.2.5 inventory register; and
- 14.2.2.6 income and expense vouchers,

14.2.3 Trading records:

- 14.2.3.1 trademarks;
- 14.2.3.2 licences;
- 14.2.3.3 permits;

- 14.2.3.4 insurance records;
- 14.2.3.5 policies;
- 14.2.3.6 forms; and
- 14.2.3.7 agreements,

14.2.4 Taxation Records:

- 14.2.4.1 annual tax return records; and
- 14.2.4.2 value-added-tax records,

14.2.5 Personnel Documents and Records:

- 14.2.5.1 *curriculum vitae*;
- 14.2.5.2 disciplinary records;
- 14.2.5.3 employment contracts;
- 14.2.5.4 leave records;
- 14.2.5.5 remuneration records and policies;
- 14.2.5.6 training manuals;
- 14.2.5.7 training records;
- 14.2.5.8 workmen's compensation records;
- 14.2.5.9 medical aid records; and
- 14.2.5.10 pension fund records.

15 REQUEST FOR RECORDS

- 15.1 All requests for records in terms of this Manual must comply with the requirements as set out in PAIA and the PAIA Regulations. The request for records must be in the form prescribed by the PAIA Regulations.

- 15.2 A requester must identify the right that he, she or it is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 15.3 A request for records in terms of PAIA must be made formally by way of email or by hand and in the prescribed format.
- 15.4 Requests for records must be directed to the Information Officer who shall consider the request and provide a decision within 30 (thirty) days of having received the request or having received the prescribed particulars in terms of section 53(2) of PAIA.
- 15.5 A request for information may be refused by CABRI if it does not comply with PAIA or if CABRI believes that there is a valid ground for objection in terms of PAIA.
- 15.6 The person requesting the information must provide CABRI with sufficient information for the Information Officer to identify the record and the person requesting the record.
- 15.7 The person requesting information must indicate the type of access required and his/her/its contact details including e-mail address, and postal address.
- 15.8 Should the requesting person prefer a certain means of communication, such means of communication must be included in the request for information.
- 15.9 Should a request for records be made on behalf of a third party, authority to do so must be provided to the Information Officer.

16 GRANTING OF REQUEST FOR INFORMATION

- 16.1 Should a request be granted, CABRI shall provide the requesting person with the following information:
- 16.1.1 the access fee payable by the requesting person;
- 16.1.2 the type of access which will be granted; and
- 16.1.3 notice that the requesting person may approach a competent court to dispute the access fee or the type of access to be granted.

16.2 Once a request has been granted, the records shall be made available to the requesting person once the relevant fee has been paid.

17 DENIAL OF REQUEST FOR INFORMATION

17.1 A request for access to information may be refused in the following circumstances:

17.1.1 protecting Personal Information that CABRI holds regarding a third party from unreasonable disclosure;

17.1.2 protecting commercial information that CABRI holds regarding a third party and may harm the commercial or financial interests of such third party;

17.1.3 if the disclosure would result in a breach of a duty of confidence owed to a third party;

17.1.4 if the disclosure would result in a breach of legislative duties and obligations imposed on CABRI;

17.1.5 if the disclosure would jeopardise the safety or life of a natural person;

17.1.6 if disclosure would prejudice or impair the security of property or means of transport of a person;

17.1.7 if disclosure would prejudice or impair the protection of a person who is subject to a witness protection scheme;

17.1.8 if disclosure would prejudice or impair the protection of the safety of the public;

17.1.9 the record is privileged from production in legal proceedings unless privilege in relation to such record has been waived;

17.1.10 if the record is a computer programme;

17.1.11 disclosure of the record will put CABRI at a disadvantage in contractual or other negotiations or prejudice CABRI in commercial competition;

17.1.12 disclosure of the record would harm the commercial or financial interests of CABRI; and

17.1.13 records containing information about research being carried out or about to be carried out on behalf of a third party or a company which is related to CABRI and which have not been made public by CABRI.

17.2 Should a request be refused, CABRI shall provide the requesting person with the following information –

17.2.1 adequate reasons for the refusal including the relevant sections of PAIA; and

17.2.2 notice that the requesting person may lodge an application with a competent court against the refusal and against the procedure including the period for lodging the application.

18 FEES

18.1 A non-refundable request fee is payable to CABRI upon the submission of the request.

18.2 A requesting party who has made a request for access to records and such request has been granted must pay an access fee to CABRI for the search and preparation of the records and any time reasonably required which exceeds the prescribed hours for searching and preparation arrangements.

18.3 The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development.

19 REQUEST FOR RECORDS CONTAINING THIRD PARTY INFORMATION

19.1 Should records be requested that contain information pertaining to a third party, CABRI is obliged to attempt to contact the third party to inform it of the request and to provide it with the opportunity to respond to the request by consenting or providing reasons why the access should be refused.

19.2 Should the third party provide reasons for the support of or against providing access, the Information Officer will consider such reasons in determining whether access should be granted.

19.3 The requesting party may appeal the decision of the Information Officer to a competent court in the Republic of South Africa in accordance with PAIA.

20 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

20.1 Should all reasonable steps be taken by CABRI to find a requested record and there are reasonable grounds to believe that the record:

20.1.1 is in CABRI’s possession but cannot be found; or

20.1.2 does not exist,

then the Information Officer shall notify the requesting party that it is not possible to provide the requesting party access to such record.

20.2 The communication contemplated in **clause 20.1** shall set out the steps taken and correspondence exchanged relating thereto by CABRI to find the requested record or to determine whether the record exists.

20.3 A notice in terms of **clause 20.1** shall constitute a refusal by CABRI.

20.4 Should the record be found after a notice in terms of **clause 20.1** is sent to the requesting party, CABRI shall provide the requesting party access to the record, unless refused in terms of a ground for refusal by the Information Officer.

GENERAL

21 DETAILS OF INFORMATION OFFICER AND HEAD OFFICE

21.1	Information Officer:	Name:	Dr Kay Brown
		Telephone Number:	+27 (83) 634-9112
		Email:	kay.brown@cabri-sbo.org
21.2	Deputy Information Officer:	Name:	Ms Rajeshree Subramoney
		Telephone Number:	+27 (082) 882-4401
		Email:	rajeshree.subramoney@cabri-sbo.org
21.3	CABRI Head Office:	Physical Address:	Southdowns Ridge Office Park

Cnr John Vorster & Nellmapius
Drive

Centurion, 0062 South Africa

Postal Address: Southdowns Ridge Office Park

Cnr John Vorster & Nellmapius
Drive

Centurion, 0062 South Africa

Telephone number:

+27 (82) 882-3558
(Temporary)

Fax number:

N/A

Email:

info@cabri-sbo.org

22 AVAILABILITY OF THIS DOCUMENT

This document is available for inspection by the general public at the physical address of CABRI, should CABRI have received 7 (seven) days prior written notice of the intended inspection.

23 DOCUMENT AMENDMENTS

23.1 This document shall be reviewed annually by CABRI.

23.2 Notwithstanding **clause 23.1**, CABRI may amend this document as and when required.

24 GUIDE TO PAIA COMPILED BY THE HUMAN RIGHTS COMMISSION

24.1 In terms of PAIA, the Human Rights Commission is required to compile a guide to assist persons who wish to exercise any rights in terms of PAIA ("**Guide**").

24.2 The Guide is available on the following website address:
[https://www.sahrc.org.za/home/21/files/Section 10 guide 2014.pdf](https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf).

24.3 Alternatively, the Human Rights Commission may be contacted for provision of the Guide at:

24.3.1 Physical address: Forum 3, Braampark Office Park, 33 Hoofd Street, Braamfontein

24.3.2 Postal address: Private Bag 2700, Houghton, 2041

24.3.3 Telephone: 011 877 3600

24.3.4 Email: info@sahrc.org.za

24.3.5 Website: www.sahrc.org.za

25 INTERPRETATION

25.1 In this document, unless the context requires otherwise:

25.1.1 words importing any one gender shall include the other gender;

25.1.2 the singular shall include the plural and *vice versa*; and

25.1.3 a reference to natural persons shall include created entities (corporate or unincorporated) and *vice versa*.

25.2 In this document, the headings have been inserted for convenience only and shall not be used to assist or affect its interpretation.

25.3 Any reference in this document to an enactment is to that enactment as amended or re-enacted from time to time.

25.4 Where a clause reference is referred to in this document and followed by the heading of the clause so referred, if there is any conflict between the two, the word reference to the heading shall prevail.

25.5 Words and/or expressions defined in any clause in the body of this document shall, unless the application of such words and/or expressions is specifically limited to that clause, bear the meaning so assigned to it throughout this document.

25.6 Whenever a provision is followed by the word “including” followed by specific examples, such examples shall not be construed to limit the ambit of the provision concerned.