



ER BROWNE INCORPORATED

PIETERMARITZBURG
ATTORNEYS • NOTARIES • CONVEYANCERS
PROKUREURS • NOTARISSE • AKTEBESORGER

PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013:

PAIA and POPIA Manual

This Manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This Manual applies to:

ER BROWNE INCORPORATED

Registration number:

1987/002846/21

1. Background to the Promotion of Access to Information Act (PAIA)

- 1.1. The PAIA Act No.2 of 2000 was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 of access to any Information held by the state and any Information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (PAIA Manual).
- 1.3. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the Information. Subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the Information may be adopted when requesting Information from a public or private body.

2. ER Browne Incorporated

- 2.1. Nature of Business: Legal Practice/Firm of Attorneys
- 2.2. This PAIA Manual of ER Browne Incorporated is available at its premises: Suite 8, 3-on-Crescent, Cascades Crescent, Montrose, Pietermaritzburg, Kwa Zulu Natal, as well as on its website.

3. Purpose of the PAIA Manual

- 3.1. The purpose of PAIA is to promote the right of access to Information to foster a culture of transparency and accountability within ER Browne Incorporated by giving the right to Information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to Information to enable them to exercise and protect their rights.

3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access Information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:

3.3.1 Limitations aimed at the reasonable protection of privacy.

3.3.2 Commercial confidentiality; and

3.3.3 Effective, efficient, and good governance and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4 This PAIA Manual complies with the requirements of guide mentioned in section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

4. Contact Details of the Managing Director [Section 51(1)(a)]

Managing Director:	Andrew James Dickason
Registered Address:	Suite 8, 3-on-Crescent, Cascades Crescent, Montrose, Pietermaritzburg, Kwa Zulu Natal
Postal Address:	P O Box 13843, Cascades, Kwa Zulu Natal
Telephone Number:	033 394 7525
Website:	www.erbrowne.co.za

5. The Information Officer [Section 51(1)(b)]

5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to Information. The head of a private body fulfils such a function in terms of section 51. ER Browne Incorporated has opted to appoint an Information Officer to assess such a request for access to Information as well as to oversee its required functions in terms of the Act.

5.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act (POPI) 4 of 2013 after registering with the Information Regulator.

5.3. The Information Officer may appoint, where deemed necessary, Deputy Information Officer(s), as allowed in terms of section 17 of the Act as well as section 56 of the POPI Act 4 of 2013. This is to render ER Browne Incorporated as accessible as reasonable possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the POPI Act 4 of 2013. All requests for Information in terms of this Act must be addressed to the Information Officer.

Contact details of the Information Officer:

Information Officer: Monde Mngadi

Physical Address: Suite 8, 3-on-Crescent,
Cascades Crescent,
Montrose, Pietermaritzburg,
KwaZulu-Natal

Telephone Number: 033 394 7525

Email address: monde@erbrowne.co.za

6. Guide of SA Human Rights Commission [Section 51(1)(b)]

- 6.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the interest of the public body.
- 6.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 6.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain Information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 6.4. The contact details of the commission are:

Contact Body:	The South African Human Rights Commission
Physical Address:	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27 11 877 3600
Email:	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

7. The Latest Notice in Terms of Section 52(2) (if any) [Section 51(1)(c)]

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

8. Records held by ER Browne Incorporated

Subject	Category
Company Records:	All Trust Deeds
	Documents of incorporation
	Index of Names of Directors
	Memorandum of Incorporation
	Minutes of Meetings of the Board of Directors
	Minutes of Meetings of Shareholders
	Proxy Forms
	Register of director's, shareholdings
	Share Certificates
	Share register and other statutory registers and/or records and/or documents.
	Records relating to the appointment of:
	Auditors
	Directors
	Prescribed Officer and Secretary
Financial Records:	Accounting Records
	Annual Financial Reports
	Annual Financial Statements
	Asset Registers
	Bank Statements
	Banking and bank accounts
	Bank Records
	Debtors/Creditors Statements and invoices

	General Ledgers and subsidiary ledgers
	General Reconciliation
	Invoices
	Paid Cheques
	Policies and Procedures
	Rental Agreements; and
	Tax returns
Income Tax Records:	PAYE Records
	Documents Issued to employees for income tax purposes
	Records of payments made to SARS on behalf of employees
	All other Statutory Compliances
	VAT
	Skills Development Levies
	UIF
Person Documents and Records:	Address Lists
	Disciplinary code and Records
	Employee Benefit and arrangement rules and Records
	Employee Contracts
	Employment Contracts
	Grievances Procedures
	Leave Records
	Payroll Reports/Wage Register
	Pension Fund Register
	Standard letters and Notices
	Training Manuals
	Training Records

Procurement Department:	Standard Terms and Conditions for supply of services and products Contractor, client, and supplier agreement
Marketing Department	Advertising and promotional material
Risk and Management	Audit Reports
Corporate Social Responsibility	CSR Schedule of projects/Record of organisations that receive funding Reports, Books, Publications and general Information related to CSR spend
IT Department	Computer/ Mobile device usage policy documentation Hardware asset Register Information security/policy/procedures Information Technology systems and user manuals Information usage policy documentation Software licensing System Documentation and manuals

8.2. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before ER Browne Incorporated will consider access.

9. Records Available without a Request to Access in terms of the Act

- 9.1. Record of a public nature, typically those disclosed on the ER Browne Incorporated website and in its various annual reports, may be accessed without the need to submit a formal application.
- 9.2. On non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

10. Description Of The Records Of The Body Which Are Available In Accordance To Any Other Legislation [Section 51 (1)(d)]

10.1. Where applicable to its operations, ER Browne Incorporated also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of the legislation, regulation contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such Information. A request to access must be done in accordance with the prescriptions of the Act:-

- a) Basic Conditions of Employment Act no 75 1997;
- b) Companies Act No 71 of 2008;
- c) Competition Act, No 71 of 2008;
- d) Constitution of the Republic of South Africa 2008;
- e) Financial Intelligence Centre Act No 38 of 2001;
- f) Income Tax Act No 58 of 1962;
- g) Labour Relations Act No 66 of 1995;
- h) Prescription Act No 68 of 1969;
- i) Promotion of Access to Information Act, No. 2 of 2000;
- j) Protection of Personal Information Act, 4 of 2013;
- k) Trust Property Control Act, No. 57 of 1988;
- l) Value Added Tax Act, No. 89 of 1991.

□ Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requested access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right record exists in terms of other legislation above or any other legislation is required what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

10.2. It is further recorded that the accessibility and record may be subject to the grounds of refusal set out in this PAIA Manual.

11. Detail to facilitate for Access to a Record of ER Browne Incorporated [Section 51(1) (e)]

- 11.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 11.2 The requester must complete the prescribed form enclosed herewith and submit the same as well as payment of a request and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the Postal or Physical address, or electronic mail address as noted in clause 5 above.
- 11.3. The Prescribed form must be filled in with sufficient Information to enable the Information Officer to identify:
- a) The record(s) requested;
 - b) The identification of the requester
- 11.4 The requester should indicate which form of access is required and specify a postal address of the requester in the Republic.
- 11.5 The requester must state that he/she required the Information in order to exercise or project a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify what the record is necessary to exercise or protect such a right [Section 53(2) (d)].
- 11.6 ER Browne Incorporated will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not to be complied with.
- 11.7 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reason for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 11.8 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer [Section 53 (2)(f)].
- 11.9 If any individual is unable to complete the prescribed form because of illiteracy of disability, such a person may make the request orally.
- 11.10 The requester must pay the prescribed fee, before any further processing can take place.
- 11.11 All Information as listed in clause 11 herein should be provided and failing to do so will result in a delay until the required Information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required Information. The Information Officer shall serve a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

12. Refusal of Access to Records

12.1 Grounds of Refuse to Access

A Private body such as ER Browne Incorporated is entitled to refuse a request for Information:-

12.1.1 The Main Grounds for ER Browne Incorporated to refuse a request for Information related to the:

- a) Mandatory protection of the privacy of a third party who is a natural or a deceased person [Section 63] or a juristic Person, as included in the Protection of Personal Information Act, No. 4 of 2013, which would involve the unreasonable disclosure of personal Information of that natural or juristic person;
- b) Mandatory Protection of personal Information and for disclosure of any personal Information to, in addition to any legislative, regulatory, or contractual agreements, complies with the provision of the POPI Act, No. 4 of 2013.
- c) Mandatory protection of the commercial Information of a third party (Section 64) if the record contains:
 - i. Trade secrets of the third party;
 - ii. Financial, Commercial, Scientific, or technical Information which disclosure likely cause harm to the financial or commercial interests of that third party;
 - iii. Information disclosed by a third party to Oldfield Lavender Inc t/a MG Oldfield Attorneys, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- d) Mandatory protection of confidential Information of third parties (section 65) if it is protected in terms of any agreement;
- e) Mandatory protection of the safety or individuals and the protection property (Section 66);
- f) Mandatory protection of records which would be regarded as privileged in legal proceedings

12.1.2 The commercial activities (section 68) of a private boy, such as ER Browne Incorporated , which may include:

- a) Trade Secrets of ER Browne Incorporated;

- b) Financial, commercial, scientific or technical Information which disclosure could likely cause harm to the financial of commercial interests of the ER Browne Incorporated;
- c) Information which, if disclosed could put ER Browne Incorporated at a disadvantage in negotiations or commercial completion;
- d) A computer program which is owned by ER Browne Incorporated, and which is protected by copy right;
- e) The research Information (Section 69) of ER Browne Incorporated or a third party, its disclosure would disclose the identity of ER Browne Incorporated, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

12.1.3 Requests for Information that are clearly frivolous or vexatious, or which involve, and unreasonable diversion of resources shall be refused;

12.1.4 All requests for Information will be assessed on their own merits and in accordance with the applicable legal principles and legislation; and

12.1.5 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by the way of an affidavit or affirmation, notify the requester 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 purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses to such record.

13. Remedies Available When ER Browne Incorporated Refuses a Request.

13.1 Internal Remedies

ER Browne Incorporated does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for Information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

13.2 External Remedies

13.2.1 A requestor that 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 for relief.

13.2.2. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, The High Court or another court of similar and Magistrate's Court designated by the Minister of Justice and

Constitutional Development and which is prescribed over be a designated Magistrate.

14. Access to Records

14.1 Prerequisites for Access by Personal/Other Requester.

14.1.1 Records held by ER Browne Incorporated may be accessed by requests only once the prerequisite requirements for access have been met.

14.1.2 A Requester is any person making a request for access to a record of ER Browne Incorporated. There are two types of requesters:

a) Personal requester:

- i. A personal requester is a requester who is seeking access to a record containing personal Information about the requester;
- ii. ER Browne Incorporated will voluntarily provide the requested Information or give access to any record with regard to the requester's personal Information. The prescribed fee for reproduction of the Information requested will be charged.

b) Other requester:

- i. This requester (other than a personal requester) is entitled to request access to Information on parties;
- ii. In considering such a request, ER Browne Incorporated will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all the reasonable steps to inform a third party to whom the requested record related of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the requests should be refused or, where required, give written consent for the disclosure of the Information

ER Browne Incorporated is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5, Part 3 including the payment of a request and access fee.

15. Prescribed Fee

15.1 Fees Provided by the Act:

15.1.1 The Act provides for two types of fees, namely:-

- a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- b) An access fee, which is paid by all requesters if a requester that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

15.1.2 When the request is received by the Information Officer, such Officer shall by notice require the requester, other than a personal requester, to pay the prescribed fee, before further processing of the request [Section 54 (1)];

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

15.1.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below;

15.1.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search and prepare the record for disclosure including making arrangements to make it available in the request form.

15.1.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

16. Reproduction Fee

16.1 Where ER Browne Incorporated has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the Record in question:-

Reproduction of Information Fee	Fee to be charged
Information in a A4 size page photocopy or part thereof	R 1.10
A Printed copy of and A4 Sized page or part thereof	R0.75
A copy in computer-readable format, i.e., DVD, USB	R70.00

A transcription of visual images in an A4 size page or part thereof	R40.00
A copy of visual images	R60.00
A transcription of an audio record for an A4 sized page or part thereof	R20.00
A Copy of an audio record	R30.00

16.2 Request Fees:

Where a requester submits a request for access to Information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request received.

16.3 Access Fee

An access fee is payable in all instances where a request for access to Information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

The applicable access fees which will be payable are:

Access of Information Fee	Fee to be charged
Information in a A4 size page photocopy or part thereof	R 1.10
A Printed copy of and A4 Sized page or part thereof	R0.75
A copy in computer-readable format, i.e., DVD, USB	R70.00
A transcription of visual images in an A4 size page or part thereof	R40.00
A copy of visual images	R60.00
A transcription of an audio record for an A4 sized page or part thereof	R20.00
A Copy of an audio record (per hour or part of an hour reasonably required for such search)	R30.00

16.4 Deposits

- 16.4.1. where the institution receives a request for access to Information held on a person other than the requested himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester;

16.4.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

16.5 Collection Fee

16.5.1 The initial “request fee” of R50.00 should be deposited into the bank amount and a copy of the deposit slips, application form and other correspondence/ documents, forward to the Information Officer Via email.

16.5.2 The Officer will collect the initial “request fee” of applications received directly by the Information Officer via email.

16.5.3 All fees are subject to change as allowed for the Act and therefore such escalation may not always be immediately available at the time of the request being made. Requesters shall be informed of any charges in the fees prior to making a payment.

17. Decision

17.1 Time allowed to the Private institution:-

17.1.1 ER Browne Incorporated will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice within reasons (if required) to that effect.

17.1.2 The 30 (thirty) daytime period within which ER Browne Incorporated has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of Information, or the request requires a search for Information held at another office of ER Browne Incorporated and the Information cannot reasonably be obtained within the original 30 (thirty) day period.

17.1.3 ER Browne Incorporated will notify the requester in writing should an extension be sought.

18. Protection of Personal Information that is processed by ER Browne Incorporated

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

18.2 ER Browne Incorporated needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this Information is Processed and the purpose for which it is processed is determined by ER Browne Incorporated. ER Browne Incorporated is accordingly a Responsible Party for the purpose of POPIA and will ensure that the Personal Information of a Data Subject is:

18.2.1. Processed lawfully, fairly and transparently. This includes the provision of appropriate Information to Data Subjects when their data is collected by

Oldfield Lavender Inc t/a MG Oldfield Attorneys, in the form of privacy or data collection notices. ER Browne Incorporated must also have a legal basis (for example, consent) to process the Personal Information.

- 18.2.2. Processed only for the purpose for which it was collected;
- 18.2.3. Will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- 18.2.4. Adequate relevant and not excessive for the purpose for which it was collected;
- 18.2.5. is accurate and kept up to date;
- 18.2.6. Will not be kept for longer than necessary;
- 18.2.7. Is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by ER Browne Incorporated, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage.
- 18.2.8. Processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - a) Be notified that their personal Information is being collected from ER Browne Incorporated. The Data Subject also has the right to be notified in the event of a data breach;
 - b) Know whether ER Browne Incorporated holds Personal Information about them and to access that Information. Any request for Information must be handled in accordance with the provisions of this Manual;
 - c) Request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal Information;
 - d) Object to ER Browne Incorporated use of their personal Information and requested the deletion of such Personal Information. (deletion would be subject to ER Browne Incorporated's record keeping requirements);
 - e) object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
 - f) Complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal Information.

18.3 As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which ER Browne Inc processes or will process Personal Information is set out in Part 1 of Appendix 2.

18.4 As per section 1 of POPI, a Data Subject may either be a natural or a juristic person. Part 2 of Appendix 2 sets out the various categories of Data Subjects that ER Browne Incorporated Processes Personal Information on and the types of Personal Information relating thereto.

18.5 Part 3 of Appendix 2 outlines the receipts to which ER Browne Incorporated may provide Data Subjects Personal Information to.

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

- a) Recipient country can offer such data and “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
- b) Data Subjects consents to the transfer of their personal Information; or
- c) Transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d) Transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interest of the Data Subject; or
- e) The transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, The Data Subject, would likely provide such consent.

Part 4 of Appendix 2 set out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

18.8 Section 11 (3) of POPI and Regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in POPIA.

19. Availability and Updating of the PAIA Manual

This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. ER Browne Incorporated will update this PAIA Manual at such intervals as may deem necessary.

This Manual of ER Browne Incorporated will be available to view at its premises and/or on its website.

REPUBLIC OF SOUTH AFRICA FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record:

- a) The particulars of the person who requests access to the record must be given below.

- b) The address and/or fax number in the Republic to which the Information is to be sent must be given:

- c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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.

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

Fees:

- a) A request for access to a record, other than a record containing personal Information about you, 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:

--

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.

Mark the appropriate box with an X.

1. If the record is in written or printed form:

copy of record*

inspection of record

2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images

copy of the images*

transcription of the images*

3. If record consists of recorded words or Information which can be reproduced in sound:

listen to the soundtrack (audio cassette/recording)

transcription of soundtrack/recording* (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* (USB drive 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

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:-

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:

Notice of decision regarding request for access

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

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

Signed at this day..... of
.....202.....

Appendix 2: Part 1**Processing of Personal Information in Accordance with POPI****A. For Consumers:**

- a) Performing duties in terms of any agreement with consumers;
- b) Make, or assist in making, credit decisions about consumers;
- c) Operate and manage consumers; accounts and manage any application, agreement or correspondence consumers may have with ER Browne Incorporated;
- d) Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about ER Browne Incorporated products and or services, unless consumers indicate otherwise;
- e) To form a view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers;
- f) Carrying out market research, business and statistical analysis;
- g) Performing other administrative and operational purposes including the testing of systems;
- h) Recovering any debt consumers may owe to ER Browne Incorporated;
- i) Complying with the ER Browne Incorporated regulatory and other obligations;
- j) Any other reasonably required purpose relating to ER Browne Incorporated business

B. For Prospective Consumers:

- a) Verifying and updating Information;
- b) Pre-scoring;
- c) Direct Marketing;
- d) Any other reasonably required purpose relating to the processing of a prospect's personal Information reasonably related to ER Browne Incorporated.

C. For Employees:

- a) The same purposes as for consumers (above);
- b) Verification of applicant employees' Information during recruitment process;
- c) General matters relating to employees:-
 - i. Pension;
 - ii. Payroll;
 - iii. Disciplinary action; and
 - iv. Training.
- d) Any other reasonably required purpose relating to the employment or possible employment relationship.

D. For Vendors/suppliers/other businesses:

- a) Verifying Information and performing checks;
- b) Purposes relating to the agreement or business relationship or possible agreement or business relationships between parties;
- c) Payment of Invoices;
- d) Complying with ER Browne Incorporated regulatory and other obligations; and
- e) Any other reasonably required purposes relating to ER Browne Incorporated business.

Appendix 2: Part 2

Categories of Data Subjects and Categories of Personal Information relating thereto:

1. Employees

- a) Name and Contact details;
- b) Identity number and identity documents including passports;
- c) Employment history and references;
- d) Banking and financial details;
- e) Details of payments to third parties;
- f) Employment contracts;
- g) Employment equity plans;
- h) Medical aid records;
- i) Pension Fund Records;
- j) Remuneration/salary records;
- k) Disciplinary records;
- l) Performance appraisals;
- m) Leave records;
- n) Training Records.

2. Consumers and prospective consumers (which may include employees)

- a) Postal and/or street address;
- b) Title and Name;
- c) Contact numbers and/or email address;
- d) Ethnic group;
- e) Employment history;
- f) Age;
- g) Gender;
- h) Marital status;
- i) Nationality;
- j) Language;
- k) Financial Information;
- l) Identity or passport number;
- m) Browsing habits and click patterns of ER Browne Incorporated website.

3. Vendors/Suppliers/other businesses:

- a) Name and contact details;
- b) Identity and/or company Information and directors' Information;
- c) Banking and financial Information;
- d) Information about products or services;
- e) Other Information not specified, reasonably required to be processed for business operations.

Appendix 2: Part 3**Recipients of personal Information**

- a) Any firm, organisation or person that ER Browne Incorporated uses to collect payments and recover debts or to provide a service on its behalf;
- b) Any firm, organisation or person that/who provides ER Browne Incorporated with products or services;
- c) Any payment system ER Browne Incorporated uses;
- d) Regulatory and governmental authorities or ombudsman, or other authorities, including tax authorities, where ER Browne Incorporated has a duty to share Information;
- e) Third parties to whom payments are made on behalf of employees;
- f) Financial institutions from whom payments are received on behalf of data subjects;
- g) Any other operator not specified;
- h) Employees, contractors and temporary staff;
- i) Agents.

Appendix 2: Part 4**Cross border transfers of personal Information**

Personal Information may be transmitted trans-border to ER Browne Incorporated's suppliers in other countries, and personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. ER Browne Incorporated will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

Appendix 2: Part 5**Description of Information security measures**

ER Browne Incorporated undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. ER Browne Incorporated may use alternative measures and adapt to technological security development, as needed provided that the objectives are achieved.

1. Access Control of Persons

ER Browne Incorporated shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where data are processed.

2. Data media Control

ER Browne Incorporated undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by ER Browne Incorporated and containing personal information.

3. Data Memory Control

ER Browne Incorporated undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorized reading, alteration or deletion of stored data.

4. User control

ER Browne Incorporated shall implement suitable measures to prevent its data processing systems from being used by unauthorized persons by means of data transmission equipment.

5. Access control data

ER Browne Incorporated represents that the persons entitled to use ER Browne Incorporated's data processing have respective access permissions (authorization).

6. Transmission Control

ER Browne Incorporated shall be obliged to enable the verification and tracing of the locations/destinations to which the personal information is transferred by utilization of ER Browne Incorporated.

7. Transport Control

ER Browne Incorporated shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by any unauthorized persons during the transmission thereof or during the transport of the data media.

8. Organisational Control

ER Browne Incorporated shall maintain its internal organization in a manner that meets the requirements of this Manual.

Appendix 3: Objection to the Processing of Personal Information in terms of Section 11(3) of the POPI Act 2013

Regulations Relating to the Protection of Personal Information

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 applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject	
Unique Identifier/ Identity Number	
Residential, Postal or business address	
Contact number(s)	
Email Address	
B	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject	
Unique Identifier/ Identity Number	
Residential, Postal or business address	
Contact number(s)	
Email Address	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) TO (f) (Please provide detailed reasons for the objection)

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Signed atthis.....day of
.....202.....