



**AMENDED VERSION – MARCH 2020**

**PUBLIC INVESTMENT CORPORATION SOC LIMITED (PIC)**

**PROMOTION OF ACCESS TO INFORMATION MANUAL**

**Compiled in terms of Sections 14 and 51 of the Promotion of Access to Information 2 of 2000  
("PAIA")**

**POPI- REQUEST FORMS**

**This Manual also includes information on the submission of objections to the processing of  
personal information and requests to delete or destroy personal information or records thereof  
in terms of the Protection of Personal Information 4 of 2014 ("POPI")**

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## 1. INTRODUCTION

- 1.1 Pursuant to the provisions of Section 32 of the Constitution of the Republic of South Africa PAIA, 1996 (Act No.108 of 1996), the Promotion of Access to Information PAIA, of 2000 ("**PAIA**") was promulgated in order to foster a culture of transparency and accountability in public and private bodies, by giving effect to the right of access to information, and actively promote a society in which the people of South Africa have effective access to enable them to fully exercise and protect all of the rights as enshrined in the Constitution.
- 1.2 PAIA establishes voluntary and mandatory mechanisms or procedures to give effect to the constitutional right to access to information in a manner which enables persons to obtain records of public bodies as swiftly, inexpensively and effortlessly, as reasonably possible and generally to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone:
  - 1.2.1 To understand their rights in terms of PAIA, in order to exercise their rights in relation to public and private bodies;
  - 1.2.2 To understand the functions and operation of public bodies; and
  - 1.2.3 To effectively scrutinise, and participate in decision-making by public bodies that affect their rights.
- 1.3 Section 9 of PAIA, however, recognizes that such right to access to information is subject to certain justifiable limitations including, but not limited to:
  - 1.3.1 The reasonable protection of privacy;
  - 1.3.2 Commercial confidentiality; and
  - 1.3.3 Effective, efficient and good governance.
- 1.4 On the other hand, POPI promotes the protection of personal information processed by public and private bodies, inducing certain conditions so as to establish minimum requirements for the processing of personal information. POPI amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPI and in terms of PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 1.5 Section 14 of PAIA obliges public bodies to compile a Manual that provides information on both the types and categories of records held by the public body. PAIA also stipulates the minimum requirements with which such Manual has to comply.
- 1.6 This document serves as the PIC Access to Information Manual in terms of section 14 of PAIA, and provides a reference to the records held and the process that needs to be followed to request access to such records as required by section 14 of PAIA.

- 1.7 Should you have any difficulty in using this guide, please do not hesitate to contact the relevant Deputy Information Officer, described in paragraph 8 hereunder.

## 2. DEFINITIONS

“**Applicable Legislation**” means, *inter alia*, the following (which list is not exhaustive):

- (a) Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997);
- (b) Broad-Based Black Economic Empowerment, 2003 (Act No. 53 of 2003) (BBBEE Act);
- (c) Companies Act, 2008 (Act No. 71 of 2008);
- (d) Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996);
- (e) Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002) (FAIS Act);
- (f) Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) (FICA);
- (g) Financial Markets Act, 2012 (Act No. 19 of 2012);
- (h) Labour Relations Act, 1995 (Act No. 66 of 1995);
- (i) Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004);
- (j) Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);
- (k) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA);
- (l) Protection of Personal Information Act, 2013 (Act No. 4 of 2013) (POPI);
- (m) Public Finance Management Act, 1999 (Act No. 1 of 1999); and
- (n) Public Investment Corporation Act, 2004 (Act No. 23 of 2004) (PIC Act);
- (o) Competition Act, 89 of 1998 as amended; and
- (p) Government Employees Pension Law 21 of 1996 (GEPF Law);

“**BBBEE**” means the Broad-Based Economic Empowerment;

“**Clients**” means the clients on whose behalf the PIC makes investments in accordance with a written mandate, *inter alia*, public sector funds;

“**FSP**” means Financial Services Provider as defined in the FAIS Act;

“**JSE**” means Johannesburg Securities Exchange;

“**NDP**” means the National Development Plan of Government of Republic of South Africa; and

“**PIC**” means the Public Investment Corporation SOC Limited, with company registration number 2005/009094/30 duly established in terms of the Public Investment Corporation Act, 2004 and a licenced Financial Services Provider under FSP licence number 1977.

## 3. STRUCTURE AND FUNCTION OF THE PIC

### 3.1. STRUCTURE

3.1.1 The PIC is a statutory body established by the PIC Act read together with the Companies Act 71 of 2008. The PIC is the asset manager for South Africa's public sector, taking care of the investment needs of Government, public sector pension and provident funds, and other public sector funds.

3.1.2 The PIC is wholly owned by the South African government, represented by the Minister of Finance, and operates under its own empowering legislation, the PIC Act. This Act gives the PIC the status of a corporation able to operate as a modern asset manager and offer clients services comparable to those available in the private sector.

- 3.1.3. The PIC is also an authorised financial services provider in terms of the FAIS Act.
- 3.1.4. In carrying out client investment mandates, the PIC uses market driven measures to benchmark its investment performance, enabling clients to compare its returns to those achieved in the market place.
- 3.1.5. The PIC's organisational structure consists of two main components, namely, the Asset Management Business, and Operations. Executive Directors – the Chief Executive Officer and the Chief Financial Officer, and the various Executive Heads of Department, lead the organisation. The Executive Directors are accountable to the PIC Board of Directors for the overall performance of the PIC.

#### **4. ASSET MANAGEMENT BUSINESS**

4.1 The PIC asset management business consists of the following:

##### **4.1.1 LISTED INVESTMENTS**

###### **4.1.1.1 Fixed Income and Dealing**

Fixed Income and Dealing manages all fixed interest bearing instruments in which the PIC invests. This includes short-term investment of up to 1 (one) year (referred to as money market), as well as longer term investments (capital market).

As a member of the JSE, the PIC only transacts with other JSE members and only invests in instruments listed on the JSE. Current mandates do not allow for investment in foreign instruments. The PIC is authorised to invest in debt issued by the South African government, parastatals, corporates and securitisation vehicles.

Most of the money market investments are with the top 5 South African banks. In addition, the PIC invests with the larger corporates, parastatals, securitisation vehicles and smaller banks, depending on their national credit rating.

The fixed income team manages all fixed income activities internally, with no functions outsourced to external asset managers. In addition, the team also execute all transactions generated in the fixed income market.

###### **4.1.1.2 Listed Equities**

The PIC is one of the largest investors on the JSE equities market and constitutes approximately 12% (twelve percent) of the total market capitalisation. The ESG (Environment, Social and Governance) team provides support with regards to the assessment of the quality of corporate governance within companies in the portfolio. The portfolio is comprised of internally, as well as externally managed funds. The division's largest client is the Government Employees Pension Fund (GEPF).

##### **4.1.2 UNLISTED INVESTMENTS**

###### **4.1.2.1 Isibaya Fund**

The Portfolio, executed on behalf of the GEPF, Unemployment Insurance Fund (UIF) and Compensation Commission (CC) seeks to invest in projects that earn good financial returns whilst supporting positive, long term economic, social and environmental outcomes and transformation in South Africa and the rest of Africa. The investments in this Portfolio are geared towards responding to the key Government objectives such as the National Development Plan (NDP), job facilitation, Broad-Based Economic Empowerment (BBBEE) and transformation through the following investment pillars:

- 4.1.2.1.1 Developmental Investments (DI); and
- 4.1.2.1.2 Private Equity and Structured Investment Products.

#### 4.1.2.2 Properties

The PIC's properties portfolio is one of the largest and most diversified in the country. It includes investments in some of South Africa's premier retail malls, convention centres and hotels, as well as in historically neglected rural and urban townships and in strategic national assets such as airports.

With such a large diversified portfolio, the PIC's properties team focuses on development management, property finance and asset management. An external property management company has been appointed to perform rent collection and debt management and oversee property maintenance amongst other things.

## 5. **OPERATIONS**

5.1 Operations is responsible for all back office functions necessary for the smooth functioning of the PIC and its relationships with stakeholders. It consists of the following support units:

### 5.1.1 Corporate Affairs

Responsible for implementing and executing effective stakeholder relationship management. The department's role is to enhance the PIC's understanding of the stakeholders and create effective channels for communication and feedback.

### 5.1.2 Finance

Manages PIC's income and expenditure, based on a 3 (three) year budget approved by the National Treasury. The PIC's aim is to operate as a self-sustaining business, generating enough income to pay operating cost and make modest profit.

### 5.1.3 Human resources

Manages human capital planning, recruitment, performance management, employment equity, skills development and the PIC's graduate recruitment program.

### 5.1.4 Investment Finance

Records every investment transaction made and is the custodian of PIC's investment related documentation. This is for compliance purposes, as well as for monitoring the performance and cost effectiveness of PIC's fund management activities.

### 5.1.5 Information and Technology

Responsible for implementing and executing effective technology and information management. Also provides systems and software needed for intelligent investment decisions and effective business operations.

#### 5.1.6 Legal

Serves as an in-house legal counsel to all PIC's divisions on matters such as property, investments, information technology, labour law, projects and other matters affecting the business of the PIC. The division also sources, appoints, manages and liaises with external legal counsel, and does research on all matters affecting the PIC in the legal context.

#### 5.1.7 Research and Project Development

Provides fundamental research to support investment divisions, focussed on macro-economic, thematic and sector research. The division is also responsible for the coordination of the asset allocation investment decision process. It provides the linkage of long-term research into alpha generation and social returns in a way that maximises direct impact of GDP growth in South Africa and into the African continent.

#### 5.1.8 Risk Management

It is responsible for implementing and executing effective risk management. Serves as a provider of investment risk management, operational risk management, compliance (portfolio compliance and regulatory compliance) and portfolio performance and attribution (PPA).

### **6. BOARD OF DIRECTORS**

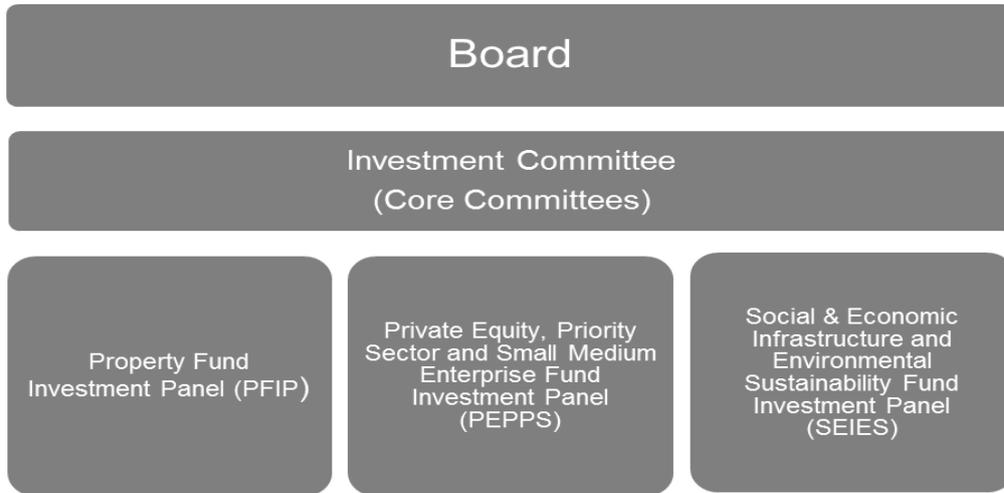
6.1 The PIC is governed by a Board of Directors. The Board of Directors comprises a mix of executive and non-executive directors, with the majority of non-executive directors being independent. The Board is chaired by an independent non-executive director. The Board of Directors serves as a focal point and a custodian of corporate governance in the PIC. The Board's overarching role is to maintain sound corporate governance within the PIC. As such, its responsibilities include appointing executive management, developing and approving corporate strategies, ensuring an effective governance framework, overseeing risks management and ensuring that the PIC's business is managed prudently and responsibly.

#### **6.2 The PIC BOARD**

6.2.1 Board members are appointed by the Minister of Finance, who represents PIC's shareholder, the South African government, on the grounds of their knowledge and experience, mainly in the financial services environment.

6.2.2 The Board structure of the PIC is diagrammatically illustrated herein below:

**Investment Committee structure:**

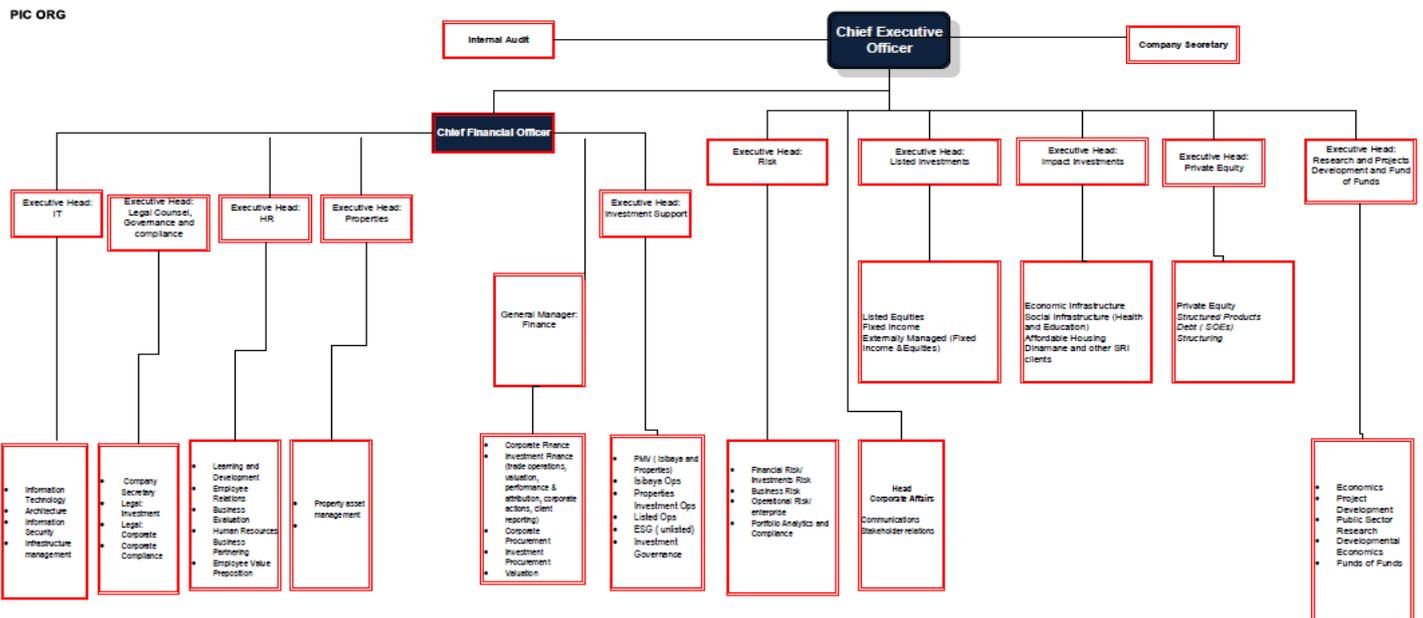


**Statutory and Operations Board Committees:**



## 6.3 STRUCTURE OF THE PIC

The high level structure of the PIC is diagrammatically represented below:



## 7. ADMINISTRATION OF THE ACT

7.1 The Chief Executive Officer of the PIC is, in terms of PAIA, the Information Officer, and has delegated his responsibility in writing to the Deputy Information Officer referred to in paragraph 8 below, to ensure:

7.1.1 Administration of PAIA within the PIC in a fair, objective and unbiased manner; and

7.1.2 That the PIC is as accessible as reasonably possible to the requesters of its records.

## 8. DEPUTY INFORMATION OFFICER:

8.1 Contact Person: Lindiwe Dlamini  
 Postal Address: Private Bag X187  
 Pretoria  
 0001  
 Physical: Menlyn Maine Central Square  
 Cnr Corobay Ave & Aramist Ave  
 Waterkloof Glen  
 PRETORIA  
 Tel number: +27 (12) 742-3400  
 E-mail: [lindiwe.dlamini@pic.gov.za](mailto:lindiwe.dlamini@pic.gov.za)

## 9. REQUEST FOR INFORMATION

9.1 Request for information should be done in the following manner:

- 9.1.1 Print the formal request form, attached hereto as "Annexure 1" (Form A), also available on the webpage and/or at the PIC's office at the address mentioned in paragraph 8 above;
- 9.1.2 Fill in all fields in the request form or rewrite the details in an e-mail;
- 9.1.3 Pay the prescribed fee as stated in the form, attached hereto as "Annexure 2" (Form B); and
- 9.1.4 Deliver the request form and applicable payment through to the address of the Deputy Information Officer referred to above.
- 9.2 The PIC will acknowledge receipt of a request, in writing, within fourteen (14) days of receipt thereof, and advise within 30 (thirty) days as to whether the information requested is accessible and how and where the requester may collect it. Should a requester not receive an acknowledgement of receipt in writing within fourteen (14) days, the requester should kindly contact the Deputy Information Officer to ensure that the request has been received.
- 9.3 In certain circumstances, the requester may be required to pay a deposit to the PIC, before the record that requested is made available to the requester. Only after having paid the deposit will the PIC begin searching for the required information.
- 9.4 On receipt of the prescribed fee, the PIC may reveal the record to the requester in the format that the requester has requested on submission of the request form, or in the format that the record exists in, if the requested format is not available.

## **10. NOTES ON THE REQUEST PROCEDURES**

- 10.1 Kindly note that it will assist us, in fulfilling the requestor's request, if the requestor complies with the procedures set out herein. The requestor is therefore encouraged to use the request form attached hereto as "Annexure 1". Please do not hesitate to contact us through the Deputy Information Officer at the abovementioned address, telephone number, fax and/or email address (see paragraph 8). Please also ensure that you indicate your capacity or designation within your organisation (where applicable), to assist us in processing your request.
- 10.2 If you are requesting new information on behalf of another individual, please indicate the capacity in which you are related to the individual or organisation, and provide us with the individual's consent to avail you the requested information. This is to ensure that we do not deny you access on the basis that the information is confidential. Please ensure that you mention the format of the record that you have requested when making your request, so that we can be of maximum assistance to you. If you have a disability or if you are unable to read or write, please contact our Deputy Information Officer who will assist you in completing your request, as well as sending on to you a written copy of the request.
- 10.3 Each section of the form contains instructions that should be followed to improve the likelihood of the request being granted. The requester must take the following important notes into consideration when completing the request form:
  - 10.3.1 Where a request is made for records relating to an organisation, it is recommended that the organisation's public officer and/or duly authorised person make or authorise the request. If the request is made on behalf of another person, a copy of the mandate

authorising the requester to act on behalf of that person must be submitted with the duly completed form;

10.3.2 The request should provide in as much detail as possible, a description of the records requested, to enable the Deputy Information Officer to identify them.

## **11. FACTORS TO BE TAKEN INTO CONSIDERATION WHEN REQUESTING ACCESS TO RECORDS HELD BY THE PIC**

11.1 The following factors must be taken into consideration before submitting a request:

11.1.1 In terms of section 7(1) of PAIA, a record-

11.1.1.1 Requested for purposes of criminal or civil proceedings;

11.1.1.2 So requested after the commencement of such criminal or civil proceedings, as the case may be; and

11.1.1.3 The production of or access to that record for the purpose referred to in 11.1.1.1 above, does not fall within the ambit of PAIA.

11.1.2 If a request for access is made to the PIC in respect of which:

11.1.2.1 The record is not in the possession or under the control of the PIC, but is in the possession of another public body;

11.1.2.2 The record's subject matter is more closely connected with the functions of another public body than those of the PIC's; or

11.1.2.3 The record contains commercial information contemplated in section 42 of PAIA, in which any other public body has a commercial interest, the PIC shall, within fourteen (14) days of receiving the said request, transfer the request to the Information Officer of the other public body/s having a commercial interest or the other public body/s with the greatest commercial interest.

11.1.3 If the request for access is to the PIC:

11.1.3.1 In respect of the record that is not in the possession or under the control of the PIC, and the PIC has no knowledge of which public body has possession or control of the record;

11.1.3.2 the record's subject matter is not closely connected to the functions of the PIC and the PIC has no knowledge of which public body's functions the record is more closely with, the PIC shall within 14 days advise the requester that it is not the custodian of such records.

11.1.3.3 The record was created by or for another public body or was not created by or for any public body, but was received first by another public body.

11.1.3.4 The PIC shall, within fourteen (14) days of receipt of such request, transfer the request to the Information Officer of the public body by or for which the record was created or which received it first, as the case may be.

- 11.1.3.5 The PIC is required to take a decision on a request within thirty (30) days of receipt thereof, which period may at the discretion of the PIC, be extended by notice to the requester, to sixty (60) days of receipt thereof, failing which the request is deemed to have been refused.
- 11.1.4 Access to a record requested will be given if:
- 11.1.4.1 The request is properly made on the prescribed form;
- 11.1.4.2 Proof of authority to act on behalf of another is provided, in cases where the request is made as such;
- 11.1.4.3 The record requested is sufficiently described to enable the PIC to identify it;
- 11.1.4.4 The required fees have been paid; and
- 11.1.4.5 Access to the record is not refused on one or more of the grounds of refusal stipulated in PAIA.
- 11.1.5 The grounds for refusal as set out in PAIA are categorised as follows:
- 11.1.5.1 Mandatory protection of privacy of a third party who is a natural person;
- 11.1.5.2 Mandatory protection of certain records of SARS;
- 11.1.5.3 Mandatory protection of commercial information of a third party;
- 11.1.5.4 Mandatory protection of certain confidential information, and protection of certain other confidential information, of a third party;
- 11.1.5.5 Mandatory protection of safety of individuals and protection of property;
- 11.1.5.6 Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings;
- 11.1.5.7 Mandatory protection of records privilege from production in legal proceedings;
- 11.1.5.8 Defence, security and international relations of the Republic;
- 11.1.5.9 Economic interests and financial welfare of the Republic and commercial activities of the public bodies;
- 11.1.5.10 Mandatory protection of research information of a third party and protection of research information of the public bodies;
- 11.1.5.11 Operations of public bodies; and
- 11.1.5.12 Manifestly frivolous or vexatious request or substantial and unreasonable diversion of resources.

## **12. PRESCRIBED FEES**

- 12.1 PAIA sets out two (2) types of fees, namely, a request fee and an access fee, that are required to be paid prior to the PIC accessing the request for information.
- 12.2 A personal requester, that is the requester who requests access to a record containing personal information, is not required to pay the request fee. Any other requester will be required to pay such fee, as stipulated in "Annexure 2" hereto.
- 12.3 The following persons are exempted from paying access fees:
- 12.3.1 A single person whose annual income, after permissible deductions does not exceed R14, 712.00 (fourteen thousand seven hundred and twelve rand) per annum; and
- 12.3.2 Married persons or a person and his or her life partner whose annual income after permissible deductions does not exceed R27, 192.00 (twenty seven thousand one hundred and ninety two rand) per annum.
- 12.4 Where the cost of collecting any fee in respect of the search and preparation of a record for disclosure, exceeds the amount charged, such fee does not apply.
- 12.5 The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requester.
- 12.6 The request and access fees do not apply to a record requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or enquiry in terms of the provisions of the Maintenance Act (Maintenance Act 99 of 1988) or the regulation made under Section 44 of that Act.
- 12.7 In terms of POPI, a data subject has the right to request the PIC to confirm, free of charge, whether or not it holds personal information about the data subject.

### **13. APPEALING A DECISION**

- 13.1 Should a requester not be satisfied with the decision of the Deputy Information Officer or the deemed refusal of a request, the requester is entitled to lodge an internal appeal in respect of that decision or deemed refusal.
- 13.2 The internal appeal must be noted in writing using the form annexed marked "Annexure 3" hereto (Form B), which may also be accessed on the PIC's website.
- 13.3 The requester must set out the grounds for the appeal in respect of each record sought. The internal appeal must generally be lodged within sixty (60) days of the receipt of the Deputy Information Officer's decision, or the date of the deemed refusal.
- 13.4 The appeal must be lodged in person or by e-mail, facsimile or post with the Deputy Information Officer, whose particulars are detailed at paragraph 8 above. The Deputy Information Officer will then forward the requestor's appeal, together with the reasons for his decision, to the PIC's relevant authority for a decision.
- 13.5 If the requester has not received an acknowledgement of receipt of the appeal within fourteen (14) days, the requester should contact the Deputy Information Officer to ensure that the appeal has been received by the PIC.

- 13.6 Should the requester not be satisfied with the decision of the relevant authority, the requester may apply to court for relief.
- 13.7 On hearing such an application the court may grant a just and equitable order including:
- 13.7.1 Confirming, amending or setting aside the decision that is the subject matter of the application;
- 13.7.2 Requiring the Information Officer to take action or to refrain from taking such action as the court considers necessary within the period mentioned in the order;
- 13.7.3 Granting an interdict, interim or specific relief, a declaratory order or compensation; or
- 13.7.4 Costs.

#### **14. GUIDE FOR REQUESTERS ON HOW TO USE THE ACT**

- 14.1 An official guide will be or has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPI. This guide is made available by the Information Regulator (established in terms of POPI). Copies of the updated guide are available from Information Regulator in the manner prescribed. The Information Regulator's contact details are set out below.

##### **The Information Regulator**

Contact Details:

- Tel: 012 406 4818
- Fax: 086 500 3351
- Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za)
- Website: <http://www.justice.gov.za/inforeg/>.

#### **15. CATEGORIES OF RECORDS**

##### **15.1 RECORDS THAT ARE AUTOMATICALLY AVAILABLE**

- 15.1.1 Annual reports;
- 15.1.2 Press releases; and
- 15.1.3 All information on the PIC website.

##### **15.2 RECORDS WHICH MAY BE MADE AVAILABLE ON REQUEST**

###### **15.2.1 HUMAN RESOURCES RECORDS**

- 15.2.1.1 Employment contracts;
- 15.2.1.2 Employment Equity Plan;
- 15.2.1.3 Medical Aid records;
- 15.2.1.4 Pension Fund records;
- 15.2.1.5 Disciplinary proceedings records;
- 15.2.1.6 Salary records;
- 15.2.1.7 SETA records;
- 15.2.1.8 Disciplinary code;

- 15.2.1.9 Leave records;
- 15.2.1.10 Training records;
- 15.2.1.11 Training Manuals;
- 15.2.1.12 Recruitment and selection records.

### 15.3 **FINANCIAL RECORDS**

- 15.3.1 Annual Financial Statements;
- 15.3.2 Accounting Record;
- 15.3.3 Banking Records;
- 15.3.4 Bank Statements;
- 15.3.5 Paid Cheques;
- 15.3.6 Electronic banking records;
- 15.3.7 Rental Agreements;
- 15.3.8 Invoices;
- 15.3.9 Regional Services Levies;
- 15.3.10 Skills Development Levies;
- 15.3.11 UIF records.

### 15.4 **TAX RECORDS**

- 15.4.1 Tax Returns;
- 15.4.2 PAYE Records;
- 15.4.3 Documents issued to employees for income tax purposes;
- 15.4.4 Records of payments made to SARS on behalf of employees;
- 15.4.5 All other statutory compliance documents;
- 15.4.6 VAT records.

### 15.5 **INVESTMENTS AND SUPPORT SERVICES RECORDS:**

- 15.5.1 Investment policy document;
- 15.5.2 Economic reports and forecasts;
- 15.5.3 Research reports;
- 15.5.4 Board committee submissions;
- 15.5.5 Property.

### 15.6 **LEGAL SERVICES RECORDS**

- 15.6.1 Agreements and contracts;
- 15.6.2 Legal opinions;
- 15.6.3 Litigation documents.

### 15.7 **COMPANY RECORDS**

- 15.7.1 Memorandum of Incorporation;
- 15.7.2 Minutes of Board of Directors and sub-committee meetings;
- 15.7.3 Records relating to the appointment of directors/ auditors/ company secretary/ public officer and other officers;
- 15.7.4 Share Register and other statutory registers.

### 15.8 **PROCUREMENT SERVICES RECORDS**

- 15.8.1 Tender invitation records;
- 15.8.2 Tender submissions;
- 15.8.3 Tender process documents;
- 15.8.4 Procurement policy;
- 15.8.5 Asset Register;
- 15.8.6 Goods and services procurement records.

## 15.9 **RISK MANAGEMENT RECORDS**

- 15.9.1 Internal Audit reports;
- 15.9.2 Compliance reports;
- 15.9.3 Operational risk management reports;
- 15.9.4 Risk management policies.

## 15.10 **BUSINESS SYSTEM MANAGEMENT RECORDS**

- 15.10.1 Records of procurement of systems and software;
- 15.10.2 IM Steering Committee meeting minutes;
- 15.10.3 Test data records;
- 15.10.4 Project Management records; and
- 15.10.5 System documentation.

## 16. **POPI REQUIREMENTS PERTAINING TO THE PROCESSING OF PERSONAL INFORMATION**

### 16.1 **PURPOSE OF PROCESSING**

- 16.1.1 In terms of POPI, data must be processed for a specified purpose. The purpose for which data is processed by the PIC will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected.
- 16.1.2 In general, personal information is processed for purposes of onboarding clients and suppliers, service or product delivery (, records management, security, SHE, employment and related matters.

### 16.2 **ACCESS TO PERSONAL INFORMATION**

- 16.2.1 POPI provides that a data subject may, upon proof of identity, request the responsible party to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- 16.2.2 POPI also provides that where the data subject is required to pay a fee for services provided to him/her, the Responsible Party must provide the data subject with a written estimate of the payable amount before providing the service and may require that the Requestor pay a deposit for all or part of the fee.
- 16.2.3 Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.
- 16.2.4 POPI provides that a data subject may object, at any time, to the processing of personal information by the PIC, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must

complete the prescribed form attached hereto as Annexure 4 and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

16.2.5 A data subject may also request the PIC to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the PIC is no longer authorised to retain records in terms of POPI's retention and restriction of records provisions.

16.2.6 A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Annexure 5.

### **16.3 CATEGORIES OF DATA SUBJECTS**

The PIC holds information and records on the following categories of data subjects:

- Employees / personnel of the PIC;
- Clients of the PIC;
- Any third party with whom the PIC conducts its business services;
- Contractors of the PIC;
- Suppliers of the PIC; and
- Service providers of the PIC.

(This list of categories of data subjects is non-exhaustive.)

### **16.4 THE CATEGORIES OF RECIPIENTS TO WHOM THE INFORMATION IS SUPPLIED**

Depending on the nature of the data, the PIC may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e. the Competition Commission in terms of the Competition Act No. 89 of 1998);
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA; and
- Subject to the provisions of POPI and the National Credit Act No. 34 of 2005, the PIC may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which the PIC operates.
- Any person who conducts business with the PIC, in the ordinary course of business.

### **16.5 PLANNED TRANSBORDER FLOWS OF INFORMATION**

16.5.1 If a data subject visits the PIC's websites from a country other than the country in the PIC's servers are located in the Republic of South Africa, the various communications will necessarily result in the transfer of information across international boundaries.

- 16.5.2 The PIC may need to transfer a data subject's information to other group companies or service providers in countries outside South Africa, in which case the PIC will fully comply with applicable data protection legislation. This may happen if the PIC's servers or suppliers and service providers are based outside South Africa, or if the PIC's services are hosted in systems or servers outside South Africa and/or if a data subject uses the PIC's services and products while visiting countries outside this area. These countries may not have data-protection laws which are similar to those of South Africa.
- 16.5.3 In addition, user information contained in systems that are hosted outside South Africa, may be sent transborder. IT system data is replicated onto the cloud and is therefore information is sent outside South Africa.

## **16.6 SECURITY MEASURES IMPLEMENTED TO ENSURE THE CONFIDENTIALITY AND PRIVACY OF THE INFORMATION WHICH IS TO BE PROCESSED**

- 16.6.1 The PIC is committed to implementing leading data security safeguards. The PIC has specialised security teams who constantly review and improve the PIC's measures to protect data subject's personal information from unauthorised access, accidental loss, disclosure or destruction.
- 16.6.2 If the PIC has a contract with another organisation to provide the PIC with services or a service on the PIC's behalf to process a data subject's personal information, the PIC will make sure they have appropriate security measures and only process the information in the way the PIC has authorised them to. These organisations won't be entitled to use a data subject's personal information for their own purposes. If necessary, the PIC's security teams will check them to make sure they meet the security requirements the PIC has set.
- 16.2.3 Communications over the internet (such as emails) are not secure unless they have been encrypted. A data subject's communications may go through a number of countries before being delivered – as this is the nature of the internet. The PIC cannot accept responsibility for any unauthorised access or loss of personal information that is beyond the PIC's control.

FORM A

REQUEST FOR ACCESS TO RECORD OF PIC

(Section 18(1) of the Promotion of Access to Information PAIA, 2000 (PAIA No. 2 of 2000))

[Regulation 6]

A. Particulars of public body

Attention \_\_\_\_\_

The Information Officer/Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Particulars of the person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) Furnish an address and/or fax number in the Republic to which the information is to be sent, or 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: \_\_\_\_\_ Fax number: \_\_\_\_\_

E-mail: \_\_\_\_\_



4. Reference number, if available: \_\_\_\_\_

5. Any further particulars of the record: \_\_\_\_\_

\_\_\_\_\_

**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 access fee payable for the 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 the exemption of the payment of any fee, please state the reason for exemption.*

Reason for the exemption from payment of fees: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**F. Form of access to record**

*If you are prevented by disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.*

Disability:	Form in which record is required:

**Mark the appropriate box with an X.**

**NOTES:**

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

**A postal fee is payable.**

**YES**

**NO**

**Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.**

**In which language do you prefer the record?**

\_\_\_\_\_

**G. Notice of decision regarding request for access**

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

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

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON  
ON WHOSE BEHALF REQUEST IS MADE

**FOR PIC USE**

Reference number: \_\_\_\_\_

Request received by \_\_\_\_\_

(state rank, name and surname of information officer/deputy information officer) on \_\_\_\_\_ (date)at \_\_\_\_\_ (place).

Request fee (if any): R.....

Deposit fee (if any): R.....

Access fee: R.....

\_\_\_\_\_

SIGNATURE OF INFORMATION  
OFFICER/DEPUTY INFORMATION  
OFFICER

**ANNEXURE 2**

**FEES IN RESPECT OF PUBLIC BODIES IN TERMS OF GOVERNMENT NOTICE NO. R.  
187 IN GOVERNMENT GAZETTE 23119 OF 15 FEBRUARY 2002**

<b>Item</b>	<b>Description</b>	<b>Amount (R)</b>
<b>1</b>	The fee for a copy of the manual as contemplated in 5(c) is for every photocopy of an A4-size page or part thereof.	R0,60
<b>2</b>	The fees for reproduction referred to in regulation 7(1) are as follows:	
<b>(a)</b>	For every photocopy of an A4-size page or part thereof	R0,60
<b>(b)</b>	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,40
<b>(c)</b>	For a copy in a computer-readable form on – (i) Stiffy disc (ii) compact disc	R5,00 R40,00
<b>(d)</b>	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R22,00 R60,00
<b>(e)</b>	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	R12,00 R17,00
<b>3</b>	The request fee payable by every requester, other than a personal requester, referred to in regulation 7(2).	R35,00
<b>4</b>	The access fees payable by a requester referred to in regulation 7(3) are as follows:	R0,60
<b>(1)(a)</b>	For every photocopy of an A4-size page or part thereof	R0,40
<b>(1)(b)</b>	For every printed copy of an A4-size page	

	or part thereof held on a computer or in electronic or machine readable form	
(1)(c)	For a copy in a computer-readable form on – (i) Stiffy disc (ii) compact disc	R5,00 R40,00
(1)(d)	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R22,00 R60,00
(1)(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	R12,00 R17,00
(1)(f)	To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R15,00
(2) (a), (b)	For purposes of section 22(2) of PAIA, the following applies: (a) Six hours as the hours to be exceeded before a deposit is payable; and (b) one third of the access fee is payable as a deposit by the requester.	
3	The actual postage is payable when a copy of a record must be posted to a requester.	

**ANNEXURE 3**

**FORM B**

**NOTICE OF INTERNAL APPEAL**

**(Section 75 of the Promotion of Access to Information PAIA, 2000 (PAIA No.2 of 2000)**

**[Regulation 8]**

**STATE YOUR REFERENCE**

**NUMBER: \_\_\_\_\_**

*The name and postal address, fax number or email address of the information officer or deputy information officer*

**A. Particulars of PIC**

**Attention:** \_\_\_\_\_

**The Information Officer/Deputy Information Officer:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of requester/third party who lodges the Internal appeal**

- (a) *The particulars of the person who requests access to the record must be given below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent*
- (c) *Proof of capacity in which the request is made, if applicable, must be attached*
- (d) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

**Full names and surname:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Identity number:** \_\_\_\_\_

**Postal address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Email address: \_\_\_\_\_

Capacity in which an internal appeal on behalf of another person is lodged: \_\_\_\_\_

**C. Particulars of the person on whose behalf request is made**

*This section must be completed only if the request for information is made on behalf of another person.*

Full names and surname: \_\_\_\_\_

\_\_\_\_\_ Identity number/ Company number: \_\_\_\_\_

**D. The decision against which the internal appeal is lodged.**

Mark the decision against which the internal appeal is lodged with an x in the appropriate box:

	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of PAIA
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of PAIA
	Decision in terms of section 29(3) of PAIA to refuse access in the form requested by the requester
	Decision to grant request for access

**E. Grounds for appeal**

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

State the grounds on which the internal appeal is based: \_\_\_\_\_

---

---

State any other information that may be relevant in considering the appeal: \_\_\_\_\_

**F. Notice of decision on appeal**

*You will be notified in writing of the decision on your internal appeal. 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?

---

---

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF APPELLANT**

**FOR PIC USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on \_\_\_\_\_ (date) by \_\_\_\_\_

\_\_\_\_\_

Name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's /deputy information office's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on \_\_\_\_\_  
\_\_\_\_\_(date) to the relevant authority.

**OUTCOME OF APPEAL:**

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW  
DECISION SUBSTITUTED

NEW DECISION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE

\_\_\_\_\_

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE  
RELEVANT AUTHORITY On (date) \_\_\_\_\_

**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.*

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
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>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	



**ANNEXURE 5**

**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.

<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
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>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<p><b>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</b></p> <p><b>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.</b></p> <p><i>(Please provide detailed reasons for the request)</i></p>


Signed at ..... this ..... day of  
.....20.....

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