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Customer Loyalty Consultants (PTY) Ltd

PAIA Manual

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT,
NR. 2 OF 2000**

ADDRESSING REQUIREMENTS OF PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

Exceptional service and advanced technology is what gives us **THE EDGE!**

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1. DEFINITIONS

- 1.1. The following definitions will bear the meanings thereafter ascribed for purpose of this Manual:
- 1.1.1. “CLC” means Customer Loyalty Consultants Proprietary Limited being the legally registered entity to which this Manual applies;
 - 1.1.2. “Manual” means this Manual prepared pursuant to and in accordance with section 51 of the PAIA as well as POPI;
 - 1.1.3. “Personal Information” means the description of Personal Information as defined in section 1 of POPI as well as the Consumer Protection Act 68 of 2008;
 - 1.1.4. “POPI” means the Protection of Personal Information Act, 4 of 2013, including the regulations promulgated in terms of POPI;
 - 1.1.5. “PAIA” means the Promotion of Access to Information Act, 2 of 2000, as well as the regulations promulgated in terms thereof.

2. INTRODUCTION

- 2.1. PAIA was enacted to give effect to the constitutional right to access to information as contained in section 32 of the Constitution of the Republic of South Africa, 1996.
- 2.2. The aim of the Manual is to assist potential requestors with the procedure to be followed when requesting access to information / documents from CLC, as well as all subsidiaries thereof, as contemplated in terms of PAIA.
- 2.3. This Manual furthermore seeks to address the introduction and incorporation of the relevant legal principals as contemplated by POPI. POPI seeks to give effect to the constitutional right to privacy as contained in section 14 of the Constitution of the Republic of South Africa, 1996. POPI further seeks to safeguard personal information by regulating the manner in which it may be processed by public and private bodies.
- 2.4. POPI provides that data subjects have the right to have their personal information processed in accordance with the conditions for the lawful processing of personal information, which are set out in POPI.
- 2.5. One of the requirements specified in PAIA, is that this Manual which provides information which includes the types and categories of records held by a private body (this relates to PAIA).
- 2.6. This Manual may be subject to amendment from time to time and as soon as any amendments have been finalised, the latest version of the Manual will be published at www.clc.co.za. In the instance that an updated Manual becomes available in the interim period in which information has been requested, alternatively, a request in terms of a user’s Personal Information has been received, the version released before the updated manual’s publication shall be used to finalise any such interim request. The onus is on the requestor to ensure that the latest procedures as set out herein are followed when requesting information.
- 2.7. Any requestor is advised to contact the Information Officer should they require any assistance in respect of the utilisation of this Manual and / or the requesting of information / documents from CLC or its subsidiaries.

3. CONTACT DETAILS (Section 51(1)(a) of the PAIA)

Name of body:	Customer Loyalty Consultants
Information Officer:	Karlene Judy Hunt with Identity Number 701116 0086 08 8
Address:	Building 23, Cambridge Office Park Bauhinia Street, Centurion
Postal Address:	Postnet Suite 81 Private Bag 1028 Lyttelton, 0140
Telephone:	+27 086 122 2252
Email:	info@clc.co.za
Website address:	clc.co.za

4. GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(1)(b) of the PAIA)

In terms of Section 10 of the PAIA, a guide will be compiled by the SAHRC containing such information as may be required by a person who wishes to exercise any right contemplated in the PAIA. The guide will be made available in all official languages by the SAHRC and is obtainable from the SAHRC.

- 4.1. This Manual complies with the requirements of the guide and recognises that the Information Regulator established under POPI will be responsible for regulating compliance with PAIA, POPI and their regulations.
- 4.2. Contact details of the South African Human Rights Commission are as follows:

PAIA	POPI
The Research and Documentation Department	Information Regulator
Postal Address: Private Bag 2700 HOUGHTON 2041	Postal Address: P.O Box 31533 Braamfontein Johannesburg 2017
Telephone: +27 11 484 8300	Physical Address: JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Fax: +27 11 484 0582/136	Telephone: 012 406 4818
Website: www.sahrc.org.za	Email: Complaints: complaints.IR@justice.gov.za
E-mail: PAIA@sahrc.org.za	General enquiries: inforeg@justice.gov.za

5. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT (Section 51(1)(c) of the PAIA)

- 5.1. At this stage no notice(s) has / have been published.

6. INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (Section 51(1)(d) of the PAIA)

- 6.1. CLC keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list):

No.	Act	Act Number and year (as amended)
1	Basic Conditions of Employment Act	No. 75 of 1997
2	Companies Act	No. 61 of 1973
3	Companies Act	No. 71 of 2008
4	Compensation for Occupational Injuries and Health Diseases Act	No. 130 of 1993
5	Consumer Protection Act	No. 48 of 2008
6	Electronic Communications and Transactions Act	No. 25 of 2002
7	Employment Equity Act	No. 55 of 1998
8	Financial Advisory and Intermediaries Services Act	No. 37 of 2002
9	Financial Intelligence Centre Act	No. 38 of 2001
10	Financial Sector Regulation Act	No. 9 of 2017
11	Income Tax Act	No. 58 of 1962
12	Insurance Act	No. 18 of 2017
13	Labour Relations Act	No. 66 of 1995
14	Occupational Health and Safety Act	No. 85 of 1993
15	Promotion of Access to Information Act	No. 2 of 2002
16	Protection of Personal Information Act	No. 4 of 2013
17	Skills Development Act	No. 97 of 1998
18	Skills Development Levies Act	No. 9 of 1999
19	Tax Administration Act	No. 28 of 2011
20	Unemployment Contributions Act	No. 4 of 2002
21	Unemployment Insurance Act	No. 63 of 2001
22	Value Added Tax Act	No. 89 of 1991

- 6.2. The above records, in so far as it being of a public nature are available automatically without a person having to request access thereto in terms of the PAIA, as envisaged in Section 52.

7. DOCUMENTS / INFORMATION HELD BY CLC IN TERMS OF THE ACT (Section 51(1)(e) of the PAIA)

- 7.1. CLC holds the information / documents listed herein below:

7.1.1. CLC's Records

- 7.1.1.1. Asset register
- 7.1.1.2. Memorandum of Incorporation
- 7.1.1.3. Management accounts
- 7.1.1.4. Commercial contracts
- 7.1.1.5. Company proposals
- 7.1.1.6. Company registration documents and amendments made thereto
- 7.1.1.7. Licenses
- 7.1.1.8. Marketing and future strategies
- 7.1.1.9. Minutes of management meetings
- 7.1.1.10. Minutes of staff meetings
- 7.1.1.11. Correspondences
- 7.1.1.12. Information relating to health and safety regulations



- 7.1.1.13. Information technology policies and procedures
- 7.1.1.14. Insurance information
- 7.1.1.15. Lease agreements
- 7.1.1.16. Supplier information
- 7.1.1.17. Shareholders register
- 7.1.1.18. User manuals

7.1.2. **Financial Records**

- 7.1.2.1. Annual financial statements
- 7.1.2.2. Banking records
- 7.1.2.3. Budgets
- 7.1.2.4. Financial transactions
- 7.1.2.5. Tax records
- 7.1.2.6. Statutory returns (including VAT as well as Companies Act returns)

7.1.3. **Human Resource Records**

- 7.1.3.1. Employment contracts
- 7.1.3.2. Employment equity records
- 7.1.3.3. Employment records
- 7.1.3.4. Personal Information of Employees
- 7.1.3.5. Personal Information related to client's customers
- 7.1.3.6. Procurement policies
- 7.1.3.7. Staff recruitment policies

- 7.2. CLC's website address is www.clc.co.za and it is accessible to anyone with access to the internet. It contains a profile on CLC, contact particulars and description of services rendered.
- 7.3. It is recorded that any and all documents / information requested pertaining to the aforesaid shall only be made available to a requestor subject to the provisions of the PAIA. None of the information held by CLC is automatically available without a person having to request access in terms of and subject to the provisions of the PAIA.
- 7.4. A request for information should be in the prescribed form, addressed to the Information Officer and submitted against payment of the prescribed fee.

8. OTHER INFORMATION (Section 51(1)(f) of the PAIA)

- 8.1. The Minister of Justice and Constitutional Development has to date not published any regulations in terms of this Section.

9. AVAILABILITY OF THE MANUAL (Section 51(3) of the PAIA)

- 9.1. This Manual is available for inspection at the offices of CLC, free of charge.
- 9.2. Copies of the Manual may be obtained, subject to the prescribed fees, at the offices of CLC.

10. PROCEDURE FOR REQUESTING INFORMATION

- 10.1. All forms relating to the request for information have been published by regulation and is available as prescribed above.

STEP 1 – REQUEST

Any person who requires access to information held by CLC shall request such access in the prescribed form C under regulation 10. The application, also set out as Annexure A to this manual is available [here](#). The prescribed form must be completed with enough particulars to enable the Information Officer to identify:

- The record(s) requested;
- The identity of the requester;
- Which form of access is required, if the request is granted;
- The postal address, email or fax number of the requester;
- The right the requester is seeking to exercise or protect; and
- An explanation of why the requested record is required for the exercise or protection of that right.

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. The completed form may be submitted in either of the following manners to the Information Officer:

- By Hand;
- By Post; or
- By Email

An individual who, because of illiteracy or a disability is unable to make a request for access to a record on the prescribed form, may make that request orally. The Information Officer will then reduce the oral request to writing in the prescribed form and provide a copy thereof to the requester.

Request, access and reproduction fees

When the request is received by the Information Officer he/she shall by notice require the requester to pay the prescribed request fee, before further processing of the request. The access and reproduction fees payable by a requester are as follows:

Item	R
For every photocopy of an A4 size page or part	1,10
every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	0,75
For a copy in a computer readable form on: <ul style="list-style-type: none"> • stiffy disc (subject to availability) • compact disc 	7,50 70,00
For a transcription of visual images, for an A4 size page or part thereof	40,00
For a copy of visual images	60,00
For a transcription of an audio record, for an A4 size page or part thereof	20,00
For a copy of an audio record	30,00
To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour, excluding	

the first hour, reasonably required for such search and preparation	
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Note that actual postage is payable when a copy of a record must be posted to a requester.

The requested fee payable by a requester, other than a personal requester, is R50,00. If a search for the record has been made and the preparation of the record for disclosure, including arrangements to make it 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.

The Information Officer shall withhold a record until the requester has paid the relevant fees.

STEP 2: VALIDATION AND ACKNOWLEDGEMENT

The Information Officer validates the request to see whether the required information is available within the Company. The request is then accepted, rejected or transferred to the rightful keepers of the required information. An acknowledgement confirming the status of the request is then forwarded to the requester.

STEP 3: INFORMATION PROCESSING

The Information Officer will process the request within thirty (30) days, unless the requester has stated special reasons, which would satisfy such person that circumstances dictate that the above time periods should not be complied with. The 30-day period within which the Information Officer has to decide whether to grant or refuse the request may be extended for a further period of not more than thirty (30) days if the request is for a large amount of information, or the request requires a search for information held at another office of the institution and the information cannot reasonably be obtained within the original thirty (30) day period. The Information Officer will notify the requester in writing should an extension be sought.

STEP 4: FINAL NOTIFICATION

The requester will be informed of the completion of the request as well as the outstanding fees payable.

STEP 5: PAYMENT AND DELIVERY

Once the payment is received, the information is released to the requester in accordance with Section 60 of the PAIA.

11. DECISION REGARDING REQUEST

11.1. PAIA provides for numerous grounds upon which CLC may refuse to grant the request for access to a record of the company. These grounds for refusal are to protect:

- 11.1.1. The privacy of another person;
- 11.1.2. Commercial information of another company;
- 11.1.3. Confidential information of another person;
- 11.1.4. The safety of individuals and property;

- 11.1.5. Records privileged from production and legal proceedings;
- 11.1.6. Research information.
- 11.2. You will be notified in writing whether your request has been approved or denied within 30 (thirty) calendar days after receipt by CLC of the completed request for access form. Should any record of CLC requested by you not be found or not exist CLC will by affidavit notify you that it is not possible to give access to that particular record.

12. REMEDIES WHERE REQUESTS FOR ACCESS TO INFORMATION ARE REFUSED

- 12.1. The Information Officer may refuse a request for access to information on the grounds as stated above.
- 12.2. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

13. APPLICATION TO COURT

- 13.1. A requester or third party, aggrieved by a decision of the Information Officer, to refuse a request for access or taken in terms of section 54, 57(1) or 60 of the PAIA, may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82 of the PAIA.

14. PROCESSING OF PERSONAL INFORMATION

- 14.1. CLC uses Personal Information under its care in the following ways:
 - 14.1.1. In order to render services to its Client's end users;
 - 14.1.2. Keeping of financial accounts and records;
 - 14.1.3. Complying with tax laws;
 - 14.1.4. Providing Personal Information to third party suppliers as may be necessary to fulfil client obligations;
 - 14.1.5. Information in relation to instructions received from client's customers.
- 14.2. The aforementioned is not exhaustive of nature and may be elaborated in CLC's discretion.
- 14.3. CLC may possess records relating to suppliers, shareholders, contract service providers, staff, clients as well as client's customers as follows:

Entity Type	Personal Information Processed
Clients' customers: Natural Persons	Names; contact details (cell phone number, email address); physical and postal addresses; date of birth; ID number; nationality; gender; medical information including medical aid details, medical conditions, gps-location, marital status, motor vehicle information (make, registration number etc); education information; confidential and/or general correspondence.
Contracted Service Providers (including freelance salespersons)	Names of contact persons; Name of Legal Entity; Physical and Postal address; contact details (cell phone number, email address); financial information; Registration Number; Founding

	documents; Tax related information; signatories, beneficiaries, ultimate beneficial owners.
Employees / Directors	Gender; Pregnancy status; Marital Status; Ethnic origin/race, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details (cell phone number, email address); Curriculum Vitae, Criminal behaviour; Well-being.

- 14.4. CLC does not have any actual or planned transborder flow of Personal Information which may occur.
- 14.5. CLC employees make use of up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:
- 14.5.1. Firewalls;
 - 14.5.2. Virus protection software and update protocols;
 - 14.5.3. Logical and physical access control;
 - 14.5.4. Secure setup of hardware and software making up the IT infrastructure;
 - 14.5.5. Stringent contractual terms with service providers ensuring the safeguarding and integrity of Personal Information when processed to said service providers.
- 14.6. The following guidelines have been procured in accordance with the POPI Regulations published December 2018:
- 14.6.1. Regulation 2(1): A person who wishes to object to the processing of Personal Information in terms of 11(3)(a) of POPI submit the objection to CLC in accordance with form 1; and
 - 14.6.2. Regulation (3)(1): A person who wishes to request a correction or deletion of Personal Information or the destruction or deletion of a record of Personal Information in terms of section 24(1) of POPI must submit a request to CLC in accordance with form 2.

Compiled: November 2014

Reviewed: September 2022

Updated: August 2023

Version: 5

