



PAIA AND POPIA MANUAL

OF

Kinetic Skunk IT Solutions (PTY) Ltd.

Registration Number: 2021 / 600548 / 07

VAT Number: 4520275522

in terms of Section 51 of

the Promotion of Access to Information Act No. 2 of 2000

as amended (“PAIA”)

and Section 55 of the Protection of Personal Information Act No. 4 of 2013 as amended
 (“POPI Act”)

DATE OF REVISION: 23/08/2021

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CTO”	Chief Technology Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO“	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services.
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended)
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013.
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. PURPOSE OF THE MANUAL

As required in terms of Section 51 of the Promotion of Access to Information Act No: 2 of 2000 (“PAIA”), the current document will serve as the Manual for Kinetic Skunk IT Solutions (Pty) Ltd, to encourage the right to information access, as per section 32 of the Constitution of the Republic of South Africa Act No: 108 of 1996 (“the Constitution”).

Section 9 of PAIA limits the right to access information, with justifiable limitations including but not limited to good governance, commercial confidentiality, and the protection of personal information as prescribed by the Protection of Personal Information Act No: 4 of 2013 (“POPIA”).

In this Manual, the responsibilities of Kinetic Skunk’s appointed Information Officers will be outlined, along with their PAIA and POPIA mandated duties to ensure compliance.

Procedures that need to be followed to request access to such records are also provided for in this manual.

3. SECTION 51(1)(A): COMPANY CONTACT DETAILS

3.1 Chief Information Officer

Name: Coenie Pretorius
Tel: 021 300 6295
Email: coenie@kineticaskunk.io

3.2 Deputy Information Officer

Name: Tanya Thomas
Tel: 021 300 6295
Email: tanya@kineticaskunk.com

3.3 Access to information general contacts

Email: it@kineticaskunk.com

3.4 National or Head Office

Postal Address: Office 01G, 35 Main Rd, Claremont, Cape Town 7708

Physical Address: Same as above

Telephone: 021 300 6295

Email: it@kineticuskunk.com

Website: <https://www.kineticuskunk.com>

4. SECTION 51(1)(C): RELEVANT LEGISLATION

Records are available in accordance with the following current South African legislation and any amendments thereof.

ACT	REFERENCE
Auditing Professions Act	No 26 of 2005
Basic Conditions of Employment Act	No. 75 of 1997
Broad-Based Black Economic Empowerment Act	No. 53 of 2003
Employment Equity Act	No. 55 of 1998
Financial Intelligence Centre Act	No. 38 of 2001
Identification Act	No 68 of 1962
Income Tax Act	No. 58 of 1962
Labour Relations Act	No. 66 of 1995
Medical Schemes Act	No. 131 of 1998
National Credit Act	No. 34 of 2005
National Health Act	No. 61 of 2003
Occupational Health and Safety Act	No. 85 of 1993
Protection of Personal Information Act	No. 4 of 2013
Promotion of Access to Information Act	No. 2 of 2000
Skills Development Act	No. 97 of 1998
Skills Development Levies Act	No. 9 of 1999

Unemployment Insurance Contributions Act	No. 4 of 2002
Value Added Tax Act	No. 89 of 1991

5. WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA, THE FOLLOWING RECORDS OF INFORMATION ARE AUTOMATICALLY AVAILABLE:

CATEGORY	RECORDS
PAIA & POPIA	PAIA and POPIA Manual

A request for access to the following records needs to be made in terms of PAIA or the POPI Act.

CATEGORY	RECORDS
CEO's office	<p>The records kept in this office include the following categories:</p> <ul style="list-style-type: none"> • Administration Records • Financial Reports • Internal Reports and Communications • Partnerships Records • Statutory Records • Strategic plans • Annual reports
Accounting	<p>Our Accounting services provider maintains records comprising the following main categories:</p> <ul style="list-style-type: none"> • Accounting Records • Internal Reports and Communications • PAYE Records • Tax Records • Transactional Records • VAT Records • Employee tax records
Human Capital Department	<p>Records maintained in this department consist of the following:</p> <ul style="list-style-type: none"> • Relevant Contracts (e.g. employment, B2B etc) • Disciplinary records • Employment Equity Records • General Correspondence • General HR Policies and Procedures • Health and Safety records • Labour Relations Records • Leave records • Salary records • SETA records

	<ul style="list-style-type: none"> • Skills development levies • Standard Terms and Conditions of Employment applicable to all Staff • Statutory Records • Training Records • UIF • Workmen's Compensation • Work skills development plan • Annual performance plan
IT Governance and compliance	<p>Records comprise the following main categories:</p> <ul style="list-style-type: none"> • General Correspondence • Organization wide Contracts and Agreements • Policy Records • Software Licensing
Marketing and communications	<p>Marketing records consist of the following main categories:</p> <ul style="list-style-type: none"> • Advertising and promotional material • Company mission statement • Company demonstration videos • Press releases • Company webinars • Company website

In terms of section 23 of POPIA, a person (supplier, customer or employee) has the right to request access to the following records:

CATEGORY	RECORDS
Personal Information	<p>Any recorded piece of information relevant to a data subject, including but not limited to the following:</p> <ul style="list-style-type: none"> • Name, together with other identifying information • Identity number • race, gender, sex, pregnancy, marital status, nationality,; colour; age; physical or mental health and well-being • Financial and banking details • Education and employment history • Location information, physical address • Telephone number

CATEGORY	RECORDS
Special Personal Information	<p>A special category of personal information includes</p> <ul style="list-style-type: none"> Religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information. <p>Where personal information is referenced, it will automatically include special personal information unless otherwise indicated.</p>

6. PROCESSING OF PERSONAL INFORMATION

6.1. Description of the categories of Data Subjects, the information or categories of information relating thereto and the purposes for which the information is processed.

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION THAT MAY BE PROCESSED	PROCESSING PURPOSES
Customers / Clients	Names Registration number, Vat numbers, Email address, Physical location, Telephone Number	Customer sales, service and support Accounting
Service Providers/ Suppliers	Names Registration number Vat numbers Email address physical address Telephone Number Banking details	Payroll Compliance
Employees	Physical address Identification Number Telephone number Confidential Correspondence Education history Employment history Email address Financial & banking details Location information Name, together with other identifying information	Payroll Human Resources Health and Safety Pre-employment screenings Qualifications verifications Criminal records checks Credit/ITC checks Reference checks Compliance Legal matters

6.2. The recipients or categories of recipients to whom the personal information may be supplied

Kinetic Skunk IT Solutions may disseminate some personal information to a third party. Below are the categories of personal information which may be disseminated and, the recipient of such personal information.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Identity number, names, email address, banking details, length of service.	Simple Pay

6.3. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

To ensure the confidentiality and integrity of all personal information under the care of Kinetic Skunk IT Solutions, we have implemented measures such as:

- Anti-virus measures
- Security firewalls
- Encryption measures
- Password control
- Cyber security measures
- Access control measures
- Employee training and awareness
- Policies
- Physical security measures

7. AVAILABILITY OF THE MANUAL

7.1. A copy of the Manual is available-

7.1.1. At <https://www.kineticskunk.com>

7.1.2. At the physical office of Kinetic Skunk IT Solutions (Pty) Ltd for public inspection during normal business hours;

7.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and

7.1.4. to the Information Regulator upon request.

7.2. A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

8. UPDATING OF THE MANUAL

The Information Officer will on a regular basis update this manual.

9. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

9.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

9.2. The Guide is available in each of the official languages and in braille.

9.3. The aforesaid Guide contains the description of-

- 9.3.1. The objects of PAIA and POPIA; The postal and street address, phone and electronic mail address of the Information Officer and Deputy Information Officer designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 9.3.2. The manner and form of a request for access to a record of Kinetic Skunk IT Solutions (Pty) Ltd. as contemplated in section 50³;
- 9.3.3. The assistance available from the Regulator in terms of PAIA and POPIA;
- 9.3.4. All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging an internal appeal; a complaint to the Regulator; and an application with a court against a decision by the information officer of a public or public body.
- 9.3.5. The provisions of sections 14⁴ and 51⁵ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 9.3.6. the provisions of sections 15⁶ and 52⁷ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*
a) *that record is required for the exercise or protection of any rights;*
b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 14(1) of PAIA- *The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

⁵ Section 51(1) of PAIA- *The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

⁶ Section 15(1) of PAIA- *The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

⁷ Section 52(1) of PAIA- *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

9.3.7. the notices issued in terms of sections 22⁸ and 54⁹ regarding fees to be paid in relation to requests for access; and

9.3.8. the regulations made in terms of section 92¹⁰.

9.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

9.5. The Guide can also be obtained-

9.5.1. upon request to the Information Officer;

9.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

9.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

9.6.1 (English and Afrikaans)

10. FORM OF REQUEST: PAIA SECTION 18 AND 53 (1) (ALSO APPLICABLE TO POPI ACT SECTION 23)

To facilitate the processing of your request, kindly:

⁸ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

⁹ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

- Use the prescribed form (Form C – when a request is made to a private body or business), available on the website of the South African Human Rights Commission (SAHRC) at <https://www.sahrc.org.za>
- Address your request to Kinetic Skunk's Information Officer.
- Provide the prescribed fee of (R50.00) before a request will be processed.
- Provide sufficient details to enable the Company to identify:
 - o The record(s) requested;
 - o The requester (and if an agent is lodging the request, proof of capacity);
 - o The form of access required:
 - The postal address, email address or fax number of the requester in the Republic;
 - If the requester wishes to be informed of the decision in any manner (in addition to written) and the manner and particulars thereof;
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Any request for access to records should be submitted on the prescribed form C as aforementioned, and sent our Information Officer.

Issued by
Yacobus Coenraad Pretorious
Chief Technology Officer