



EXCLUSIVE NETWORKS SOUTH AFRICA (PTY) LTD

PROMOTION OF ACCESS TO INFORMATION ACT "PAIA" MANUAL

Table of Contents

1. Definitions	2
2. Purpose of the Manual.....	2
3. Information Officer and Head Office Particulars	3
4. PAIA Guide	4
5. Disclosure of Records	5
6. Legislation in terms of which records may be requested	6
7. Categories of Records of EXN SA which are available without a person having to request access in terms of the prescribed forms	8
8. Categories of Records of EXN SA which are available to the relevant party/ies in accordance with other legislation	8
9. Description of the Subjects on which EXN SA holds Record and Categories of Record held on each Subject by EXN SA.....	9
10. Processing of Personal Information.....	12
11. Availability of the Manual	13
12. Updating of the Manual	13
13. Fees Payable	13

1. Definitions

- 1.1. **“EXN” or “the Company”** means Exclusive Networks South Africa (Pty) Ltd, a private company with limited liability, registered duly incorporated in terms of the legislation applicable in the Republic of South Africa, with registration number 1998/009448/7, with its offices at 3 Bauhinia Street, Unit 24 of Oxford Office Park, Highveld Technopark, Centurion, Gauteng, 0169,
- 1.2. **“IO”** means the Information Officer of the Company, as duly registered with the IR,
- 1.3. **“IR”** means the Information Regulator, which is an independent body established in terms of section 39 of POPIA. It is subject only to the law and the constitution and it is accountable to the national assembly. The information regulator is, among others, empowered to monitor and enforce compliance by public and private bodies with the provisions of POPIA and PAIA,
- 1.4. **“Manual”** means this PAIA manual, as updated and published by the Company from time to time;
- 1.5. **“PAIA”** means the Promotion of Access to Information Act, Act No. 2 of 2002 (as amended),
- 1.6. **“POPIA”** means the Protection of Personal Information Act, Act No. 4 of 2013.

2. Purpose of the Manual

- 2.1. The purpose of the Manual is to assist a member of the public to:



- 2.1.1. To understand records that the Company hold and that may be made available in terms of any prevailing legislation, other than PAIA,
- 2.1.2. To understand how to request access to records the Company holds,
- 2.1.3. To access the contact details of the Information Officer who will assist with your request,
- 2.1.4. To understand the different categories of information,
- 2.1.5. To understand to whom the Company may provide your personal information,
- 2.1.6. To understand what categories of information (including personal information) the Company may hold,
- 2.1.7. To ascertain whether the Company processes certain personal information and if so, to understand the purpose of the Company processing your personal information as well as the categories relating to personal information.
- 2.1.8. To ascertain if the Company will transfer any of your information outside of the borders of the Republic of South Africa and to know how the recipients will receive your personal information as well as the categories of personal information such recipients will receive,
- 2.1.9. To understand this manual and how to access the forms to request information (which includes personal information).

3. Information Officer and Head Office Particulars

Name of Body	Exclusive Networks (Pty) Ltd
Registration Number:	1998/009448/07
Appointed Information Officer (IO)	Chanique Rautenbach
Information Officer (IO) email Address	crautenbach@exclusive-networks.co.za
Head Office Physical Address	Unit 24 Oxford Office Park 3 Bauhinia Street, Highveld Technopark, Centurion, Gauteng, 0169, The Republic of South Africa
Head Office Postal Address	Postnet Suite 034, Private Bag X32 Highveld Technopark, Gauteng, 0169 The Republic of South Africa
Head Office Telephone Number	+27 (0)11 202 8400
Head Office Fax Number	N/A
Email	crautenbach@exclusive-networks.co.za
Website Address	www.exclusive-networks.com/za/

4. PAIA Guide

- 4.1. The IR has published a revised guide on how to use PAIA (Guide – On how to use the Promotion of Access to Information Act 2 of 2002, as amended) (“the Guide”), for any person who wants to exercise their right to information under PAIA or POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The Guide contains a description of:
 - 4.3.1. The objects of PAIA and POPI,
 - 4.3.2. The postal and street address, phone, and fax number and if available, the electronic mail address of-
 - 4.3.2.1. The Information Officer of every public body, and
 - 4.3.2.2. Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²,
 - 4.3.3. The manner and form of a request for-
 - 4.3.3.1. Access to a record of a public body complemented in section 11³, and
 - 4.3.3.2. Access to a record of a private body, contemplated in section 50⁴,
 - 4.3.4. The assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 4.3.5. The assistance from the Regulator in terms of PAIA and POPIA,
 - 4.3.6. All remedies in law available regarding an act of failure to act in respect of a right or duty conferred or imposed by PAIA or POPIA, including the manner of lodging-
 - 4.3.6.1. An internal appeal,
 - 4.3.6.2. A complaint to the IR,
 - 4.3.6.3. An application with a court against a decision by the information officer of a public body, a decision of an internal appeal or a decision by the IR or a decision of the head of a private body;
 - 4.3.7. The provisions of sections 14⁵ and 51⁶ requiring a public and private body, respectively, to compile a manual, and how to obtain access to the manual;
 - 4.3.8. The provisions of sections 15⁷ and 52⁸ 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 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ 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.

⁵ 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 3 above.

⁶ 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 3 above.

⁷ 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.

⁸ 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.

- 4.3.9. The notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and the regulations made in terms of section 92.¹¹
- 4.4. 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.
- 4.5. The guide can be obtained by:
 - 4.5.1. Upon requesting same from the IR,
 - 4.5.2. Viewing same on the IR's website at www.inforegulator.org.za.
- 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
 - 4.6.1. English, and
 - 4.6.2. Afrikaans.

5. Disclosure of Records

- 5.1. In terms of section 70 of PAIA, we have a duty and must disclose records if such disclosure meets one or more of the following requirements:
 - 5.1.1. Failure to disclose will be a contravention of the law;
 - 5.1.2. An imminent and serious public safety or environmental risk would materialize or has risk of materializing, failing disclosure.
 - 5.1.3. The public interest of disclosing the record/s outweighs the harm that may be expected to be caused by the disclosure.
- 5.2. We must or may refuse the following requests, as determined by the relevant legislation (not a closed list):
 - 5.2.1. As per Section 7 of PAIA
 - 5.2.1.1. Records for the purposes of criminal or civil proceedings.
 - 5.2.2. As per Section 63 of PAIA
 - 5.2.2.1. We must refuse access to a record if the disclosure involves the unreasonable disclosure of personal information of a third party, including a deceased individual.
 - 5.2.3. As per Section 64 of PAIA
 - 5.2.3.1. We must refuse access to a record/s that will deter or affect the mandatory protection of commercial information of a third party.
 - 5.2.4. As per Section 65 of PAIA
 - 5.2.4.1. We must refuse access to a record/s that will deter or affect the mandatory protection of commercial information of a third party.
 - 5.2.5. As per Section 66 of PAIA

⁹ 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.

¹⁰ 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.

¹¹ 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.

- 5.2.5.1. We must refuse a request for access to a record/s if its disclosure could reasonably be expected to endanger the life or physical safety of an individual or may prejudice or impair the security of a building, structure or system, a means of transport or any other property or the methods, systems plans or procedures for the protection of and individual in accordance with a witness protection scheme, the safety of the public or the security of property as per the above Section in PAIA.
- 5.2.6. As per Section 67 of PAIA
 - 5.2.6.1. We must refuse a request for access to a record/s that is/are legally privileged, and the person entitled to the legal privilege has not waived same.
- 5.2.7. As per Section 68 of PAIA
 - 5.2.7.1. Any *commercial information* requested pertaining to our (or a third party's) trade secrets, financial, commercial, scientific or technical information, where the disclosure can cause harm to the entity's commercial or financial interest, where the disclosure could be reasonably expected to put the entity at a disadvantage in contractual or other negotiations or prejudice the entity in commercial competition or if the information requested is a computer program (as defined in Section 1 of the Copyright Act (No.98 Of 1978) and is owned by the entity, except where it is required to give access to a record, where access is granted in terms of PAIA.

6. Legislation in terms of which records may be requested.

- 6.1. In addition to PAIA, the following Legislation may be used to access personal information (which is not an exhaustive/ closed list):
 - 6.1.1. Basic Conditions of Employment Act No.75 of 1997 (as amended),
 - 6.1.2. Broad-based Black Economic Empowerment Act No. 53 of 2000 (as amended),
 - 6.1.3. Companies Act No. 71 of 2008 (as amended),
 - 6.1.4. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 (as amended),
 - 6.1.5. Competition Act No. 89 of 1998,
 - 6.1.6. Consumer Protection Act No 68 of 2000,
 - 6.1.7. Copyright Act No. 98 of 1975 (as amended),
 - 6.1.8. Disaster Management Act No. 57 of 2002,
 - 6.1.9. Currency and Exchanges Act No 9 of 2013,
 - 6.1.10. Customs Control Act No. 31 of 2014,
 - 6.1.11. Electronic Communications and Transactions Act No. 25 of 2005,
 - 6.1.12. Employment Equity Act No. 55 of 1998 (as amended),
 - 6.1.13. Employment Services Act No. 4 of 2014,
 - 6.1.14. Environment Conservation Act No. 73 of 1989 (as amended),

- 6.1.15. Foreign Account Tax Compliance Act (FACTA), 2010,
- 6.1.16. FX Global Code,
- 6.1.17. General Pensions Act No. 29 of 1979,
- 6.1.18. Hazardous Substances Act No. 15 of 1973,
- 6.1.19. IFRS Standards,
- 6.1.20. Immigration Act No. 13 of 2002 as amended,
- 6.1.21. Income Tax Act No.58 of 1962 as amended,
- 6.1.22. Insolvency Act No. 24 of 1936,
- 6.1.23. Insurance Act No. 18 of 2017,
- 6.1.24. Justices of the Peace and Commissioner of Oaths Act No. 16 of 1963 (as amended),
- 6.1.25. King IV Code and Principles, 2016,
- 6.1.26. Labour Relations Act No. 66 of 1995 (as amended),
- 6.1.27. Long-term Insurance Act No. 52 of 1998,
- 6.1.28. Magistrates' Courts Act No. 32 of 1944,
- 6.1.29. Matrimonial Property Act No. 88 of 1984,
- 6.1.30. Medical Schemes Act No. 131 of 1998 (as amended),
- 6.1.31. Municipal Finance Management Act No. 56 of 2003,
- 6.1.32. National Credit Act No. 34 of 2005 (as amended),
- 6.1.33. National Minimum Wage Act No. 8 of 2018,
- 6.1.34. National Road Traffic Act No. 93 of 1996 (as amended),
- 6.1.35. Occupational Health and Safety Act No. 85 of 1993, (as amended),
- 6.1.36. Patents Act No. 57 of 1978,
- 6.1.37. Pension Funds Act No. 24 of 1956 (as amended),
- 6.1.38. Preferential Procurement Policy Framework Act No 5 of 2000,
- 6.1.39. Prescribed Rate of Interest Act No. 55 of 1975 (as amended),
- 6.1.40. Prescription Act No. 68 of 1969,
- 6.1.41. Prevention and Combating of Corrupt Activities Act No.12 of 2004
- 6.1.42. Prevention of Organized Crime Act No.121 of 1998,
- 6.1.43. Prevention of and Treatment for Substance Abuse Act No. 70 of 2008,
- 6.1.44. Promotion of Access to Information Act No.2 of 2000,
- 6.1.45. Protection of Personal Information Act No. 4 of 2013,
- 6.1.46. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000,
- 6.1.47. Protection from Harassment Act No.17 of 2011,
- 6.1.48. Protected Disclosures Act No. 26 of 2000 (as amended),
- 6.1.49. Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004,
- 6.1.50. Public Holidays Act No. 36 of 1994 (as amended),
- 6.1.51. Public Finance Management Act No. 1 of 1999.

7. Categories of Records of EXN which are available without a person having to request access in terms of the prescribed forms.

Category of Records	Types of record	Available on our Website	Available on request
Human Resources	Statutory and other employee records		X
Vendors	Executed Agreements		X
	Reports Generated		X
Channel Partners	Executed Agreements		X
	Reports Generated		X
	Purchase Orders, Tax Invoices		X
Company Specific	Tax Certificate		X
	B-BBEE Certificate		X

8. Categories of Records of EXN which are available to the relevant party/ies in accordance with other legislation

Category/ subject on which body holds records	Description of records	Legislation applicable to request
Shareholders	The Company's Memorandum of Incorporation	Companies Act No. 71 of 2008 (as amended)
	Records in respect of the Company's directors	
	Reports to annual meetings and financial statements	
	Notices and minutes of annual meetings and communications	
	Security (Share) Register	
Human Resources	Employee records (including leave records, training records, performance management)	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Policies and Procedures	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Tax information	Income Tax Act No.58 of 1962
Occupational Health and Safety	Occupational; Health and Safety policies, procedures, and guidelines	Occupational Health and Safety Act No.85 of 1993
	Claim submitted in terms of COID	

Compensation for Occupational Injuries and Diseases (COID)	Number of Injuries on Duty in a period	Compensation for Occupational Injuries and Diseases Act, No 130 of 1993.
	Proof of Registration	

9. Description of the Subjects on which EXN holds Record and Categories of Record held on each Subject by EXN

Category/ subject on which body holds records	Description of records	Legislation applicable to request
Strategy, plans and proposals	Annual reports, strategic plans, and annual reviews	Companies Act No. 71 of 2008
Human Resources	Advertisements for jobs advertised	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Internal and External Curriculum Vita's and interview records	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Employee Records	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Onboarding of employees	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Policies and Procedures	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act

		No.66 of 1995 (as amended)
	Leave records	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Training records	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Records of further learning/ education	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Information on additional earnings or deductions	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Third Party deductions	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Bursary information	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Job related membership or affiliations	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Tax information	Basic Conditions of Employment Act No. 75 of 1997 (as amended)
	Performance management	Basic Conditions of Employment Act No.

		75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Offboarding of Employees	Basic Conditions of Employment Act No. 75 of 1997 (as amended) and the Labour Relations Act No.66 of 1995 (as amended)
	Processing of any Employee personal information – From advertising and selection to recruitment.	Protection of Personal Information Act No.4 of 2013
Shareholders	Share Register	Companies Act No. 71 of 2008
	Shareholder Statements	Companies Act No. 71 of 2008
	Tax reporting	Companies Act No. 71 of 2008
Company related documents	CIPC company registration document	Companies Act No. 71 of 2008
	Memorandum of incorporation	Companies Act No. 71 of 2008
Suppliers	Supplier profiles	Good Practice and Protection of Personal Information Act No. 4 of 2013
	Supplier tax invoices	Value Added Tax Act No. 89 of 1991 (as amended), Income Tax Act No 58 of 1962 (as amended)
Occupational Health and Safety	Occupational; Health and Safety policies, procedures, and guidelines	Occupational Health and Safety Act No. 85 of 1993

10. Processing of Personal Information

- 10.1. EXN processes personal information (as defined in Section 1 of POPIA) for the following purposes:
- 10.1.1. Recruit new employees,
 - 10.1.2. To employ employees to ensure compliance,
 - 10.1.3. To prevent fraud,
 - 10.1.4. To market our products and services supplied through our channel partners,
 - 10.1.5. To issue quotes,
 - 10.1.6. To tender for any projects,
 - 10.1.7. To issue any guarantees,
 - 10.1.8. To produce tax invoices,
 - 10.1.9. To archive or destroy personal information in accordance with clients' requests or regulatory requirements.

- 10.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Vendors/ Channel Partners	Name, address, registration numbers or identify numbers, employment status and bank details,
Service Providers	Names, registration numbers, VAT numbers, addresses, trade secrets and bank details
Employees	Address, qualifications, gender, and race
Independent Contractors	Names, registration numbers, VAT numbers, addresses, trade secrets and bank details

- 10.3. The recipients or categories of recipients to whom the personal information may be supplied:

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
BBBEE (shareholders and suppliers)	BBBEE assessment or verification agency

- 10.4. Planned transborder flows of personal information.
- 10.4.1. EXN being a subsidiary of Exclusive Networks SA, an international group whose parent company is a listed company in France, and the Group operating at global level, some



personal information may be transferred cross border and will be stored in cloud services cross border, based on Intra Group Data Protection Agreement.

- 10.4.2. Should this be the case, the relevant data subjects will be informed of it.
- 10.4.3. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information.
- 10.4.4. EXN uses many security safeguards to ensure the confidentiality and integrity of personal information under its care. It uses data encryption, anti-virus and anti-malware solutions from trusted service providers and has numerous internal policies to ensure employee compliance, to reduce the risk of a breach of security due to human error.

11. Availability of the Manual

- 11.1. A copy of the Manual is available:
 - 11.1.1. on the website;
 - 11.1.2. The head office of EXN for public inspection, during normal business hours;
 - 11.1.3. To any person upon request and upon the payment of a reasonable fee; and
 - 11.1.4. To the IR, upon request.
- 11.2. The fee for a copy of the Manual as contemplated in Annexure B of the regulations, shall be payable per each A4-size photocopy made.

12. Updating of the Manual

The manual will be reviewed on a regular basis and will be updated by the EXN compliance function where necessary.

13. Fees Payable

Fees payable by requestors of Personal Information	Fee
The request fee payable by every requester	R140.00
Photocopy/printed black & white copy of A4-size page	R3.00 per page or part thereof
A printed copy of an A4-size page	R3.00 per page or part thereof
A copy in a computer-readable form saved on: <ul style="list-style-type: none"> • A flash Drive (to be provided by requester) • Compact disc <ul style="list-style-type: none"> ○ If provided by requestor ○ If provided to requestor 	R40.00 R40.00 R60.00

For a transcription of visual images on an A4-size page	R24.00
Copy of an audio record on <ul style="list-style-type: none"> • Flash drive (to be provided by requester) • Compact Disc <ul style="list-style-type: none"> ○ If provided by requester ○ If provided to requester 	R40.00 R40.00 R60.00
Searching and preparation for record for disclosure, which excludes the first hour. To not exceed cost of:	R435.00 per hour or part of an hour spent.
Postage, email, or any other electronic transfer	Actual expense incurred, if any.

Issued by



Chanique Rautenbach
Compliance and Risk Officer
Exclusive Networks South Africa (Pty) Ltd