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October 2020

Merchants SA (Pty) Ltd PAIA Manual

*Section 51 Manual prepared in accordance with Section 51
of the Promotion of Access to Information Act No. 2 of 2000*



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1 Contact details (Section 51(1)(a))

| | |
|-----------------------------------|--|
| Registration number: | 1984/000177/07 |
| Postal address: | Private Bag X127, Bryanston, 2021 |
| Business address: | The Campus, 57 Sloane Street, Bryanston, 2021 |
| Telephone number: | 011 575 1206 |
| Information officer: | Mr. Laurent Leclercq |
| Information officer email: | informationofficer@merchants.co.za |

2 The section 10 Guide on how to use the PAIA - Section (1)(b)

If you would like further guidance on how you can get access to information under the Promotion of Access to Information Act, 2002 ("PAIA"), you may contact the South African Human Rights Commission (SAHRC) to find out more information about PAIA. They have a guide in each official language of South Africa on how to exercise any right under PAIA. Please direct any queries to:

Physical address:

The South African Human Rights Commission
PAIA Unit
Braampark Forum III
Hoofd Street
Braamfontein
Johannesburg
2041

Postal address:

Private Bag X2700
Houghton
2041

Telephone: + 27 11 877-3825/3803

Website: www.sahrc.org.za

Fax: + 27 11 403 0625

E-mail: section51.paia@sahrc.org.za

3 Records available in terms of any other legislation - Section 51(1)(d)

Records are kept in accordance with legislation applicable to Merchants and its wholly owned trading subsidiaries, which includes but is not limited to the legislation listed below. The records kept in accordance with the said legislation are not freely available to any requester but only to those specifically entitled to said records in terms of the below listed legislation. Should a requester wish to access any of the records that apply to these statutes, a request must be made in accordance with the procedure set out in paragraph 4.3 below. Each request will be evaluated in accordance with the provisions and requirements set out in the Act and the applicable legislation:

- Income Tax Act No. 58 of 1962
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value-added Tax Act No. 89 of 1991
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Labour Relations Act No. 66 of 1995
- Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 55 of 1998
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Amendment Act No. 37 of 2008
- Occupational Health and Safety Act No. 85 of 1993
- Consumer Protection Act No. 68 of 2008
- Companies Act No. 71 of 2008
- Protection of Personal Information Act No. 4 of 2013
- Trade Marks Act No. 194 of 1993
- Arbitration Act No. 42 of 1965
- National Credit Act No. 34 of 2005
- Debtor Collectors Act No. 114 of 1998
- Insurance Act No. 27 of 1943
- Long Term Insurance Act No. 52 of 1998
- Short Term Insurance Act No. 53 of 1998
- Pension Funds Act No. 24 of 1956
- Revenue Laws Amendment Act No. 60 of 2008
- Electronic Communications Act No. 36 of 2005
- Securities Transfer Tax Act No 25 of 2007
- Securities Transfer Administration Act No.26 of 2007
- Financial Intelligence Centre Act No 38 of 2001
- Financial Intelligence Centre Amendment Act No. 11 of 2008
- Financial Advisory and Intermediary Services Act No. 37 of 2002

4 Access to the records held by the private body in question - Section 51 (1)(c)

4.1 The following records are available without a person having to request access in terms of PAIA:
Visit our website at www.merchantscx.com to obtain a list of services.

4.2 Records that may be requested. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests will be evaluated in accordance with the provisions of PAIA and any other relevant legislation.

4.2.1 Records regarding the following subjects are held:

Company Secretarial:

- Memorandum and Articles of Association of the Company
- General Statutory Documentation
- Records in respect of Trade Marks
- Share Registers
- Resolutions

Occupational Health and Safety:

- A copy of the Act
- Letter of Good Standing
- General statutory documents

Customer related records:

- Records provided by clients
- Material produced for clients

Personnel/Human Resources:

- Staff records
- Employment Contracts
- Internal Policies and Procedures
- Health & Safety Records
- Payroll
- Employment Equity Plan and Policy

Legal:

- Various Contracts & Agreements
- Client, Suppliers and contractors' records – contractual change controls and documents governing terms and conditions of trade with suppliers

Other records relating to Merchants:

- Financial records
- Taxation and Accounting records
- Insurance records
- Operational records
- Information Technology records
- Marketing records
- Sales records
- FSP records

Public relations Division:

- Media releases

5 How we process and protect personal information

We collect personal information in order to provide our services and solutions, to conduct our business and to improve our services, and customer service. We process the personal information of various categories of people for various purposes as set out in this section and in terms of our Privacy Policy at <https://www.merchants.co.za/privacy-policy>

5.1 Categories of people

We process the personal information including the following categories of people:

- customers or clients;
- prospects or leads;
- employees;
- contractors, vendors, or suppliers; and
- debtors and creditors

5.2 Purposes

We process personal information for the following purposes:

- to send communications;
- to establish, manage, and maintain our business relationships;
- to respond to inquiries and requests;
- to develop, provide, and improve our services and solutions;
- to inform you about our services and solutions;
- to obtain feedback from you on our services and solutions;
- to provide you with a more personalised experience when you interact with us;
- to conduct administrative and business functions;
- to update our records and keep contact details up to date;
- to enable you to subscribe to our website, newsletters and mailing lists and to register for Merchants events, workshops and seminars;
- to process your application for employment with us, evaluate whether your qualifications may be suitable for other employment positions with Dimension Data, and for employment-related purposes if you are hired;
- to assess the performance of our websites and to improve their operation;
- to process and respond to privacy complaints;
- to comply with any law, rule, regulation, lawful and binding determination, decision or direction of a regulator; in co-operation with any governmental authority of any country; or as we otherwise believe to be necessary or appropriate under applicable law.

5.3 Categories of personal information

The types of personal information we collect will depend on how you interact with us. We process many different categories of personal information, including collect the following personal information:

- name;
- title or position;
- business address;
- e-mail address;
- phone number;
- fax number; and
- information you provide to us through customer surveys, and when you register for Merchants events and seminars.

Sensitive information such as information relating to health, religion, political beliefs or race, is only collected as part of recruitment and employment.

5.4 Third party disclosures

We may disclose your personal information to our affiliates. A list of Merchants SA affiliates is available at <http://www.dimensiondata.com/en-US/AboutUs/Pages/Dimension-Data-companies.aspx>

We may also disclose your personal information to:

- contractors, suppliers, and other third parties who provide business, marketing, and other services to us;
- a third party in the event of any reorganization, merger, sale, joint venture, assignment, transfer, or other disposition of all or any portion of our business, assets or stock; and
- regulators, courts/tribunals, and other governmental authorities of any country, or other recipients as we believe to be necessary or appropriate under applicable law.

Our websites may allow you to post questions or comments that will be viewable by other visitors. Please note that any such information may be available to the general public.

We do not provide your personal information to unaffiliated third parties for their third-party direct marketing purposes.

5.5 Cross-border transfers

Your personal information may be stored and processed in any country where Merchants or Dimension Data has facilities or where we engage service providers. Some of these countries may have different data protection rules than your country of residence.

5.6 Security

We seek to take reasonable precautions to protect personal information from misuse, loss, unauthorised access, modification or disclosure using a combination of physical, administrative and technical safeguards.

6 Other information as may be prescribed - Section 51(1)(f)

The Minister of Justice and Constitutional Development has not formulated any regulations in this regard.

7 How to request records held by Merchants in terms of section 53(2) of PAIA and 23 of POPI

7.1 A data subject may request Merchants:

7.1.1 to confirm whether or not Merchants is processing their personal information;

7.1.2 for a copy of their personal information; and

7.1.3 other supplementary information (for example, how are we using it, who are we sharing it with, and where did we get it from).

7.2 An individual is only entitled to their own personal information, and not to information relating to other people (unless the information is also about them, or they are acting on behalf of someone).

7.3 Requests for access to records:

7.3.1 of personal information held by Merchants in terms of POPI must be made by the requester using the form contained in section 14. Such request must be made by emailing the completed form to the information officer at the email address contain in the contact details section of this document.

7.3.2 held by Merchants in terms of PAIA must be made by the requester using the prescribed Form C: Request for Access to Record of Private Body made available on the SAHRC website or the Department of Justice and Constitutional Development website (www.doj.gov.za) and a copy of this form is found under section 13 of this manual labelled 'Prescribed Forms'. Such request must be made by emailing the completed Form C: Request for Access to Record of Private Body. This request must be made to the head of Merchants and/or its wholly owned subsidiary companies. This request must be made to Merchants' address, fax number or electronic mail address.

7.4 In lodging a request, the requester must:

7.4.1 provide sufficient detail on the request form to enable the information officer to identify the record and the requester;

7.4.2 indicate which form of access is required, and specify a postal address, fax number and/or email address within the Republic of South Africa;

7.4.3 indicate whether, in addition to a written response, the requester requests to be informed in any other manner and state the necessary particulars to be so informed; and

7.4.4 identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of such right.

7.5 If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request, to the satisfaction of the information officer.

7.6 The information officer, as soon as reasonably possible, but in any event within 30 days, after the request has been received, shall decide whether or not to grant the request and notify the requester of its decision.

7.7 If the request for access is granted by the information officer, Merchants will specify, in the notice referred to in clause 7.6, the access fee payable and the form in which access will be given to the requester.

7.8 If the information officer refuses access, Merchants will provide adequate reasons for the refusal, based on the provisions of PAIA relied upon (and summarised in clause 8 below), in the notice referred to in clause 7.6.

7.9 The requester may lodge an application with a court to challenge Merchants' decision, or the contents of the notice referred to in clause 7.6, in accordance with the procedure and time period specified in such notice.

8 Grounds for refusal in terms of chapter 4 of PAIA

8.1 In terms of PAIA, there are certain grounds upon which Merchants may refuse to grant a requester access to its records, as certain categories of information may be subject to protection in the interests of privacy. Such records which may be protected would include but would not be limited to records containing:

- 8.1.1 privileged information;
- 8.1.2 private information of a third party who is a natural person;
- 8.1.3 commercial information of a third party;
- 8.1.4 confidential information of a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or to prejudice that third party in commercial competition;
- 8.1.5 information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
- 8.1.6 commercial information relating to the private body in question which would include information regarding trade secrets, financial, commercial or technical information, the disclosure of which would cause harm to the commercial or financial interests of the body; and
- 8.1.7 research information of a third party or of the private body in question.

9 Records not found or that do not exist in terms of section 55 of PAIA

- 9.1 If all reasonable steps have been taken to find a record, and such record cannot be found or if the record does not exist, the Information Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 9.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the information officer with every person who conducted the search.
- 9.3 The notice, as set out in 9.1, shall be regarded as a decision to refuse a request for access to the record concerned for purposes of PAIA.
- 9.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless access is refused by the information officer.
- 9.5 The attention of the requester is drawn to the provisions of Chapter 4 of PAIA, as set out in clause 8 above, in terms of which Merchants may refuse, on certain specified grounds, to provide information to a requester.

10 Information requested about a third party

- 10.1 Section 71 of PAIA makes provision for a request for information or records about a third party.
- 10.2 In considering such a request, Merchants will adhere to the provisions of sections 71 to 73 of PAIA, as well as the relevant provisions of POPI.
- 10.3 The attention of the requester is drawn to the provisions of Chapter 5 of PAIA, in terms of which Merchants is required to notify the third party of the request lodged in respect of information applicable to or concerning such third party. Within 21 days of being informed, the third party has an opportunity to grant his, her or its consent to the disclosure of the record, or to make representations (written or oral) as to why the requested record should not be disclosed to the requester. If Merchants decides to grant access to the record, it will notify the affected third party of its decision to do so. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitles the third party to dispute the decision of the information officer by referring the matter to the High Court once all internal appeal procedures have been exhausted by the third party. The High Court will then determine whether or not the record should have been disclosed by Merchants.

11 Availability of the manual - Section 51(3)

This manual is available for inspection by the general public upon request, during office hours and free of charge, at Merchants' offices. Copies may also be requested from the South African Human Rights Commission and the Government Gazette. This manual is also electronically available on our website at: www.merchantscx.com.

12 Prescribed forms and fee structure in respect of private bodies

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- 12.1 The head of the private body must by notice require the requester (other than a personal requester) to pay the prescribed fees (if any) before further processing the request (section 54(1));
- 12.2 The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee (section 54(3)(b));
- 12.3 After the head of the private body has made a decision on the request, the requester must be notified in the required form;
- 12.4 If the request is granted then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (section 54(6));
- 12.5 Merchants is registered as vendor with the following VAT numbers under the Value Added Tax Act 89 of 1991 and thus is entitled to charge VAT on all fees:

| Name of Company: | VAT registration number: |
|------------------------|--------------------------|
| Merchants SA (Pty) Ltd | 4920162817 |

- 12.6 The forms and fee structure prescribed under the Act are available at the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the “regulations” section. It must be noted that the fees may be adjusted from time to time.
- 12.7 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1, 10 for every photocopy of an A4-size page or part thereof.
- 12.8 The fees for reproduction referred to in regulation 11(1) are as follows:
- 12.9 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

| | | R |
|----|---|----------------|
| a) | For every photocopy of an A4-size page or part thereof | 1,10 |
| b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form | 0,75 |
| c) | For a copy in a computer-readable form on – (i) compact disc | 70,00 |
| d) | (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images | 40,00 60,00 |
| 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 | 20,00 30,00 |

- 12.10 The access fees payable by a requester referred to in regulation 11(3) are as follows:

| | | R |
|-------|---|----------------|
| 1) a) | For every photocopy of an A4-size page or part thereof | 1,10 |
| b) | For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form | 0,75 |
| c) | For a copy in a computer-readable form on – (i) compact disc | 70,00 |
| d) | (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images | 40,00 60,00 |
| 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 | 20,00 30,00 |
| f) | To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation. | |
| 2) | For purposes of section 54(2) of the Act, the following applies: Six hours as the hours to be exceeded before a deposit is payable; and 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. | |

13 Prescribed forms

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head: Zain Patel

Ground Floor, Roland Garros Building, The Campus, 57 Sloane Street, Bryanston, 2021

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1. Description of record or relevant part of the record: _____
2. Reference number, if available: _____
3. Any further particulars of 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 fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

F. Form of access to record

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

1. Disability: _____
2. Form in which record is required: _____

- Mark the appropriate box with an X. NOTES:
- (a) Compliance with your request in the specified form may depend 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 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* | <input type="checkbox"/> | inspection of record |
| 2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.): | | |
| view the images | <input type="checkbox"/> | copy of the images* |
| | <input type="checkbox"/> | 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) | <input type="checkbox"/> | 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? Postage is payable. | | | YES | NO |

G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected: _____
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

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

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

Signed at _____ this _____ day of _____ 20____.

Signature of Requester /
Person on whose behalf request is made

14 Right of access request form

RIGHT OF ACCESS REQUEST FORM

Under section 23 of the Protection of Personal Information Act (4 of 2013) (“**POPI**”), you have a right to (i) request Merchants to confirm whether or not it holds personal information about you; and (ii) request a copy of the record or a description of the personal information Merchants holds about you, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

Merchants could hold personal information in a number of different areas. Completing this form will help us to locate the information you are seeking and deal with your request as quickly as possible.

Part 1 – About Yourself

| | |
|--------------------------------------|--|
| SURNAME: | |
| FIRST NAME(S): | |
| ALTERNATIVE NAMES: | |
| IDENTITY NUMBER: | |
| DATE OF BIRTH: | |
| CURRENT ADDRESS: | |
| PHONE NUMBER: | |
| EMAIL ADDRESS: | |
| RELATIONSHIP TO DATA SUBJECT: | |

Part 2 – Are You Requesting Information About Yourself?

| | |
|----------------|--|
| IF YES: | Please go to Part 4 |
| IF NO: | If you are making the request on behalf of another person you must enclose with the request a signed authority from them to do so. If you are making the application because the data subject lacks capacity to make the application in their own right please outline your authority to make the application in their stead (for example, Power of Attorney). You should enclose a copy of any evidence that you may have of that authority. The information officer of Merchants will contact you if further evidence is required. (please complete Part 3). |

Part 3 – Details of the Data Subject (if requesting information on behalf of someone else)

| | |
|--|--|
| If requesting information about an individual: | |
| SURNAME: | |
| FIRST NAME(S): | |
| ALTERNATIVE NAMES: | |
| IDENTITY NUMBER: | |
| DATE OF BIRTH: | |
| CURRENT ADDRESS: | |
| PHONE NUMBER: | |
| EMAIL ADDRESS: | |

| | |
|--|--|
| If requesting information about a juristic person: | |
| NAME OF ENTITY: | |
| ALTERNATIVE NAMES: <i>For example, if the entity trades under a name different to its registered name or it has changed its name</i> | |
| REGISTRATION NUMBER: | |
| REGISTERED ADDRESS: | |
| PRINCIPAL PLACE OF BUSINESS: | |

Part 4 - Locating Your Personal Information

In order for us to be able to locate the information you are seeking, please provide some details, if known, as to where you feel information is held about you. If you would like to provide any further information that you feel would be helpful in locating your personal information, please provide this in the box named Additional Information.

| | |
|---|--|
| DESCRIBE THE INFORMATION YOU ARE REQUESTING: <i>If you are only seeking certain records, it would be helpful for us to know which types of record you are seeking, any time period to cover, and if you would like to see only specific document(s). Please describe these below with as much detail as you can.</i> | |
| DATES OF CONTACT: (approximately) | |
| ADDITIONAL INFORMATION: | |

Part 5 – Confirming Your Identity

We may ask for identification to confirm who you are.

It would therefore be helpful if, at the outset, you could provide, for identification purposes, a copy of any one of the documents listed below. Your document will be returned once the search for your personal data is completed.

- Certified copy of current identity document
- Certified copy of current passport

Part 6 - Declaration

Please read the following declaration carefully and sign and date it.

I, _____, certify that the information provided on this application to Merchants is true and correct. I understand that it is necessary for Merchants to confirm the data subject's identity, and that it may be necessary for Merchants to request more details from me to be able to locate the correct information.

Signature: _____

Date: _____