

PAIA and POPIA Manual

PAIA AND POPIA MANUAL

Of

JUST MEDIATE (PTY) LTD

Registration number: 2018/593232/07

In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000As

amended ("PAIA")

And

The Protection of Personal Information Act No.4 of 2013 as amended ("POPIA")

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1 Introduction

The Promotion of Access to Information Act, 2000 (“PAIA” / “the Act”) gives effect to section 32 of the Constitution of the Republic of South Africa 1996, which provides that everyone has the right of access to information.

Section 51 of the Act requires that all private bodies (JUST MEDIATE (PTY) LTD is defined) prepare and make available a manual, to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies’ records.

2 Scheme Information and Contact Details of the Information Officer

The details of the Scheme are as follows:

FULL NAME	JUST MEDIATE (PTY) LTD
REGISTRATION NUMBER	2018/593232/07
PHYSICAL ADDRESS	PLOT 10 HILLS AND DALES, LANSERIA
POSTAL ADDRESS	P.O. BOX 22188 HELDERKRUIN 1733 GAUTENG
EMAIL ADDRESS	jp@just-mediate.co.za
TELEPHONE NUMBER	067 169 9189

The responsibility for administration of, and compliance with, PAIA and POPIA have been delegated to the Information Officer. Requests pursuant to the provisions of PAIA and/or POPIA should be directed to the Information Officer as follows:

INFORMATION OFFICER	MR. JONATHAN PANGAS
PHYSICAL ADDRESS	PLOT 10 HILLS AND DALES, LANSERIA
POSTAL ADDRESS	P.O. BOX 22188 HELDERKRUIN 1733 GAUTENG
EMAIL ADDRESS	jp@just-mediate.co.za

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3 South African Human Rights Guide

The PAIA guide is available in all official South African languages at no cost, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

The South African Human Rights Commission

PAIA Unit - The Research and Documentation

Department Private Bag X 2700

Houghton

2041

Telephone +27 11 877 3600

Facsimile +27 11 403 0625

E-mail paia@sahrc.org.za

Website www.sahrc.org.za

Or, alternatively:

The Information Regulator (South Africa)

JD House, 27 Stiemens

Street, Braamfontein,

Johannesburg, 2001

E-mail infoereg@justice.gov.za

Website <https://www.justice.gov.za/infoereg/index.html>

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4 Applicable Legislation

The following are some of the legislation in terms of which records are held by JUST MEDIATE (PTY) LTD. This is not an exhaustive list and it must be pointed out that related records are not necessarily available to requestors in terms of the Act:

- Basic Conditions of Employment Act 57 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act, No 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Prevention of Organized Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 30 of 1966
- Unemployment Insurance Contributions Act 4 of 2002

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- Value Added Tax Act 89 of 1991

5 Access to Records held by Scheme

5.1 Automatic Disclosure of Records

Certain information is automatically available for inspection on request, including:

- Annual Reports
- Marketing Materials
- Other literature intended for public viewing

5.2 Categories of Records Held by the Scheme

The following categories of records and information that are not automatically available and will only be made available upon receipt and consideration of a request of information in the prescribed form in terms of PAIA and POPIA:

- Administration Records
- Agreement and Contractual Records
- Financial Records
- Human Resource Records
- Income Tax Records
- Information Technology Records
- Insurance Records
- Intellectual Property Records
- Legal Records
- Marketing Records
- Movable and Immovable Property Records
- Operation Records

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- Public Affairs Records
- Statutory Compliance Records
- Tax Records
- Third Party Records

6 Request Process

Records held by JUST MEDIATE (PTY) LTD may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of JUST MEDIATE (PTY) LTD.

Requests for access to records held by JUST MEDIATE (PTY) LTD must be made by the requester using the prescribed Form C:

Request for Access to Record of Private Body, available on the SAHRC website or the Department of Justice and Constitutional Development website (www.doj.gov.za). Such request must be made to the Information Officer at the address, or email address provided for in clause 2 above.

In lodging the request, the requester must:

- Provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester;
- Indicate which form of access is required and specify a postal address, fax number and/or email address within the Republic;

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- 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;
- Identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested records are required for the exercise or protection of such right.
- 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.
- If a request is made on behalf of another 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.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.
- If access is requested to a record that contains information about a third party, JUST MEDIATE (PTY) LTD is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.
- In the event of the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.
- The Information officer, as soon as reasonably possible after the request has been received, shall decide whether or not to grant the request.

7 Availability of the Manual

This manual will be updated as required or when the relevant legislation changes. This manual is available for inspection at www.just-mediate.co.za . The manual is also available for viewing at JUST MEDIATE'S OFFICES. Copies of the manual may be made available subject to the prescribed fees.

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8 Prescribed Fees

The requester needs to pay an access fee as prescribed by the Minister for Justice and Constitutional Development to enable the Scheme to recover the cost of processing a request and giving access to records in terms of PAIA. Other fees apply depending on the request.

Please see the following link to see the prescribed fees:

<https://www.justice.gov.za/paia/PAIA-brochure.pdf> Payment details can be obtained

from the Information Officer.

A request will not be processed until the prescribed fees have been paid and where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

9 Grounds for Refusal to Access Records

Access to certain records may be or must be denied on the grounds set out in the Act. Mandatory grounds for refusal include but are not limited to:

- Privileged information
- Information for the protection of the privacy of individuals;
- Information for the protection of commercial information and confidential information of third parties;
- Information that, if disclosed, could endanger the safety of an individual or could impair a party's protection of their property;
- Information privileged from production in legal proceedings;
- Commercial information of JUST MEDIATE (PTY) LTD; and
- Research information.

If JUST MEDIATE (PTY) LTD cannot find the records that the requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its

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possession but unattainable, the requester will receive a notice in this regard from the Information Officer, setting out the measures taken to locate the document and accordingly the inability to locate the document.

Requests for information that are clearly frivolous or vexatious or which involved an unreasonable diversion of resources shall be refused.

10 Protection of Personal Information Act

The purpose of the Protection of Personal Information Act (POPIA) is to promote the protection of personal information of individuals and businesses and to give effect to their right of privacy as provided for in the Constitution.

JUST MEDIATE (PTY) LTD needs personal information relating to both individual and juristic persons in order to carry out its business, organizational functions and meet its legal requirements. The manner in which this information is processed and the purpose for which it is processed is determined by JUST MEDIATE (PTY) LTD. JUST MEDIATE (PTY) LTD is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

- Is processed lawfully, fairly and transparently;
- Is processed only for the purposes it was collected;
- Will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- Is accurate; and
- Is not excessive for the purpose for which it was collected.

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10.1 Purpose

JUST MEDIATE (PTY) LTD will only process personal information that, *inter alia*:

- Is necessary to enable us to provide our various services;
- Is necessary conclusion and management of various contracts;
- Is necessary for marketing requirements; and
- Is necessary for recruitment and general employee management.

10.2 Categories of Data Subjects

- Home Owners
- Tenants
- Employees
- Contractors, service providers and suppliers
- Debtors and creditors
- Trustees

10.3 Cross Border Transfers

JUST MEDIATE (PTY) LTD does not generally do cross border information transfers.

However, in the unlikely event that cross border transfer of personal information is necessary and/or unavoidable, JUST MEDIATE (PTY) LTD shall ensure that the data protection and privacy laws of such countries to which personal information is transferred, are similar to the legislation in South Africa, and that the recipients of the personal information commit to the same standard of data protection as that which JUST MEDIATE (PTY) LTD has committed to.

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10.4 Recipients of Personal Information

JUST MEDIATE (PTY) LTD, its affiliates and their respective representatives.

10.5 Information Security Measures

We have implemented reasonable technical and organizational measures to ensure the safety of all information. These measures include:

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