

## Promotion of Access to Information Act Manual

### Purpose

The manual explains to people how they can get access to the records held by Xperien.

### Responsibility

It is the responsibility of the Information Officer to ensure that all clauses referenced in the manual are adhered to

XPERIEN PRIVATE LIMITED  
REGISTRATION NUMBER 2014/094329/07  
("The Company" or "Xperien")

# Promotion of Access to Information Act Manual

## 1. PREAMBLE

The Promotion of Access to Information Act, 2000 ("PAIA") was passed on 9<sup>th</sup> of March 2001. PAIA seeks to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

Where a solicitation is made as far as PAIA to a private body, that private body should reveal the data if the requester can show that the record is needed for the activity or assurance of any rights, and the requester should show that no grounds of refusal contained in PAIA are applicable to any data request. Xperien's PAIA Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("POPIA"), which gives effect to everyone's Constitutional right to privacy. Section 51 of PAIA requires private bodies such as Xperien to compile a manual to enable for the access of information.

POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions to establish minimum requirements for the processing of personal information. POPIA has amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information

This PAIA manual stipulates information required by responsible parties and data subjects with regards to the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

## 2. ABOUT XPERIEN

Xperien Private Limited (Registration number 2014/094329/07)

## 3. CONTACT DETAILS

**Name of Private Body:** Xperien Private Limited

**Designated Information Officer:** Wale Arewa

**Email address of Information Officer:** [io@xperien.co.za](mailto:io@xperien.co.za)

**Telephone Number:** 011 462 8806

**Address:** 456 Granite Drive, Kya Sand, Randburg, South Africa, 2163

#### 4. INFORMATION REGULATOR'S GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from the Information Regulator.

Any enquiries regarding the Guide should be directed to:

**Address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

**Postal Address:** P.O Box 31533, Braamfontein, Johannesburg, 2017

**Telephone Number:** +27 10 023 5200

**Complaints:** [PAIAComplaints@info regulator.org.za](mailto:PAIAComplaints@info regulator.org.za)

**E-mail Address:** [enquiries@info regulator.org.za](mailto:enquiries@info regulator.org.za)

**Website:** <https://info regulator.org.za/>

#### 5. OBJECTIVES OF THIS MANUAL

The objectives of this Manual are:

- to provide a list of all records held by the legal entity;
- to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by POPIA

#### 6. ENTRY POINT FOR REQUESTS

PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.

Information will therefore not be given to the requester unless they provide sufficient particulars to enable Xperien to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.

The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

The Information Officer will facilitate the liaison with the internal support team for all of these requests. The information officer will be able to delegate tasks in fulfilling PAIA related disclosure request

All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in heading 3, 'CONTACT DETAILS'.

## **7. AUTOMATICALLY AVAILABLE INFORMATION**

Information that is obtainable via the Xperien website about Xperien is automatically available and need not be formally requested in terms of this Manual. The following categories of records are automatically available for inspection, purchase or photocopying:

- press releases
- publications; and
- various other marketing and promotional material.

## **8. INFORMATION AVAILABLE IN TERMS OF POPIA**

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Xperien will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to the Xperien Privacy Statement. for further information.

### **8.1. Categories of data subjects and personal information collected by Xperien**

Employees

- Name and contact details
- Identity number and identity documents including passports
- Employment history and references
- Employee number
- Banking and financial details
- Details of payments to third parties (deductions from salary)
- Employment contracts
- Employment equity plans
- Medical aid records

- Pension fund records
- Remuneration/salary records
- Performance appraisals
- Disciplinary records
- Leave records
- Training records
- Qualifications
- Parental status
- Biometrics
- Medical records
- Marital status
- Disability status
- Criminal records

Customers and prospective customers (which may include employees)

- Postal and/or street address
- Title and name
- Contact numbers and/or e-mail address
- Ethnic group
- Employment history
- Gender
- Nationality
- Language
- Identity or passport number
- Browsing habits and click patterns on Xperien website(s).

Vendors /suppliers /other businesses:

- Name and contact details
- Identity and/or company information and directors' information
- Banking and financial information
- Information about products or services
- Other information not specified, reasonably required to be processed for business operations.

## **8.2 The purpose of processing personal information**

For customers:

- Performing duties in terms of any agreement with customers
- Make, or assist in making, credit decisions about customers
- Operate and manage customers' accounts and manage any application, agreement or correspondence customers may have with Xperien.

- Communicating (including direct marketing) with customers by email, SMS, letter, telephone or in any other way about Xperien's products and services, unless clients indicate otherwise
- To form a view of clients as individuals and to identify, develop or improve products, that may be of interest to clients.
- Carrying out market research, business and statistical analysis
- Performing other administrative and operational purposes including the testing of systems
- Recovering any debt customers may owe to Xperien.
- Complying with Xperien's regulatory and other obligations.
- Any other reasonably required purpose relating to Xperien's business

For prospective clients:

- Verifying and updating information
- Pre-scoring
- Direct marketing
- Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to Xperien's business.

For employees:

- The same purposes as for customers (above)
- Criminal record checks
- Verification of applicant employees' information
- During recruitment process
- General matters relating to employees:
  - Pension
  - Medical aid
  - Payroll
  - Disciplinary action
  - Training
- Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors /suppliers /other businesses:

- Verifying information and performing checks;
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- Payment of invoices;
- Complying with Xperien's regulatory and other obligations; and
- Any other reasonably required purpose relating to Xperien's business.

**8.3 Customers, vendors and employees personal information may be supplied to** any firm, organisation or person that Xperien uses **with prior consent** to collect payments and recover debts or to provide a service on its behalf;

- Any firm, organisation or person that/who provides the Xperien with products or services;
- Any person who the Xperien has reason to believe to be a data subject's/customer's parent, carer or helper where he/she is unable to handle his/her own affairs because of mental incapacity or other similar issues;
- Any payment system the Xperien uses;
- Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Xperien has a duty to share information;

Credit bureaux;

- Third parties to whom payments are made on behalf of employees;
- Financial institutions from whom payments are received on behalf of data subjects;
- Any other operator not specified;
- Employees, contractors and temporary staff; and
- Agents

#### **8.4 Planned transborder flows of personal information**

- Storing information electronically; and
- Making use of third-party service providers to fulfil a business function on behalf of Xperien included the following
  - o Microsoft 365 servers
  - o Happyfox server

#### **8.5 General description of information security measures to be implemented by Xperien**

Xperien takes extensive information security measures to ensure the security, confidentiality, integrity and availability of personal information in our possession. This is supported by appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

### **9. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Close Corporations Act 69 of 1984
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993



- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Customs and Excise Act 91 of 1964
- Customs Duty Act 30 of 2014
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Electronic Communications Act, 36 of 2005
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

## 10. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

Xperien maintains records on the categories and subject matters listed below. 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 for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Please note further that many of the records held by Xperien are those of third parties, such as clients and employees, and Xperien takes the protection of third-party confidential information very seriously. In particular, where Xperien acts as professional advisors to clients, many of the records held are confidential and others are the property of the client and not of Xperien. For further information on the grounds of refusal of access to a record please see paragraph 11.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category of Records	Records
<p><b>Internal records</b> The records listed pertain to Xperien’s own affairs</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Memoranda and Articles of Association</li> <li><input type="checkbox"/> Financial records</li> <li><input type="checkbox"/> Operational records</li> <li><input type="checkbox"/> Intellectual property</li> <li><input type="checkbox"/> Marketing records;</li> <li><input type="checkbox"/> Internal correspondence;</li> </ul>

	<ul style="list-style-type: none"> <li><input type="checkbox"/> Service records;</li> <li><input type="checkbox"/> Statutory records;</li> <li><input type="checkbox"/> Internal policies and procedures;</li> <li><input type="checkbox"/> Minutes of meetings.</li> </ul>
<p><b>Personnel records</b></p> <p>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Xperien and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Xperien. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</p>	<p>Any personal records provided to us by our personnel;</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Any records a third party has provided to us about any of their personnel;</li> <li><input type="checkbox"/> Conditions of employment and other personnel-related contractual and quasi legal records;</li> <li><input type="checkbox"/> Employment policies and procedures;</li> <li><input type="checkbox"/> Internal evaluation and disciplinary records; and</li> <li><input type="checkbox"/> Other internal records and correspondence.</li> </ul>
<p><b>Client-related records</b></p>	<p>Contracts with the client and between the client and other persons;</p>
<p><b>Other third-party records</b></p> <p>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Xperien is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Xperien.</p>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Personnel, client, or Xperien records which are held by another party as opposed to being held by Xperien; and</li> <li><input type="checkbox"/> Records held by Xperien pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.</li> </ul>

## 11. REQUEST PROCEDURE

### 11.1. Completion of the prescribed form

Any request for access to a record in terms of PAIA must substantially correspond with the form available at <https://info regulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf> specific in terms of the record requested. Please complete the prescribed form and submit it to the Information Officer at the postal or physical address or electronic mail address:

[io@xperien.co.za](mailto:io@xperien.co.za). (See Appendix A hereto.)

A request for access to information which does not comply with the terms and guidelines of PAIA will be returned to you with advice as to how to correctly submit the form.

PAIA provides that a data subject may, upon proof of identity, request Xperien to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

PAIA also provides that where the data subject is required to pay a fee for services provided to him/her, Xperien must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

## **11.2 Proof of identity**

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

## **11.3 Payment of the prescribed fees**

Section 54 of PAIA entitles Xperien to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

When a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

## **11.4 Timelines for consideration of a request for access**

Requests will be processed within 30 (thirty) days, unless the request contains on considerations that are of such a nature that an extension of the time limit is needed.

Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

## **11.5 Grounds for refusal of access and protection of information**

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);

- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put Xperien (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Xperien

Section 70 PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such a third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record.

## **12. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS**

If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

## **13. AVAILABILITY OF THIS MANUAL**

Copies of this Manual are available for inspection, free of charge, at the offices of Xperien and at [www.xperien.co.za](http://www.xperien.co.za)

#### **14. UPDATE OF THIS MANUAL**

An update of this manual will be done periodically and will be done periodically. The manual will be updated when an amendment is added to our Privacy Policy, this will be done at least annually.