

# METRO MINDS (PTY) LTD

Registration number 2010/008164/07

## PAIA AND POPIA MANUAL

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”)



|                       |                 |     |   |
|-----------------------|-----------------|-----|---|
| <b>Compiled By:</b>   | Natasha Colyn   |     |   |
| <b>Authorised By:</b> | Juliette Fourie | CEO | <b>SIGNATURE</b><br> |

**Created:** 28 June 2021

Next revision: as and when required

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## REVISION HISTORY

| REVISION NO | DATE    | DESCRIPTION     | AUTHOR  |
|-------------|---------|-----------------|---------|
| 001         | 06/2021 | INITIAL RELEASE | N Colyn |
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## 1. Definitions

- 1.1. **Company** means Metro Minds (Pty) Ltd (registration number 2010/008164/07), a company duly registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa and having its principal place of business situated at Unit 41 Villa Valencia Office Park, 2 Anemoon Street, Glen Marais, Kempton Park.
- 1.2. **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA.
- 1.3. **Constitution** means the Constitution of the Republic of South Africa, 1996.
- 1.4. **Customer** refers to any natural or juristic person that received or receives services from the Company.
- 1.5. **Data Subject** has the meaning ascribed thereto in section 1 of POPIA.
- 1.6. **Head of the Company** means the "head" as defined in section 1 of PAIA and referred to in point 15.
- 1.7. **Information Officer** means duly appointed person responsible to whom requests for access to information must be made in terms of the Act. Referred to in point 15.
- 1.8. **Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations.
- 1.9. **PAIA** means the Promotion of Access to Information Act, 2000.
- 1.10. **Personal Information** has the meaning ascribed thereto in section 1 of POPIA.
- 1.11. **Personnel** refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers.
- 1.12. **POPIA** means the Protection of Personal Information Act, 2013.
- 1.13. **POPIA Regulations** mean the regulations promulgated in terms of section 112(2) of POPIA.
- 1.14. **Private Body** has the meaning ascribed thereto in sections 1 of both PAIA and POPIA.
- 1.15. **Processing** has the meaning ascribed thereto in section 1 of POPIA.
- 1.16. **Responsible Party** has the meaning ascribed thereto in section 1 of POPIA.
- 1.17. **Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information.
- 1.18. **Requester** has the meaning ascribed thereto in section 1 of PAIA.
- 1.19. **Request for Access** has the meaning ascribed thereto in section 1 of PAIA; and
- 1.20. **SAHRC** means the South African Human Rights Commission.

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

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## 2. Introduction and Purpose of the Manual

Metro Minds (Pty) Limited (the "Company") conducts business as a training provider who respects the privacy of personal information, which is detailed in the Company's Privacy Policy and explains how the Company collects and uses personal information.

This PAI and POPIA Manual ("Manual") provides an outline of the type of records and the personal information the Company holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA Act"). It also explains how to access, or object to, personal information held by the Company, or request correction of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 ("POPI Act").

In addition, this manual sets out the responsibilities of the Company's appointed Information Officer as well as the Data Privacy Protection Officer who will take up the duties mandated in PAIA and POPIA, to ensure compliance with PAIA and POPIA.

## 3. Availability & updating of the manual

- This Manual is made available in terms of PAIA and section 4 of the Regulations to POPIA.
- This Manual is also available at: <https://www.metrominds.co.za>
- This Manual is further available at the offices of Metro Minds Pty offices for inspection during normal business hours.
- No fee will be levied for inspection as contemplated in this clause.
- Copies of the Manual can be obtained from the Information Officer. A fee will be levied for copies of the manual – refer to point 17 for details.

This manual will be updated whenever we make material changes to the current information.

## 4. The Act

The Promotion of Access to Information Act, 2000 ("PAIA") gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the state, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request must comply with the procedural requirements laid down by the Act.

All requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in point 17 of this manual.

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## 5. Availability of PAIA 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 X2700 Houghton
- 2041
- Telephone: +27 11 877 3600
- Facsimile: +27 11 403 0625
- Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## 6. Applicable legislation

Where applicable to the Company's operations, information is available in accordance with the following legislation, including but not limited to:

- Arbitration Act 42 of 1965
- Auditing Professions Act No 26 of 2005
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008 (As amended)
- Copyright Act 98 of 1978
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act No. 89 of 1998
- Constitution of the Republic of South Africa No 108 of 1996
- Consumer Protection Act 68 of 2008
- Currency and Exchanges Act 9 of 1933
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002 (as amended)
- Financial Intelligence Centre Act 38 of 2001
- Identification Act No 68 of 1962
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Intellectual Property Laws Amendment Act 38 of 1997
- Labour Relations Act 66 of 1995
- Medical Schemes Act No. 131 of 1998
- National Credit Act 34 of 2005
- National Environment Management Act No. 107 of 1998
- National Environmental Management: Air Quality Act No. 39 of 2004
- National Environmental Management: Waste Act No. 59 of 2008
- National Health Act No. 61 of 2003
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access of Information No. 4 of 2013
- Prescription Act No. 68 of 1969

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- Protected Disclosures Act No. 26 of 2000
- Regulation of Interception of Communications and Provision of Communication – Related Information Act No. 70 of 2002
- Securities Services Act No. 36 of 2004
- Short Term Insurance Act 53 of 1998
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Trade Marks Act 194 of 1993
- Unemployment Insurance No. 4 of 2002
- Value Added Tax Act 89 of 1991

## **7. The Company's processing of personal information**

Metro Minds Pty Ltd takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by the Company.

## **8. The purpose of processing of personal information by the Company**

The Company processes personal information for a variety of purposes, including but not limited to the following:

- to maintain customer records;
- to maintain student records;
- to maintain and provide information to SETA's/training bodies;
- for recruitment purposes;
- for employment purposes;
- for training purposes;
- for travel purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners;
- to help us improve the quality of our products and services;
- to help us recover debts;
- to carry out analysis and customer profiling;

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## 9. Categories of data subjects & personal information processed by the Company

Categories of data subjects and personal information processed by the Company include the following:

| <b>Categories of Data Subjects</b>     | <b>Personal Information processed</b>                       |
|--|---|
| Customers and potential customers      | Customer personal information                               |
|  | Customer contracts  |
|  | Customer location information                               |
| Partnerships/Subcontractor/Consultants | Partnerships/Subcontractor/Consultants information          |
|  | Partnerships/Subcontractor/Consultants contracts            |
|  | Partnerships/Subcontractor/Consultants location information |
|  | Partnerships/Subcontractor/Consultants personal information |
| Suppliers                              | Supplier personal information                               |
|  | Personal information of supplier representatives            |
| Employees                              | Employee personal information                               |
|  | Employee medical information                                |
|  | Employee disability information                             |
|  | Employee Pension and Provident Fund Information             |
|  | Employee contracts  |
|  | Employee performance records                                |
|  | Payroll records   |
|  | Electronic access records                                   |
|  | Physical access records                                     |
|  | Health and safety records                                   |
|  | Training records  |
|  | Employment history  |
| Time and attendance records            |   |
| Job applicants                         | Curriculum vitae and application form                       |
|  | Criminal checks   |
|  | Background checks   |
|  | Personal information  |
|  | Curriculum Vitae  |
| Students                               | Curriculum vitae and application form                       |

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|          | Criminal checks                     |
|          | Background checks                   |
|          | Personal information                |
|          | Curriculum Vitae                    |
|          | Training/study records              |
|          | Physical access records             |
|          | Time and attendance records         |
|          | Employment history                  |
|          | Electronic access records and scans |
| Visitors | Physical access records             |
|          | Electronic access records and scans |
| SETA's   | Contracts and agreements            |

## 10. Recipients/categories of recipients with whom personal information is shared

The Company may share the personal information for any of the purposes outlined in Section 8, with: the following:

- our Metro Minds branches
- our appointed Metro Minds consultants/business partners who perform services on our behalf.

We do not share the personal information of our data subjects with any third parties, except if:

- we are obliged to provide such information for legal or regulatory purposes;
- we are required to do so for purposes of existing or future legal proceedings,
- we are selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you;
- we are involved in the prevention of fraud, loss, bribery or corruption;
- they perform services and process personal information on our behalf;
- this is required to provide or manage any information, products and/or services to data subjects; or
- needed to help us improve the quality of our products and services.

We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them. We will only disclose personal information to government authorities if we are required to do so by law. Our employees, authorised Metro Minds Pty Ltd and their employees, our consultants, and our suppliers, are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

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**11. Type of company records with Classification key** (refer to point 12 below for information on Classification key)

| <b>Departmental records</b>  | <b>Subject</b>  | <b>Classification no.</b> |
|------------------------------|---|---------------------------|
| Company related              | Company information and records<br>Minutes of meetings                  | 1                         |
| Financial related            | Financial statements  | 12                        |
|                              | Tax Records (Company & Employees)                                       | 4,12                      |
|                              | Asset Register  | 12                        |
|                              | Supplier Records  | 4,5                       |
|                              | Management Accounts   | 12                        |
| Human resource related       | Employee records  | 4,5,9                     |
|                              | Employment Contracts  | 4,5                       |
|                              | Personnel Guidelines, Policies and Procedures                           | 12                        |
|                              | Employee Medical Records  | 4,5,8                     |
|                              | Employee Disability Insurance Records                                   | 4,5                       |
|                              | Employee Pension and Provident Fund Records                             | 4,5                       |
|                              | Payroll Records   | 4,5                       |
|                              | Recruitment Records   | 4,5                       |
|                              | In-and-Ex-patriates' Records  | 4,5                       |
|                              | Time and Attendance Records   | 4,5                       |
| Health and safety related    | HSE policies and procedures   | 1                         |
|                              | Health and Safety Records (Employees, Contractors)                      | 4,5,9                     |
|                              | Quality records   | 12                        |
|                              | Physical Security Records (Visitors, Suppliers, Contractors, Employees) | 4,5                       |
| Legal and compliance related | General Contract Documentation  | 6,12                      |
|                              | Company Guidelines, Policies and Procedures                             | 12                        |
|                              | Intellectual Property Records   | 3                         |
|                              | Employee, customer and supplier information                             | 10                        |
|                              | Immovable Property Records  | 12                        |
|                              | Statutory Records   | 12                        |
|                              | Complaints and Investigations Records                                   | 4,5                       |

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| Sales and marketing related | Product Brochures                           | 1               |
|                             | Performance Records                         | 12              |
|                             | Product Sales Records                       | 1               |
|                             | Marketing and Future Product Strategies     | 12              |
|                             | Customer Information and Database           | 4,5,12          |
|                             | Subcontractor agreements                    | 4, 5, 6,7,12,13 |
|                             | Customer interaction records                | 4,5             |
| IT related                  | Processing, Testing and Development Records | 4,5             |
| Student related             | Student personal information                | 4,5             |
|                             | Student marks/results                       | 4,4             |
|                             | Physical Security Records                   | 4,5             |
|                             | Time and Attendance Records                 | 4,5             |

## 12. Company record classification key

| Classification no. | Access               | Classification (PAIA Section)   |
|--------------------|----------------------|---|
| 1                  | May be Disclosed     | Public Access Document  |
| 2                  | May not be Disclosed | Request after commencement of criminal or civil proceedings   |
| 3                  | May be Disclosed     | Subject to copyright  |
| 4                  | Limited Disclosure   | Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information |
| 5                  | May not be Disclosed | Unreasonable disclosure of personal information or of Natural person or Juristic Person [POPI]  |
| 6                  | May not be Disclosed | Likely to harm the commercial or financial interests of third party   |
| 7                  | May not be Disclosed | Likely to harm the Company or third party in contract or other negotiations   |
| 8                  | May not be Disclosed | Would breach a duty of confidence owed to a third party in terms of an Agreement [  |

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| 9  | May not be Disclosed | Likely to compromise the safety of individuals or protection of property                 |
| 10 | May not be Disclosed | Legally privileged document  |
| 11 | May not be Refused   | Environmental testing / investigation which reveals public safety / environmental risks  |
| 12 | May not be Disclosed | Commercial information of Private Body   |
| 13 | May not be Disclosed | Likely to prejudice research and development information of the Company or a third party |
| 14 | May not be Refused   | Disclosure in public interest  |

### **13. Information security measures to protect personal information**

Reasonable technical and organisational measures have been implemented for the protection of personal information processed by the Company. We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction. We will take steps to ensure that operators that process personal information on behalf of the Company and apply adequate safeguards as outlined above.

### **14. Personal information received from third parties**

When we receive personal information from a third party, we require confirmation that the party has consented to their information being shared with us, and that they do not have any objection to our processing their information in accordance with this policy.

### **15. Company information & contact details of the information officer & data privacy protection officer**

Metro Minds (Pty) Ltd  
 Registration number: 2010/008164/07  
 Postal address: PO BOX 7071, Kempton Park, 1619  
 Physical address: Unit 41 Villa Valencia Office Park, 2 Anemone Street, Glen Marais, Kempton Park, 1619

Tel : 27 11 396 1701/2  
 Website : [www.metrominds.co.za](http://www.metrominds.co.za)

The Chief Executive Officer of the Company Juliette Fourie has duly authorised the persons listed below:

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| <b>Information Officer</b>  | <b>Data Privacy Protection Responsible (DPPR)</b>   |
| Natasha Colyn<br>Email : <a href="mailto:natasha@metrominds.co.za">natasha@metrominds.co.za</a> | Samantha Dorrington – Operations Director<br>Email : <a href="mailto:samantha@metrominds.co.za">samantha@metrominds.co.za</a> |

## 16. Decision to grant access to records

- The Company will decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access documentation and must give notice to the Requester with reasons (if required) to that effect.
- The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of the Company and the Records cannot reasonably be obtained within the original 30 day period.
- The Company will notify the Requester in writing should an extension of time as contemplated above be required.
- If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

## 17. Process to obtain information from the Company

### a. To facilitate the processing of request/s, kindly:

- Use the prescribed form C (this form is available on the website of the South African Human Rights Commission (SAHRC) at [www.sahrc.org.za](http://www.sahrc.org.za). Or on the Company's website [www.metrominds.co.za](http://www.metrominds.co.za) or on request to the Company's Information officer (details in point 15)
- Address your request to the Information Officer (refer to point 15 for details).
- Provide sufficient details to enable the Company to identify:
  - The record(s) requested;
  - The requester (and if an agent is lodging the request, proof of capacity);
  - 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.

### b. Prescribed fees

- A requestor who seeks access to a record containing personal information about that requestor ("personal requestor") is not required to pay the request fee. Every other requestor, who is not a personal requestor, must

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- pay the required.
- The act provides for 2 kinds of fees:
    - *Request fees* - non-refundable administration fees paid by **all** requestors (except personal requestors);
    - *Access fee* – paid by all requestors only when access is granted. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted). This fee is intended to reimburse the Company for the costs involved in searching for a record and preparing it for delivery to the requestor.
      - If the fees have been paid in respect of a Request for Access which is refused, the Information Officer will repay the fees to the Requester.
    - A requestor is required to pay the prescribed fees before a request will be processed.
    - Records may be withheld until the fees have been paid.
    - The Information Officer will withhold a Record until the Requester has paid the fees.
    - A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.

**c. Access to prescribed forms and fees**

Prescribed forms and fees are published on the Company website or, alternatively, copies can be requested from the Information or Data Privacy Protection Officer (see contact details in point 15).

**18. Grounds for refusal of access to records in terms of PAIA**

The following are the grounds on which the Company may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
- mandatory protection of the commercial information of a third party, if the Records contain:
  - trade secrets of that third party;
  - (2) financial, commercial, scientific or technical information of the third party, the disclosure of
  - which could likely cause harm to the financial or commercial interests of that third party; and/or
  - (3) information disclosed in confidence by a third party to the Company, the disclosure of which
  - could put that third party at a disadvantage in contractual or other negotiations or prejudice
  - the third party in commercial competition;
- mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

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| Date revised<br>28 June 2021                     | Next Revision Date:<br>As and when required  |                              |

- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of Records that would be regarded as privileged in legal proceedings;
- protection of the commercial information of the Company, which may include:
  - trade secrets;
  - financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company;
  - information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; and/or
  - computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws;
- research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

### **19. Information or records not found**

If the Company 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 possession but unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

### **20. Remedies available to the requester upon refusal of a request for access in terms of PAIA**

The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised persons in section 4, is final and therefore Requesters will have to exercise the external remedies at their disposal if the Request for Access is refused.

In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.