



M K A B A Y I
— Advisory (Pty) Ltd

PAIA Manual – Mkabayi Advisory (Pty) Ltd

1. **BACKGROUND AND PRINCIPLES**

Natural and juristic persons have the right to access Records held by a public or private body in terms of the Promotion of Access to Information Act (**PAIA**), subject to certain limitations. PAIA seeks to advance the values of transparency and accountability in relation to those Records.

The Protection of Personal Information Act (**POPI**) also provides natural and juristic persons (**Data Subjects**) with the right to request access to Personal Information, as defined in the act, by that is in the possession of others. POPI aims to safeguard Personal Information, by regulating how it is collected, used, processed, or shared.

In terms of the provisions of PAIA, private bodies are required to compile this PAIA manual (**Manual**) as a guide to Requestors of information. This manual further serves to indicate the categories of Records held by the Company and the availability of such Records from the Company.

2. **MANUAL AND POLICY RULES**

2.1 **Eligibility/Applicability**

This policy is applicable to all directors, office bearers, and employees of the Company. This policy is also applicable to any external natural or juristic entity that requests access to information held by the Company where such person or entity has a right to access such information and where a Data Subject requests access to, correction of or deletion of Personal Information held by the Company.

2.2 **Objectives of this Manual**

The objectives of this Manual are:

- To set out the requirements on how to request information in terms of PAIA and POPI
- To set out the manner and form in which an access to information request may be submitted
- To provide a list of information, Records and data held and processed by the Company.

2.3 **Updates and Availability of this Manual**

This Manual may be inspected at the Company's Offices, Monday to Friday, between 08h00 to 16h00. It is also made available on the Company's website. Alternatively, persons requiring a copy of the Manual, or a part thereof may contact the Information Officer. This Manual will be updated as per the requirements of PAIA.

2.5 **Section 10 guide**

The Information Regulator has developed a guide written in each of the country's official languages, with information on how to use PAIA to access Records (**Section 10 guide**). This guide is available on the Information Regulators website (as set out below) or you can make contact directly.

2.6 **The Information Regulator's Contact Details:**

Postal Address:	P.O Box 31533, Braamfontein, Johannesburg, 2017
Office Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
E-Mail address:	enquiries@inforegulator.org.za
Telephone number:	+27 (0)10 023 5200
Website:	www.inforegulator.org.za

2.7 Details required in terms of section 51(1)(a) of PAIA:

Company Name	Mkabayi Advisory (Pty) Ltd
Company Registration Number	2014 / 167001 / 07
Company Information Officer	Nobuhle Bridgette Masithela
Information Officer's Email Address	buhle.masithela@mkabayi.com
Company's Offices	35 Fricker Road, Ethos Building, Illovo, Sandton, Johannesburg, 2196 Gauteng, South Africa
Company's Postal Address	P O Box: 521554, Saxonwold, Johannesburg, 2132 Gauteng, South Africa
Company's Telephone Contacts	+27 10 012 3304 +27 82 777 8184
Website	www.mkabayi.com

3. **DEFINITIONS**

- 3.1 **Company** means Mkabayi Advisory (Pty) Ltd (**Mkabayi Advisory**) a private, South African profit company that is 100% black female owned and controlled.
- 3.2 **Consent** means any voluntary, specific and informed expression of will in terms of which permission is given for the Processing of Personal Information
- 3.3 **Data Subject** means the person to whom Personal Information relates as defined by POPI
- 3.4 **Information Officer** means the person appointed by the Company in the role of Information Officer as envisaged by POPI and PAIA
- 3.5 **Information Regulator** means the regulator established as a juristic person as in terms of Section 39 of POPI
- 3.6 **Manual** means this manual together with any or all of its annexures
- 3.7 **Operator** means a person or entity who processes Personal Information for a Responsible Party in terms of a written contract or other mandate
- 3.8 **PAIA** means the Promotion of Access to Information Act 2 of 2000, as amended
- 3.9 **Personal Information** means any information that can be used to reveal a natural or juristic person's identity and has the same meaning as defined in the Promotion of Access to Information Act 4 of 2013, as amended
- 3.10 **POPI** means the Promotion of Personal Information Act 4 of 2013, as amended

- 3.11 **Process / Processing** means any operation or activity comprising any individual or set of actions, whether by automated or other means that directly or indirectly relates to or makes use of Personal Information, including, without limitation:
- the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use
 - dissemination by means of transmission, distribution or making available in any other form or
 - merging, linking, as well as restriction, degradation, erasure or destruction of information
- 3.12 **Record** means any recorded material containing information
- regardless of the form or medium
 - in the possession or under the control of the Company
 - irrespective of whether it was created by the Company
- 3.13 **Responsible Party** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information
- 3.14 **Requestor** means any person making a lawful request for access to a Record of the Company or a person acting on behalf of such person (and does not include a Data Subject who requests Records of his or her own Personal Information)
- 3.15 **Request** means a lawful request for access to a Record of the Company in accordance with this Manual

4. STATUTORY RECORDS

The Company only keeps the statutory Records that it is required to keep in terms the applicable legislation, such as the:

- Basic Conditions of Employment Act, 75 of 1997
- Broad-Based Black Economic Empowerment Act, 53 of 2003
- Companies Act, 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Electronic Communications and Transactions Act, 25 of 2002
- Employment Equity Act, 55 of 1998
- Income Tax Act, 58 of 1962
- Labour Relations Act, 66 of 1995
- Occupational Health and Safety Act, 85 of 1993
- Pension Funds Act, 24 of 1956
- Prevention and Combating of Corrupt Activities Act, 12 of 2004
- Prevention of Organised Crime Act, 21 of 1998
- Promotion of Access to Information Act, 2 of 2000
- Protection of Democracy and Terrorist and Related Activities Act, 83 of 2004
- Promotion of Equality and Prevention of Unfair Discrimination Act, 4 of 2000
- Protection of Personal Information Act, 4 of 2013
- Short Term Insurance Act, 53 of 1998
- Skills Development Act, 97 of 1997
- Skills Development Levies Act, 9 of 1999
- South African Reserve Bank Act, 90 of 1989
- Trademarks Act, 194 of 1993
- Unemployment Insurance Act, 63 of 2001
- Unemployment Insurance Contributions Act, 4 of 2002
- Value Added Tax Act, 89 of 1991

As they may be amended from time to time.

5. OTHER INFORMATION THAT MAY BE COVERED IN FUTURE

The Minister has the power to publish a notice prescribing further information that must be disclosed in terms of PAIA – Section 51(1) (f) of PAIA.

6. CATEGORIES OF RECORDS THE COMPANY MAY PROCESS

A list of some of the Records that may be held by the Company is attached at **Annexure A**.

6.1 Other Information available on the Company's website from time to time:

- Privacy Notice
- This Manual

6.2 Records that may be requested from the Company:

- Records in terms of applicable legislation or regulation
- Personal Information the Company collects, processes or keeps
- Records of a public nature that the Company collects, processes or keeps

6.3 Record retention periods:

- Records are kept for as long as they are required to achieve the legitimate purpose for which the information was obtained, unless required for such longer period as required under legislation, or where the Records are required to be retained for historical purposes, or if the Records are required for lawful purposes related to the functions or activities of the Company. Records may in certain circumstances be kept indefinitely, in order for the Company to comply with legislative obligations.
- Records retained for longer than required to achieve the legitimate purpose for which the information was collected will be archived with restricted access and with appropriate safeguards ensuring that information is not processed without the relevant approvals or Consent.

6.4 Updating Records

- A Data Subject is responsible to advise the Company of any changes in Personal Information and shall advise the Company of such changes or updates to Records as they occur.
- Clients of the Company are required to update any Records held by the Company in relation to their Personal Information on at least an annual basis or at such point in time when the Records may change.
- Clients are responsible for the accuracy and integrity of data and Records that is submitted to the Company either through Company portals made available to the Client, or through emails or other methods of data transfer.

7. RIGHT TO ACCESS INFORMATION

7.1 You have the right to access the Company's Records if:

- The purpose is for exercising or protecting a Data Subject's or a Requestor's right, and

- The Data Subject or Requestor has complied with the procedure set out by the Company in this Manual, and
- The Company does not have legal or legitimate legal grounds for refusing access to the Records.

7.2 In terms of POPI, a Data Subject may, subject only providing proof of identity, request the Responsible Party to confirm (free of any fee or charge) all information that the Responsible Party has in its possession pertaining to the Data Subject.

7.3 Subject to paying the prescribed fee(s) a Requestor may also request access such information (which includes information about the identity of any third-parties who have or may have had accessed to the Data Subjects Personal Information while in the possession or under the control of the Company

8. **PROCEDURE TO REQUEST INFORMATION**

8.1 Any Request to access to any Record(s) held by the Company must be accompanied with a correctly filled out and duly executed request in the form of (or in exceptional circumstances, as close as is reasonably possible to) that set out in **Annexure B**.

8.2 The request form must be addressed to the Information Officer using the contact details set out in Annexure B or the further details per 2.6 above.

8.3 Any request which fails to comply with the requirements of this manual will be referred to the Data Subject or Requestor, with direction on the requisite information to be provided or forms to be completed.

8.4 The Information Officer shall respond to the request for information within thirty (30) days of receiving the request in the prescribed form.

8.5 The Information Officer shall respond to the Data Subject or Requestor (and provide the requested documents) according to the manner of transmission or communication specified in the Request. n question. application, which will then be deemed to have been received or collected by the Requestor.

9. **PRESCRIBED FEES**

9.1 As set out in POPI, Data Subjects is not required to pay the request fee. Every other Requestor must pay the required request fee of R50.00 to the Company to have the application considered.

9.2 If the Request is successful, then further fee(s) may be payable by the Requestor for the search, reproduction, preparation of the Records, and for any time that has exceeded the prescribed hours to search and prepare the Record(s) for disclosure. The Company shall inform the Requestor of such fee(s) by written notice, which shall specify the additional fee(s) or deposit(s) required to be paid.

9.3 The liability of a Requestor to pay the prescribed fee(s) may only be challenged on application via Court. However, as indicated below, the Company may, at its sole and absolute discretion, waive or relax any fee(s) owed by any Requestor setting out any sufficiently compelling justification in writing.

9.3 For all purposes contemplated in this Manual the Company will accept payment of the prescribed fee(s) as recorded in the Government Gazette as at 2022-23 as follows:

9.3.1 Access Fee(s) for Reproducing Records:		ZAR
9.3.1.1	Each Photocopy of A4 sized part or a part thereof	R0.60
9.3.1.2	Each photocopy of A4 sized page or part thereof held on a computer or in electronic or machine-readable form	R0.40

9.3.1.3	Copy of a computer readable memory stick	R7.50
9.3.1.4	Copy of a computer readable compact disc / DVD	R40.00
9.3.1.5	Transcript copy of visual images of an A4 sized page or part thereof	R60.00
9.3.1.6	Copy of visual images	R60.00
9.3.1.7	Transcription of an audio Record copy on an A4 sized page or part thereof	R20.00
9.3.1.8	Copy of audio Record(s)	R30.00
9.3.2	Fee(s) for Time Spent	
	Time reasonably spent to locate, compile or research any Record(s) in preparation for the disclosure or part thereof	R30.00 per hour
9.3.3	Request Fee(s)	
	The fee(s) for requesting access to a Record made by a person other than a personal Requestor	R50.00
9.3.4	Deposit Fee(s)	
	1/3 (one third) of the access fee is payable by the Requestor as a deposit	TBA
9.3.5	Postal Fee(s)	
	Fee(s) for the postage of a Record to the Requestor	R9.75
9.3.6	Appeal Fee(s)	
	Fee for lodging an internal appeal upon refusal for the request for access to a Record	R50.00
9.3.7	Value Added Tax (VAT)	
	The Company will add VAT to all fees in terms of the Value Added Tax Act.	

10. SUCCESSFUL REQUESTS

- 10.1 The Information Officer shall decide whether to accede to the Request(s) within 30 business days of receipt and will notify the Data Subject or Requestor of the outcome – accompanied with written reasons to that effect, if requested in writing, and subject only to reasonable advance notice and payment of the prescribed fee(s).
- 10.2 The period of 30 business days referred to in 10.1 above may be extended for a further period of not more than 30 days if the required Record(s) or Requested form are not readily available at the point that the Request was submitted to the Company.
- 10.3 The Information Officer will notify the Data Subject or Requestor in writing should an extension of time as contemplated in 10.2 above be necessary to locate, compile, or format the Record(s) in question.

11. UNSUCCESSFUL REQUESTS

Upon refusal of any Request(s) the Information Officer will inform the Data Subject or Requestor of the reasons for the refusal of access in line with Chapter 4 of PAIA. The Data Subject or Requestor, as the case may be, will enjoy the right to appeal under the process set out in

12. OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION BY A DATA SUBJECT

Where the Company holds Personal Information in respect of any Data Subject, such Data Subject may object, in writing and to the Information Officer to the Processing or further Processing of Personal Information. Such an objection shall be in the prescribed form as set out in **Annexure C**.

13. REQUEST FOR CORRECTION, DELETION OR DESTRUCTION OF PERSONAL INFORMATION BY A DATA SUBJECT

13.1 Where any Data Subject has lawfully obtained or accessed Personal Information under the provisions of POPI, then the Data Subject will also be entitled to insist on the correction, deletion, or destruction of Personal Information provided by the Company, subject to any conditions prescribed by POPI, PAIA, and/or this Manual.

13.2 Any Request(s) contemplated in 13.1 above shall be made to the Company's Information Officer, accompanied with correct and accurate information set out in the prescribed form per **Annexure D** hereto.

13.3 Any valid Request(s) by a Data Subject for the correction, deletion or destruction Personal Information provided by the Company shall be adhered to within 14 calendar days of receipt any valid Request(s) to that effect.

14. RIGHT TO WITHDRAW CONSENT

If the Company processes Personal Information on the basis of a Data Subject's Consent, then such Data Subject has the right to withdraw Consent, provided that such withdrawal does not affect or nullify lawful processing and/or legal obligations of the Company that existed prior to or upon the Consent becoming withdrawn.

15. APPEAL OR LODGING A COMPLAINT

15.1 Should a Data Subject or Requestor be unsatisfied with the decision of the Information Officer in relation to a request for access, an objection to Processing or to a request for correction or deletion of Personal Information, the Data Subject or Requestor may advise the Company of this in writing, and in such circumstances an internal appeal and review process will be conducted.

15.2 The Company's managing director shall manage the internal appeal process and communicate the final decision of the appeal to the Data Subject or Requestor in writing and within 15 (fifteen) working days of the appeal having been lodged with the Company. The Data Subject or Requestor will be kept informed if it appears that the original time frame will not be met.

15.3 If a Data Subject or Requestor does not agree with the decision in section 11.2 above, the Data Subject or Requestor may apply, within 180 days of being advised of the decision, to the High Court having jurisdiction, for an appropriate order.

15.4 A Data Subject or Requestor may also seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:

- The amount of fees required to be paid and / or
- The decision to extend the period within which the information will be provided per
- The form of access granted
- Refusal of the request for granting access.

- 15.5 If a Data Subject has lodged a complaint with the Information Officer and is unsatisfied with the result of the appealed decision, the Information Officer must advise the Data Subject to lodge the complaint in writing with the Information Regulator.
- 15.6 The Information Regulator must, as soon as is reasonably practicable, advise the Data Subject and the Company of the course of action that the Regulator proposes to adopt.
- 15.7 If you would like to lodge a complaint in respect of any matter handled in term of this Manual, kindly contact the Information Regulator at complaints.IR@justice.gov.za

16. **PURPOSES FOR PROCESSING PERSONAL INFORMATION**

- 16.1 The Company may collect and Process Personal Information as a Responsible Party, an Operator or any other lawful means.
- 16.2 When Processing Personal Information, the Company will most likely be acting as a Responsible Party in any situation:
- Related to the, solicitation, conclusion, administration and/or premature termination of an employment contract or similar relationship.
 - Where Personal Information is processed with the intention of sharing or transferring this information between the Company and its various clients, service providers, employment candidates, and/or any other third-parties for purposes offering recruitment services, soliciting offers of employment, or contracting to provide any related service(s)
 - Relating to Broad Based Black Economic Empowerment or Employment Equity objectives strategies, goals and/or targets
 - Directly or indirectly involving consulting services and activity related to leveraging leadership potential, as well as paring need and skill with the vision and/or expertise to optimise outcomes
 - Calling of the Company to perform in terms of a legal, moral, and/or statutory obligation, as well as in accordance with any agreement or contract that the Company is party to whether in writing or otherwise
 - Requiring the Company to take action to protect its own legitimate interests, as well as that of its shareholders, office bearers, partners, allies, and/or related or interrelated persons.
- 16.3 Where the Company carries out direct instructions to Processes Personal Information in terms of a written contract concluded in the ordinary course of the Company's business, then the Company will be doing so as an Operator and not as a Responsible Party. In such case the Company's responsibility for Processing Personal Information will be limited according to the contract in question.
- 16.4 Personal Information may be sent to various service providers, including system providers, outsourced parties or technology partners where this is required in order for the Company to perform its obligations recorded in client contracts.
- 16.5 All third parties that process Personal Information at the instruction of the Company are required to have technical and organisational controls in place to ensure safety, integrity and security of all Personal Information in accordance with generally accepted information technology governance policies.
- 16.6 Please see the form of Disclosure Notice included as **Annexure E** hereto if you need more detail regarding the various categories of Data Subjects and related types of Personal Information the Company (and its Operators) might collect, Process, possess and/or control at any given time.



CATEGORIES OF RECORDS THE COMPANY COULD PROCESS

Annexure A

Records of Operations	
Employment, contractual and credit records	Certificates and accreditations
Client and candidate information - Name, email addresses, contact numbers	Employee information- Employee number, emails sent and received, documents, passwords, contact details for candidates
Utilities records, facilities management records, and health and safety records	Client contracts, candidate contracts, company name, registration number, contact numbers, email addresses
Client information - company name, registration number, tax number, auditor details, contact details, email addresses, directors ID numbers, B-BBEE certificates	General correspondence
Information Technology Records	
Equipment registers	Software licences
Business process records	IT contracts and service provider information
Repair and maintenance records	All related data Records and analytics
Marketing and Public Relations Records	
Sales Strategy presentations from the business development team	Advertising, communication, marketing materials and strategies
Design briefs that are intended for internal as well as external requirements.	Specific marketing documents, brochures, PowerPoint presentations, strategy documents and campaign ideas.
Personnel Records	
Accounting and payroll records	PAYE records and returns
B-BBEE records, employment equity records	Career development plans, skills development reports, training records and statistics
Target letters, performance agreements/ management records, disciplinary records	UIF returns, income tax records, disbursements, refunds and claim records



Personnel records, letters of appointment, ad hoc employee agreements, working time records	Policies, procedures, standards and guidelines
Retirement, provident fund, medical aid records	Credit Record checks, criminal Record checks
Employee- identity numbers, names, addresses, email addresses, bank account details, salary details, position, benefits, race, ethnic origin, provident fund beneficiary details	Medical information, disabilities, illnesses, medications
Learnerships- Contact details, race, ethnic origin, gender, tax information, employment status	Enterprise supplier development and Enterprise development details
Financial, Commercial, and Tax Records	
Accounting records	Invoices and statements
Annual financial statements	Management reports
Agreements and contracts	Tax returns and records
Audit reports	South African Revenue Services returns
Asset register	Share register
Banking details and Records	Creditors- banking details, contact numbers, email addresses, Companies and intellectual property commission records, company name, registration numbers
Debtors' books and details, banking details, contact numbers, email addresses, Companies and intellectual property commission records, company name, registration number and director and office bearer details	Emails and correspondence: internal, suppliers, customers, auditors, shareholders' Records, South African Revenue Service returns and other Records
Company insurance policies, employee banking details, third party payments (medical aid/ provident fund, UIF, PAYE)	Budget Records
Business and Accounting Information	
Budget records	General information
Management reports	Monthly reports
Business plans	Annual reports



Minutes of meetings	Pricing information
Precedents and templates	Training content and customer presentations
Service description and offerings	External publications and media
Records held in compliance to specific legislation, regulations, and codes, etc.	Policies, procedures, standards, guidelines, and manuals
Client Records	
Client correspondence	Operational reports, search reports, findings and recommendations
Project plans	Working papers and drafts
Customer agreements and other legal documents	Minutes of meetings
Business proposals	Recordings of meetings (only with Consent)
Legal and Compliance Records	
Directors' ID numbers, addresses, contact details	Minutes of board and management bodies meetings
Resolutions	Annual reports
Share registers and share certificates	Minute books
Applicable statutory documents (incl. Certificate of incorporation, certificate to commence business, memorandum of incorporation)	Records relating to the appointment of directors, auditors, Company secretary and officers of the Company



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REQUEST(S) FOR RECORDS OF THE COMPANY

Annexure B

A. Particulars of the Company and Information Officer:	
Mkabayi Advisory (Pty) Ltd; Nobuhle Bridgette Masithela - buhle.masithela@mkabayi.com	
(i) The particulars of the person who requests access to the record must be recorded below	
(ii) Furnish an address and/or fax number in the Republic to which information must be sent	
(iii) Proof of the capacity in which the request is made, if applicable, must be attached	
Full names & surname:	
Identity number	
Postal address:	
Fax number:	
Telephone number:	
Email address:	
Capacity:	
C. Particulars of person on whose behalf request is made	
This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person	
Full names & surname:	
Postal address:	
Telephone number:	
Email address:	
Identity number	
D. Particulars of Record	
(i) Provide full particulars of the record to which access is requested, including the reference number	
(ii) If the provided space is inadequate, please continue on a separate page and attach to this form.	
Please sign any additional pages	
Description of record:	
Reference number:	
Any further particulars:	



E. Fee(s)

- (i) 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
- (ii) You will be notified of the amount required to be paid as the request fee
- (iii) 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
- (iv) If you believe you qualify for exemption of the payment of any fee, please state the reason:

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 hereunder, please state your disability and indicate in which form the record is required:

Disability:	
Form required:	

Mark the appropriate box with an "X"

- (i) Your indication as to the required form of access depends on the form in which the record is available
- (ii) Access in the form requested may be refused in certain circumstances, in such a case you will be informed of access will be granted in another form
- (iii) The fee payable for access to the record, if any, will be determined partly by the form in which

1) If the record is in written or printed form:	
▪ copy of record	
▪ inspection of record	
2) If record consists of visual images:	
▪ view the images	
▪ copy of the images	
▪ transcription of the	
3) If the record consists of recorded words or information which can be reproduced in sound:	
▪ listen /copy	
▪ transcription	
4) If the record is held on computer or in an electronic or machine-readable form:	
▪ printed copy of record	
▪ copy in computer	



Please indicate the preferred method and particulars of delivery:

- By hand
- Email
- Post
- Fax

G. Particulars of right to be exercised or protected

Explain why the Record is required for the protection of your rights -

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

H. Notice of decision regarding the request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars
How would you prefer to be informed of the decision regarding your request for access to the record?

I. Signature page

Signed at _____ on _____ 20__

Signature of Requestor / Duly authorized person:

**Information Officer
Signature:**

Signed at _____ on _____ 20__



OBJECTIONS TO PROCESSING PERSONAL INFORMATION

Annexure C

Note:

1. Affidavits or other documentary evidence may be attached to support your request.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

A. Details of Data Subject	
Full names and surname / Registered entity name:	
Identity number / registration number:	
Residential, postal or business address:	
Contact number:	
Fax number: (if applicable)	
Email address:	
B. Details of the Company	
Names and surname / registered name:	
Residential, postal or business address:	
Contact number:	
Email address:	
C. Reasons for objection processing of the Personal Information under the possession or under the control of the Company	

Signed at _____ this _____ day of _____ 20__

Requestor or

Designated person

Who warrants authorization



Note:

1. Affidavits or other documentary evidence may be attached to support your request.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete as applicable.

The Request for is:

- ☐ Correction or deletion of Personal Information which is in possession or under the control of the Company.
- ☐ Destroying or deletion of Personal Information which is in possession or under the control of the Company, who is no longer authorised to retain the record of information.

Names and surname / registered name:	
Identity / registration number:	
Residential, postal or business address:	
Contact number:	
Fax number:	
Email address:	

[illegible]



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- C. Reason(s) for the correction, deletion or destruction, of the Personal Information in the possession of or under the control of the Company
or
D. Reasons for destruction or deletion of a Record of Personal Information which the Company is no longer authorised to retain.**

Signed atthis day of20.....

**Requestor or
Designated person**
Who warrants authorization.

DISCLOSURE NOTICES EXPLAINED

Annexure E

1. Nature and purpose of data processing

The nature and purpose of Processing Personal Information is for the Company to provide premium collection or premium financing services under an existing client agreement or related to administration of the employment contract. Processing of Personal Information is in line with the Company's business functions and activities.

2. Record retention and cross border transfer

Company Records that include Personal Information, will be for as long as it is required to achieve the legitimate purpose for which the Personal Information was obtained, or such longer period as is required by legislation or as required for lawful purposes in relation to the Company's business functions or activities, or for historical purposes. Record retention shall be in accordance with Company record retention policies and in certain instances may be kept indefinitely in order to comply with legislative obligations.

No Personal Information will be transferred across border or processed in a jurisdiction outside of the Republic of South Africa, except where such jurisdiction has the same or stronger protection of Personal Information laws as are required in South Africa, alternatively, where there is a contractual agreement in place with the entity to which the Personal Information is sent. The contracts shall ensure that appropriate technical and organisational controls are implemented so as to afford the same or stronger protection of Personal Information as is required under Personal Information laws in South Africa.

Generally, Personal Information shall not be transferred across border, except for under exceptional circumstances between contracting parties. In this case, the Company will only act in accordance with instructions received from the Responsible Party.

3. Categories of Data Subjects

The Company may process Personal Information of any of the following types of Data Subjects:

- Employees and potential employees of the Company
- Job seekers and prospective employment candidates



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- Juristic persons, existing and potential clients (without limitation)
- Service providers to the Company or other contracting parties (such as recruitment agents, workplace wellbeing consultants, broad- Based Black Economic Empowerment Agencies, IT hosting companies, system providers and technology partners)
- The general public

4. Categories of Personal Information

The Company may process the following categories and types of Personal Information:

Responsible Party (RP) or Operator (O)	Category of data	Nature of Personal Information	Voluntary or mandatory	Applicable laws, where relevant
RP	Basic Personal Information of Employees	First name, last name, email address, work email and phone number, residential address	M	n/a
RP	Basic Personal Information of Clients	First name and last name (where a natural person), full company name (where a juristic person), email addresses, physical and registered address, VAT number, contact details (phone, email and website information), registration numbers, annual financial statements and management accounts, CIPC details which reflect details of the directors and signatories	M	Financial Intelligence Centre Act, 38 of 2001 Companies Act, 71 of 2008 Value Added Tax Act, 89 of 1991
RP	Employee personal Information	Photographs and birthdays, name and position, employee number, salary and benefits, bank account information, educational and study information, current and past courses, financial and tax Information (for SARS and pension fund benefits)	M (except for photographs and birthdays which is voluntary)	Labour Relations Act, 66 of 1995 Basic Conditions of Employment Act, 75 of 1997 Employment Equity, 55 of 1998 Income Tax Act, 58 of 1962 Pension Funds Act, 24 of 1956 Skills Development Act, 97 of 1997 Skills Development Levies Act, 9 of 1999 Unemployment Insurance Act, 63 of 2001 Unemployment Insurance Contributions Act, 4 of 2002
O	Prospective Employee Information	Identity numbers, contact info, credit information and history, criminal records and history, qualifications and references	V	n/a



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RP	Directors and officers	Identity numbers, Tax numbers, residential addresses, telephone numbers, other directorships held	M	Companies Act, 71 of 2008
RP	Authentication information- clients	Log in details, username only to the Company/client's web portal	M	n/a
RP	Special personal information- employees	Biometrics (for example employee fingerprints for entry to the any necessary offices or criminal and/or credit checks) race and ethnic origin (prospective and current employees), medical Information (employees)	M	Broad Based Black Economic Empowerment Act, 53 of 2003 Employment Equity Act, 55 of 1998 Medical Schemes Act, 131 of 1998
RP	Website visitor's identification	Location information (for example, geo-location network data)	V	n/a
O	Skills development – training and learnerships	Students and businesses (names and registration numbers), course work, cost of training	M	Broad Based Black Economic Empowerment Act, 53 of 2003 Income Tax Act, 58 of 1962
O	Enterprise and Supplier development Companies identified for enterprise and supplier development	Enterprise and Supplier name, registration details, procurement spend Broad Based Black Economic Empowerment rating	M	Broad Based Black Economic Empowerment Act, 53 of 2003

5. Operators or Sub-Operators

The Company may share Personal Information with our Operators and sub – operators to process information on our behalf. Information will be shared where this is required for the Company to perform its obligations recorded in client or employee contracts or where there is a legal requirement to do so.

Operators and sub – operators include, but are not necessarily limited to:

- Clients or service providers of the Company, whether current, former, or prospective



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- IT system, server, or hosting providers, with limited or restricted access
- Paper-based storage facilities (for storing and archiving of electronic and paper-based records)
- IT technology partners
- Auditors (for audit purposes only)
- Researchers or talent search agents
- Provident fund administrators
- HR management, managers, or system providers
- Marketing or media partners
- Regulatory bodies or government departments (including the Department of Labour, the Labour Court, the CCMA, the Information Regulator, the Financial Intelligence Centre, SARS, or the Companies and Intellectual Property Commission)
- Employee welfare consultants (health, mental health, finance)
- Skills Development program facilitators
- Enterprise and Supplier development program facilitators
- Retirement/ pension funds



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6. Consequences of failure of the Data Subject to provide the Personal Information

In instances where all mandatory information is not provided by the Data Subject, the Company will be unable to comply with its legislative obligations, alternatively, will be unable to perform its contractual services. Where this is the case, it will not be possible to enter into a contract with a client, employee or service provider. Onboarding and conclusion of client and employee contracts will not be possible until all required information has been supplied to the Company.

Failure to provide Personal Information that is voluntary will affect certain parts of the services and certain options will no longer be available to the Data Subject. Failure of the prospective client to provide voluntary Personal Information shall mean that it will not be possible to finalise a proposal for that prospective client, which will preclude the conclusion of a final contract. Failure of a prospective employee to provide consent to credit check or credit assessments will result in the inability of the Company to view this information, which will prevent the conclusion of the employment contract.