

SECTION 51 MANUAL

IN TERMS OF

THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)

INCORPORATING ADDITIONAL REQUIREMENTS OF

PROTECTION OF PERSONAL INFORMATION IN TERMS OF

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2014

PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013

DATE OF COMPILATION MAY 2021

FOR

**Top Loos**

COMPANY CONTACT DETAILS.

SECTION 51 MANUAL FOR Top Loos

INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT

POSTAL ADDRESS OF HEAD OF COMPANY

7 Nooitgedacht Avenue, Hartenbos

PHYSICAL ADDRESS OF HEAD OF COMPANY

7 Nooitgedacht Avenue, Hartenbos

TEL. No OF HEAD OF COMPANY

071 957 4862

FAX. No OF HEAD OF COMPANY

086 540 2507

EMAIL ADDRESS OF HEAD OF COMPANY

[philip@top-loos.co.za](mailto:philip@top-loos.co.za); [headoffice@top-loos.co.za](mailto:headoffice@top-loos.co.za)

DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51 (1)(b)

A guide has been compiled in terms of Section 10 of PAIA by **Tips Labour Consultants**. It contains information required by a person wishing to exercise any right, contemplated by PAIA.

This Guide is available for inspection, inter alia, at the office of Top Loos

at the physical address above and at the SAHRC as well as its branches at 34 Oostelike Weg, Oudtshoorn & Ivory Street, Tamsui Industrial, George.

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## 1. INTRODUCTION

Top Loos is the umbrella group for Top Loos CC & Top Loos Sanitation. We are renting and servicing portable toilets for events as well construction industry.

## 2. INTRODUCTION TO POPI

POPI requires the company to inform their clients as to the manner in which their personal information is used, disclosed, and destroyed.

The company guarantees its commitment to protecting its client's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws.

The Policy sets out the manner in which the company deals with their client's personal information as well as and stipulates the purpose for which said information is used.

### 2.2 PERSONAL INFORMATION COLLECTED

Section 9 of POPI states that "Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant, and not excessive."

The company collects and processes client's personal information pertaining to the client's needs. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, the company will inform the client as to the information required and the information deemed optional. Examples of personal information we collect include, but is not limited to:

- The Client's Identity number, name, surname, address, postal code, marital status, and number of dependants.
- Description of the client's residence, business, assets; financial information, banking details, etc-.

The company also collects and processes the client's personal information for marketing purposes in order to ensure that our products and services remain relevant to our clients and potential clients.

The company aims to have agreements in place with all product suppliers, insurers and third party service providers to ensure a mutual understanding with regard to the protection of the client's personal information. The company's suppliers will be subject to the same regulations as applicable to the company.

With the client's consent, the company may also supplement the information provided with information the company receives from other providers in order to offer a more consistent and personalized experience in the client's interaction with the company.

For purposes of this Policy, clients include potential and existing clients.

### 2.3 THE USAGE OF PERSONAL INFORMATION

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed.

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for the companies processing of Personal Information:

- a) The client's consents to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship;
- b) Processing complies with an obligation imposed by law on the company;

### 2.4 DISCLOSURE OF PERSONAL INFORMATION

The company may disclose a client's personal information to any of the subsidiaries, joint venture companies and or approved product- or third party service providers whose services or products clients elect to use. The company has agreements in place to ensure that compliance with confidentiality and privacy conditions.

The company may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect the company's rights.

## 2.5 SAFEGUARDING CLIENT INFORMATION

It is a requirement of POPI to adequately protect personal information. The will continuously review its security controls and processes to ensure that personal information is secure.

The following procedures are in place in order to protect personal information:

2.5.1 THE COMPANY'S INFORMATION OFFICER is Philip Olivier whose details are available below and who is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI. He is assisted by Barbara Olivier who will function as the Group's Deputy Information Officer.

2.5.2 THIS POLICY has been put in place and training on this policy and the POPI Act has already taken place.

2.5.3 Each new employee will be required to sign an EMPLOYMENT CONTRACT containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

2.5.4 Every employee currently employed within the company will be required to sign an addendum to their EMPLOYMENT CONTRACTS containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

2.5.5 The company's archived client information is stored on site which is also governed by POPI, access is limited to these areas to authorized personal.

CONSENT to process client information is obtained from clients (or a person who has been given authorisation from the client to provide the client's personal information) during the introductory, appointment and needs analysis stage of the relationship.

## 2.6 ACCESS AND CORRECTION OF PERSONAL INFORMATION

Clients have the right to access the personal information the company holds about them.

Clients also have the right to ask the company to update, correct or delete their personal information on reasonable grounds. Once a client objects to the processing of their personal information, the company may no longer process said personal information.

The company will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

### INFORMATION OFFICER DETAILS:

NAME: Philip Olivier

TELEPHONE NUMBER: 071 957 4862

FAX NUMBER: 086 540 2507

E-MAIL ADDRESS: philip@top-loos.co.za

### DEPUTY INFORMATION OFFICER DETAILS

NAME: Barbara Olivier

TELEPHONE NUMBER: 073 421 4076

FAX NUMBER: 086 540 2507

E-MAIL ADDRESS: headoffice@top-loos.co.za

### HEAD OFFICE DETAILS

TELEPHONE NUMBER: 073 421 4076, 04 007 0021

FAX NUMBER: 086 540 2507

POSTAL ADDRESS: 7 Nooitgedacht Avenue, Hartenbos, 6520

PHYSICAL ADDRESS: 7 Nooitgedacht Avenue, Hartenbos, 6520

E-MAIL ADDRESS: headoffice@top-loos.co.za

WEBSITE: www.top-loos.co.za

### 3. THE ACT (Section 51(1) (b))

- 3.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

### 4. AMENDMENTS TO THIS POLICY

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year.

### 5. AVAILABILITY OF THE MANUAL

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

### 6. INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 51(1)(F)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

### 7. INFORMATION REQUIRED IN TERMS OF SECTION 52 (2)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

### 8. RECORDS THAT CANNOT BE FOUND

If the company searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken the attempt to locate the record.



## 9. THE PRESCRIBED FORMS AND FEES

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za) under the regulations section.

### 9.1. FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

- 9.1.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).
- 9.1.2 Address your request to the Head of the Company (CEO).
- 9.1.3 Provide sufficient details to enable the COMPANY to identify:
  - (a) The record(s) requested;
  - (b) The requester (and if an agent is lodging the request, proof of capacity);
  - (c) The form of access required;
  - (d)
    - (i) The postal address or fax number of the requester in the Republic;
    - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
  - (e) 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.

## 10. PRESCRIBED FEES (Section 51 (1))

The following applies to requests (other than personal requests):

- 10.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 10.2 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);
- 10.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 10.4 Records may be withheld until the fees have been paid.
- 10.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

## 11. APPLICABLE LEGISLATION

<b>No</b>	<b>Ref</b>	<b>Act</b>
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act

## 12. ACTS AND OTHER LEGISLATION HELD AT PHYSICAL ADDRESS

- Basic Conditions of Employment of 1997
- Basic conditions of Employment Act of 2018
- Occupational Health and Safety Amendment Act of 1993
- Employment Equity Act of 1998
- Labour Laws Amendment Act of 2018

## SUBJECTS AND CATEGORIES OF RECORDS HELD AT PHYSICAL ADDRESS

- Attendance registers
- Correspondence
- Licences
- Minutes of Management meetings
- Minutes of staff meetings
- Employee Records
- Employee Contracts
- Employment Equity Records
- General Correspondence
- Industrial and Labour Relation records
- Information relating to Health And Safety Regulations
- Performance Appraisals
- Personnel Guidelines, Policies and Procedures
- Remuneration Records
- Skills requirements
- Statutory Records
- Training Records
- Contracts
- Annual Financial Statements
- Asset Register
- Budgets
- Financial Transactions
- Insurance Information
- Purchase and Order Information
- Stock Records
- Tax Records
- IT Policies and Procedures

## SUBJECTS AND CATEGORIES OF PERSONAL RECORDS HELD AT PHYSICAL ADDRESS

- Identity Numbers
- Dates of birth
- Telephone numbers
- Emails
- Addresses
- Banking details
- Bank account numbers
- Invoices
- BEE Certificates
- Licence numbers

## CUSTOMER PERSONNEL INFORMATION SHARED BY COMPANY

- Telephone numbers
- Physical address

## EMPLOYEE INFORMATION RECEIVED BY COMPANY

- Identity numbers
- Dates of birth
- Telephone numbers
- Email address
- Addresses
- Banking details
- Bank Account numbers

## IT PRACTISES BY COMPANY

- Physical security, (PC's locked to fixture/ locked in room)
- Network security control
- Password controls
- Virus & Malware protection
- Software updates
- Disaster recovery & back-up policy

## COUNTRIES OF OPERATION

- South Africa



**D. Particulars of record**

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

**1. Description of record or relevant part of the record:**

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**2. Reference number, if available:**

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**3. Any further particulars of record:**

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**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

**Reason for exemption from payment of fees:**

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**F. Form of access to record**

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

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
<b>NOTES:</b>	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>			
	view the images		copy of the images*
			transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	printed copy of record*		printed copy of information derived from the record*
			copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. Notice of decision regarding request for access**

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

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

.....

Signed at ..... this day ..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS  
MADE