

PAIA MANUAL

The **RED ALERT** Group of companies:

Red Alert TSS (Pty) Ltd

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Red Alert (Pty) Ltd

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Red Alert EMS (Pty) Ltd

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Chem Tec SA (Pty) Ltd T/A

Red Alert Chemical Solutions (Pty) Ltd

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Red Alert Sustainable Solutions (Pty) Ltd

(hereafter referred to as the “**The Company**”)

This manual has been prepared in terms of the section 51 of the Promotion of Access to Information Act 2/2000 and to address the requirements of the Protection of Personal Information Act 4/2014.

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1. Definitions

- 1.1. **“Client”** - refers to any natural or juristic person that received or receives services from the Company;
- 1.2. **“the Company”** - shall mean The RED ALERT Group of Companies
- 1.3. **“Conditions for Lawful Processing”** - the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPI and in paragraph 11 of this Manual;
- 1.4. **“Data Subject”** - as ascribed thereto in section 1 of POPI;
- 1.5. **“Information Officer”** - the duly authorised Head as defined in section 1 of PAIA;
- 1.6. **“Manual”** - this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPI Regulations;
- 1.7. **“PAIA”** - the Promotion of Access to Information Act 2 of 2000;
- 1.8. **“Personal Information”** - as ascribed thereto in section 1 of POPI;
- 1.9. **“Personnel”** - 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;
- 1.10. **“POPI”** - the Protection of Personal Information Act 4 of 2013;
- 1.11. **“POPI Regulations”**- the regulations promulgated in terms of section 112(2) of POPI;
- 1.12. **“Private Body”** - as ascribed thereto in sections 1 of both PAIA and POPI;
- 1.13. **“Processing”** - as ascribed thereto in section 1 of POPI;
- 1.14. **“Requestor”** – as ascribed thereto in section 1 of PAIA;
- 1.15. **“Request for Access”** - as ascribed thereto in section 1 of PAIA;
- 1.16. **“SAHRC”** - the South African Human Rights Commission;
- 1.17. Any other terms not described herein will have the meaning as ascribed to it in terms of PAIA or POPI.

2. Introduction

For the purpose of POPI and PAIA, the Company is defined as a private body. In accordance with the Company's obligations in terms of POPI and PAIA, the Company has produced this manual.

This manual sets out all information required by both PAIA and POPI.

This manual also deals with how requests are to be made in terms of PAIA.

This manual also establishes how compliance with POPI is to be achieved.

3. Contact Details

The details of The **Red Alert** Group are as follows:

CEO & Information Officer	Peter Harvey
Physical Address	3 Chester Road, Sunnyridge, East London, 5200
Postal Address	P O BOX 1711, East London, 5200
Telephone Number	043 703 4701
Email	paia@redalert.co.za
Internet Address	www.redalert.co.za

Background information of the Company can be found at **www.redalert.co.za**

4. Guider of SAHRC

A guide to PAIA has been published pursuant to section 10 of PAIA.

The guide contains information required by an individual who may wish to exercise their rights in terms of PAIA.

Should you wish to access the guide you may contact the SAHRC at the following details:

PAIA Unit	
Postal Address:	Private Bag 2700, Houghton, 2041
Telephone:	(011) 877 3600
Facsimile:	(011) 403 0625
Website:	http://www.sahrc.org.za
Email:	PAIA@sahrc.org.za

5. Latest Notices in terms of section 52(2) of PAIA

At this stage no Notice(s) has / have been published on the categories of records that are available without having to request access to them in terms of PAIA.

6. Availability and publication of certain records in terms of PAIA

6.1. The Company hold and/or process the following records for the purposes of PAIA and POPI.

Information pertaining to products and/or services	Freely available on website at www.redalert.co.za
Employment Contracts	On request in terms of PAIA
Personal records provided by personal and third parties	On request in terms of PAIA
Internal records, including internal evaluation of personal	On request in terms of PAIA
Correspondence relation to personal	On request in terms of PAIA
Training of personal	On request in terms of PAIA
Records relating to the Company's clients	On request in terms of PAIA
Records generated by the Company for its clients	On request in terms of PAIA
Operational records	On request in terms of PAIA
Database	On request in terms of PAIA
Information technology	On request in terms of PAIA
Marketing records	On request in terms of PAIA
Internal Correspondence	On request in terms of PAIA
Internal Policies	On request in terms of PAIA
Financial records	On request in terms of PAIA
Domain Name Registrations	On request in terms of PAIA
Company Documentation	On request in terms of PAIA
Agreements with Suppliers	On request in terms of PAIA
Supplier Agreements	On request in terms of PAIA
Customer Agreements	On request in terms of PAIA
Website Information	On request in terms of PAIA

6.2. Information is available in terms of the following legislation, if and where applicable):

- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Constitution of the Republic of South Africa Act, No. 108 of 1996
- Credit Agreement Act, No. 75 of 1980
- The Criminal Procedure Act, No. 51 of 1977
- Debt Collectors Act, No. 114 of 1998
- Employment Equity Act, No. 55 of 1998
- National Credit Act, No. 34 of 2005
- The Labour Relations Act, No. 66 of 1995
- Pension Funds Act, No. 24 of 1956
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991
- Electronic Communication and Transactions Act, No. 25 of 2002
- Patents, Designs and Copyright Merchandise Marks Act, No. 17 of 1941
- Income Tax Act, No. 58 of 1962
- Occupational Health and Safety Act No. 85 of 1993
- Firearms Control Act No.60 of 2000
- National Health Act No.61 of 2003

7. Registers and Records

Inspection of the company registers and records pertaining to

- Directors and officers
- Interests of directors
- Shareholders
- Allotments
- Minutes of meetings of members (only shareholders)
- Licences and permits
- Stock remedies and poisonous materials
- Weapons and ammunition
- Annual reports
- Interim reports

8. Subjects and Records held by the Company

Incorporation documents

- The Company's registration forms

Secretarial records

- The shares register of the Company
- Shareholders' agreements of the Company, including pre-emption, option and nominee agreements
- Minutes of general meetings of the shareholders of the Company
- Register or list of directors of the Company
- Minute books of internal resolutions of the Company
- Power of attorney agreements and a list of persons authorised to bind the Company
- Statutory registers of the Company

Financial records of the Company

- Accounting records, books and documents of the Company
- Interim and annual financial reports of the Company
- Details of the auditors of the Company
- Auditors' reports in respect of audits conducted on the Company
- Tax returns of the Company
- Other documents and agreements pertaining to tax
- Financial records of the Company

Human resources / employment records

- List of employees
- Employee benefits
- Documents in respect of share incentive scheme or trust
- Information pertaining to share options, share incentives, bonus or profit sharing agreements of each employee
- Arbitration orders and agreements
- Attendance registers at working stations and head office
- Any other information pertaining to employees of the Company

Pension and provident funds

- A manual regarding the processes and rules of the pension fund
- Lists of employees who belong to the respective funds
- Minutes of meetings of trustees
- Financial records of the pension and provident funds

Insurance records

- Family insurance
- Group life insurance
- Spouse insurance

- Disability insurance
- Retirement insurance

Immovable and movable property

- Asset register
- Title deeds of any land owned by the Company
- Agreements for the lease or sale of land and/or other immovable property by the Company
- Agreements for the lease of movable property by the Company
- Mortgage bonds, liens, notarial bonds or security interests on property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets
-

Client agreements

- Agreements for the supply of production and/or trading credit
- Security agreements, deeds, guarantees, cession and bonds for credit
- Details of clients and correspondence
- Invoices, receipts, credit and debit notes

Miscellaneous agreements of the Company

- Suretyship agreements
- Agreements for the trading activities of the Company
- Agency, management and distribution agreements
- Agreements with suppliers of the Company
- Agreements with clients of the Company
- Credit facilities and letters of credit

Correspondence

- Correspondence with clients of the Company

9. Request Process

An individual who wishes to place a request must comply with all the procedures laid down in PAIA. The requester must complete the prescribed form, which is attached hereto as annexure “A”. The prescribed form must be submitted as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail as is stated herein.

The prescribed form must be completed with enough particularity to enable the information officer to determine:

- The record(s) requested;
- The identity of the requestor;
- What form of access is required; and
- The Postal address or fax number of the requestor.

The requestor must state that the records are required for the requestor to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. An explanation of why the records requested is required to exercise or protect the right.

The request for access will be dealt with within 30 days from date of receipt, unless the requestor has set out special grounds that satisfy the information officer that the request be dealt with sooner.

The period of 30 days may be extended by not more than 30 additional days, if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company and the information cannot be reasonably obtained within 30 days. The information officer will notify the requestor in writing should an extension be necessary.

The requestor will be informed in writing whether access to the records have been granted or denied. If the requestor requires a reason for the decision the request must be expressed in the prescribed form, the requestor must be further stated what particulars of the reasoning the requestor requires.

If a requestor has requested the records on another individual's behalf, the requestor must submit proof of the capacity the requestor submits the request in, to the satisfaction of the information officer.

If the requestor is unable to complete the prescribed form due to illiteracy or disability, the requestor may request it orally from the information officer.

10. Grounds for refusal

The following are grounds upon which the Company may, subject to the exceptions 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;
 - 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
 - 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;
- 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.

11. Remedies should a request be refused

The Company does not have an internal appeal procedure in light of a denial of a request, decisions made by the information officer is final.

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

12. Fees

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11(1) are as follows:

- For every photocopy of an A4-sized page or part thereof: R1,10
- For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form: R0,75
- For a copy in a computer-readable form on:
 - stiffy disc R7,50
 - compact disc R70,00
- For visual images:
 - a transcription of visual images, for an A4-size page or part thereof R40,00
 - For a copy of visual images R60,00
 - For an audio record:
 - For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - For a copy on an audio record R30,00

The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

The access fees payable by a requester referred to in regulation 11(3) are as follows:

- Fees are:
 - For every photocopy of an A4-size page or part thereof R1,10
 - For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
- For a copy in a computer-readable form on:
 - stiffy disc R7,50
 - compact disc R70,00
- For a transcription of visual images:
 - for an A4-sized page or part thereof R40,00
 - For a copy of visual images R60,00
 - For a transcription of an audio record:
 - For an A4-size page or part thereof R20,00
 - For a copy of an audio record R30,00
 - To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
- For purposes of section 54(2) of the Act, the following applies:
 - Six hours as the hours to be exceeded before a deposit is payable; and
 - one third of the access fee is payable as a deposit by the requester.
- The actual postage is payable when a copy of a record must be posted to a requester.

13. POPI

Conditions for lawful processing

POPI has eight conditions for lawful processing and include:

- 13.1. Accountability
- 13.2. Processing limitation
- 13.3. Purpose specification
- 13.4. Further processing limitation
- 13.5. Information quality
- 13.6. Openness
- 13.7. Security safeguards
- 13.8. Data subject participation

The Company is involved in the following types of processing:

- Collection
- Recording
- Organization
- Structuring
- Storage
- adaptation or alteration
- retrieval
- consultation
- use
- disclosure by transmission
- dissemination or otherwise making available
- alignment or combination
- restriction
- erasure
- destruction

The Company processes information for the following purposes:

- to provide services to its Clients in accordance with terms agreed to by the Clients;
- to undertake activities related to the provision of services, such as
- to fulfil domestic legal, regulatory and compliance requirements
- to verify the identity of Customer representatives who contact the Company or may be contacted by The Company;
- for risk assessment, information security management, statistical, trend analysis and planning purposes;
- to monitor and record calls and electronic communications with the Client for quality, training, investigation and fraud prevention purposes;
- to enforce or defend the Company or the Company affiliates' rights;
- to manage the Company's relationship with its clients, which may include providing information to its clients and its clients affiliates about the Company's and the Company affiliates' products and services;
- the purposes related to any authorised disclosure made in terms of agreement, law or regulation;
- any additional purposes expressly authorised by The Company's client;
- any additional purposes as may be notified to the Client or Data Subjects in any notice provided by the Company.

The Company processes personal information the following categories of Data Subjects:

- Juristic persons –
 - Corporate clients
 - Suppliers
- Natural persons –
 - Individuals
 - Staff
 - Clients
 - Suppliers

The Company process the following categories personal information:

- Client profile information;
- Bank account details;
- Payment information;
- Client representatives;
- Names;
- Email Addresses;
- Telephone numbers;
- Facsimile numbers;
- Physical addresses;
- Tax numbers;
- Identity Numbers;
- Passport Numbers;

Recipients of Personal Information:

- The Company, the Company's affiliates, their respective representatives

When making authorised disclosures or transfers of personal information in terms of Section 72 of POPI, personal information may be disclosed to recipients in countries that do not have the same level of protection for personal information as South Africa does.

The following Security measures are implemented by the Company:

- The Company implements numerous Security measures to protect personal information that is stored electronically and physically.
 - The Company ensures that appropriate security measures are taken and updates these measures on a regular basis.
 - The Company have also implemented various policies for additional security for personal information stored both physically and electronically.
- The personal information that is stored physically is protected as follows:

- Where physical records of the data exist, such records will be stored in a secure area that can be 'locked-away' as to avoid a breach of the personal information.
- Such physical data records will be 'locked-away' and secured when not in use.

The Company may share personal information with third parties and in certain instances this may result in cross border flow of the personal information. The personal information will always be subject to protection, not less than the protection it is afforded under the Protection of Personal Information Act No.4 of 2013.

- Objection to the processing of personal information by a data subject:
 - Section 11(3) of POPI and regulation 2 of the POPI regulations provides that a data subject may, at any time object to the processing of their personal information in the prescribed form attached to this manual as annexure "B".
- Request for correction or deletion of personal information:
 - Section 24 of POPI and regulation 3 of the POPI regulations provides that a data subject may request for their personal information to be corrected and/or deleted in the prescribed form attached hereto as annexure "C".

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center">PARTICULARS OF RECORD REQUESTED</p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center">TYPE OF RECORD</p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

Annexure “B”

FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer