

ONE DIGITAL MEDIA (PTY) LTD

REGISTRATION NUMBER: 2005/031247/07

PAIA MANUAL

In terms of section 51 of the
Promotion of Access to Information Act 2 of 2000 (PAIA)

One Digital Media (Pty) Ltd (Reg.No. 2005/031247/07)

Directors: M.A. Moosa (Chairman), A.R. Ridl (CEO), N.P.L.W. Madangombe, N.D. Khoele, B. Tlhabanelo

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Contents

1. Introduction	3
2. Applicable Legislation	5
3. Company records.....	5
4. Processing of personal information and POPI compliance	7
5. Prescribed request forms and fees.....	9
6. Refusal of requests	10
7. Remedies	10
Annexure A	12
Annexure B	17

1. Introduction

Section 51 of PAIA (Promotion of Access to Information Act) requires that the company, as a private body, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

This PAIA Manual provides an outline of the type of records and the personal information held by the Company and explains how to submit requests for access to these records in terms of PAIA. In addition, it explains how to access or object to, personal information held by the company, or how to request the correction of personal information held, in terms of sections 23 and 24 of the Protection of Personal Information Act, 2013 (POPIA).

1.1 Definitions

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:

“**Act**” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;

“**ODM**” means One Digital Media, a private company duly incorporated in terms of the laws of South Africa, registration number 2005/031247/07;

“**Information Officer**” means the person acting on behalf of ODM and discharging the duties and responsibilities assigned to the “head” of ODM by the Act;

“**Manual**” means this manual published in compliance with Section 51 of the Act;

“**Personnel**” means any person employed by ODM and includes without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as consultants, freelancers and contract workers;

“**Record**” means any recorded information, regardless of form or medium, which is in the possession of or under the control of ODM, irrespective of whether it was created by ODM;

“**Request**” means a request for access to a record of ODM;

“**Requester**” means any person, including a public body or an official thereof, making a request for access to a record and includes any person acting on behalf of that person; and

“**SAHRC**” means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:

- The singular includes the plural and vice versa;
- Any one gender includes the other genders and vice versa: and
- Natural persons include juristic persons.

1.2 Business overview

ODM, based in Somerset West, with offices nationally, is a private company, registered in 2005. We develop and install Digital Media solutions including, but not limited to:

- Digital Signage
- Audio
- Outdoor LED
- Custom Software Solutions

1.3 The Act

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.

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.

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

1.4 Availability of this PAIA Manual

A copy of this manual is available on our website www.onedigitalmedia.com or by sending a request for a copy to the Information Officer by email. The Manual may be inspected at the address set out below. In addition, this manual can be accessed through the SAHRC at its address set out below and is available in the Gazette. This Manual will be updated from time to time, as and when required.

Contact details

Name of Private Body	One Digital Media
Designated Information Officer	Chief Information Officer
Email address of Information Officer	jeremy@onedigitalmedia.com
Postal address	PO Box 12472, Die Boord, Stellenbosch, 7613
Street address	Unit 60&62 Kara Place, The Grove Business Park, Paardekraal Close ,The Interchange, Somerset West
Phone number	021-180 4888

1.5 How to access the guide as described in section 10 of the Act

Please contact the SAHRC to obtain the guide. Their details are reflected below:

The South African Human Rights Commission: PAIA Unit
The Research and documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

2. Applicable Legislation

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

1.	Companies Act No. 61 of 1973 and No 71 of 2008
2.	The Value-Added Tax Act No. 89 of 1991
3.	Income Tax Act No. 58 of 1962
4.	Basic Conditions of Employment Act No. 75 of 1997
5.	Labour Relations Act No. 66 of 1995
6.	Employment Equity Act No. 55 of 1998
7.	Pension Funds Act No 24 of 1956
8.	Skills Development Levies Act No.9 of 1999
9.	Unemployment Insurance Act No. 30 of 1996
10.	The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
11.	The Occupational Health and Safety Act No. 85 of 1993
12.	The Broad-Based Black Economic Empowerment Act No53 of 2003
13.	National Environmental Management Waste Act 2008 (Act 59 of 2008)
14.	Protection of Personal Information Act, No. 4 of 2013
15.	Promotion of Access to Information Act, No. 2 of 2000
16.	Consumer Protection Act No 68 of 2008
17.	Electronic Communications and Transactions Act No. 25 of 2002

3. Company records

3.1 Records held by the company

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We maintain records on the categories listed below. However, please note that recording a category or subject matter in this Manual does not automatically imply that a request for access to such records would necessarily be successful. All requests for access will be evaluated on the merit of each case and in accordance with the provisions of the Act.

Please further take note that many of the records held by us relating to third parties are privileged and confidential. We place a high value on protecting such information and suggest that such requests are carefully motivated for consideration.

Customer and Supplier related records:	Information relating to customers'/suppliers identity, contact details, financial details and other personal information provided by customers/suppliers and by other third parties on behalf of customers/suppliers.
	Correspondence between the Company and its customers/suppliers, as well as correspondence between the Company and third parties relating to its customers/suppliers.
	The agreements concluded between the Company and its customers/suppliers, which agreements contain confidential information relating to the customers'/suppliers' financial records, commercial information and which contains personal information regarding the directors and employees of such customers/suppliers.
	Internal records created by the Company pertaining to its customers/suppliers.
Employee related records:	Records of the personal information of the employees (including permanent employees and casual staff) of the Company, as collected from such employees and other third parties.
	Conditions of employment, employment agreement and other legal records
	Internal evaluations, records of training and skills development and other internal records.
	Correspondence between employees and the Company, as well as correspondence between the Company and third parties relating to the employees
	Information relating to employees' employment history, leave and medical records, financial history, pension funds and trade union memberships
Company records:	Financial, treasury and auditing records of the Company
	Records regarding the Company's products, processes, marketing, databases, information technology and operations
	Statutory records of the Company, including its constitutional documents, securities registries, registration documents etc

	Internal correspondence
	Records held by the directors and public officers of the Company
Third Party records	Records held by third parties on behalf of the Company, including its service providers, operators and independent contractors
	Records held by the Company relating to third parties, including its service providers, contractors and its subsidiaries/holding companies

3.2 Company records classification key

Upon receipt of a request to access information the information will be categorised as follows:

1.	May be disclosed	Publicly accessible
2.	May not be disclosed	Request after the commencement of criminal or civil litigation (Section 7)
3.	May be disclosed	Subject to copyright
4.	Limited disclosure	Personal information that belongs to the Requester of the information (Section 61)
5.	May not be disclosed	Unreasonable disclosure
6.	May not be disclosed	Likely to harm the commercial or financial interest of third parties (Section 64a and b)
7.	May not be disclosed	Likely to harm the company of third party in contract of other negotiations (Section 64c)
8.	May not be disclosed	Would breach a duty of confidence to a third party in terms of an agreement (Section 65)
9.	May not be disclosed	Likely to compromise the safety of individuals or protection of private property (Section 66)
10.	May not be disclosed	Legally privileged documents (Section 67)
11.	May not be refused	Environmental testing / investigation which reveals public safety / environmental risks (Section 64 and 68(2))
12.	May not be disclosed	Commercial information of private body (Section 68)
13.	May not be disclosed	Likely to prejudice research and development information of the company or a third party (Section 69)
14.	May not be refused	Disclosure in public interest (Section 70)

4. Processing of personal information and POPI compliance

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The Company processes personal information in the conduct of its business activities, specifically as it relates to agreements concluded with its customers, suppliers, service providers, employees etc.

Personal information is only disclosed, by the Company to third parties, in line with the provisions of POPI (such as disclosures with the consent of the relevant “data subject”, in order to comply with an agreement between the “data subject” and the Company and/or where it is in the best interest of the “data subject”) and as necessary or required in the conduct of the business activities of the Company. Aforementioned includes the necessary disclosure of personal information to the employees of the Company (in relation to the performance of their duties) and to the service providers of the Company (in respect of the services provided to the Company).

The Company does not in its ordinary course of business transfer personal information to parties situated outside of South Africa. Any cross-border flow of personal information will be done strictly in accordance with the provisions of POPI (such as with the consent of the “data subject” to whom such personal information relates), as well as any other applicable laws.

The Company implements the necessary security safeguards to ensure the confidentiality and integrity of all personal information, as prescribed by POPI. This includes the use of secure storage facilities, password protected computers and encrypted storage. In order to ensure adequate protection of confidential and personal information we do not set out our full privacy and security measures in this Manual. Please however feel free to contact us if you require further details on how we protect confidential and personal information in our possession.

4.1 Purpose of processing personal information

Personal information is processed for a variety of purposes including but not limited to:

- To assist in identifying data subjects
- To maintain customer records
- For recruitment and employment purposes
- For administration, financial and tax purposes
- For legal purposes
- For health and safety purposes
- To transact with suppliers
- To detect and prevent fraud
- To recover debt
- To carry our customer analysis

4.2 Categories of Data Subjects and personal information processed

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Customers	Personal information
	Contracts
	Payment history
Suppliers	Personal information
	Bank details
Employees	Personal information
	Benefit information (Pension/Provident)
	Contracts
	Performance records
	Payroll records
	Access and attendance records
	Health and Safety records
	Training records
	Curriculum Vita
	Criminal checks
	Background checks

4.3 Recipients with whom personal information are shared

- Credit bureau
- Bank
- BEE Verification Agency
- Financial Auditor

Personal information is not shared with other third parties except if:

- Required for legal or regulatory purposes
- Required for existing or future legal proceedings
- We sell our business
- Required for prevention of fraud or corruption

4.4 Personal information received from third parties

Should personal information be received from third parties on behalf of a data subject we will request written confirmation of consent from the data subject.

5. Prescribed request forms and fees

To process a request for access to information, please follow the following process:

- The requester must use the prescribed form to make a formal request for access to a record.
- The request must be made to the head of the private body;
- This request must be made to the address, fax number or electronic mail
- address of the body concerned;

- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester;
- The requester should also indicate which form of access is required;
- The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed;
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right;
- Should a request be made on behalf of another person, the requester must submit proof of this mandate and capacity in terms of which he is making the request to the satisfaction of the head of the private body.
- Pay the prescribed fees.

5.1 Prescribed form

The application form can be obtained from

http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf . A sample form is included in Annexure A of this document.

5.2 Prescribed fees

Prescribed fees were published by the Minister of Justice and Constitutional Development in the Government Gazette No. 23119, General Notice No. 187 of 15 February 2002. Please refer to Annexure B for ODM fee structure.

6. Refusal of requests

Chapter 4 of the Act stipulates the following grounds for refusing requests for information:

- Protection of a third party who is a natural person;
- Protection of commercial information of a third party including trade secrets, financial, scientific, commercial or technical information, computer programs;
- Protection of confidential information of a third party;
- Protection of safety of individuals and protection of property;
- Protection of records privileged from production in legal proceedings;
- Commercial information of the private body, including trade secrets, financial, scientific, commercial or technical information, computer programs;
- Protection of research information of a third party and of the private body.

7. Remedies

The act makes provision for the lodgement of a complaint or for an appeal against refusal of access to information :

- A requester to whom or which the notice of refusal is given may within 21 days after the notice is given, make written representations to the relevant authority why the request for access should be granted;

- The complainant who is not happy with the decision of the request may lodge an application with a court against the decision made within 30 days after the decision was communicated.

Annexure A

J752



REPUBLIC OF SOUTH AFRICA

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below. (b) The address and/or fax number in the Republic to which the information is to be sent must be given. (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:
 Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--

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:

.....

2. Reference number, if available:

.....

3. Any further particulars of record:

.....

.....

.....

.....

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:

.....

.....

.....

.....

.....

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 X .	
NOTES:	
(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.

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

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. **The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

.....

.....

.....

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

.....

.....
.....

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

Annexure B

Request Fees

Where the requester, other than a personal requester, requests information held by the Company, the requester shall be required to pay the prescribed fee of R50.00 before a request will be processed.

Access Fees

An access fee is payable in all instances where a request for access to information is granted which include fees associated with the search for, preparation of and reproduction of a record, except in those instances where payment of an access fee is specially excluded in terms of PAIA or an exclusion is determined by the Minister in terms of section 22(8). The fee for search and preparation of the record is R30.00 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation.

A requester requesting copies of all records that are publicly available, does not pay the request fee, but shall pay the prescribed access fee for reproduction.

For every photocopy of an A4-size page or part thereof	R1.80
For every printed copy of an A4-size page or part thereof	R0.80
Compact disc (CD-ROM)	R200.00
A transcription of visual images, for an A4-size page or part thereof	R50.00
For a copy of visual images	R70.00
A transcription of an audio record; for an A4-size page or part thereof	R25.00
For a copy of an audio record	R40.00
Postal fee	R9.75
Courier of a record to a requestor	R99.00