



MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000 (the Act)

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1. INTRODUCTION

- 1.1. This manual is based on the blueprint issued by the South African Human Rights Commission (SAHRC) as well as the Information Regulator.
- 1.2. The Affinity Group and its subsidiaries provide global Business Process Outsourcing services to companies involved in Telecommunications, Insolvency, Debt Management, Financial Services, Accountancy, Legal, and Software Development.

2. CONTACT DETAILS

- 2.1. The company details are as follows and applicable for all subsidiaries as contained within the Affinity Group structure:
 - 2.1.1. Company Name: The Affinity Group
 - 2.1.2. Directors: Andrew Portmann and Ryan Hartslief
 - 2.1.3. Information Officer: Jared Laljit
 - 2.1.4. Postal Address: 2 Park Lane, Umhlanga, Durban, South Africa, 4051
 - 2.1.5. Physical Address: 2 Park Lane, Umhlanga, Durban, South Africa, 4051
 - 2.1.6. Telephone Number: +27 31 816 9070
 - 2.1.7. Email: info@theaffinitygroup.co.za

3. SECTION 10 GUIDE ON HOW TO USE ACT

- 3.1. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 9 and 10 of this manual.
- 3.2. Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the Information Regulator, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the Information Regulator.
- 3.3. The contact details of the Regulator are:
 - 3.3.1. Postal Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.
 - 3.3.2. Telephone Number: 010 023 5200
 - 3.3.3. Website: <https://inforegulator.org.za>

4. RECORDS AVAILABLE IN TERMS OF LEGISLATION

- 4.1. Records are available in accordance with the following legislation:
 - 4.1.1. Basic Conditions of Employment Act No.75 of 1997
 - 4.1.2. Broad-Based Black Economic Empowerment Act No. 75 of 1997
 - 4.1.3. Companies Act No.71 of 2008
 - 4.1.4. Consumer Protection Act No.68 of 2008
 - 4.1.5. Copyright Act No. 98 of 1978
 - 4.1.6. Debt Collectors Act No.114 of 1998

- 4.1.7. Electronic Communications Act No. 36 of 2005
- 4.1.8. Electronic Communications and Transactions Act No. 25 of 2002
- 4.1.9. Employment Equity Act No. 55 of 1998
- 4.1.10. Financial Intelligence Centre Act No. 38 of 2001
- 4.1.11. Income Tax Act No. 58 of 1962
- 4.1.12. Labour Relations Act No. 66 of 1995
- 4.1.13. National Credit Act No. 34 of 2005
- 4.1.14. Non-Profit Organisations Act No. 71 of 1997
- 4.1.15. Occupational Health and Safety Act No. 85 of 1993
- 4.1.16. Prevention of Organised Crimes Act No. 121 of 1998
- 4.1.17. Protection of Personal Information Act No. 4 of 2013
- 4.1.18. Skills Development Levies Act No. 9 of 1999
- 4.1.19. Short-Term Insurance Act No. 53 of 1998
- 4.1.20. Unemployment Insurance Act No. 63 of 2001
- 4.1.21. Value Added Tax Act No. 89 of 1991

5. ACCESS TO RECORDS HELD BY THE AFFINITY GROUP

- 5.1. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of the Act, in terms of Section 52(2) and Section 51(1)(c) is none, save for the notices and documents found on the Affinity Group websites:

- 5.1.1. <https://www.theaffinitygroup.co.za>
- 5.1.2. <https://www.affinitysolutions.co>
- 5.1.3. <https://openbooksco.com>
- 5.1.4. <https://10000strong.org>

- 5.2. The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act.

5.3. HUMAN RESOURCES DEPARTMENT

- 5.3.1. Administration policies and procedures
- 5.3.2. List of contractors / sub-contractors
- 5.3.3. Registrations with Department of Labour: UIF, COIDA and Skills Development Levies Act
- 5.3.4. Address lists and internal telephone lists
- 5.3.5. Personnel files
- 5.3.6. Letters of appointment
- 5.3.7. Fringe benefit breakdown
- 5.3.8. Leave forms
- 5.3.9. Employee contracts of employment
- 5.3.10. List of employees
- 5.3.11. Payroll records
- 5.3.12. Recruitment records
- 5.3.13. Training records, manuals, materials and reports
- 5.3.14. UIF returns
- 5.3.15. CCMA records
- 5.3.16. Disciplinary hearings

- 5.3.17. Salary packages
- 5.3.18. Employment equity records and reports

5.4. SECRETARIAL AND LEGAL

- 5.4.1. Company statutory records
- 5.4.2. Powers of attorney / proxies
- 5.4.3. Central contracts register
- 5.4.4. Record of major litigation / arbitration proceedings
- 5.4.5. Insurance policies
- 5.4.6. Title deeds
- 5.4.7. Mortgage bonds
- 5.4.8. Trademark, copyright, patent, service mark certificates and registrations

5.5. FINANCIAL ACCOUNTS

- 5.5.1. Audited financial statements
- 5.5.2. Accounting records
- 5.5.3. Debtors and creditors information
- 5.5.4. Assets registers
- 5.5.5. Public utility accounts

5.6. TREASURY

- 5.6.1. Banking information and mandates
- 5.6.2. VAT registration certificate
- 5.6.3. Income tax records
- 5.6.4. Tax records
- 5.6.5. Monthly receipts from SARS

5.7. SAFETY, HEALTH AND ENVIRONMENT

- 5.7.1. Complete Safety, Health and Environment Risk Assessment
- 5.7.2. Environmental Managements Plans
- 5.7.3. Inquiries, inspections, examinations by environmental authorities

5.8. MARKETING DEPARTMENTS

- 5.8.1. Advertising and promotional material

5.9. SALES DEPARTMENTS

- 5.9.1. Customer details
- 5.9.2. Credit application information
- 5.9.3. Information and records provided by a third-party

5.10. IT DEPARTMENT

- 5.10.1. Information technology systems and user manuals

5.11. CORPORATE AFFAIRS

5.11.1. Records of all donations to education and society

6. PROCESSING OF PERSONAL INFORMATION

6.1. OVERVIEW

6.1.1. The Affinity Group takes the privacy and protection of personal information seriously and processes this information in accordance with the current National and International privacy legislation, including the Protection of Personal Information Act No. 4 of 2013 (POPIA) or any other applicable legislation which deals with privacy rights in South Africa. All relevant privacy conditions and requirements relating to the processing of personal information (including, but not limited to the collection, handling, transfer, sharing, correction, storage, archiving and deletion of personal information) will be applied to any processed by the Affinity Group.

6.2. PURPOSE FOR PROCESSING

6.2.1. The Affinity Group processes personal information for a variety of purposes that are in accordance with lawful processing requirements and contemplated in Section 4 of POPIA.

6.2.2. All processing of personal information is undertaken in accordance with applicable legislation which forms the foundation for and allows for such processing.

6.3. CATEGORIES OF DATA SUBJECTS AND INFORMATION

6.3.1. Categories of data subjects and personal information processed by Affinity Group include the following:

6.3.1.1. Shareholders

- Shareholder personal information

6.3.1.2. Customers (prospective, current and past)

- Customer personal information, e.g. name, identity number, address, phone numbers, email etc.
- Customer bank details, e.g. account number, products, etc.
- Customer contracts and agreements
- Customer location information
- Customer financial details
- Customer beneficiary information
- Customer dependants' information (may include children)
- Customer medical history
- Customer third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).

6.3.1.3. Suppliers

- Supplier personal information
- Supplier contracts and agreements

- Supplier bank details
- Supplier representatives' personal information
- Surveillance information of supplier representatives (e.g. CCTV footage)

6.3.1.4. Employees (prospective, current and past)

- Employee personal information e.g. name, identity number, address, phone numbers, email etc.
- Employee education and psychometrics records
- Employee biometric information
- Employee pension and provident fund information
- Employee bank details
- Employee tax and financial information
- Employee contracts
- Employee next of kin information
- Employee vehicle registration
- Employee performance records
- Payroll records
- Electronic access records
- Physical access records
- Surveillance records
- Health and safety records
- Training records
- Background checks
- Criminal checks
- Employment history

6.3.1.5. Job Applicants

- Curriculum vitae and application forms
- Criminal checks
- Background checks

6.3.1.6. Visitors

- Physical access records
- Electronic access records, scans and photographs
- Surveillance records (e.g. CCTV footage)
- Biometric information

6.4. RECIPIENTS OR CATEGORIES WITH WHOM PERSONAL INFORMATION MAY BE SUPPLIED

6.4.1. The Affinity Group may share personal information of its data subjects, where legally justified to do so in accordance with paragraphs 6.1 and 6.2, with the Group's service providers or operators who perform services on the Group's behalf, in order to fulfil the purpose of processing.

6.4.2. The Affinity Group does not share the personal information of its data subjects with any third parties, except if:

- 6.4.2.1. it is obliged to provide such information for legal or regulatory purposes;
 - 6.4.2.2. it is required to do so for purposes of existing or future legal proceedings;
 - 6.4.2.3. it is selling one or more of its businesses or part of its businesses to a third party to whom it may transfer its rights under any agreement it may have with data subjects;
 - 6.4.2.4. it is involved in the prevention of fraud, loss, bribery or corruption;
 - 6.4.2.5. the third party performs services and processes personal information on the Group's behalf as its operator; or
 - 6.4.2.6. it is required to provide or manage any information, products and/or services to data subjects;
- 6.4.3. Appropriate communications will be sent to data subjects relating to processing if obliged to do so by law, or in terms of its contractual relationship with data subjects.
- 6.4.4. Personal information will only be disclosed to government authorities if required to do so by law.
- 6.4.5. All Affinity Group employees and suppliers are required to adhere to legislation relating to privacy and confidentiality principles.

6.5. TRANSBORDER FLOWS OF PERSONAL INFORMATION

- 6.5.1. The Affinity Group will only transfer personal information across South African borders if the relevant transactions or circumstance requires trans-border processing. Any such transfer will be carried out in accordance with South African legislative requirements, or if the data subject consents to the transfer of their personal information to third parties in foreign countries.
- 6.5.2. All measures will be taken to ensure that operators (suppliers and third parties) in foreign countries are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection of personal information and uphold principles for reasonable and lawful processing of personal information that is in accordance with POPIA, together with appropriate security safeguards.

6.6. INFORMATION SECURITY MEASURES

- 6.6.1. Reasonable technical and organisational measures have been implemented for the protection of personal information processed by the Affinity Group and its operators.
- 6.6.2. Technical and organisational security measures are continuously implemented and monitored in order to protect the personal information against unauthorised access, accidental or wilful manipulation, loss, damage, or destruction.
- 6.6.3. All reasonable steps are taken to ensure that operators that process personal information on the Group's behalf, have adequate safeguards in place.

7. REQUEST PROCEDURES

- 7.1. The form of request shall be as follows:

- 7.1.1. The requester must use the prescribed form (Form C) to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [Section 53(1)].
- 7.1.2. The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- 7.1.3. The requester should indicate which form of access is required.
- 7.1.4. The requester should indicate if there is any other manner to be used to inform the requester and state the necessary particulars to be so informed [Section 53(2)(a), (b) and (c)].
- 7.1.5. 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 [Section 53(2)(d)].
- 7.1.6. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [Section 53(2)(f)].
- 7.1.7. A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- 7.1.8. Every other requester, who is not a personal requester, must pay the required request fee.
- 7.1.9. The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [Section 54(1)].
- 7.1.10. The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees [Section 54(3)(b)].
- 7.1.11. After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- 7.1.12. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [Section 54(6)].

8. REFUSAL OF ACCESS TO RECORDS

- 8.1. As a Private Body, the Affinity Group is entitled to refuse a request for information. The main grounds for the Affinity Group to refuse a request for information pertain to:
 - 8.1.1. mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as contained in the Protection of Personal Information Act No.

4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person [Section 63];

- 8.1.2. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act No. 4 of 2013 [Section 63];
- 8.1.3. mandatory protection of the commercial information of third-party records containing financial, commercial, scientific or technical information, as well as trade secrets, which the disclosure thereof could likely cause harm to the interest of the third party or cause a disadvantage in negotiations or commercial competitions [Section 64];
- 8.1.4. mandatory protection of confidential information of third parties if it is protected in terms of any agreement [Section 65];
- 8.1.5. mandatory protection of the safety of individuals and the protection of property [Section 66];
- 8.1.6. mandatory protection of records which would be regarded as privileged in legal proceedings [Section 67].
- 8.1.7. commercial activities of the Affinity Group which may include financial, commercial, scientific or technical information, as well as trade secrets, research information, intellectual property and computer programmes, which the disclosure thereof could likely cause harm to the Affinity Group or cause a disadvantage in negotiations or commercial competitions [Sections 68 and 69];
- 8.1.8. requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused;
- 8.2. Where the Affinity Group is an Operator as defined in terms of the POPIA, which processes information on behalf of a Responsible Party, requests for information and authorisation thereof must be made with the Responsible Party and not the Affinity Group, unless determined otherwise.
- 8.3. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

9. AVAILABILITY OF THE MANUAL

- 9.1. This Manual will be available:
 - 9.1.1. On the website of the Affinity Group.
 - 9.1.2. To a person upon request and payment of the prescribed fee.
 - 9.1.3. To the Information Regulator upon request.
 - 9.1.4. At the principal place of business of the Affinity Group's head office during normal business hours.

10. PRESCRIBED FEES

10.1. The fees for reproduction referred to in Section 52(3) are as follows:

10.1.1. For every photocopy of an A4-size page or part thereof	R1,10
10.1.2. For every printed copy of an A4-size page or part thereof	R0,75
10.1.3. For a compact disc	R70,00
10.1.4. For a transcription of visual images, for an A4-size page or part thereof	R40,00
10.1.5. For a copy of visual images	R60,00
10.1.6. For a transcription of an audio record, for an A4-size page or part thereof	R20,00
10.1.7. For a copy of an audio record	R30,00
10.1.8. To search for and prepare the record for disclosure (per hour)	R30,00

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

10.3. For purposes of Section 54(2) of the Act, the following applies:

- 10.3.1. Six hours as the hours to be exceeded before a deposit is payable; and
- 10.3.2. one third of the access fee is payable as a deposit by the requester.

10.4. The actual postage is payable when a copy of a record must be posted to a requester.

This Manual was last updated in June 2021.

11. PRESCRIBED FORMS

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: _____

Fax number: _____

Telephone 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 hereunder, 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 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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 _____

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