



# Digital Industries (Pty) Ltd

## Promotion of Access to Information Act (PAIA) Manual

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# Content

## Document Governance

Update the Document Governance section with the relevant information as required. Below is this template document information and cannot be the same in the documents that you create from this template.

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### Document Release Approvals

<i>Name</i>	<i>Role</i>	<i>Signature</i>	<i>Date</i>
J Sykes	Business Excellence Manager - IO		27 October 2023
A von Aulock	Deputy IO		27 October 2023
D Govender	CEO		
Z Mazibuko	EOH Group IO		

# 1 Right of Access to Information

## 1.1 Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Promotion of Access to Information Act 2 of 2000 (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- a. The record is required for the exercise or protection of any of his or her legal rights.
- b. That requester complies with all the procedural requirements; and
- c. Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

## 1.2 Availability of the Digital Industries PAIA Manual and Entry Point for requests

Digital Industries (Pty) Ltd compiled this Access to and Protection of Information Manual (“Manual”) to facilitate requests for access to certain information and access to, the correction, deletion or destroying of Personal Information, as well as to set out the procedures to be followed in terms of both PAIA and the Protection of Personal Information Act 4 of 2013 (“POPIA”) to make such requests.

This Manual provides an outline of the type of Records and the Personal Information that Digital Industries (Pty) Ltd holds 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 Digital Industries (Pty) Ltd, or request correction or de-identification of the Personal Information, in terms of paragraphs 23 and 24 of POPIA.

This Manual has been prepared in terms of section 51 of the Act and regulation 4(1)(c) of the Regulations relating to the Protection of Personal Information, 2018 of POPIA, for Digital Industries (Pty) Ltd only. The intention is to ensure that Digital Industries (Pty) Ltd complies with PAIA and POPIA and instils the principles of other relevant privacy legislation of South Africa by fostering the culture of transparency and accountability and giving effect to the right to information.

*Please note:* This Manual is not exhaustive, nor does it comprehensively deal with, every procedure provided for in POPIA and PAIA. Requesters are advised to familiarise themselves with the provisions of these Acts before making any requests to Digital Industries (Pty) Ltd in terms of these Acts.

This Manual is published on the Digital Industries (Pty) Ltd website at [www.digitalindustries.co.za](http://www.digitalindustries.co.za) or alternatively, a copy can be requested from the Information Officer/ Deputy Information Officer (see contact details below).

This Manual may be amended from time to time and the final/ latest version of the manual will be made public.

In summary, the Manual provides information on the:

- a. Contact details of the Information Officer.
- b. Structure and functions of Digital Industries (Pty) Ltd
- c. Subjects and categories of records that are held by Digital Industries (Pty) Ltd; and
- d. Procedure that needs to be followed and criteria that must be met by a requester to request access to a record

### 1.3 Who may request access to information?

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- a. A personal requester who requests a record about him/herself.
- b. An agent requester who requests a record on behalf of someone else with that person's consent and where it is required for the protection of that person's legal right.
- c. A third-party requester who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right; and
- d. A public body who may request a record if:
  - i. It fulfills the requirements of procedural compliance.
  - ii. The record is required for the exercise or protection of a right; and
  - iii. No grounds for refusal exist.

### 1.4 Contact Details

The Chief Executive Officer of Digital Industries (Pty) Ltd has delegated his powers to the Information Officer below in terms of the Act to handle all requests on Digital Industries (Pty) Ltd behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Guidelines in terms of section 10 of PAIA that will facilitate ease of use of the Act for Requesters can be obtained from the Information Regulator of South Africa as set out below:

#### 1.4.1 Contact Details of Digital Industries (Pty) Ltd

Digital Industries (Pty) Ltd contact details

Information Officer:	Joy Sykes
Deputy Information Officer:	Andre von Aulock
Information Coordinator:	TBC
Physical Address (Domicile):	Postal Address:
1 <sup>st</sup> Floor Block E, Pinmill Farm 164 Katherine Street Barlow Park, Sandton 2148	PO BOX 59 BRUMA 2026
Tel: 011 – 607 8100	
E-mail: <a href="mailto:joy.sykes@eoh.com">joy.sykes@eoh.com</a> <a href="mailto:privacy@eoh.com">privacy@eoh.com</a>	E-mail: <a href="mailto:andre.vonaulock@eoh.com">andre.vonaulock@eoh.com</a>

## 1.4.2 Contact Details of the Information Regulator

Physical Address:	Postal Address:
JD House 27 Siemens Street Braamfontein Johannesburg, 2017	Information Regulator of South Africa PO Box 31533 Braamfontein Johannesburg 2001
Email address for enquiries:	<a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>
Compliants:	<a href="mailto:PAIAcomplaints@inforegulator.org.za">PAIAcomplaints@inforegulator.org.za</a>

## 1.5 Policy regarding Confidentiality and Access to Information

Digital Industries (Pty) Ltd will protect the confidentiality of information provided to it by third parties, subject to Digital Industries (Pty) Ltd obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, Digital Industries (Pty) Ltd is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. If the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

## 1.6 Guidance to Requestors on how to use the Act

Any requestor is advised to contact the Information Officer/ Deputy Information Officer should he / she require any assistance in respect of the utilisation of this Manual and/or the requesting of documents / information from Digital Industries (Pty) Ltd.



## 2 Digital Industries (Pty) Ltd Structure

### 2.1 Scope

This Manual has been prepared in respect of the private body Digital Industries (Pty) Ltd.

### 2.2 Profile and Structure

Digital Industries (Pty) Ltd is a leading provider industrial software, solutions, infrastructure, and support services. The business units comprising Industrial Software, Solutions and Support (IS3), Process Automation Solutions (PAS), Integrated Real Time Asset Management Systems (iRAMS) and Critical Systems & Industrial Information Infrastructure (CSI<sup>3</sup>), serve customers across multiple industries in South and Southern Africa.

Digital Industries (Pty) Ltd purpose is to provide the technology, knowledge, skills, and organizational ability critical to Africa's industrial development and growth.

Digital Industries (Pty) Ltd operating model is two dimensional, focused on key business areas and industry verticals. Digital Industries (Pty) Ltd offers solutions across the spectrum through an Edge to Enterprise model approach and is able to offer its customers tailored, flexible and robust solutions, connecting, optimizing, and maintaining their industrial operations.

Digital Industries (Pty) Ltd key business areas are. A key differentiator in our model is the specialist industry expertise that we provide through our industry verticals. Digital Industries is the sole distributor of the AVEVA portfolio (US) of industrial software applications, provider of engineering and implementation services for technical infrastructure and has inhouse developed Asset Management IP. Together with a highly skilled team providing support and maintenance services on multiple platforms and solutions, Digital Industries (Pty) Ltd provides high value, end-to-end solutions across the spectrum and consistently delivers value to clients through its deep industry expertise, an understanding of clients' business and a 'Right 1st Time' approach to delivery.

Digital Industries (Pty) Ltd is a wholly owned subsidiary of iOCO Holdings (Pty) Ltd which is a wholly owned subsidiary of EOH Holdings Limited, a JSE Listed, leading IT services company.

## 3 Classes of Records

### 3.1 Automatic Disclosure

No notice has been published to the Minister in terms of sec 52(1) of PAIA for publication

The following records are automatically available at the registered office of Digital Industries (Pty) Ltd on payment of the prescribed fee for reproduction.

- a. Documentation and information relating to Digital Industries (Pty) Ltd which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in set out in section 25 of the Companies Act 71 of 2008.

- b. Product and Promotional Brochures
- c. News and other Marketing Information
- d. The annual integrated report and any other shareholder communications as published on the EOH Group's website associated with the Digital Industries (Pty) Ltd shareholding.

## 3.2 Legislative requirements

Where applicable to its operation, Digital Industries (Pty) Ltd also retains Records and documents in terms of legislation listed below for the relevant periods as provided in the applicable legislation. Please note that the Records referred to on the listed legislation below are not exhaustive and as such, each request for access to Record will be treated uniquely with consideration of applicable legislation, policy, and procedure.

Records kept in accordance with such other legislation as applicable to Digital Industries which includes, but is not limited to:

<b>Employee – Employer Relationship</b>
Basic Conditions of Employment Act 75 of 1997
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Employment Equity Act 55 of 1998
Labour Relations Act 66 of 1995
Occupational Health and Safety Act 85 of 1993
Disaster Management Act, 57 Of 2002
Unemployment Insurance Act, 63 of 2001
Skills Development Act, 97 of 1998
Pension Fund Act, 24 of 1956
Tax on Retirement Funds Act No 38 of 1996
<b>Revenue and/or Income</b>
Value Added Tax Act, 89 of 1991
Income Tax Act. 58 of 1962
Skills Development Levies Act, 9 of 1999
Tax Administration Act, 28 of 2011
Taxation Laws Amendment Act (latest amendment act)
Customs and Excise Act, 1964
Debt Collectors Act 114 of 1998
Banks Act 94 of 1990
<b>General</b>
Protection of Personal Information Act, 4 of 2013
Broad-Based Black Economic Empowerment Act 53 of 2003
Companies Act 71 of 2008
Constitution of the Republic of South Africa Act, 108 Of 1996
Copyright Act 98 of 1987
Competition Act 89 of 1998
Consumer Protection Act 68 of 2008
Electronic Communications and Trans-actions Act 25 of 2002
Civil Proceedings Evidence Act, 1965 (Act 25 of 1965)
Insolvency Act 24 of 1936

Although Digital Industries has used its best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete.

Wherever it comes to EOH's attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall update the list accordingly.

### 3.3 Records held by Digital Industries (Pty) Ltd

This clause serves as a reference to the Records that Digital Industries (Pty) Ltd holds. The information is classified and grouped according to Records relating to the following subjects and categories.

It is Recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter

<b>Human Resources and Financial</b>
Employee Records (A personnel file containing confidential documents and Personal Information relating to the Employee and Records utilised by the employer, the employee, and the employee's manager, in some companies. (e.g. Remuneration, Medical Aid info, Medical Records, Leave, Education, Training, Study Assistance, Employee Benefits and Disciplinary Records)
Employment Contracts
Employee Policies, Procedures and Guidelines
Employee Group Life and Disability Insurance Records
Employment Equity Records
Employee Share Option Records
Recruitment Records (Any Records relating to the recruitment process should be kept in a secure and confidential place. These Records may include the job analysis findings, job descriptions, job specifications, interview Rating Sheets, all applicant files for a specified period, response and success rate for different recruiting methods used )
Employee related regulatory submission records
Audit reports
Audited Financial Statements
Income Statements
Tax Invoices (Company and Employees)
Investment and Loan Records
Management Accounts
Capital Expenditure Records
Management Reports
Expense Records
<b>Marketing</b>
Clients' Information and Database
Product Offering Information and Brochures
Development of new products
Advertising material
Training Schedules and Material
Correspondence relating to training
Marketing Strategies
Newsletters and Publications
Media Releases
<b>Client Related Records</b>

Customer Contract Documentation and Correspondence
Statutory Records
Records provided by a 3 <sup>rd</sup> Party
Transactional records and records relating to customers
Correspondence with clients
<b>Digital Industries (Pty) Ltd related Records</b>
Annual Financial Statements and Financial Records
Operational and transactional Records
Statutory Records
Memorandum of Incorporation
Board of Directors Minutes of Meetings
Share Certificates
Internal Records and Procedures
General Correspondence
Employee Travel Records
Suppliers Registration Records
Purchasing Records
Import and Export Records
Bank Records
Treasury Dealing Records
Debtors and creditors
Insurance policies
Agreements
Regulatory Submissions
Strategic Plans
Management Reports
Trademark Records
Intellectual Property Records
Copyrights
<b>Information Technology</b>
Agreements related to ICT Services
Disaster Recovery Plan
Licenses
Hardware and Software Packages
IT related Policies and Procedures
Application Development Records
Internal Systems Support and Programming Records
Change Records
<b>Legal</b>
Complaints, pleadings, briefs, and other documents pertaining to any actual or pending litigation, arbitration, or investigation
Material licenses, permits and authorizations
Notices

### 3.4 Other Information

Digital Industries (Pty) Ltd may possess information and Records pertaining to other parties, including and without limitation: suppliers/ holding/ sister companies, joint ventures, and service providers.

All Digital Industries (Pty) Ltd clients can access their own information without having to go through this formal information request process provided that the information is not to be used in any legal action.

The process only applies to information that exists at the time of the request and it does not require the Digital Industries (Pty) Ltd to create a Record which does not exist at the time of the request. If Digital Industries (Pty) Ltd 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 to try to locate the Record.

### 3.5 Personal Information

Digital Industries (Pty) Ltd may hold Personal Information of the following types of Data Subjects: Employees, clients, suppliers, partners, holding or sister companies, joint ventures and/ or service providers or other organisations and persons.

## 4 Processing of Personal Information

A Data Subject has the right to:

- a. request Digital Industries (Pty) Ltd to confirm, free of charge, whether Digital Industries (Pty) Ltd holds Personal Information about such Data Subject.
- b. request from Digital Industries (Pty) Ltd the Record or a description of the Personal Information about him/ her or it, held by Digital Industries (Pty) Ltd, including information about the identity of all Third Parties, or categories of Third Parties, who have, or have had, access to the information, within a reasonable time, at a prescribed fee (as set out in Annexure 3), if any, in a reasonable manner and format and in a form that is generally understandable;
- c. request Digital Industries (Pty) Ltd to correct or delete Personal Information about him/ her or it in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully (see Annexure 5);
- d. request Digital Industries (Pty) Ltd to destroy or delete a Record of Personal Information about him/ her or it that Digital Industries (Pty) Ltd is no longer authorised to retain; or
- e. object to the Processing of their Personal Information (see Annexure 4).

Digital Industries (Pty) Ltd will take all reasonable steps to confirm a Data Subject's identity before providing details of their Personal Information or making changes to their Personal Information.

Digital Industries (Pty) Ltd will only Process Personal Information in accordance with the current South African privacy legislation such as POPIA. Accordingly, the relevant privacy conditions and requirements relating to the Processing of Personal Information will be applied. This will also be applied to Personal Information of Employees and Third Parties, as well as information received from Third Parties.

If a Data Subject is required by Digital Industries (Pty) Ltd to pay a fee for services provided to the Data Subject to enable Digital Industries (Pty) Ltd to respond to a request, Digital Industries (Pty) Ltd -

- a. will give the Personal Requester a written estimate of the fee before providing the services and may require the Personal Requester to pay a deposit for all or part of the fee.
- b. may or must refuse to disclose any information requested on the same grounds for refusal of access to Records as set out in *clause 6* of this Manual.

## 4.1 Access to health or other records

If Digital Industries (Pty) Ltd 's Information Officer grants a request for access to a Record provided by a health practitioner in his/ her capacity as such about the physical or mental health, or well-being-

- a. of the Requester; or
- b. if the request has been made on behalf of the person to whom the Record relates, of that person, (*in this clause, the Requester and person referred to in paragraphs (a) and (b), respectively, are referred to as the "Relevant Person"*), is of the opinion that the disclosure of the Record to the Relevant Person might cause serious harm to his/ her physical or mental health, or well-being, the Information Officer may, before giving access to such Record, consult with a health practitioner who has been nominated by the Relevant Person.

If the Relevant Person is-

- a. under the age of 16 years, a person having parental responsibilities for the Relevant Person must make the nomination of a health practitioner or
- b. incapable of managing his/her affairs, a person appointed by the court to manage those affairs must make that nomination.

If, after being given access to the Record concerned, the health practitioner consulted is of the opinion that the disclosure of the Record to the Relevant Person, would be likely to cause serious harm to his/ her physical or mental health, or well-being, the Information Officer may only give access to the Record if the Requester proves to the satisfaction of the Information Officer that adequate provision is made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the Record to limit, alleviate or avoid such harm to the Relevant Person.

Before access to the Record is so given to the Requester, the person responsible for such counselling or arrangements will be given access to the Record.

If a request for access to Personal Information is made to Digital Industries (Pty) Ltd and part of that information may or must be refused in terms of *Clause 6* of this Manual, every other part must be disclosed.

On receipt of a request to correct, destroy or delete a Data Subject's Personal Information, Digital Industries (Pty) Ltd will, as soon as reasonably practicable adhere to the request and will provide the data subject, to his/ her satisfaction, with credible evidence in support of the information.

In instances where agreement cannot be reached between Digital Industries (Pty) Ltd and the Data Subject, and if the Data Subject so requests, Digital Industries (Pty) Ltd will take such steps as are reasonable in the circumstances, to attach to the information in such a manner that it will always be read with the information, an indication that a correction of the information has been requested but has not been made.

If Digital Industries (Pty) Ltd has taken such steps that result in a change to the information and the changed information has an impact on decisions that have been or will be taken in respect of the Data Subject in question, the Digital Industries (Pty) Ltd will, if reasonably practicable, inform each person or body or other organisation to whom the Personal Information has been disclosed of those steps.

Digital Industries (Pty) Ltd shall notify a Data Subject, who has made a request that his/her or its Personal Information should be corrected, destroyed, or deleted, of the action taken because of the request.

## 4.2 Special Personal Information

The following Special Personal Information concerning a Data Subject will not be supplied to Third Parties without the consent of the Data Subject:

- a. religious or philosophical beliefs.
- b. trade union membership; and
- c. political persuasion.

Digital Industries (Pty) Ltd will, in circumstances when it is not subjected to an obligation of confidentiality by virtue of office, profession or legal provision, treat the information relating to its Employees' health or sex life as confidential, unless it is required by law or in connection with its duties to communicate the information to other parties who are authorised to process such information in accordance with Section 32(1) of POPIA.

The Processing of information regarding the criminal behaviour or biometric information concerning personnel in the service of Digital Industries (Pty) Ltd will take place in accordance with the rules established in compliance with labour legislation.

## 4.3 Personal Information of children

Digital Industries (Pty) Ltd will only, when authorised by the Information Regulator, process the Personal Information of children if the Processing is in the public interest and appropriate safeguards have been put in place to protect the Personal Information of the child.

If the Information Regulator has granted authorisation, Digital Industries (Pty) Ltd will comply with the conditions imposed on it about how it will, upon request of a Competent Person provide a reasonable means for that person to:

- a. review the Personal Information Processed; and
- b. refuse to permit its further Processing

## 5 Access Procedure and Requests

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by Digital Industries (Pty) Ltd

It is important to note that an application for access to information can be refused if the application does not comply with the procedural requirements of the Act. In addition, the

successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to Digital Industries (Pty) Ltd records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

## 5.1 Guidance on Completion of Prescribed Access Form: Sec 51 (1) (e)

For Digital Industries (Pty) Ltd to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure B. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. Digital Industries (Pty) Ltd will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- a. The Access Request Form must be completed in the English language.
- b. Proof of identity is required to authenticate the requesters identify. If the requester acts as an agent requester, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.
- c. Type or print in BLOCK LETTERS an answer to every question.
- d. If a question does not apply, state "N/A" in response to that question.
- e. If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- f. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
- g. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

## 5.2 Submission of Prescribed Access Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer.

## 5.3 Payment of Prescribed Fees

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card



payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- a. **Request fee:** An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.
- b. **Reproduction fee:** This fee is payable with respect to all records that are automatically available.
- c. **Access fee:** If the request for access is successful an access fee may be required to re-imburse Digital Industries (Pty) Ltd for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- d. **Deposit:** A deposit of one third (1/3) of the amount of the applicable access fee, is payable if Digital Industries (Pty) Ltd receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. If access is refused to the requested record, the full deposit will be refunded to the requester.

## 5.4 Notification

Digital Industries (Pty) Ltd will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which Digital Industries (Pty) Ltd has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of Digital Industries (Pty) Ltd and the information cannot be reasonably be obtained within the original thirty (30) day period. Digital Industries (Pty) Ltd will notify the requester in writer should an extension be sought.

If the request for access to a record is **successful**, the requester will be notified of the following:

- a. The amount of the access fee payable upon gaining access to the record.
- b. An indication of the form in which the access will be granted; and
- c. Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
- d. If the request for access to a record is **not successful**, the requester will be notified of the following:
- e. Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal); and
- f. That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

## 5.5 Records that cannot be found or do not exist

If Digital Industries (Pty) Ltd has searched 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 to try to locate the record.

## 6 Grounds for refusal of access to records and appeal

### 6.1 Grounds for Refusal

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

#### 6.1.1 Requests may be refused on the following grounds, as set out in the Act

The Information Officer is obliged to refuse access to a Record if:

- a. Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- b. Mandatory protection of commercial information of a third party or Digital Industries (Pty) Ltd, if the record contains:
  - Trade secrets of the third party or Digital Industries (Pty) Ltd;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or Digital Industries; and
  - Information disclosed in confidence by a third party to Digital Industries (Pty) Ltd if the disclosure could put that third party to a disadvantage or commercial competition.
- c. Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- d. Mandatory protection of the safety of individuals, and the protection of property;
- e. Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived (Section 67 of PAIA).; and
- f. Mandatory protection of research information of a third party and of Digital Industries (Pty) Ltd.
- g. the disclosure would be an unreasonable disclosure of Personal Information about a Third Party, including a deceased individual.
- h. disclosure would constitute an action for breach of the duty of confidence owed to a Third Party in terms of an agreement.
- i. disclosure would involve the unreasonable disclosure of Personal Information of that natural person's privacy (Section 63(1) of PAIA).

- j. violates the protection and safety of individuals and protection of property (Section 66 of PAIA).
- k. the disclosure of research information of Digital industries (Pty) Ltd or a Third Party on behalf of Digital Industries (Pty) Ltd would expose the Third Party, Digital industries (Pty) Ltd, the researcher or the subject matter of the research to serious disadvantage; and
- l. the Information Officer is of the opinion that processing requests will be unreasonably time consuming and lead to waste of resources. In addition, the Information Officer may refuse access to a Record if the request is seen to be made by a Requester to unnecessarily annoy or provoke.

The Requester must pay the Prescribed Fee (if applicable) before any further processing can take place

## 6.2 Appeal

Remedies available when Digital Industries (Pty) Ltd refuses a request for information

### 6.2.1 Internal remedies

Digital industries (Pty) Ltd does not have an internal appeal procedure regarding PAIA requests. As such, the decision made by the duly authorised person(s) in clause 1.4 is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator for relief.

### 6.2.2 External remedies

Subject to the provisions of PAIA, a Requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court or to the Information Regulator for relief.

Likewise, a Third Party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to the Information Regulator or to a Court with appropriate jurisdiction, for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and the Magistrate Court.

## 7 Prescribed Fees: Sec 92

### 7.1 Reproduction Fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

Category	Rand
For every photocopy of an A4-size page or part thereof	1.10

For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
i. For a copy of visual images	60.00
ii. A transcription of an audio record, for an A4-size page or part thereof	20.00
iii. For a copy of an audio record	30.00

## 7.2 Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requestor.

## 7.3 Access Fee

The applicable fees (excluding VAT) which will be payable are:

Category	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

## 7.4 Postage and Courier Fee

Where a copy of the record needs to be posted or couriered, the actual postal or courier fee is payable in addition to the applicable fees.

## 7.5 Payment and Notification

When the request is received by the Information Officer/ Deputy Information Officer, such officer shall by Notice require the Requester, other than a Personal Requester, to pay the prescribed Request Fee (if any) before further processing of the request.

If the search for a Record of Digital Industries has been made, by a Requester, other than a Personal Requester, and the preparation of the Record for disclosure, including any arrangements to make it available in the requested form, requires more than six hours, the Information Officer/ Deputy Information Officer shall notify the Requester to pay as a deposit of one third of the Access Fee, which would be payable if the request is granted.

This Notice will state-

- a. the amount of the deposit payable, if applicable.
- b. that the Requester may lodge an application with a court against the tender or payment of the Request Fee, or the tender or payment of a deposit, and
- c. the procedure (including the period) for lodging the application.

If a deposit has been paid in respect of a request for access which is refused, the Information Officer/ Deputy Information Officer will repay the deposit to the Requester.

The Information Officer/ Deputy Information Officer shall withhold a Record until the Requester has paid the required fees.

A Requester whose request for access to a Record has been granted, must pay an Access Fee for reproduction and for search and preparation, and for any time reasonably required in excess of six hours to search for and prepare the Record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer/ Deputy Information Officer must repay the deposit to the Requester.

The actual postage or courier cost is payable when a copy of a Record must be posted to a Requester.

## 8 Sharing of Personal Information

### 8.1 Digital Industries (Pty) Ltd may share personal information with:

- a. Other companies forming part of Digital Industries (Pty) Ltd or affiliated with Digital Industries (Pty) Ltd located outside of South Africa.
- b. Services providers who perform services on behalf of Digital Industries (Pty) Ltd; and
- c. Third party suppliers

## 9 Digital Industries (Pty) Ltd Security measures to protect personal information

Digital Industries (Pty) Ltd takes the security of your data seriously and therefore reasonable technical and organisational measures have been implemented to protect to protect personal information. Digital Industries (Pty) Ltd has internal procedures and controls in place to ensure that you data is not lost, accidentally destroyed, misused, or disclosed, and is not accessed except by our employees in the proper performance of their duties.

Digital Industries (Pty) Ltd will take steps to ensure that third party providers who process personal information on behalf of Digital Industries (Pty) Ltd apply adequate safeguards as required in terms POPIA.

### 9.1 Transborder Flows of Personal Information

Digital Industries (Pty) Ltd may from time to time transfer personal information to another country for the purposes of rendering services to employees and customers. Digital Industries (Pty) Ltd will take the necessary steps to ensure that services providers and third party operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

### 9.2 Purpose of Processing of Personal Information

Digital Industries (Pty) Ltd processes Personal Information which includes but it is not limited to the following purposes:

- a. Rendering of services to our customers
- b. Employee administration
- c. Providing or managing any information on products
- d. Transacting with our suppliers
- e. Maintaining customer records
- f. Recruitment purposes
- g. Apprenticeship and bursary purposes
- h. Travel purposes
- i. General administration
- j. Financial and tax purposes
- k. Legal purposes
- l. Health and safety purposes
- m. Visitor access monitoring purposes
- n. Managing the premises and facilities
- o. Investigating of and preventing fraud
- p. Debt recovery and responding to website enquires

### 9.3 Types of Personal Information

Categories individuals and juristic entities	Categories of personal information held	Availability
Employees	<ul style="list-style-type: none"> <li>• ID number</li> <li>• Contact details</li> <li>• Physical and postal address</li> <li>• Date of birth</li> <li>• Age</li> <li>• Disability</li> <li>• Information</li> </ul>	Not Automatically available

Categories individuals and juristic entities	Categories of personal information held	Availability
	<ul style="list-style-type: none"> <li>• Employment history</li> <li>• Criminal/background checks</li> <li>• Fingerprints</li> <li>• CVs</li> <li>• Education history</li> <li>• Banking details</li> <li>• Income tax reference number</li> <li>• Remuneration and benefit information (including medical aid, pension/provident fund information)</li> <li>• Details related to employee performance</li> <li>• Disciplinary procedures</li> <li>• Employee disability information</li> <li>• Employee pension and provident fund information</li> <li>• Employee contracts</li> <li>• Employee performance records</li> <li>• Physical access records</li> <li>• CCTV records</li> <li>• Health and safety records</li> <li>• Time and attendance records</li> </ul>	
Suppliers/Service Providers/Customers	<ul style="list-style-type: none"> <li>• Entity name</li> <li>• registration number</li> <li>• income tax number</li> <li>• contact details for representative persons</li> <li>• FICA documentation</li> <li>• BBB-EE certificates</li> <li>• Invoices</li> <li>• Contractual documentation</li> </ul>	Not Automatically available
Directors and Shareholders	Name, Surname, ID numbers, Financial information as required for statutory reporting	Not Automatically available
New Job Applicants	<ul style="list-style-type: none"> <li>• Name</li> <li>• Surnamce</li> <li>• Address</li> <li>• Contact details</li> <li>• Email address</li> <li>• Telephone number</li> <li>• Details of qualifications</li> <li>• Skills</li> <li>• Experiences and employment history</li> <li>• Information about your current level of remuneration, including benefit entitlements, whether or not you have a disability for which DI needs to make reasonable adjustments during the recruitment process,</li> </ul>	Not Automatically available

Categories individuals and juristic entities	Categories of personal information held	Availability
	and information about your entitlement to work in South Africa	
Website Visitors	<ul style="list-style-type: none"> <li>• Name</li> <li>• Email address</li> <li>• Company name</li> <li>• Job title and telephone number</li> </ul>	Not Automatically available
Visitors	Physical access records Electronic access records scans and CCTV records	Not Automatically available
Children	<ul style="list-style-type: none"> <li>• Name</li> <li>• Address and contact details</li> <li>• Birth certificates</li> <li>• Age</li> <li>• Child medical information</li> </ul>	Not Automatically available



## Annexure A: PAIA REQUEST FOR ACCESS TO RECORD FORM 2

[PAIA Forms - Information Regulator \(info regulator.org.za\)](https://info regulator.org.za)

Form 02: Request for Access to Record [Regulation 7]

## Annexure B: FORM 3 OUTCOME OF REQUEST AND FEES PAYABLE

[PAIA Forms - Information Regulator \(info regulator.org.za\)](https://info regulator.org.za)

Form 03: Outcome of request and of fees payable [Regulation 8]