



PAIA and POPIA Manual

Prepared in terms of the requirements of Promotion of Access to Information Act No 2 of 2000 (“PAIA”) and The Protection of Personal Information Act 4 of 2013 (“POPIA”)



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1. Introduction

The scope of business by Vroopa (Pty) Ltd (“Vroopa”) requires the Processing of Personal Information of its Data Subjects. Accordingly, in terms of the Protection of Personal Information Act 4 of 2013, inclusive of its Regulations (“the POPI Act”), Vroopa is required to protect the Personal Information that it processes. Vroopa is committed to protecting and respecting your privacy.

Personal Information is any information relating to an identifiable, living, natural person, or an identifiable, existing juristic person (company or organization). The personal information example list that is presented in the POPI Act, which is not exhaustive, includes ‘obvious’ information such as:

Names, contact details, Gender, marital status, age, language, qualifications, identifying numbers, email addresses, physical addresses, social media handles, location data (GPS data), personal opinions, private communications, preferences, and the information that if found connected to the data subject it would reveal something about them (e.g. a name on a creditor’s blacklist).

It excludes information about an individual who has been dead for more than 20 years.

The Protection of Personal Information Act 4 of 2013 (“POPIA”) requires that when processing personal information, a responsible party should give effect to the constitutional right to privacy by safeguarding personal information, subject to justifiable limitations aimed at balancing the right to privacy against other rights, particularly the right of access to information. According to section 11 of the POPI Act, personal information may only be processed if:

- The data subject or a competent person where the data subject is a child consents to the processing;
- processing is necessary to execute actions for the conclusion or performance of a contract to which the data subject is party;
- processing complies with an obligation imposed by law on the responsible party;
- processing protects the legitimate interest of the data subject;



- processing is necessary for the proper performance of a public law duty by a public body;
or
- Processing is necessary for pursuing the legitimate interest of the responsible party or of a third party to whom the information is supplied.

The Promotion of Access to Information Act 2 of 2000 (“PAIA”) gives effect to the constitutional right of access to any information held by the State, as well as information that is held by another person (or private body) when such privately held information is required to exercise or protect a right. Any requests to access personal information must comply with the procedural requirements laid down in PAIA. The Act sets out the requisite procedural issues attached to such request, the requirements with which such a request must comply together with the grounds for refusal of such request. The Act recognizes the right to access of information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient, and good governance.

The right to access to information must also be balanced against any other rights contained in the Constitution.

1.1 Purpose of the document

In setting out the rule of maintaining documentation about processing activities, the Protection of Personal Information Act (‘POPIA’) references the Promotion of Access to Personal Information Act (‘PAIA’). Among the requirements specified in the Promotion of Access to Information Act 2 of 2000 is the compilation of an information manual that provides information on both the types and categories of records held by a private body, and this requirement is reiterated in the Protection of Personal Information Act. The POPIA amended PAIA and this amendment includes the requirements that the following items can be added to the PAIA manual:

- The purpose(s) of processing the personal information
- A description of the categories of data subjects and their personal information; and of the information or categories of information relating thereto.



- The recipients or categories of recipients to whom personal information may be supplied
- Planned transborder information flows of personal information.

Therefore, the current Manual serves to inform requestors of the procedural and other requirements with which a request must comply in terms of PAIA and POPIA.

2. Contact details of the Information Officer and the Deputy Information Officers

The Information Officer appointed in terms of PAIA is the same as the Information Officer referred to in POPIA. The Information Officer may appoint Deputy Information Officers to facilitate requests for access to the records archived by Vroopa. A Chief Executive Officer of a private body is considered its Information Officer as per Section 55 of POPIA.

Information Officer	Dr Sipehelele Malaza (Chief Executive Officer)
Street Address	Coleraine Drive, River Club, Sandton, South Africa, 2191
Work contact number:	+27 67 081 7778 and +27 67 194 5276
Email address	s.malaza@vroopa.co.za

The responsibility for administration of, and compliance with PAIA and POPIA has been delegated to the Deputy Information Officers. Requests pursuant to the provision of the Acts should be directed as follows:

People delegated to deal with access to information requests at Vroopa:

Appointment	Occupation	name	e-mail address
Deputy Information Officer	Customer Care Manager	Mr Sibusiso Skosana	Helpdesk@vroopa.co.za
Deputy Information Officer	Talent Matching Manager	Miss Vuyelwa Ncapayi	Vuyelwa.ncapayi@vroopa.co.za
Deputy Information Officer	Business Developer	Mr Banele Malaza	Banele.malaza@vroopa.co.za



At Vroopa, the Information Officer and the Deputy Information Officers ensure:

- compliance with the lawful processing of personal information;
- dealing with consumer requests in terms of POPIA;
- assisting the Information Regulator with investigations; and
- compliance in general with POPIA.

3. Description of guide referred to in Section (10)

In terms of Section 10 of PAIA, the South African Human Rights Commission compiled a guide outlining the information and steps required by a person wishing to exercise any right contemplated under PAIA. The guide is available in all official languages. Requesters are referred to the Guide which will contain information for the purposes of exercising Constitutional Rights. The Guide is available for inspection at the offices of the South African Human Rights Commission or on its website, www.sahrc.org.za.

4. Scope

The scope of this Manual is limited to the records held by Vroopa. Access to the records held by Vroopa may be requested from the Information Officer at the contact details specified in this Manual. The Manual can be accessed via the website www.vroopa.co.za or be requested from the Information Officer referred to in this Manual. In this Manual are the contact details of the responsible party (Information Officer and Deputy Information Officers), the nature and category of the information held by Vroopa, and how data subjects may request access to their personal information that may be archived by Vroopa.

5. Collection of the Data Subject Personal Information

We may collect Personal Information about you in the following ways:

- Directly from you, such as through the application and hiring process (online or in person);



- during your activities in the course of your employment, such as through your performance and interaction with other Employees, contractors, customers, or other individuals, or
- through your use of our systems, internet, Intranet, or the Human Resources services that we offer through our Intranet or Talent online service, and other similar applications; and
- From other parties, subject to the requirements of applicable law. These parties may include:
 - ✓ References
 - ✓ Publicly available information
 - ✓ Former employers
 - ✓ Other Employees (for example, to nominate and celebrate a colleague for outstanding achievements), and
 - ✓ Other third parties, such as national databases, background check agencies, and police departments

6. The purpose(s) of processing the personal information

Vroopa offers local support with Human Resources and qualification verification services that seek to expedite the recruiting process through talent matching services. We strive to ensure that our use of your Personal Information is lawful, reasonable, and relevant to our business activities, with the ultimate goal of seeking opportunities for employment, youth empowerment, career development, and talent acquisition.

7. Categories of Data Subjects

Vroopa may hold Personal Information of the following types of Data Subjects:

- Customers
- Recruiters
- Subscribers



- Existing and former employees
- Agents
- Service providers and suppliers
- Shareholders
- General public through digital tracking of inquiries and website visits for service improvement
- Directors and officers of Vroopa

8. Planned recipients of personal information

Vroopa shall ensure that Data Subject's consent is granted before verification checks by individuals, agents and third parties are executed. The Data Subject's personal information may only be used for Vroopa's business purposes and may be shared with:

- Recruiters
- Agents
- HR companies
- Industry bodies
- Educational institutions
- Financial institutions – funding opportunities
- Accreditation bodies
- Information Regulator
- National databases - for verification
- Law enforcement
- South African fraud databases – upon confirming illegitimate information
- Credit bureaux



9. Planned transborder information flows of personal information.

It may be necessary to share the Personal Information of Data Subjects with third parties in other countries or on cloud storage outside South Africa. Such sharing will be done in compliance with POPIA and on the understanding that:

- The third parties share adequate level of data protection similar to South Africa's;
- The transfer is essential for the conclusion of a contract between the Data Subject, Vroopa, and the third party involved;
- The transfer is for the benefit of the Data Subject;
- The Data Subject consents to the transfer; and
- The transfer is necessary for the performance of a contract between the Data Subject and Vroopa

10. Access to Personal Information

POPIA provides that a data subject may, upon proof of identity, request the responsible party to confirm all the information it holds about the Data Subject, and may request access to such information about the identity of third parties who have or have had access to such information.

11. Refusal of Access to Personal Information

Vroopa has the right to reject any request for access to information. It is important for the relevant party to consult the relevant section in PAIA (Chapter 4 of Part 2 for public bodies and Chapter 4 of Part 3 for private bodies) to ensure the refusal is justifiable.

Grounds of refusal to access information may include, but not limited to:

- Providing access would result in an unreasonable disclosure about a third party (including a deceased person);



- Disclosure would endanger the life or safety an individual or impair the security of an organization;
- The personal information is contained in police dockets, law enforcement and legal proceedings;
- The request to access to information is frivolous or vexatious;
- Complying with the request would unreasonably sabotage a public body;
- The disclosure of business strategies, research, commercial, and technical information would competitively disadvantage contracts or negotiations;
- Providing access would breach consents;
- Disclosure will lead to commercial harm of a private body

Vroopa will always advise the requester of the reason for refusal of access.

12. Restriction of Personal Information

Vroopa reserves the right to withhold Personal Information in its database from circulation, but not delete or destroy such information. Restricted information will only be processed for the purposes of evidence or with the Data Subject's consent. Under Section 14 of the POPI Act, processing of Personal Information may be restricted under following circumstances:

- If the Data Subject contents the accuracy of the Personal Information verified;
- If processing of the Personal Information was unlawful, the Data Subject may request that the information be restricted instead of deleted to prove that it was used without consent;
- When the Data Subject no longer requires the Personal Information, but may need it for evidentiary purposes;

13. Destruction of Personal Information

Personal Information withheld by Vroopa will be considered destroyed, deleted, or de-identified if cannot be retrieved and/or reconstructed in an intelligible form. De-identification implies to delete any information that:

- Identifies the Data Subject



- Can be manipulated to identify the Data Subject; or
- Can be linked by a foreseeable method to other information that identifies the Data Subject

For the purposes of the POPI Act, de-identification is described as feasible alternative to deleting Personal Information. Vroopa may keep de-identified Personal Information for statistical purposes.

14. Availability of Records in terms of Other Legislation

A requester is not obliged to request access to information held by the company in terms of PAIA, should there be other legislation that provides a requester with access to such a record. Such other legislation may include, but is not limited to:

- Companies Act No. 71 Of 2008
- Close Corporations Act No. 25 of 2002
- Basic Conditions of Employment Act No.75 of 1997
- Compensation for Occupational Diseases Act No. 130 of 1993
- Electronic Communications and Transactions Act No.2 of 2000
- Employment Equity Act of 1998, as amended
- Income Tax Act No. 58 of 1962
- Occupational Health and Safety Act No. 85 of 1993
- Promotion of Access to Information Act No. 02 of 2000
- Skills Development Act No.97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No 89 of 1991
- Labour Relations Act of 1995 as amended
- Employment Services Act No. 4 of 2014
- Unemployment Insurance Contributions Act 4 of 2002
- Employment Tax Incentive Act 26 of 2013
- Broad-Based Black Economic Empowerment Act 53 of 2003



15. Schedule of Records held by Vroopa

Access to a Data Subject's records requires the prior written consent of the Data Subject, as per the Protection of Personal Information Act No. 4 of 2013. All requests for access will be evaluated on a case-by-case basis on their own merits, and Vroopa reserves the right to decline to grant access to records in accordance with the provisions of the Acts.

(a). Companies Act Records

Documents of incorporation; Memorandum and Articles of Association; Minutes of Board of Directors meetings; Records relating to appointment of Directors/Auditor/Secretary/Public and other officers.

(b). Financial Records

Annual Financial Statements; Accounting Records; Bank records; Asset Register; Invoices.

(c). Administrative Records

Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees;

(d). Statutory compliances

VAT, Regional Service Levies, Skills Development Levies, UIF, Workmen's Compensation;

(e). Personnel Documents and Records:

Employment contracts, Employment Equity Plan (if applicable), Medical Aid Records, Pension Fund records, Disciplinary records, Salary records, SETA records, Disciplinary code, Leave records, Training records, Training manuals; curriculum vitae, internet and network activities, information users share (social media and internal chats), audio/video information.

(f). Sales, Marketing and Business Operations

Client Records; Candidate Records; service provider records; procurement records; digital records, software records, automotive information.



16. Personal Information request procedure

Any person wishing to gain access to information (“the requestor”) must use the prescribed form (see **Annexure A** hereto) to make the request for access to information. This request must be made in English writing and addressed to the Deputy Information Officers at the contact details set out in 2 above. If it is suspected that the requestor has obtained personal information held by Vroopa through the submission of misrepresented information, legal actions may be instituted against such requestor.

The requestor must:

- Provide sufficient detail on the request form to enable the Information Officer to identify the record and the requestor;
- indicate in which form of access is required; and
- specify a postal address or fax number within South Africa; and
- identify the right that the requestor is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise of that protection.

If a request is made on behalf of another person, the requestor must:

- submit proof of the capacity in which the requestor is making the request to the satisfaction of the Information Officer.

17. Delivery time

The Information Officer will decide whether to grant the request or to decline the request and must notify the requestor in the required form within thirty (30) days of receipt of the request.

18. Fees payable

If the request to access Personal Information is granted, then an access fee must be paid for the search, reproduction, and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. If, after reasonable steps have been taken to find



a record requested and same cannot be located or does not appear to exist, Vroopa will advise the requestor accordingly.

Payment details can be obtained from the Information Officer in section 2 above and payment should be done via direct bank deposit or electronic transfer (no credit card payments are accepted). Proof of payment must be emailed to the Information Officer and helpdesk@vroopa.co.za.

- In case a third party is requesting a Data Subject’s Personal Information, a once-off request fee of R150 is payable on submission
- The fees for reproduction of a record are as follows:

Printed copy (Black and white) of an A4-size page	R 5
Digital copy of an A4-size page	R 2
Copy of an audio record	R 100
Copy of a video record	R 120
Copy of visual images on an A4-size page	R 120

*The files requested may be shared via cloud and/or be provided in a computer readable format on a memory stick at an additional cost. Postage or courier fees excluded.

- In the event a request for access is successful, an access fee charged at R50/hour (not to exceed R 500 per day) may be required for the search, reproduction, and preparation of the request.
- In the event that access to a requested record is refused, the requestor will be refunded.
- For lodging an internal appeal against the refusal of a request for access to a record, R65. To lodge an appeal, fill in and submit the prescribed form in **Annexure B**.



ANNEXURE A

PERSONAL INFORMATION REQUEST FORM

Please submit the completed form to: helpdesk@vroopa.co.za and s.malaza@vroopa.co.za									
Name:									
Contact Number:									
Email Address:									
<i>Please be aware that proof of identity must be attached by the requester and the Data Subject. If a request is made on behalf of another person, proof of such authorization must be attached to this form.</i>									
Section A: Particulars of Data Subject									
Name & Surname:									
Identity Number:									
Postal Address:									
Contact Number:									
Email Address:									
Section B: Request									
Method of Access Preferred (Please tick applicable box): Paper copies of the documents * <input type="checkbox"/> Electronic copies of the documents <input type="checkbox"/> Electronic copies of the documents in a memory stick <input type="checkbox"/>									
I request the organisation to: (Please tick applicable box) <table style="width: 100%; border: none;"> <tr> <td style="padding: 5px;">Inform me whether it holds any of my personal information.</td> <td style="text-align: right; vertical-align: top;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Provide me with a record or description of my personal information.</td> <td style="text-align: right; vertical-align: top;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Correct or update my personal information.</td> <td style="text-align: right; vertical-align: top;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 5px;">Destroy or delete a record of my personal information</td> <td style="text-align: right; vertical-align: top;"><input type="checkbox"/></td> </tr> </table>		Inform me whether it holds any of my personal information.	<input type="checkbox"/>	Provide me with a record or description of my personal information.	<input type="checkbox"/>	Correct or update my personal information.	<input type="checkbox"/>	Destroy or delete a record of my personal information	<input type="checkbox"/>
Inform me whether it holds any of my personal information.	<input type="checkbox"/>								
Provide me with a record or description of my personal information.	<input type="checkbox"/>								
Correct or update my personal information.	<input type="checkbox"/>								
Destroy or delete a record of my personal information	<input type="checkbox"/>								



Please complete below any further information on the documents you are requesting (Reference numbers, further particulars etc.)

Section C: Signature

Signature:

Date:

*Please note that a copy and postage fee may be charged when requesting paper copies of documents.

For OFFICE USE

Data subject image present: YES / NO

Form received on _____ of _____ 20____ TIME: _____

Received by: _____ Employee number: _____

Access fees: _____ Deposit received (if any): _____

Signature: _____ Document reference number: _____

REQUEST AUTHORIZATION

Deputy Information Officer Endorsement Code: _____ Signature: _____

Compliance with the POPI Act: YES / NO

Contact the Information Regulator: YES / NO

Request granted: YES/NO

Comments:



ANNEXURE B

FORM: INTERNAL APPEAL AGAINST REFUSAL OF A REQUEST

Reference number:.....

Please submit the completed form to: helpdesk@vroopa.co.za and s.malaza@vroopa.co.za	
Section A: Particulars of Complainant who lodges the internal appeal (if not Data Subject)	
Name:	
Contact Number:	
Email Address:	
<i>Please be aware that proof of identity must be attached by the complainant and/or data subject. If a request is made on behalf of another person, proof of such authorization must be attached to this form.</i>	
Section B: Particulars of Data Subject who lodges the internal appeal	
Name & Surname:	
Identity Number:	
Postal Address:	
Contact Number:	
Email Address:	
Section C: Decision against which internal appeal is lodged	
Please explain below:	
Section C: Signature	
Signature:	
Date:	



For OFFICE USE

Data subject image present: YES / NO

Form received on _____ of _____ 20__ TIME: _____

Received by: _____ Employee number: _____

Access fees: _____ Deposit received (if any): _____

Signature: _____ Document reference number: _____

APPEAL AUTHORIZATION

Deputy Information Officer Endorsement Code: _____ Signature: _____

Compliance with the POPI Act: YES / NO

Contact the Information Regulator: YES / NO

Appeal granted: YES/NO

Comments: