

# **PAIA AND POPIA MANUAL**

OF

**HERIOT REIT LIMITED**

("HERIOT")

Registration number 2017/167697/06 and

its subsidiaries and their subsidiaries

in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 as amended ("PAIA")

and Section 55 of the Protection of Personal Information Act No. 4 of 2013 as amended ("POPI Act")

Updated: April 2022

## 1. SCOPE

### 1.1. Application

Heriot and its subsidiaries (and their subsidiaries) conduct business in the real estate industry and provide rentable retail space, office property, residential property and industrial property to various clients.

For purposes of this Manual, Heriot and its subsidiaries (and the subsidiaries of Heriot's subsidiaries) will individually and collectively be referred to as "the Group". In the circumstances, the following entities are covered by this Manual are:

ENTITY NAME	REGISTRATION NUMBER
60 Adderley (Pty) Ltd	2016/253042/07
Bait Away Trading (Pty) Ltd	2002/009166/07
Chasie Investments (Pty) Ltd	2011/0220
Crosize (Pty) Ltd	2016/108348/07
Fin Properties 107 (Pty) Ltd	1998/005904/07
Fixtrade 605 (Pty) Ltd	2000/00998/07
Hagley 3865 (Pty) Ltd	2018/528380/07
Heriot Properties (Pty) Ltd	1998/003195/07
Heriot Properties International (Pty) Ltd	1998/007886/07
Heriot Properties (West) (Pty) Ltd	2000/003213/07
HP10 Investments (Pty) Ltd	2017/029773/07
Moditouch (Pty) Ltd	2011/100158/07
Phokeng Mall Proprietary Limited	2013/117424/07
Tembisa Mall (Pty) Ltd	2009/005916/07
Terrace Drive Properties 34 (Pty) Ltd	2007/033748/07
The Heriot Trust 1	IT1105/09
The Heriot Trust No.3	IT1104/09
Tiger Stripes Investments 31 (Pty) Ltd	2002/009166/07

### 1.2. Purpose

The purpose of this document is to serve as the Manual for the Group as required in terms of Section 51 of the Promotion of Access to Information Act No: 2 of 2000 ("PAIA") in order to promote the right of access to information, giving effect to the constitutional right in terms of section 32 of the Constitution of the Republic of South Africa Act No: 108 of 1996 ("the Constitution"). Section 9 of PAIA limits the right to access information, such justifiable limitations includes commercial confidentiality, good governance and the protection of Personal Information as prescribed by the Protection of Personal Information Act No: 4 of 2013 ("POPIA"). This Manual sets out the responsibilities of the Group's Information Officer, who will take up the duties mandated in PAIA and POPIA, to ensure compliance with PAIA and POPIA. This Manual provides a reference to the Records held by the Group and the procedures that need to be followed to request access to such Records.

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## 2. DEFINITIONS

The following definitions are used in this Manual:-

- 2.1. **"Conditions for Lawful Processing"** - the conditions for the lawful Processing of Personal Information as fully set out in chapter 3 of POPIA;
- 2.2. **"Data Subject"** - the natural or juristic person to whom the Personal Information relates;

- 2.3. **“Group”** – Heriot REIT Limited (registration number: 2017/167697/06), a company registered and incorporated with limited liability in accordance with the company laws of the Republic of South Africa together with the subsidiaries as specified in 1.1 above;
- 2.4. **“Information Officer”** - Heriot’s Chief Executive as referred to in clause 3.2;
- 2.5. **“Manual”** – this manual prepared in accordance with section 51 of PAIA and regulation 4(1)(d) of the POPIA Regulations;
- 2.6. **“PAIA”** - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of PAIA;
- 2.7. **“POPIA”** - the Protection of Personal Information Act, No. 4 of 2013;
- 2.8. **“Personal Information”** – the information relating to an unidentifiable, living, natural person, or an identifiable, existing juristic person, as defined in POPIA;
- 2.9. **“Processing”** - has the meaning ascribed thereto in section 1 of POPIA;
- 2.10. **“Responsible Party”** - has the meaning ascribed thereto in section 1 of POPIA;
- 2.11. **“Record”** - has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;
- 2.12. **“Republic”** – the Republic of South Africa;
- 2.13. **“Requester”** - has the meaning ascribed thereto in section 1 of PAIA; and
- 2.14. **“Request for Access”** - has the meaning ascribed thereto in section 1 of PAIA.

Capitalised terms used in this Manual have the meanings ascribed thereto in section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

### 3. GROUP DETAILS: SECTION 51(1)(A) OF PAIA AND CONTACT DETAILS OF THE INFORMATION OFFICER

- 3.1. The details of the Group are as follows:

Physical address	Suite 1 Ground Floor, 3 Melrose Boulevard, Melrose Arch 2196, Johannesburg
Postal address:	P.O. Box 652737 Benmore 2010
Telephone number:	011 684 1570
Fax number	011 684 1131

- 3.2. The Information Officer’s contact details are as follows:

Chief Executive Officer	Richard Herring
Physical address	Suite 1 Ground Floor, 3 Melrose Boulevard, Melrose Arch 2196, Johannesburg
Postal address	P.O. Box 652737 Benmore 2010
email address:	<a href="mailto:rherring@heriot.co.za">rherring@heriot.co.za</a>
Fax number	011 684 1131

**4. PAIA: SECTION 51 (1)(B)**

- 4.1. PAIA 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.
- 4.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 8 and 12 of this Manual.
- 4.3. Section 23 of POPIA (read with sections 18 and 53 of PAIA), grants a Data Subject (a customer, employee or third party) a right to request confirmation of Records containing their Personal Information being held by the Group, which confirmation shall be provided free of charge. The Requester can subsequently request a copy of the Record or a description of the Personal Information contained within the Record, subject to the fees prescribed by PAIA.
- 4.4. Requesters are referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or at their website at <http://www.sahrc.org.za>.
- 4.5. The contact details of the SAHRC are:

Physical Address: The South African Human Rights Commission Braampark Forum 3 33  
 Hoofd Street Braamfontein, Johannesburg  
 Postal Address Private Bag X2700 Houghton, 2041  
 Telephone +27 11 877 3600  
 Fax +27 11 403 0668  
 Website address [www.sahrc.org.za](http://www.sahrc.org.za)

**5. SUBJECTS AND CATEGORIES OF RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF PAIA (SECTION 51(1) (e))**

- 5.1. Records held by the Group  
 For the purposes of this clause 5.1, “Personnel” refers to any person who works for, or provides services to, or on behalf of the Group and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of the Group. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers. This clause serves as a reference to the categories of information that the Group holds. The information is classified and grouped according to Records relating to the following subjects and categories:

SUBJECT	CATEGORY
<b>Companies Act Records</b>	<ul style="list-style-type: none"> <li>• All trust deeds;</li> <li>• Documents of Incorporation;</li> <li>• Index of names of Directors;</li> <li>• Memorandum of Incorporation;</li> <li>• Minutes of meetings of the Board of Directors;</li> <li>• Minutes of meetings of Shareholders;</li> <li>• Proxy forms;</li> <li>• Register of directors’ shareholdings;</li> <li>• Share certificates;</li> </ul>

	<ul style="list-style-type: none"> <li>• Share Register and other statutory registers and/or records and/or documents;</li> <li>• Special resolutions/Resolutions passed at General meetings;</li> <li>• Records relating to the appointment of:             <ul style="list-style-type: none"> <li>○ Auditors;</li> <li>○ Directors;</li> <li>○ Prescribed Officer;</li> <li>○ Trustees ; and</li> <li>○ Secretary</li> </ul> </li> </ul>
<b>Financial Records</b>	<ul style="list-style-type: none"> <li>• Accounting Records;</li> <li>• Annual Financial Reports;</li> <li>• Annual Financial Statements;</li> <li>• Asset Registers;</li> <li>• Bank Statements;</li> <li>• Banking details and bank accounts;</li> <li>• Banking Records;</li> <li>• Debtors / Creditors statements and invoices;</li> <li>• General ledgers and subsidiary ledgers;</li> <li>• General reconciliation;</li> <li>• Invoices;</li> <li>• Paid Cheques;</li> <li>• Policies and procedures;</li> <li>• Rental Agreements; and</li> <li>• Tax Returns</li> </ul>
<b>Income Tax Records</b>	<ul style="list-style-type: none"> <li>• PAYE Records;</li> <li>• Documents issued to employees for income tax purposes;</li> <li>• Records of payments made to SARS on behalf of employees;</li> <li>• All other statutory compliances:             <ul style="list-style-type: none"> <li>○ VAT</li> <li>○ Regional Services Levies</li> <li>○ Skills Development Levies</li> <li>○ UIF</li> <li>○ Workmen’s Compensation</li> </ul> </li> </ul>
<b>Personnel Documents and Records</b>	<ul style="list-style-type: none"> <li>• Address Lists;</li> <li>• Disciplinary Code and Records;</li> <li>• Employee benefits arrangements rules and records;</li> <li>• Employment Contracts;</li> <li>• Forms and Applications;</li> <li>• Grievance Procedures;</li> <li>• Leave Records;</li> <li>• Medical Aid Records;</li> <li>• Payroll reports;</li> <li>• Safety, Health and Environmental records;</li> <li>• Salary Records;</li> <li>• Standard letters and notices</li> <li>• Training Manuals; and</li> <li>• Training Records.</li> </ul>
<b>Procurement</b>	<ul style="list-style-type: none"> <li>• Standard Terms and Conditions for supply of services and products;</li> <li>• Contractor, client and supplier agreements;</li> <li>• Lists of suppliers, products, services and distribution; and</li> <li>• Policies and Procedures.</li> </ul>
<b>Leasing</b>	<ul style="list-style-type: none"> <li>• Tenant Details</li> <li>• Tenant application information</li> </ul>
<b>Marketing Department</b>	Advertising and promotional material
<b>Risk Management and</b>	<ul style="list-style-type: none"> <li>• Audit reports;</li> </ul>

<b>Audit</b>	<ul style="list-style-type: none"> <li>• Risk management frameworks; and</li> <li>• Risk management plans.</li> </ul>
<b>Safety, Health and Environment</b>	<ul style="list-style-type: none"> <li>• Complete Safety, Health and Environment Risk Assessment</li> <li>• Environmental Managements Plans</li> <li>• Inquiries, inspections, examinations by environmental authorities</li> </ul>
<b>IT</b>	<ul style="list-style-type: none"> <li>• Computer / mobile device usage policy documentation;</li> <li>• Disaster recovery plans;</li> <li>• Hardware asset registers;</li> <li>• Information security policies/standards/procedures;</li> <li>• Information technology systems and user manuals</li> <li>• Information usage policy documentation;</li> <li>• Project implementation plans;</li> <li>• Software licensing; and</li> <li>• System documentation and manuals</li> </ul>
<b>Corporate Social Responsibility (CSR)</b>	<ul style="list-style-type: none"> <li>• CSR schedule of projects/record of organisations that receive funding;</li> <li>• Reports, books, publications and general information related to CSR spend;</li> <li>• Records and contracts of agreement with funded organisations</li> </ul>

- 5.2. Please note that the accessibility of the Records may be subject to the grounds of refusal set out in this Manual. Amongst other, Records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Group will consider access.

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## 6. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF PAIA

- 6.1. Records of a public nature, typically those disclosed on the Group’s website and in its various annual reports, may be accessed without the need to submit a formal application.
- 6.2. Other non-confidential Records, such as statutory Records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such Records will still have to be made with the Information Officer.

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## 7. DESCRIPTION OF RECORDS OF THE GROUP WHICH ARE AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(d))

Where applicable to its operations, the Group also retains Records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, Records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be made in accordance with the provisions of PAIA.

- 7.1. Basic Conditions of Employment Act, No 75 of 1997;
- 7.2. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- 7.3. Companies Act, No 71 of 2008;
- 7.4. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- 7.5. Competition Act, No.71 of 2008;
- 7.6. Constitution of the Republic of South Africa 2008;
- 7.7. Consumer Protection Act, No 68 of 2008

- 7.8. Copyright Act, No 98 of 1978;
- 7.9. Electronic Communications and Transactions Act, No 25 of 2002;
- 7.10. Employment Equity Act, No 55 of 1998;
- 7.11. Financial Intelligence Centre Act, No 38 of 2001;
- 7.12. Financial Markets Act, No 19 of 2012;
- 7.13. Income Tax Act, No 58 of 1962;
- 7.14. Labour Relations Act, No 66 of 1995;
- 7.15. Occupational Health & Safety Act, No 85 of 1993;
- 7.16. Prescription Act, No 68 of 1969;
- 7.17. Prevention of Organised Crime Act, No 121 of 1998; x
- 7.18. Promotion of Access to Information Act, No 2 of 2000;
- 7.19. Protection of Personal Information Act, No. 4 of 2013;
- 7.20. Protected Disclosures Act, No, 26 of 2000;
- 7.21. Rental Housing Act, No 50 of 1999
- 7.22. Skills Development Levies Act No. 9 of 1999;
- 7.23. Unemployment Insurance Contributions Act 4 of 2002;
- 7.24. Unemployment Insurance Act No. 30 of 1966;
- 7.25. Value Added Tax Act 89 of 1991.

*\* Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a Record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof. It is further recorded that the accessibility of documents and Records may be subject to the grounds of refusal set out in this Manual.*

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## **8. PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE**

- 8.1. The Requester must comply with all the procedural requirements contained in PAIA relating to the Request for Access to a Record.
- 8.2. The Requester must complete the prescribed form (See Annexure A), and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 3 above.
- 8.3. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
  - 8.3.1. the Record or Records requested; and
  - 8.3.2. the identity of the Requester.
- 8.4. The Requester should indicate which form of access is required and specify a postal address of fax number of the requester in the Republic.
- 8.5. The Requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The Requester must clearly specify why the Record is necessary to exercise or protect such a right (section 53(2)(d)).
- 8.6. The Group will process the request within 30 (thirty) days, unless the Requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with. Requesters must take note that in terms of PAIA, the 30 (thirty) day period mentioned hereinbefore may be extended for a further period of not more

- than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension).
- 8.7. The Requester shall be advised whether access is granted or denied in writing. If, in addition, the Requester requires the reasons for the decision in any other manner, the Requester will be obliged to state which manner and the particulars required.
  - 8.8. If a request is made on behalf of another person, then the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
  - 8.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
  - 8.10. The Requester must pay the prescribed fee, before any further Processing can take place.
  - 8.11. All conditions as contained in this clause 8 should be complied with, failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the Requester has furnished all the necessary and required information. The Information Officer shall sever a Record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.
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## **9. REFUSAL OF ACCESS TO RECORDS**

- 9.1. The Group may legitimately refuse to grant access to a requested Record that falls within a certain category. Grounds on which the Group may refuse include:
  - 9.1.1. Protecting Personal Information that the Group hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
  - 9.1.2. Protecting commercial information that the Group holds about a third party or the Group (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Group or the third party);
  - 9.1.3. If disclosure of the Record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
  - 9.1.4. If disclosure of the Record would endanger the life or physical safety of an individual;
  - 9.1.5. If disclosure of the Record would prejudice or impair the security of property or means of transport;
  - 9.1.6. If disclosure of the Record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
  - 9.1.7. If disclosure of the Record would prejudice or impair the protection of the safety of the public;
  - 9.1.8. The Record is privileged from production in legal proceedings, unless the legal privilege has been waived;
  - 9.1.9. Disclosure of the Record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Group;
  - 9.1.10. Disclosure of the Record would put the Group at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
  - 9.1.11. The Record is a computer program which is owned by the Group and protected by copyright and intellectual property laws;
  - 9.1.12. The Record contains information about research being carried out or about to be carried out on behalf of a third party of the Group and/or
  - 9.1.13. Information not yet in the public domain;
  - 9.1.14. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.



- 9.2. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 9.3. If a requested Record cannot be found or if the Record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the Requester that it is not possible to give access to the requested Record. The affidavit or affirmation will include the steps that were taken to try and locate the Record. Such a notice will be regarded as a decision to refuse a Request for Access to the Record concerned for the purpose of PAIA. If the Record should later be found, the Requester shall be given access to the Record in the manner stipulated by the Requester in the prescribed form, unless the Information Officer refuses access to such Record.

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## **10. REMEDIES AVAILABLE WHEN THE GROUP REFUSES A REQUEST**

The Group does not have internal appeal procedures regarding the refusal of any requests. As such, the decision made by the Information Officer, is final. If a request is denied, the Requestor is entitled to apply to a court with appropriate jurisdiction, for relief.

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## **11. PRESCRIBED FEES (SECTION 51 (1)(f))**

- 11.1. PAIA provides for two types of fees, namely:
    - 11.1.1. A request fee, which is a form of administration fee to be paid by all Requesters except personal Requesters, before the request is considered and is not refundable; and
    - 11.1.2. An access fee, which is paid by all Requesters in the event that a Request for Access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a Record for delivery to the Requester.
  - 11.2. When the request is received by the Information Officer, such officer shall by notice require the Requester, other than a personal Requester, to pay the prescribed request fee, before further Processing of the request (section 54(1)).
  - 11.3. If the search for the Record has been made and the preparation of the Record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the Requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
  - 11.4. The Information Officer shall withhold a Record until the Requester has paid the fees as indicated below.
  - 11.5. A Requester whose Request for Access to a Record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the Record for disclosure including making arrangements to make it available in the request form.
  - 11.6. If a deposit has been paid in respect of a Request for Access, which is refused, then the Information Officer concerned must repay the deposit to the Requester.
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## 12. FEES

### 12.1. **Reproduction Fees**

Where the Group has voluntarily provided the Minister with a list of categories of Records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such Records, will be a fee for reproduction of the Record in question

- 12.1.1. for every photocopy of an A4 size page or part thereof R1.10
- 12.1.2. for every printed copy of an A4-size page or part thereof R0.75
- 12.1.3. for a copy of a compact disc R70.00
- 12.1.4. for a transcript of visual images for an A4 size page or part thereof R50.00
- 12.1.5. for a copy of visual images R60.00
- 12.1.6. for a transcript of an audio Record, for an A4-size page or part thereof R20.00
- 12.1.7. for a copy of an audio Record R30.00.

### 12.2. **Request Fees**

Where a Requester submits a Request for Access to information held by an institution on a person other than the Requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Group will further process the request received.

### 12.3. **Access Fees**

An access fee is payable in all instances where a Request for Access to information is granted, 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 54(8). The applicable access fees which will be payable are:

- 12.3.1. for every photocopy of an A4 size page or part thereof R1.10
- 12.3.2. for every printed copy of an A4-size page or part thereof R0.75
- 12.3.3. for a copy of a compact disc R70.00
- 12.3.4. for a transcript of visual images for an A4 size page or part thereof R50.00
- 12.3.5. for a copy of visual images R60.00
- 12.3.6. for a transcript of an audio Record, for an A4-size page or part thereof R20.00
- 12.3.7. for a copy of an audio Record R30.00 per hour or part of an hour reasonably required for such search.

### 12.4. **Deposits**

- 12.4.1. Where the institution receives a Request for Access to information held on a person other than the Requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required Record of disclosure will take more than 6 (six) hours, a deposit is payable by the Requester.
- 12.4.2. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

### 12.5. **Collection Fees**

- 12.5.1. The initial "request fee" of R50,00 should be deposited into the Group's bank account and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via e-mail.
  - 12.5.2. The Information Officer will collect the initial "request fee" of applications received directly by the Information Officer via email.
  - 12.5.3. All fees are subject to change as allowed for in PAIA and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.
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### **13. DECISIONS**

- 13.1. The Group will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
  - 13.2. The 30 (thirty) day period within which the Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large number of information, or the request requires a search for information held at another office of the Group and the information cannot reasonably be obtained within the original 30 (thirty) day period.
  - 13.3. The Group will notify the Requester in writing should an extension be sought
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### **14. PROTECTION OF PERSONAL INFORMATION**

#### **14.1. Introduction**

- 14.1.1. Chapter 3 of POPIA provides for the minimum conditions for lawful "Processing" of "Personal Information" by a "Responsible Party" (as such terms are defined under POPIA). These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 14.1.2. The Group requires Personal Information relating to both natural and legal persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by the Group. Accordingly, the Group is a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject, amongst other things as prescribed by POPIA:
  - 14.1.2.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Group, in the form of privacy or data collection notices. The Group must also have a legal basis (for example, but not limited to, consent) to process Personal Information;
  - 14.1.2.2. is processed only for the purposes for which it was collected;
  - 14.1.2.3. will not be processed for a secondary purpose unless that Processing is compatible with the original purpose;
  - 14.1.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
  - 14.1.2.5. is accurate and kept up to date;
  - 14.1.2.6. will not be kept for longer than necessary;
  - 14.1.2.7. is processed in accordance with integrity and confidentiality principles – this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by the Group, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
  - 14.1.2.8. is processed in accordance with the rights of Data Subjects, where applicable.

#### **14.2. Data Subject Rights**

Data Subjects have the right to:

- 14.2.1. be notified that their Personal Information is being collected by The Group. The Data Subject also has the right to be notified in the event of a data breach;
- 14.2.2. know whether The Group holds Personal Information about them and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;
- 14.2.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information;
- 14.2.4. object to The Group's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Group's Record keeping requirements);
- 14.2.5. object to the Processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 14.2.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its Personal Information

### 14.3. **Purpose of the Processing of Personal Information by the Group**

As noted above, Personal Information held by the Group can only be processed for a specific purpose. The purpose for which the Group processes or will process Personal Information is set out below, provided however that this is not an exhaustive list: -

#### 14.3.1. **For consumers:**

- 14.3.1.1. Performing duties in terms of any agreement with consumers
- 14.3.1.2. Make, or assist in making, credit decisions about consumers
- 14.3.1.3. Operate and manage consumers' accounts and manage any application, agreement or correspondence consumers may have with the Group
- 14.3.1.4. Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about the Group's products and services, unless consumers indicate otherwise;
- 14.3.1.5. to form a view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers
- 14.3.1.6. Carrying out market research, business and statistical analysis
- 14.3.1.7. Performing other administrative and operational purposes
- 14.3.1.8. Recovering any debt consumers may owe the Group;
- 14.3.1.9. Complying with the Group's regulatory and other obligations
- 14.3.1.10. Any other reasonably required purpose relating to the Group's business

#### 14.3.2. **For prospective consumers:**

- 14.3.2.1. Verifying and updating information;
- 14.3.2.2. Pre-scoring;
- 14.3.2.3. Direct marketing; and
- 14.3.2.4. Any other reasonably required purpose relating to the Processing of a prospective consumer's Personal Information reasonably related to the Group's business.

#### 14.3.3. **For Employees:**

- 14.3.3.1. The same purposes as for consumers (above)
- 14.3.3.2. verification of applicant employees' information during recruitment process
- 14.3.3.3. General matters relating to employees: (i) Pension; (ii) Medical aid; (iii) Payroll; (iv) Disciplinary action; (v) Training
- 14.3.3.4. Any other reasonably required purpose relating to the employment or possible employment relationship.

#### 14.3.4. **For vendors/suppliers/other businesses:**

- 14.3.4.1. Verifying information and performing checks;

- 14.3.4.2. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- 14.3.4.3. Payment of invoices;
- 14.3.4.4. Complying with the Group’s regulatory and other obligations; and
- 14.3.4.5. Any other reasonably required purpose relating to the Group’s business.

**14.4. Categories of Data Subjects and Personal Information relating thereto**

In terms of section 1 of POPIA, a Data Subject may either be a natural or a juristic person. The Group may possess Records relating to suppliers, members, partners, contractors, service providers, staff and clients (tenants) which may be in connection with the following:

ENTITY TYPE	PERSONAL INFORMATION PROCESSED
<b>Clients/prospective clients: Natural Persons</b>	(i) Names; (ii) Physical; postal and e-mail addresses; (iii) Date of birth; (iv) ID number; (v) Passport number and permit number; (vi) Tax related information; (vii) Nationality; (viii) Gender; (ix) Confidential correspondence; (x) Banking details and financial information; (xi) employment details; (xii) telephone number; (xiii) marital status.
<b>Clients/Prospective Clients – Juristic Persons / Entities</b>	(i) Names of contact persons; (ii) Name of Legal Entity; (iii) Registration Number; (iv) Physical and Postal address and contact details; (v) Directors’ information; (vi) Banking and Financial information; (vii) Founding documents; (viii) Tax related information; (ix) authorised signatories, beneficiaries, ultimate beneficial owners; (x) BBBEE information.
<b>Contracted Service Providers</b>	(i) Names of contact persons; (ii) Name of Legal Entity; (iii) Registration Number; (iv) Physical and Postal address and contact details; (v) Financial information; (vi) Founding documents; (vii) Tax related information; behaviour; signatories, beneficiaries, ultimate beneficial owners; (viii) BBBEE information.
<b>Employees / Directors</b>	(i) Name and contact details; (ii) Identity number and identity documents including passports; (iii) Employment history and references; (iv) Banking and financial details; (v) Details of payments to third parties (deductions from salary); (vi) Employment contracts; (vii) Remuneration/salary records; (viii) Performance appraisals; (ix) Disciplinary records; (x) Leave records; (xi) Training records; (xii) Biometric information; (xiii) Information relating to the education, financial, criminal history; (xiv) Information relating to race, gender, marital status, national origin, age disability, language and birth; (xv) Confidential correspondence sent by the Employee/Director; (xvi) the views of opinions of another individual about the Employee/Director. .

**14.5. The Group may supply Personal Information to the following recipients:**

- 14.5.1. Any firm, organisation or person that the Group uses to collect payments and recover debts or to provide a service on its behalf;
- 14.5.2. Any firm, organisation or person that/who provides the Group with products or services;

- 14.5.3. Any payment system the Group uses;
  - 14.5.4. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Group has a duty to share information;
  - 14.5.5. Third parties to whom payments are made on behalf of employees;
  - 14.5.6. Financial institutions from whom payments are received on behalf of Data Subjects;
  - 14.5.7. Any other operator not specified;
  - 14.5.8. Employees, contractors and temporary staff; and
  - 14.5.9. Agents
- 14.6. **Cross-border flows of Personal Information**
- 14.6.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:
    - 14.6.1.1. recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
    - 14.6.1.2. Data Subject consents to the transfer of their Personal Information; or
    - 14.6.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
    - 14.6.1.4. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
    - 14.6.1.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.
  - 14.6.2. When making authorized disclosures or transfers of Personal Information in terms of section 72 of POPIA, Personal Data may be disclosed to recipients located in countries which do not offer a level of protection for those data as high as the level of protection as South Africa.
- 14.7. **General Description of Information Security Measures**
- The Group employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:
- 14.7.1. Firewalls;
  - 14.7.2. Virus protection software and update protocols;
  - 14.7.3. Logical and physical access control;
  - 14.7.4. Secure setup of hardware and software making up the IT infrastructure;
  - 14.7.5. Outsourced service providers who process Personal Information on behalf of the Group are contracted to implement security controls.
- 14.8. **Objection to the Processing of Personal Information by a Data Subject**
- Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its personal information in the prescribed form attached to this manual as Annexure B subject to exceptions contained in POPIA.
- 14.9. **Request for correction or deletion of Personal Information**
- Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Annexure C.

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## 15. REVISIONS TO THIS POLICY

The Group may amend this Manual from time to time. It is available and accessible at <http://www.heriot.co.za> or on request to the Group's designated Information Officer (being the person duly authorised by the head of the Group and appointed by the Group to act in this capacity).

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**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/Designated Person: \_\_\_\_\_

**B. Particulars of person requesting access to the record**

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

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**

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>
---

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: _____
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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.

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If record consists of visual images</b>			
(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. <b>If record consists of recorded words or information which can be reproduced in sound:</b>						
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (Written or printed document)			
4. <b>If record is held on computer or in an electronic or machine-readable form:</b>						
	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? <b>Postage is payable.</b>					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 \_\_\_\_\_ 20\_\_\_\_

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

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION  
IN TERMS OF SECTION 11(3) OF THE PROTECTION OF  
PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)</b>

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/designated person*

## Request for correction or deletion of personal information (Form 2 of the Regulations)

### FORM 2

#### REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

#### REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018

[Regulation 3]

*Note:*

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	Code (    )
Contact number(s):	

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Fax number/ E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED</b>
<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b> <i>(Please provide detailed reasons for the request)</i>	

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*