

THE TAX SHOP FRANCHISE (PTY) LTD
(hereinafter referred to as “TSF”)

POPIA AND PAIA MANUAL

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1. Definitions

As per the context of the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act (PAIA), the following definitions are applicable:

“Data Subject” means the person to whom personal information relates.

“Information Officer” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the “head” of the Company by the Acts; The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the “head” of the Company in writing;

“Personal Information” means information about an identifiable individual, including, but not limited to-

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, fingerprints or blood type of the individual;
- e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views or opinions of another individual about the individual;
- h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
- i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years.

“Personnel” means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary, and part-time staff as well as contract workers.

“Processing” means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- a) The collection, receipt, recording, organisation, collation, storage, updating, or modification, retrieval, alteration, consultation or use;
- b) Dissemination by means of transmission, distribution or making available in any other form; or

- c) Merging, linking, as well as restriction, degradation, erasure or destruction of information.

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

“Request” means a request for access to a record of the Company.

“Requestor” means any person, including a public body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person.

“Responsible Party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose and means for processing personal information.

“Unique Identifier” means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

“SAHRC” means the South African Human Rights Commission.

2. Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act (PAIA), 2 of 2000, and describes the type of records held by TSF and also details the procedures for data subjects to access applicable personal information records.

As per Section 17 of the Protection of Personal Information Act (POPIA), 2013, a responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act.

The process of requesting information in terms of the Act is subjected to applicable legislative and/or regulatory requirements, and the applicable request forms are available as Annexures within this manual.

Enquiries regarding PAIA and POPIA, can be made via the following channels:

PAIA

The South African Human Rights Commission
PAIA Unit (the Research and Documentation Department)
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

POPIA

The Information Regulator (South Africa)
JD House
27 Stiemens Street
Braamfontein
Johannesburg

2001

Website: www.justice.gov.za

Email: infoereg@justice.gov.za

3. Company Detail

Company Detail	
MD/CEO	Bernard Schoeman
Contact Detail	087 809 0699
Information Officer	Bernard Schoeman
Contact Detail	087 809 0699
Company Address	Suite#1, 1st Floor Block B (South), Glen Gables Office Park Corner of Lynnwood Road and January Masileila Drive Lynnwood Glen Pretoria 0081
Company Contact Detail	087 809 0699
Company Website	www.taxshop.co.za / www.taxshopservices.co.za

The latest copy of this manual is available on the company websites at www.taxshop.co.za and www.taxshopservices.co.za and can also be requested from the Information Officer at TSF. Above table lists the relevant contact detail.

4. Company Records

Categories of information held by TSF are outlined in the following table:

Category	Records
Companies Act	Company registration documents
	Franchisee registration and documentation
	Names and appointment of directors
	Share certificates
	Annual returns
Financial Records	Internal accounting records
	Annual financial statements
	Bank accounts and statements
	Asset registers
Income Tax	Income Tax records
	PAYE records
	VAT records
	Skills development levies records
	UIF records
	Dividends Tax records
Personnel	CV's
	Accident registry

	Address lists
	Disciplinary codes and records
	Employee benefits
	Employment contracts
Procurement	Supplier agreements
	Supplier lists
Sales	Customer details
	Advertising material
Governance	Compilation of financial information reports
	Safety, health & environment documents
	Business continuity plan
	Information security management system
Information & Communication Technology	Asset registers
	Policies and procedures
	Software licensing
	Systems documentation and manuals
Client Information	Client records
	Consent forms
	Financial detail
	Franchise agreements

5. Records held as per Legislations

Information is retained in terms of the following legislations and is usually available only to the persons or entities specified in such legislation. Although we have used our best efforts to supply a list of applicable legislation, it is, however, possible that this list may be incomplete.

- a. Basic Conditions of Employment No. 75 of 1997
- b. Companies Act No. 61 of 1973
- c. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- d. Constitution of the Republic of South Africa 2008
- e. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- f. Copyright Act, No 98 of 1978;
- g. Debtor Collectors Act No. 114 of 1998
- h. Electronic Communications Act, No 36 of 2005;
- i. Employment Equity Act No. 55 of 1998
- j. Finance Act No. 35 of 2000
- k. Financial Services Board Act No. 97 of 1990
- l. Financial Relations Act No. 65 of 1976
- m. Harmful Business Practices Act No. 23 of 1999
- n. Income Tax Act No. 95 of 1967
- o. Insurance Act No 27 of 1943
- p. Intellectual Property Laws Amendments Act No. 38 of 1997
- q. Labour Relations Act No. 66 of 1995
- r. Medical Schemes Act No. 131 of 1998

- s. Occupational Health & Safety Act No. 85 of 1993
- t. Pension Funds Act No. 24 of 1956
- u. Short Term Insurance Act No. 53 of 1998
- v. Skills Development Levies Act No. 9 of 1999
- w. Unemployment Contributions Act No. 4 of 2002
- x. Unemployment Insurance Act No. 63 of 2001
- y. Value Added Tax Act No. 89 of 1991
- z. Financial Intelligence Centre Act, no. 38 of 2001
- aa. Financial Advisory and Intermediary Services Act, no. 37 of 2002

6. Protection of Personal Information

TSF is capturing, processing, storing, and communicating Personal Identifiable Information (PII) to perform its business functions. It is accountable and a responsible party in ensuring that the PII of a Data Subject

- a. is processed lawfully, fairly, and transparently.
- b. is processed only for the purposes for which it was collected for.
- c. will not be processed for a secondary purpose unless consent is provided.
- d. is accurate and kept up to date;
- e. will not be kept for longer than necessary;
- f. 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, are subject to an appropriate level of security when stored, processed, and communicated.
- g. is processed in accordance with the rights of Data Subjects, where applicable.

7. Rights of Data Subjects

Data subjects have the following rights:

- To be notified that their Personal Information is being collected.
- To be notified in the event of a data breach.
- To know whether TSF holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual.
- To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
- To object to the use of their Personal Information and request the deletion of such PII. Deletion is, however, subject to the record keeping requirement of TSF as well as the regulations and legislations to be adhered to.
- To object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
- To complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her or its personal information.

8. Information Security Measures

TSF is committed to protect the integrity and confidentiality of personal information in its possession and under its control, by the implementation of a security strategy that includes technical and organisational measures.

This includes actions to reduce all cybersecurity risks in the use of software and systems.

9. Request for Information

In terms of POPIA, a data subject may, upon providing proof of identity, request TSF to confirm the information being held about the data subject. The data subject may also request access to the information being held, including information about the identity of third parties who have or have had access to such information. The data subject is allowed at any time, to object to the processing of information by TSF, unless legislation provides for such processing.

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. In order to request the information, the prescribed form (see Form C attached to this document) must be completed, and the requester fee (if applicable) be paid to the Information Officer. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall serve a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

The request will be processed within a 30 (thirty) day period, and the outcome of the request will be communicated in writing. This period may be extended by an additional 30 days depending on the complexity of the request requirements.

The process to request information from TSF is as follows:

Send an email to enquiries@taxshop.co.za.

10. Objection to the Processing of PII

Section 11 (3) of POPI and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its PII by following the process stipulated in this manual.

Send an email to enquiries@taxshop.co.za.

11. Request for correction or deletion of PII

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form. To ensure the lawfulness and correctness of the data, the data subject may also request TSF to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the company is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

Send an email to enquiries@taxshop.co.za.

12. Fees

Where an institution 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.

PAIA provides for two types of fees, namely a request fee and an access fee:

- Request fee: This is a non- refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered. 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 institution will further process the request received.
- Access fee: This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor. 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 the Act or an exclusion is determined by the Minister in terms of Section 54(8)

TSF may withhold a record until the request fee has been paid.

Item for Reproduction and/or Access	Fee (ZAR)
For every photocopy of a 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 or machine readable form	0.75
For a copy in computer-readable form on:	
- 3.5" magnetic disc	7.50
- Optical 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
Item for Access	Fee (ZAR)
To search for a record that must be disclosed	30.00

Deposits

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.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.



J752

REPUBLIC OF SOUTH AFRICA

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

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

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

Full names and surname:

Identity number:

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

Postal address:

Telephone number: () Fax number: ()

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

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

Full names and surname:

Identity number:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: <input style="width: 90%;" type="text"/>	Form in which record is required: <input style="width: 90%; height: 40px;" type="text"/>
Mark the appropriate box with an X .	
NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

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

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES <input type="checkbox"/>	NO <input type="checkbox"/>
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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:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day, of year

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