

PAIA MANUAL

ECENTRIC PAYMENT SYSTEMS (PTY)

LTD

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1 DEFINITIONS

- 1.1 In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention.
- 1.2 An expression which denotes –
 - 1.2.1 Any gender includes the other genders;
 - 1.2.2 A natural person includes an artificial or juristic person and vice versa;
 - 1.2.3 The singular includes the plural and vice versa;
- 1.3 The following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
 - 1.3.1 **“This Document”** means this PAIA Manual together with all of its annexures, if any, as amended from time to time;
 - 1.3.2 **“The Company”** means Ecentric Payment Systems Proprietary Limited;
 - 1.3.3 **“PAIA”** means the Promotion of Access to Information Act No. 2 of 2000, as amended from time to time and including the regulations promulgated in terms of PAIA;

2 INTRODUCTION

- 2.1 Ecentric Payment Systems Proprietary Systems conducts business as a provider of payment processing, switching and recon services.
- 2.2 This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information it holds, and explains how to submit requests for access to these records in terms of PAIA. In addition, it explains how to access, or object to, Personal Information held by the Company, or request correction of the Personal Information, in terms of Sections 23 and 24 of the Protection of Personal Information Act No. 4 of 2013 (“POPIA”).
- 2.3 The PAIA and POPIA gives effect to everyone's constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise of protection of any rights. If

a public body lodges a request, the public must be acting in the public interest.

- 2.4 Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs associated with such requests are set out in section 13 below and Schedule A hereto.
- 2.5 This manual is published on the Company website at **www.eentricpaymentsystems.co.za** or, alternatively, a copy can be requested from the Deputy Information Officer.

3 **CONTACT DETAILS OF THE CHIEF EXECUTIVE OFFICER (SECTION 51(1)(A))**

- 3.1 CEO: Mr. Hassen Sheik;
- 3.2 Registered Address: 2nd Floor Great Westerford Building, 240 Main Road, Rondebosch, Cape Town, 7700;
- 3.3 Postal Address: 2nd Floor Great Westerford Building, 240 Main Road, Rondebosch, Cape Town, 7700;
- 3.4 Telephone Number: 021 681 9600
- 3.5 Website: **www.eentric.co.za**

4 **THE INFORMATION OFFICER (SECTION 51(1)(B))**

- 4.1 PAIA prescribed the appointment of an information Officer for Public Bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The Head of a Private Body fulfils such a function in terms of section 51 of PAIA. The Company has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of PAIA.
- 4.2 The Information Officer appointed in terms of the PAIA also refers to the Information Officer as referred to in POPIA. The Information Officer oversees the functions and responsibilities as required for in terms of both PAIA as well as the duties and responsibilities in terms of Section 55 of POPIA after registering with the Information Regulator.
- 4.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of Section 17 of PAIA as well as Section 56 of POPIA. This is in order to render the Company as accessible as

reasonably possible for anyone who requests access to the records of the Company and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of Section 55 of POPIA. All requests for information in terms of PAIA must be addressed to the Information Officer.

- 4.4 The Information Officer may be contacted or reached on the following details—

Information Officer: Mr. Yaaseen Sheik

Physical Address: 2nd Floor Great Westerford Building, 240 Main Road, Rondebosch, Cape Town 7700.

Telephone: 021 681 9678

Email: informationofficer@ecentric.co.za

5 **RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF SECTION 51(1)(D) OF THE ACT**

5.1 **Records held by the Company**

5.1.1 This clause serves as a reference to the categories of information that the Company holds. The information is classified and grouped according to records relating to the following subjects and categories:

5.1.1.1 Personnel Records

5.1.1.1.1 Personal records provided by personnel;

5.1.1.1.2 Records provided by a third party relating to personnel;

5.1.1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;

5.1.1.1.4 Internal evaluation records and other internal records;

5.1.1.1.5 Correspondence relating to personnel; and

5.1.1.1.6 Training Schedules and Material;

5.1.1.1.7 For purposes of clause 5.1.1.1, "personnel" refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part time staff, as well as contract workers.

5.1.1.2 Customer Related Records

5.1.1.2.1 Records provided by a customer to a third party acting for or on behalf of the Company;

5.1.1.2.2 Records provided by a third party; and

5.1.1.2.3 Records generated by or within the Company relating to its customers, including, but not limited to transactional records

For purposes of clause 5.1.1.2, a "customer" refers to any natural or juristic entity that receives services from the Company.

5.1.1.3 Private Body Records

5.1.1.3.1 Financial records;

5.1.1.3.2 Operational records;

5.1.1.3.3 Databases;

5.1.1.3.4 Information technology; and

5.1.1.3.5 Marketing records

5.1.1.4 Internal Correspondence

5.1.1.4.1 Product records;

5.1.1.4.2 Statutory records; and

5.1.1.4.3 Internal policies and procedures.

These records include, but are not limited to, records which pertain to the Company's own affairs.

- 5.2 Note that the accessibility of records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, 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 Company will consider access.

6 RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

- 6.1 Records of a public nature, typically those disclosed on the Company website and 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.

7 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

- 7.1 Where applicable to its operations, the Company also retains records and documents in terms of the legislation listed 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 done in accordance with the prescribed manner in PAIA.

7.1.1 Basic Conditions of Employment Act No. 75 of 1997;

7.1.2 Broad Based Black Economic Empowerment Act, 2003;

7.1.3 Companies Act No. 71 of 2008;

7.1.4 Competition Act No. 71 of 2008;

7.1.5 Constitution of the Republic of South Africa 2008;

7.1.6 Copyright Act No. 98 of 1978;

- 7.1.7 Electronic Communications and Transactions Act No. 25 of 2002;
- 7.1.8 Employment Equity Act No. 55 of 1998;
- 7.1.9 Financial Intelligence Centre Act No. 38 of 2000;
- 7.1.10 Income Tax Act No. 58 of 1962;
- 7.1.11 Insider Trading Act No. 135 of 1998;
- 7.1.12 Insolvency Act No. 28 of 1936;
- 7.1.13 Intellectual Property Laws Amendment Act No. 38 of 1997;
- 7.1.14 Labour Relations Act No. 66 of 1995;
- 7.1.15 Long Term Insurance Act No. 52 of 1998;
- 7.1.16 Patents Act No. 57 of 1978;
- 7.1.17 Pension Funds Act No. 24 of 1956;
- 7.1.18 Prescription Act No. 68 of 1969;
- 7.1.19 Promotion of Access to Information Act No. 2 of 2000;
- 7.1.20 Protection of Personal Information Act No. 4 of 2013;
- 7.1.21 Revenue Laws Second Amendment Act. No 61 of 2008;
- 7.1.22 Taxation Laws Amendment Act No. 7 of 2010;
- 7.1.23 Trademarks Act No. 194 of 1993;
- 7.1.24 Unemployment Contributions Act No. 63 of 2001;
- 7.1.25 Unemployment Insurance Act No. 30 of 1966;
- 7.1.26 Value Added Tax Act No. 89 of 1991.

7.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

8 REQUEST PROCEDURE

8.1 Procedural Requirements

- 8.1.1 The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 8.1.2 The requester must complete the prescribed form enclosed herewith, 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 or e-mail address as noted in clause 5 above.
- 8.1.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify –
 - 8.1.3.1 The record or records requested; and
 - 8.1.3.2 The identity of the requester.
- 8.1.4 The requester should indicate which form of access is required and specify a postal address or e-mail address of the requester in the republic;
- 8.1.5 The requester must state that they require 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, as contemplated in Section 53(2)(d) of PAIA.
- 8.1.6 The Company shall process the request within 30 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.
- 8.1.7 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.
- 8.1.8 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, in accordance with Section 53(2)(f) of PAIA.

- 8.1.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.1.10 The requester must pay the prescribed fee before any further processing can take place.
- 8.1.11 All information as listed in this clause 8 should be provided and 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.

9 REFUSAL TO ACCESS OF RECORDS

Grounds to refuse access

- 9.1 A private body such as the Company is entitled to refuse a request for information.
- 9.2 The main grounds for the Company to refuse a request for information related to the –
 - 9.2.1 mandatory protection of the privacy of a third party who is a natural person or deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
 - 9.2.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the POPIA;
 - 9.2.3 mandatory protection of the commercial information of a third party (section 64), if the record contains (i) trade secrets of the third party; (ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or (iii) information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 9.2.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- 9.2.5 mandatory protection of the safety of individuals and the protection of property (section 66); and
- 9.2.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).
- 9.2.7 The commercial activities (section 68) of a Private Body, such as the Company, which may include –
 - 9.2.7.1 trade secrets of the Company;
 - 9.2.7.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company;
 - 9.2.7.3 information which, if disclosed could put the Company at a disadvantage in negotiations or commercial competition;
 - 9.2.7.4 a computer program which is owned by the Company, and which is protected by copyright;
 - 9.2.7.5 the research information (section 69) of the Company or a third party, if its disclosure would disclose the identity of the Company, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 9.2.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 9.2.9 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 9.2.10 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. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the

purposes 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.

10 **REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST**

10.1 **Internal Remedies**

The Company does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

10.2 **External Remedies**

10.2.1 A requestor that is dissatisfied with the Information Officer's refusal to disclose Information, may within 30 days of notification of the decision, apply to a Court for relief.

10.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification apply to court for relief.

10.3 For purposes of PAIA, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

11 **ACCESS TO RECORDS HELD BY THE COMPANY**

11.1 **Prerequisites for Access by Personal/other Requester**

11.1.1 Records held by the Company may be accessed by requests only once the prerequisite requirements for access have been met.

11.1.2 A requester is any person making a request for access to a record of the Company. The two types of requesters are more fully described below;

11.1.3 Personal Requester

11.1.3.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

11.1.3.2 The Company will voluntarily provide the requested information, or give access to any record with regard to the requesters personal information. The prescribed fee for reproduction of the information requested will be charged.

11.1.4 Other Requester

11.1.4.1 This requester (other than a personal requester) is entitled to request access to information on third parties.

11.1.4.2 In considering such a request, the Company will adhere to the provisions of PAIA. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing them that they may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

11.1.4.3 The Company is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of PAIA and as stipulated in Chapter 5, part 3, including the payment of a request and access fee.

12 FEES PROVIDED BY THE ACT

12.1 PAIA provides for two types of fees, which are –

12.1.1 A non-refundable request fee, which is an administration fee to be paid by all requesters except personal requesters, before the request is considered; and

12.1.2 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 Company in obtaining and preparing a record for delivery to the requester.

- 12.2 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 fee, before further processing of the request, in accordance with Section 54(1) of PAIA.
- 12.3 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.
- 12.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 12.5 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 reasonable required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in request form.
- 12.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

13 FEES PAYABLE

- 13.1 The fees for reproduction of a record as referred to in Section 52(3) of PAIA are as follows –
- | | | |
|--------|--|--------|
| 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 | R40,00 |
| 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

13.2 The request fee payable by a requester other than a personal requester is R50,00.

14 **DECISIONS ON ACCESS REQUESTS**

14.1 The Company will, within a 30 days of receipt of a request, decide whether to grant or decline the request and give notice within reasons (if required) to that effect.

14.2 The 30 day period within which the Company has to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if the request is for a large amount of information.

14.3 The Company will notify the requester in writing should an extension be sought

15 **PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY**

15.1 Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

15.2 The Company needs Personal Information relating to both individual and juristic 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 Company. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

15.2.1 is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. The Company must also have a legal basis (for example, consent) to process Personal Information;

15.2.2 is processed only for the purposes for which it was collected;

- 15.2.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- 15.2.4 is not excessive for the purposes for which it was collected;
- 15.2.5 is accurate and kept up to date;
- 15.2.6 will not be kept for longer than necessary;
- 15.2.7 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, are subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 15.2.8 is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - 15.2.8.1 be notified that their Personal Information is being collected by the Company and to be notified in the event of a data breach;
 - 15.2.8.2 know whether the Company holds Personal Information about the Data subject, and to access that information; Any request for information must be handled in accordance with the provisions of this Manual;
 - 15.2.8.3 request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained Personal Information;
 - 15.2.8.4 object to the Company's use of their Personal Information and request the deletion of such Personal Information, provided that: deletion would be subject to the Company's record keeping requirements;
 - 15.2.8.5 object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and

15.2.8.6 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.

16 AVAILABILITY AND UPDATING OF PAIA MANUAL

16.1 This PAIA manual is made available in terms of Regulation Number R.187 of 15 February 2002. The Company will update this PAIA manual at such intervals as may be deemed necessary.

16.2 This PAIA manual is available to view at the premises of the Company.