

PAIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information
Act 2 of 2000, as amended from time to time.

(hereinafter referred to as “PAIA”)

of

ADINSPIRED (PTY) LIMITED (Reg No: 2024/229223/07)
(hereinafter referred to as “AdInspired”)

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Table of Contents

Page

1. Acronyms and Abbreviations	2
2. Introduction	3
3. Purpose of PAIA	4
4. The PAIA Guide	4
5. The Information Officer's details	6
6. Categories of records: available without a person having to request access	6
7. Description of the records: available in accordance with any other legislation	8
8. Description of the subjects and categories of records held	8
9. Description of records which may be requested	9
10. Processing of personal information	10
11. The Information Regulator	10
12. Availability of the Manual	11
13. Process for requesting information and the specific forms	11
14. Updating the Manual	12

1. Acronyms and Abbreviations

“Access fee” means a fee prescribed for the purposes of obtaining access to the records requested as set out in Form 3 which is accessible on AdInspired’s website. What can be charged is prescribed by regulation.
“Data subject” means the person to whom the personal information relates.
“Guide” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in PAIA and the POPI Act and which was compiled by the Information Regulator.
“Information Officer”/“IO” in relation to a private body means the nominated head Information Officer of this Firm as contemplated in section 1 of PAIA.
“Person” means a natural person or a juristic person who is deemed to be a data subject as defined in the POPI Act.
<p>“Personal information” means information relating to an identifiable natural person, including, but not limited to-</p> <ul style="list-style-type: none"> - 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 person; - information relating to the education or the medical, financial, criminal or employment history of the person; - any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other assigned to the person; - the biometric information of the person; the personal opinions, views or preferences of the person; - correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; - the views or opinions of another individual about the person; and - the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years
<p>“Private body” means –</p> <ul style="list-style-type: none"> - a natural person who carries or has carried on any trade, business or profession, but only in such capacity; - a partnership which carries or has carried on any trade, business or profession; or - any former or existing juristic person; or a political party but excludes a public body.
“Public body” means any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or

institution exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or exercising a public power or performing a public function in terms of any legislation.
“Record” means a record being any recorded information regardless of the form, including, for example, written documents, audio, digital and video materials. A record requested from a public or private body refers to a record that is in that body’s possession regardless of whether that body created the record.
“Regulator” means the Information Regulator established in terms of section 39 of the POPI Act.
“Request for access”, in relation to a private body, means a request for access to a record of a private body in terms of section 50 which is made possible by virtue of prescribed Form 2, accessible on our website.
“Responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information, in this Manual, AdInspired is the Responsible Party.

2. Introduction

- 2.1 AdInspired is a private company registered in SA and it operates as a is a legal entity incorporated in the Republic of South Africa and operates as an IT Services and Consulting company and offers the business objective Section 32(1) of the Constitution of South Africa (which contains the Bill of Rights) provides for the right of access to information held by the state and any information held by another person that is required for the exercise or protection of any rights.
- 2.2 Section 32(2) in turn provides for the enactment of laws that will give effect to this right, by respecting, protecting, promoting, and fulfilling this right. *PAIA is the national legislation which was enacted in accordance with the above-mentioned section 32(2) of the Constitution, giving effect to the right of access to information and actively promoting a society in which the people of South Africa have effective access to information to enable them to exercise and protect all their rights in an open democracy.*
- 2.3 The POPI Act promotes the protection of personal information of data subjects processed by public and private bodies and contains the conditions to ensure that the minimum requirements for the lawful processing of personal information occurs. Therefore, PAIA and the POPI Act are closely interlinked in terms of compliance and in dealing with data, information, and records – whether personal information or any documentation.

2.4 AdInspired is committed to adhere to the directives of the Constitution and national legislation which endorse the key principles of good corporate governance, transparency, and accountability.

3. Purpose of this PAIA Manual

3.1. AdInspired is deemed a *Responsible Party* in terms of the POPI Act which Act has amended certain sections of PAIA. Consequently, AdInspired has compiled this PAIA Manual ("**this/the Manual**") in accordance with section 51 of PAIA¹.

3.2. This PAIA Manual is useful in order to:

- 3.2.1 check the categories of records held by AdInspired which are available without a person/data subject having to submit a formal PAIA request;
- 3.2.2 understanding of how to make a request for access to a record (by providing a description of the *subjects* on which AdInspired holds records on and the *categories* of records held on those subjects;
- 3.2.3 know the description of the records which are available in accordance with other legislation;
- 3.2.4 access the contact details of the Information Officer (as a sole proprietor, there is no Deputy Officer) who will assist the public with the records they intend to access; and
- 3.2.5 how to obtain access to it.

3.3 Requests made by persons for records which AdInspired may have in its possession, must be in accordance with the PAIA Act and by completing the correct prescribed forms (2 of which are easily accessible on AdInspired's website) and at the rates which are prescribed by PAIA.

4. The PAIA Guide

4.1 The Information Regulator ("**the Regulator**") has in terms of section 10(1) PAIA, amended and updated the PAIA Guide ("**the Guide**")- as initially compiled by the SAHRC (the South African Human Rights Commission). The aforementioned Guide is a user-friendly and accessible tool for any person who wishes to exercise

¹ Contents in terms of the section 51 of PAIA -Contact details of AdInspired [section 51(1)(a)]. Description of the Guide referred to in section 10 [section 51(1)(b)]. Records available in terms of other legislation [section 51(1)(d)]. Subjects and categories of record held [section 51(1)(e)].

any right contemplated in PAIA, and how to go about the request. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated the PAIA Guide, as initially compiled by the SAHRC.

- 4.2 The purpose of the aforesaid Guide is to provide information that is needed by any person who wishes to exercise any right contemplated in terms of PAIA and the POPI Act.
- 4.3 A Requestor must be given access to any record of AdInspired if that record is required for the exercise or protection of any rights, however the Requestor must comply with the procedural requirements in PAIA relating to a *request for access* to that record and access to that record is not refused in terms of any grounds for refusal as contemplated in Chapter 4, as detailed in section 52 of PAIA providing for the voluntary disclosure of categories of records by a private body.
- 4.4 Members of the public can inspect or make copies, during normal working hours, of the Guide from the offices of the public and private bodies (in at least two of the official languages), including the office of the Regulator (in each of the official languages).
- 4.5 The Guide, in each of the official languages, can also be obtained upon request from the Regulator, or from AdInspired.
- 4.6 The fees in relation to a copy of the Guide may apply to the aforesaid person- as set out on the website of the Regulator: <https://www.justice.gov.za/inforeg/> and that of any public and private bodies. Any request for a Guide from the Regulator must be made in writing, by completing Form 1, found on the Regulator's website inforeg@justice.gov.za (Email: PAIACompliance@inforegulator.org.za). A copy of the Guide is also available in two South African languages at our office, for public inspection during normal office hours.
- 4.7 The Guide is available from the Information Regulator but AdInspired may also assist any requestor who wishes to obtain a copy thereof. The Guide can be accessed on the Regulator's website at the link below: https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf.
- 4.8 Requestors of data are referred to the PAIA Guide ("**the Guide**") compiled by the Information Regulator, in terms of section 10(1) PAIA, which is a user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA, and how to go about the request.
- 4.9 The Guide is available in each of the official languages and in braille.

5. Information Officer's details

5.1. AdInspired's Director Alun Davies is the Information Officer and will be responsible for ensuring compliance with PAIA and this Policy. Below are the contact details should you have any questions or require assistance with this Policy and requesting information:

- 5.1.1 Name: Alun Davies
- 5.1.2 Tel: +27 83 630 5662
- 5.1.3 E-mail: alun@adinspired.co.za
- 5.1.4 Website: <https://adinspired.co.za/>

6. Categories of records: available without a person having to request access

- 6.1 Section 52(1) of PAIA provides that the head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access.²
- 6.2 This kind of information/data are mostly records that may be available on the website and a person may download or request this category of data.
- 6.3 The Information Officer to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any) before further processing the request.

Category of records	Types of the Record	Available on website	Available upon request
Memorandum of Incorporation and share certificates	Company/CIPC records		√
Name of entity, director name and surname, reg no, email and cellular contact details of AdInspired	Company records	√	
Services offered by AdInspired	Company records	√	
Privacy Policy (and the consent to process personal information)	Compliance Documents	√	

² Section 50(1) of PAIA- a requester must be given access to any record of a private body if that record is required for the exercise or protection of any rights;

and PAIA Manual of AdInspired with Form 2 and 3			
AdInspired Service/Product Information	Company operation documents Services offered Publications & Newsletters	√	

6.4 Access to certain records such as forensic reports may in certain circumstances be refused based on legislation and/or attorney-client privilege. The list below is not exhaustive:

- Disciplinary code
- Leave records
- Banking details
- PAYE records
- Documents for income tax purposes
- POPI Consent Forms
- FICA and screening records
- Records of payments made to SARS (incl. on behalf of employees)
- UIF records
- Client Record and their personal information
- Court documents
- Records provided by clients, including FICA documents
- Client files' contents
- Fee agreements and quotations
- Mandates
- POPI Act forms
- Records provided by a client to a third party acting for and on behalf of AdInspired
- Records provided by third parties and service providers
- Records generated by or within AdInspired
- Law Society records, including Fidelity Fund Certificate
- Internal and external correspondence
- Commercial agreements, employment records, disciplinary records, salaries and wages records (should staff be employed)

7. Description of the records: available in accordance with any other legislation

Category of Records	Applicable Legislation
Company secretarial data	Companies Act 71 of 2008
Confidential and private copywrite data	The POPI Act and possibly the Copyright Act (1978)
Emails and electronic communication forms	Electronic Communications and Transactions Act 25 of 2002
Bank statements	Income Tax Act 58 of 1962;
Personal Information of clients	Promotion of Access to Information Act 2 of 2000
Personal Information of clients	Financial Intelligence Centre Act 38 of 2001
SARS/accounting records/ auditing;	Value Added Tax Act 89 of 1991

8. Description of the subjects on which the body holds records and categories of records held

Subjects on which the body holds records	Categories of records
Clients of AdInspired	<ul style="list-style-type: none"> ➤ Personal Information of either a natural person or an entity and confidential client communications ➤ Invoices and proof of payments ➤
IT/data service provider and other service providers which may be used for capturing and organising of personal information and storing of personal information	<ul style="list-style-type: none"> ➤ Communications and contracts between these service providers and AdInspired ➤ Personal and company information of the IT service provider ➤ Emails and other correspondence to the public; ➤ Due diligence checks; ➤ Criminal checks; ➤ Conducting qualification verifications; ➤ Adverse Media Report searches ➤ ICT Infrastructure documents
Business operations: Operations of AdInspired	<ul style="list-style-type: none"> ➤ Policies and Procedures ➤ Asset disclosures and asset protection procedures ➤ Compliance records and advice ➤ Industry sector records

	➤ Business plans
Bank statements/accounting records	➤ Financial data
Any other third party with whom AdInspired may conduct business with even if once off such as: Contractors Suppliers of office/IT equipment	➤ Security related information ➤ Internal communiqués ➤ Executive Management internal confidential communication ➤ Privileged information: held during investigations, conciliation, closed hearings, attorney client information, national security-based information or third-party information ➤ Service Level Agreements ➤ Agendas/Minutes of Meetings and correspondence ➤ Draft reports, policies and discussions documents ➤ Research papers and Legal opinions ➤ Assessment report; ➤ Forensic reports

9. Description of records which may be requested

9.1 The following may be requested from AdInspired, subject to the grounds for refusal of access to records set out in sections 62 to 69 of PAIA.

Subject	Description
Accounting Records	Books of account including journals and ledgers Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange
Visitors	Physical access records Workplace Health & Safety Questionnaire Personal Information Electronic access records and scans
Suppliers	Personal information 3 Internal • Personal information of supplier representatives

Intellectual Property	Patents Trademarks Copyrights Designs Licensing Agreements
Secretarial company documents	CIPC documentation
Movable Property	Asset register

10. Processing of personal information

AdInspired processes clients' information in order to carry out the instructions given to it by its clients, as set out in our Privacy Policy, available on our website, or which we can forward to a requester via e-mail.

11. The Information Regulator

10.1 The Regulator has, inter alia, the following powers.

- 10.1.1 undertaking educational programmes, for the purpose of promoting the protection of personal information, on the Regulator's own behalf or in co-operation with other persons or authorities acting on behalf of the Regulator;
- 10.1.2 making public statements in relation to any matter affecting the protection of the personal information of a data subject or of any class of data subjects;
- 10.1.3 giving advice to data subjects in the exercise of their rights; and providing advice, upon request or on its own initiative, to a Minister or a public or private body on their obligations under the provisions, and generally on any matter relevant to the operation, of PAIA and the POPI Act;
- 10.1.4 acting as mediator between opposing parties on any matter that concerns the need for, or the desirability of, action by a responsible party in the interests of the protection of the personal information of a data subject;
- 10.1.5 handle complaints by receiving and investigating complaints about alleged violations of the protection of personal information of data subjects and reporting to complainants in respect of such complaints;
- 10.1.6 gathering such information as in the Regulator's opinion will assist the Regulator in discharging the duties and carrying out the Regulator's and serving any notices in terms of PAIA and the POPI Act and further promoting the resolution of disputes in accordance with the prescripts of PAIA and the POPI Act;

- 10.1.7 require the responsible party to disclose to any person affected by a compromise to the integrity or confidentiality of personal information, such compromise in accordance with section 22 of the POPI Act; and
- 10.1.8 investigate the complaint in the prescribed manner; refer the complaint to the Enforcement Committee established in terms of section 50 of the POPI Act; or decide, in accordance with section 77D, to take no action on the complaint or require no further action in respect of the complaint; act.
- 10.2 The Regulator may, in terms of section 77H (1) of PAIA, and on its own initiative, or at the request by or on behalf of information officer or head of a private body or any other person conduct an assessment whether a public or private body generally complies with the provisions of PAIA and the POPI Act, insofar as its policies and implementation procedures are concerned.
 - 10.2.1 Contact details of the Information Regulator:
 - 10.2.2 Website: <https://www.justice.gov.za/inforeg/index.html>
 - 10.2.3 Tel: 010 023 5200
 - 10.2.4 E-mail: enquiries@foregulator.org.za
 - 10.2.5 Physical Address: JD House, 27 Stiemens Street P.O. Box 31533 Braamfontein Johannesburg

12. Availability of the Manual

- 11.1A copy of the Manual is available for inspection at the offices during normal business hours of AdInspired, free of charge. Copies of the Manual may be obtained, subject to payment of the prescribed fee, at the offices of AdInspired. The manual can also be accessed on the website of AdInspired at: <https://adinspired.co.za/>

13. Process for requesting information and the specific forms

- 14.1 Form 2 of Regulation 7 (PAIA) is on AdInspired's website as a separate Form which can be downloaded and is the Form to be completed should any Requestor wish to access any record.
- 14.2 The fees payable will be set out in Form 3 once AdInspired has received the Form 2 and assessed which documents may be granted access to.
- 14.3 All PAIA's forms is also available on the website of the Information Regulator at this link: <https://inforegulator.org.za/paia-forms/>.
- 14.4 The link to all POPI Forms are found at: <https://inforegulator.org.za/popia-forms/>.

- 14.5 Proof of identification of the Requestor (and related third parties acting on behalf of the Requestor) must be provided on submitting the request form.
- 14.6 Further to this the requester must specify the right that they are seeking to protect or that they wish to exercise and provide an explanation as to why the requested records are required for the protection or exercise of that right.
- 14.7 If the request is made on behalf of another person, then proof is required of the capacity in which the requester is making the request;
- 14.8 An initial response to a request will take approximately 30 days.

Third Parties' records requests

- 14.9 If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform the third party of the request, within 21 (twenty-one) business days of receipt of the request.
- 14.10 The manner in which this is done must be by the fastest means reasonably possible, but if orally, the Information Officer must thereafter give the third party written confirmation of the notification.
- 14.11 The third party may within 21 days thereafter either make representation to AdInspired as to why the request should be refused; alternatively grant written consent to the disclosure of the record.
- 14.12 The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request and must also be advised of his/her right to appeal against the decision, within 30 days after the notice, by way of application to Court.

14. Updating the Manual

AdInspired will, on a regular basis update this Manual, in line with any amendments which may be affected in PAIA or the POPI Act, from time to time. Please contact us should you have any questions.



Information Officer & Director
Alun Davies