

NEW MEDIA LABS SERVICES (Pty) Ltd

Registration Number: 2016/429851/07

PAIA MANUAL

**Prepared in accordance with Section 51 of the Promotion of Access to Information
Act, No. 2 of 2000.**



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1. DEFINITIONS

- i. **“Client”** refers to any natural or juristic person that received or receives services from the Company;
- ii. **“the Company”** means New Medial Labs Services, a private company duly registered in terms of the laws of the Republic of South Africa;
- iii. **“Conditions for Lawful Processing”** - the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPI;
- iv. **“Data Subject”** means the person to whom personal information relates;
- v. **“Information Officer”** - the duly authorised Head as defined in section 1 of PAIA;
- vi. **“Manual”** - this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPI Regulations;
- vii. **“PAIA”** - the Promotion of Access to Information Act, No. 2 of 2000;
- viii. **“Personal Information”** - as ascribed thereto in section 1 of POPI;
- ix. **“Personnel”** - 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, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;
- x. **“POPI”** - the Protection of Personal Information Act 4 of 2013;
- xi. **“POPI Regulations”**- the regulations promulgated in terms of section 112(2) of POPI;
- xii. **“Private Body”** - as ascribed thereto in sections 1 of both PAIA and POPI;
- xiii. **“Processing”** - as ascribed thereto in section 1 of POPI;
- xiv. **“Requestor”**- as ascribed thereto in section 1 of PAIA;
- xv. **“Request for Access”** - as ascribed thereto in section 1 of PAIA;
- xvi. Any other terms not described herein will have the meaning as ascribed to it in terms of PAIA or POPI.

2. PURPOSE

- 2.1 For the purpose of POPI and PAIA, the Company is defined as a private body.
- 2.2 In accordance with the Company’s obligations in terms of POPI and PAIA, the Company has produced this manual in line with the stipulations set out in section 14 of PAIA.
- 2.3 This PAIA Manual is useful for the public to:
 - i. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
 - ii. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
 - iii. know the description of the records of the body which are available in accordance with any other legislation;
 - iv. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
 - v. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
 - vi. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;

vii. know the description of the categories of data subjects and of the information or categories of information relating thereto;

viii. know the recipients or categories of recipients to whom the personal information may be supplied;

ix. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

x. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Contact Details

Business Name	New Medial Labs Services (Pty) Ltd
Registration Number	2016/429851/07
Registered Office	15A Peter Cloete Avenue, Constantia, Cape Town, 7848
Postal Address	15A Peter Cloete Avenue, Constantia, Cape Town, 7848
Contact Number	N/A
Fax Number	N/A
Email Address	info@nml.co.za
Director(s)	P. Cartmel
Information Officer	
Name	Charl Marais
Postal Address	15A Peter Cloete Avenue, Constantia, Cape Town, 7848
Contact Number	083 469 2724
Fax Number	N/A
Email Address	charl@nml.co.za
Deputy Information Officer	
Name	Claudia Peinke
Postal Address	15A Peter Cloete Avenue, Constantia, Cape Town, 7848
Contact Number	0836620449
Fax Number	N/A
Email Address	claudia@nml.co.za

Background information of the Company can be found at <https://www.nml.co.za>.

4. PAIA Guide

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. Members of the public can inspect or make copies of the Guide from the office of the Regulator, during normal working hours.

4.4. The Guide can also be obtained from the website of the Regulator at <https://www.justice.gov.za/inforeg/>.

5. Latest Notices in terms of section 52(2) of PAIA

At this stage no Notice(s) has / have been published on the categories of records that are available without having to request access to them in terms of PAIA.

6. Availability and publication of certain records in terms of PAIA

6.1. The Company holds and/or processes the following records for the purposes of PAIA and POPI:

Information regarding services	Freely available at www.nml.co.za
Agreements with Suppliers	On request in terms of PAIA
Company Documentation	On request in terms of PAIA
Correspondence in relation to personnel	On request in terms of PAIA
Customer Agreements	On request in terms of PAIA
Database	On request in terms of PAIA
Domain Name Registrations	On request in terms of PAIA
Employment Contracts	On request in terms of PAIA
Financial records	On request in terms of PAIA
Information technology	On request in terms of PAIA
Internal Correspondence	On request in terms of PAIA
Internal Policies	On request in terms of PAIA
Internal records, including internal evaluation of personnel	On request in terms of PAIA
Marketing records	On request in terms of PAIA
Operational records	On request in terms of PAIA
Personal records provided by personnel and third parties	On request in terms of PAIA
Records relating to the Company's clients	On request in terms of PAIA
Trade Secrets	On request in terms of PAIA
Tradename Registrations	On request in terms of PAIA
Training of personnel	On request in terms of PAIA
Website Information	On request in terms of PAIA

6.2. Information is available in terms of the following legislation, where applicable:

- i. Basic Conditions of Employment Act, No. 75 of 1997
- ii. Companies Act, No. 71 of 2008
- iii. Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- iv. Constitution of the Republic of South Africa Act, No. 108 of 1996
- v. Electronic Communication and Transactions Act, No. 25 of 2002
- vi. Employment Equity Act, No. 55 of 1998
- vii. Identification Act, No. 68 of 1997
- viii. Income Tax Act, No.58 of 1962
- ix. Insolvency Act, No. 24 of 1936
- x. Inspection of Financial Institutions Act, No. 18 of 1998
- xi. Labour Relations Act, No. 66 of 1995
- xii. Occupational Health and Safety Amendment Act No. 181 of 1993
- xiii. Occupational Health and Safety Act No. 85 of 1993
- xiv. Skills Development Levies Act, No. 9 of 1999
- xv. Unemployment Insurance Act, No. 63 of 2001
- xvi. Value Added Tax Act, No. 89 of 1991

7. Registers and Records

7.1. Inspection of the company registers and records pertaining to:

- i. Directors and officers

- ii. Interests of directors
- iii. Shareholders
- iv. Minutes of meetings of shareholders
- v. Licences and permits
- vi. Annual reports
- vii. Interim reports

8. Subjects and Records held by the Company

8.1. Incorporation Documents

- i. The Company's registration forms

8.2. Secretarial Records

- i. The shares register of the Company
- ii. Shareholders' agreements of the Company
- iii. Minutes of general meetings of the shareholders of the Company
- iv. List of directors of the Company
- v. Internal resolutions of the Company
- vi. Power of attorney agreements and a list of persons authorised to bind the Company
- vii. Statutory registers of the Company

8.3. Financial Records

- i. Accounting records, books and documents of the Company
- ii. Interim and annual financial reports of the Company
- iii. Details of the auditors of the Company
- iv. Auditors' reports in respect of audits conducted on the Company
- v. Tax returns of the Company
- vi. Other documents and agreements pertaining to tax
- vii. Financial records of the Company

8.4. Personnel and Employment Records

- i. List of employees
- ii. Attendance records

8.5. Immovable and movable property

- i. Asset register

8.6. Client agreements

- i. Details of clients and correspondence
- ii. Invoices, receipts, credit and debit notes

8.7. Miscellaneous agreements of the Company

- i. Agreements for the trading activities of the Company
- ii. Agreements with suppliers of the Company
- iii. Agreements with clients of the Company

8.8. Correspondence

- i. Correspondence with clients of the Company

9. Request Process

- 9.1. An individual who wishes to place a request must comply with all the procedures laid down in PAIA. The requester must complete the prescribed form, which is attached hereto as annexure "A". The prescribed form must be submitted as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, or electronic mail as is stated herein.
- 9.2. The prescribed form must be completed with enough details to enable the information officer to determine:
 - i. The record(s) requested;
 - ii. The identity of the requestor;
 - iii. What form of access is required; and
 - iv. The postal address of the requestor.
- 9.3. The requestor must state that the records are required for the requestor to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. An explanation of why the records requested is required to exercise or protect the right.
- 9.4. The request for access will be dealt with within 30 days from date of receipt, unless the requestor has set out special grounds that satisfy the information officer that the request be dealt with sooner.
- 9.5. The period of 30 days may be extended by not more than 30 additional days, if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company and the information cannot be reasonably obtained within 30 days. The information officer will notify the requestor in writing should an extension be necessary.
- 9.6. The requestor will be informed in writing whether access to the records have been granted or denied. If the requestor requires a reason for the decision, the request must be expressed in the prescribed form.
- 9.7. If a requestor has requested the records on another individual's behalf, the requestor must submit proof of such capacity along with the records request, to the satisfaction of the information officer.
- 9.8. If the requestor is unable to complete the prescribed form due to illiteracy or disability, the requestor may request it orally from the information officer.

10. Grounds for refusal

- 10.1. The following are grounds upon which the Company may, subject to the exceptions in Chapter 4 of PAIA, refuse a request for access in accordance with Chapter 4 of PAIA:
 - i. Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
 - ii. Mandatory protection of the commercial information of a third party, if the Records contain:
 - (a) Trade secrets of that third party;
 - (b) Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - (c) Information disclosed in confidence by a third party to The Company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
 - iii. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - iv. Mandatory protection of the safety of individuals and the protection of property;
 - v. Mandatory protection of Records that would be regarded as privileged in legal proceedings;
 - vi. Protection of the commercial information of the Company, which may include:
 - (a) Trade secrets;

- (b) Financial/commercial, or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company;
- (c) Information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; and/or
- (d) Computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws;
- vii. Research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- viii. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

11. Remedies should a request be refused

- 11.1. The Company does not have an internal appeal procedure in light of a denial of a request, decisions made by the information officer is final;
- 11.2 The requestor may in accordance with sections 56(3) (c) and 78 of PAIA, apply to a court for relief within 180 days of notification of the decision for appropriate relief.

12. Fees

- 12.1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R2,00 for every photocopy of an A4-size page or part thereof.
- 12.2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - i. For every photocopy of an A4-sized page or part thereof: R2,00
 - ii. For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form: R2,00
 - iii. For a copy in a computer-readable form on:
 - (a) flash drive R40,00
 - (b) compact disc R60,00
 - (c) For visual images:
 - (1) a transcription of visual images, for an A4-size page or part thereof R40,00
 - (2) For a copy of visual images R60,00
 - (d) For an audio record:
 - (1) For a transcription of an audio record, for an A4-size page or part thereof R24,00
 - (2) For a copy on an audio record R60,00
- 12.3. The request fee payable by a requester is R140,00.
- 12.4 The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - i. Fees are:
 - (a) For every photocopy of an A4-size page or part thereof R2,00
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R2,00
 - (c) For a copy in a computer-readable form on:
 - (1) flash drive R40,00
 - (2) compact disc R60,00
 - (d) For a transcription of visual images:
 - (1) for an A4-sized page or part thereof R40,00
 - (2) For a copy of visual images R60,00
 - (e) For a transcription of an audio record:
 - (1) For an A4-size page or part thereof R24,00
 - (2) For a copy of an audio record R60,00

- (f) To search for and prepare the record for disclosure, R145,00 for each hour or part of an hour reasonably required for such search and preparation.
- ii. For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
- iii. The actual postage is payable when a copy of a record must be posted to a requester.

13. POPI

13.1. Conditions for lawful processing

- i. POPI has eight conditions for lawful processing and include:
 - (a) Accountability
 - (b) Processing limitation
 - (c) Purpose specification
 - (d) Further processing limitation
 - (e) Information quality
 - (f) Openness
 - (g) Security safeguards
 - (h) Data subject participation
- ii. The Company is involved in the following types of processing:
 - (a) collection
 - (b) consultation
 - (c) destruction
 - (d) disclosure by transmission
 - (e) organization
 - (f) recording
 - (g) restriction
 - (h) retrieval
 - (i) storage
 - (j) structuring
 - (k) use
- iii. The Company processes information for the following purposes:
 - (a) to provide services to its Clients in accordance with terms agreed to by the Clients;
 - (b) to undertake activities related to the provision of services, such as
 - (1) to fulfil domestic legal, regulatory and compliance requirements
 - (2) to verify the identity of Customer representatives who contact the Company or may be contacted by The Company;
 - (3) for planning purposes;
 - (4) to enforce or defend the Company or the Company affiliates' rights;
 - (5) to manage the Company's relationship with its clients, which may include providing information to its clients and its clients affiliates about the Company's and the Company affiliates' products and services;
 - (c) the purposes related to any authorised disclosure made in terms of agreement, law or regulation;
 - (d) any additional purposes expressly authorised by The Company's client;
 - (e) any additional purposes as may be notified to the Client or Data Subjects in any notice provided by the Company.

13.2. The Company processes personal information of the following categories of Data Subjects:

- i. Juristic persons –

- (a) Corporate clients
 - (b) Suppliers
- ii. Natural persons –
 - (a) Individuals
 - (b) Staff
 - (c) Clients
 - (d) Suppliers

13.3. The Company processes the following categories personal information:

- i. Client profile information
- ii. Bank account details
- iii. Payment information
- iv. Names
- v. Email Addresses
- vi. Telephone numbers
- vii. Physical addresses
- viii. Tax numbers
- ix. Identity Numbers
- x. Passport Numbers

13.4. Recipients of Personal Information:

The Company, the Company's affiliates, their respective representatives

13.5. When making authorised disclosures or transfers of personal information in terms of Section 72 of POPI, personal information may be disclosed to recipients in Australia.

13.6. The Company implements numerous Security measures to protect personal information that is stored electronically and physically.

- i. These security measures include the following:
 - (a) we monitor access and usage of our systems;
 - (b) our records are stored securely;
 - (c) we control access to our building, systems and/or records;
 - (d) we safely destroy and delete records.
- ii. The Company have also implemented various policies for additional security.
 - (a) Internal Privacy Policy;
 - (b) External Privacy Policy
- iii. The personal information that is stored physically is protected as follows:
 - (a) Where physical records of the data exist, such records will be stored in a secure area that can be 'locked-away' as to avoid a breach of the personal information.
 - (b) Such physical data records will be 'locked-away' and secured when not in use.

13.7. The Company may share personal information with third parties and in certain instances this may result in cross border flow of the personal information. The personal information will always be subject to protection, not less than the protection it is afforded under the Protection of Personal Information Act No.4 of 2013.

13.8 Objection to the processing of personal information by a data subject:

- i. Section 11(3) of POPI provides that a data subject may, at any time object to the processing of their personal information in the prescribed form attached to this manual as annexure "B".

13.9. Request for correction or deletion of personal information:

i. 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 and/or deleted in the prescribed form attached hereto as annexure "C".

Information Officer's name _____ **signature** _____

Signed at _____ **on this** _____ **day of** _____ **20**__

For and on behalf of

Company name _____ **Company signature** _____

Witness name _____ **Witness signature** _____



ANNEXURE A:
REQUEST FOR ACCESS TO RECORD(S) OF NEW MEDIA LABS (PTY) LTD
(Section 53 (1) of Promotion of Access to Information Act, 2000)

A Particulars of private body:

Contact Details	
Chief Executive Officer	
Information officer	
Postal address	
Physical address	
Telephone number	
Email address	

B Particulars of person requesting a record

- The particulars of the person who requests access to the record must be given below;
- The e-mail address and/or physical address in South Africa to which the information is to be sent, must be provided;
- Proof of the capacity in which the request is made, if applicable, must be attached;
- If the request is made on behalf of another person, evidence of the capacity in which the request is made, must also be provided with the request.

Contact Details	
Full Name	
Identity Number	
Postal address	
Physical address	
Telephone number	
Email address	

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 Name	
Identity Number	
Capacity in which request is made	

D Particulars of the record

- 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;
- If the provided space is inadequate, please continue on a separate folio (all additional folios must be signed) and attach it to this form;
- The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):



- Mandatory protection of the privacy of a third party who is a natural person
- Mandatory protection of commercial information of third party
- Mandatory protection of certain confidential information of a third party
- Mandatory protection of the safety of individuals and the protection of property
- Mandatory protection of records privileged from production in legal proceedings
- Commercial information of a private body
- Mandatory protection of research information of a third party and a private body

Description of the record or relevant part of the record	
Reference number	
Any further particulars of the record	

E Description of record or relevant part of the record

Category	Description of Record

F Fees

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after the required request fee has been paid;
- You will be notified of the amount required to be paid as the request fee;
- 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 the record;
- If you qualify for exemption of the payment of any fee, please state the reason for exemption.

The requester qualifies for an exemption in payment of fees (tick the applicable box)	Yes	No
Reason:		

G 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.

- Compliance with your request for access in the specified form may depend on the form in which the record is available;
- 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;
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Disability:	Form in which record is required:
-------------	-----------------------------------



Mark the appropriate box with an X

If the record is in written or printed form:		
Copy of Record	Inspection of Record	
If the record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):		
View images	Copy of images	Transcript of images
If the record consists of recorded words or information which can be reproduced in sound:		
Listen to the soundtrack	Transcription of the soundtrack* (written or printed document)	
If the record is held on a computer or in an electronic or machine-readable form:		
Printed copy of the record	Printed copy of information derived from the record*	Copy in computer readable form* (Compact Disc)

*If you requested a copy of transcription of a record (above), do you wish the copy or transcription to be posted to you?	Yes	No
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

H Notice of decision regarding request for access

Requesters will be notified in writing whether their request has been approved/denied.

Signed at thisday of.....20.....

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



**ANNEXURE B:
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION**
(Section 11(3) Of The Protection Of Personal Information Act, 2013)

Regulations Relating To The Protection Of Personal Information
(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 annex to this form and sign each page;
3. Complete as applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	
	Code:
Contact Numbers:	
Fax Number / Email address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered Name of Responsible Party:	
Residential, postal or business address:	
	Code:
Contact Numbers:	
Fax Number / Email address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) TO (f) (Please provide detailed reasons for the objection)



Signed at _____ on this ____ day of _____ 20__.

Signature of Data Subject/Designated Person



**ANNEXURE C:
REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION** (Section
24(1) Of The Protection Of Personal Information Act, 2013)

Regulations Relating To The Protection Of Personal Information
(Regulation 3)

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 annex to this form and sign each page;
3. Complete as 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 the possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique Identifier / Identity Number:	
Residential, postal or business address:	
	Code:
Contact Numbers:	
Fax Number / Email address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / Registered Name of Responsible Party:	



Signed at _____ on this ____ day of _____ 20__.

Signature of Data Subject/Designated Person