



**PAIA and POPIA MANUAL OF**

**RANK A PRO (PTY) LTD**

**trading as CLOUDSELL AFRICA**

**VERSION 1**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and requirements of the Protection of Personal Information Act, 2013.

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ANNEXURE A: Request for Information Form

## 1 THE ACT

The Promotion of Access to Information Act, 2000 ("PAIA") gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

## 2 COMPANY INFORMATION AND CONTACT DETAILS OF THE INFORMATION OFFICER

CLOUDSELL AFRICA (Pty) Ltd is a privately held company that provides digital services in the access control industry.

CLOUDSELL AFRICA's Chief Executive Officer has been duly appointed as Information Officer to act as the person to whom requests for access to information must be made in terms of the Act.

### CONTACT DETAILS

<b>Company name:</b>	<b>RANK A PRO PTY LTD T/A CLOUDSELL AFRICA</b>
<b>Information Officer:</b>	Niven Perumal (CEO)
<b>Postal address:</b>	9 Rockridge Place Buccleuch Gauteng 2066
<b>Physical address:</b>	9 Rockridge Place Buccleuch Gauteng 2066
<b>Tel:</b>	+2787 897 9760
<b>E-mail:</b>	<a href="mailto:notifications@cloudsell.co.za">notifications@cloudsell.co.za</a>
<b>Website:</b>	<a href="http://www.cloudsell.co.za">www.cloudsell.co.za</a>

## 3 AVAILABILITY OF GUIDES TO PAIA AND POPIA

Copies of PAIA and POPIA, the relevant regulations and guides to these acts, can be obtained from the South African Human Rights Commission (SAHRC).

The South African Human Rights Commission  
Private Bag X2700  
Houghton  
2041

Telephone: +27 11 877 3600  
Facsimile: +27 11 403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## 4 APPLICABLE LEGISLATION

Where applicable to CLOUDSELL AFRICA's operations, information is available in accordance with the following legislation, including but not limited to:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008 (As amended)
- Copyright Act 98 of 1978
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access of Information Act 2 of 2000
- Trademarks Act 194 of 1993
- Unemployment Insurance Act 30 of 1996
- Value Added Tax Act 89 of 1991

## 5 ACCESS TO RECORDS HELD BY CLOUDSELL AFRICA

### 5.1 SUBJECTS AND CATEGORIES OF RECORDS HELD BY CLOUDSELL AFRICA

The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

- Statutory Company Information
  - Memorandum of Incorporation
  - Certificate of Incorporation
  - Records of all subsidiary companies
  - The shares register of CLOUDSELL AFRICA.
  - Shareholders' agreements of CLOUDSELL AFRICA.
  - Register or list of directors of CLOUDSELL AFRICA.
  - Minute books and internal resolutions of CLOUDSELL AFRICA.
  - Power of attorney agreements and a list of persons authorised to bind CLOUDSELL AFRICA.
- Financial and Tax Records of CLOUDSELL AFRICA
  - Accounting records, books and documents of CLOUDSELL AFRICA.
  - Interim and annual financial reports of CLOUDSELL AFRICA.
  - Details of auditors of CLOUDSELL AFRICA.
  - External auditors' reports in respect of audits conducted on CLOUDSELL AFRICA.
  - Details of actuaries of the pension scheme utilised by CLOUDSELL AFRICA.
  - Tax returns of CLOUDSELL AFRICA.
  - PAYE records
  - Skills Development Levies records
  - Other documents and agreements relating to taxation.

- Banking Details of CLOUDSELL AFRICA
  - Bank facilities and account details.
  - Bank statements.
  - Guarantees given by, or in respect of, CLOUDSELL AFRICA.
- Human Resources / Employment Records
  - List of employees.
  - Contracts of employment with directors, officers and employees of CLOUDSELL AFRICA.
  - Expenditure or reimbursement agreements with directors of CLOUDSELL AFRICA.
  - Documents relating to employee benefits.
  - Compensation or redundancy payments.
  - Personnel files.
  - Employee code of conduct.
  - Employment equity plan of CLOUDSELL AFRICA.
  - Procedural agreements and policies of CLOUDSELL AFRICA.
  - Disciplinary records and documentation pertaining to disciplinary proceedings.
  - CCMA records
  - Training manuals.
  - Other information relating to employees of CLOUDSELL AFRICA.
  - Confidentiality agreements
- Intellectual Property
  - Trademarks, patents, copyrights, designs held by CLOUDSELL AFRICA.
  - Licences relating to intellectual property rights.
  - Other agreements relating to intellectual property rights.
- Permits
  - Licences, material permits, consents, approvals, authorisations and certificates.
  - Applications for permits and licences.
  - Registrations and declarations of permits.
- Insurance Records
  - Insurance policies taken out for the benefit of CLOUDSELL AFRICA and its employees.
  - Claims records
- Immovable and Movable Property
  - Title deeds of land owned by CLOUDSELL AFRICA.
  - Agreements for the lease or sale of land and/or other immovable property by CLOUDSELL AFRICA.
  - Agreements for the lease or sale of movable property by CLOUDSELL AFRICA.
  - Mortgage bonds, liens, notarial bonds or security interests on property.
  - Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.
- Information Technology
  - Computer software support and maintenance agreements.
  - Web site development, support and maintenance agreements.
  - Computer software licence agreements.
  - Agreements in respect of computer hardware used by CLOUDSELL AFRICA.
  - Agreements with Internet Service Providers, and other telecommunications entities.
  - Leased line agreements.
  - Other documentation pertaining to computer systems and computer programs held by CLOUDSELL AFRICA.

- Individual contracts in respect of usage of cellular telephones.
- SITA agreements.
- Specific Agreements Relating to the Business Activities of CLOUDSELL AFRICA
  - Indemnity, confidentiality and non-disclosure agreements.
  - Regulatory agreements.
  - Agreements relating to transactions.
  - Presentations to clients.
  - Research information.
- Policy Documents
  - Corporate governance.
  - Ethics policy.
- Miscellaneous agreements of CLOUDSELL AFRICA
  - Loans to/from third parties (including banks).
  - Suretyship agreements.
  - Agreements restricting the trading activities of CLOUDSELL AFRICA.
  - Agency, management and distribution agreements.
  - Royalty agreements.
  - Agreements in terms of which CLOUDSELL AFRICA is a member of a joint venture, consortium, partnership, incorporated or unincorporated association, and shareholders' agreements of another entity which CLOUDSELL AFRICA is a party to.
  - Any other agreements.
- Correspondence
  - Correspondence of CLOUDSELL AFRICA, including internal and external memoranda.
- Information Relating to Legal proceedings
  - Records relating to legal proceedings involving CLOUDSELL AFRICA.
  - Records relating to arbitration matters involving CLOUDSELL AFRICA
- Overseas Interests and Investments
  - Agreements with foreign entities.
- Records pertaining to clients of CLOUDSELL AFRICA
  - Agreements with clients of CLOUDSELL AFRICA.
  - Service Level Agreements
  - Agency Agreements.
  - Business strategies
  - Creative (artwork)
  - Signed Cost Estimates
  - Organograms
  - Contact lists
  - Brand/Corporate Identity documents
  - Contact/Status Reports
  - Marketing plans
  - Sales results
  - Dealer letters/sheets
  - Client briefs
  - Media schedules/chase lists
  - Client E-mails

- Client's supplier lists
- Sponsorship plans
- Image library
- Lists of Purchase Order numbers
- Legal clauses

## 5.2 THE REQUEST PROCEDURE AND FEES

- 5.2.1 The requester must use the prescribed form (Annexure A) to make the request for access to a record. This must be made to the Information Officer of CLOUDSELL AFRICA. This request must be made to the address or electronic mail address of the Information Officer of CLOUDSELL AFRICA.
- 5.2.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- 5.2.3 The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- 5.2.4 If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

## 6 AVAILABILITY OF THE MANUAL

The manual is available on the CLOUDSELL AFRICA website - [www.cloudsell.co.za](http://www.cloudsell.co.za).

## 7 PRESCRIBED FEES

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two types of fees payable:

- **Request fee:** A non-refundable request fee of R50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the person requesting – in this instance no fee is payable.
- **Access fee:** An access fee is payable prior to being granted access to the records in the form required. These fees are prescribed in Part III of Annexure A as defined in Government Gazette Notice No. 187, Regulation 11.

## 8 GROUNDS FOR REFUSAL TO ACCESS RECORDS

The Promotion of Access to Information Act provides several grounds on which a request for access to information must be refused. These grounds mainly concern instances where the privacy and interests of other individuals are protected, where such records are already otherwise publicly available, where public interests are not served, the mandatory protection of commercial information of a third party, and the mandatory protection of certain confidential information of a third party. A complete list of the grounds for refusal is available in Chapter 4 of the Act.

## 9 PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

### **Purpose of processing:**

- Rendering service according to instructions given by clients
- Provision of value-added services
- Maintain our accounts and records
- Support and manage our employees
- Use of CCTV systems to prevent and detect crime
- Fraud prevention & detection
- Market research and statistical analysis
- Compliance with legal and regulatory requirements
- Verifying identity

### **Categories of data subjects:**

- Shareholders
- Directors
- Employees
- Consultants
- Complainants & enquirers
- Trustees
- Employers and employees of other organisations
- Subsidiary companies
- External companies / contractors
- Suppliers and service providers
- Clients and their members / subscribers
- Individuals captured by CCTV images / video
- Individuals who have indicated an interest in our products / services

### **Types / classes of information processed:**

- Personal details
- Lifestyle and social circumstances
- Business activities
- Goods / services provided
- Personal views / preferences
- Family details
- Education & employment details
- Visual images of individuals captured on CCTV
- Financial details

### **Types / classes of special information processed:**

- None

### **Who the information may be shared with:**

We sometimes need to share the personal information we process with the individual themselves and/or with other organisations. Where this is necessary we are required to comply with all aspects of the Protection of Personal Information Act. What follows is a description of the types of organisations we may need to share some of the personal information we process with for one or more reasons. Where necessary or required we share information with:

- Employment and recruitment agencies
- Credit reference agencies



- Police / courts where necessary
- Business associates
- Persons making an enquiry / complaint
- Suppliers and service providers
- Debt collection and tracing agencies
- Auditors
- Security organisations

**Trans-border / cross border flows of personal information:**

CLOUDSELL AFRICA may from time to time need to share personal information of data subjects with third parties in other countries. We are required to ensure that when we need to do this we comply with the Protection of Personal Information Act. This will only be done if one of the following requirements are met:

- the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that—
  - effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in the Protection of Personal Information Act; and
  - includes provisions, that are substantially similar to this section, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country;
- the data subject consents to the transfer;
- the transfer is necessary for the performance of a contract between the data subject and the company in question;
- the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the data subject between the company in question and a third party; or
- the transfer is for the benefit of the data subject, and—
  - it is not reasonably practicable to obtain the consent of the data subject to that transfer; and
  - if it were reasonably practicable to obtain such consent, the data subject would be likely to give it.

**General**

CLOUDSELL AFRICA has a comprehensive Data Management Framework in place in order to comply with POPIA and ensure that the best efforts are employed to ensure the protection of personal information. The Company employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care.

**10 HOW LONG IS PERSONAL INFORMATION RETAINED?**

CLOUDSELL AFRICA will keep customers' personal information for as long as:

- the law requires it to be kept;
- a contract between the customer and the company exists;
- the customer has consented to the company keeping it;
- the company requires it for statistical or research purposes;
- the company requires it for lawful business purposes.

**TAKE NOTE:** The company may keep customers' personal information even if they no longer have a relationship with the company, if the law permits or requires.

REQUEST FOR INFORMATION FORM

**1. PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION**

Full Names & Surname: \_\_\_\_\_

Identification Number: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_

**2. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE**

Only complete this section if a request for information is made on behalf of another person.

Full Names & Surname: \_\_\_\_\_

Identification / Company Number: \_\_\_\_\_

**3. PARTICULARS OF REQUESTED INFORMATION**

Provide full particulars of the information to which access is requested. If the provided space is not sufficient, please continue on a separate page and attach it to this form. Any additional pages submitted must be signed.

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\_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### 4. FORMAT IN WHICH INFORMATION IS REQUESTED

Indicate the format in which the information requested is required. Please note that the request for access in the specified format may depend on the format in which the record is available and access in the requested format may be refused under certain circumstances.

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#### 5. RIGHT TO BE EXERCISED OR PROTECTED

Indicate what right is to be exercised and/or protected and why the information is required to protect and/or to exercise this right.

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#### 6. NOTICE OF APPROVAL / REJECTION OF REQUEST

You will be notified via e-mail and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:

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Signed at: \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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Signature of person submitting the request