



**Manual in terms of the Promotion of Access to  
Information Act, 2000 and the Protection of  
Personal Information Act, 2013**

**Version 1.00**

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**NOVUS** 

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## 1 Definitions

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- 1) "Client" refers to any natural or juristic person that received or receives services from Novus3.
- 2) "Data Subject" has the meaning ascribed thereto in section 1 of POPIA.
- 3) "Information Officer" means the Novus3 Chief Operating Officer or the person to whom this responsibility has been delegated.
- 4) "Manual" means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) (d) of the POPIA Regulations.
- 5) "PAIA" means the Promotion of Access to Information Act, 2000.
- 6) "Personal Information" has the meaning ascribed thereto in section 1 of POPIA.
- 7) "POPIA" means the Protection of Personal Information Act, 2013.
- 8) "POPIA Regulations" mean the regulations promulgated in terms of section 112(2) of POPIA.
- 9) "Private Body" has the meaning ascribed thereto in sections 1 of both PAIA and POPIA.
- 10) "Processing" has the meaning ascribed thereto in section 1 of POPIA.
- 11) "Responsible Party" has the meaning ascribed thereto in section 1 of POPIA.
- 12) "Record" has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information; 1.13 "Requester" has the meaning ascribed thereto in section 1 of PAIA.
- 13) "SAHRC" means the South African Human Rights Commission.

## 2 Purpose of this manual

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- 1) This Manual:
- 2) for the purposes of PAIA, details the procedure to be followed by a Requester and the way a Request for Access will be facilitated; and
- 3) for the purposes of POPIA, amongst other things, details the purpose for which Personal Information may be processed; a description of the categories of Data Subjects for whom Novus3 Processes Personal Information as well as the categories of Personal Information relating to such Data Subjects; and the recipients to whom Personal Information may be supplied.

## 3 PAIA and Section 10 Guide

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- 1) PAIA grants the requested access to Records of a Private Body, if the Record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 2) Requests in terms of PAIA will be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in sections 18 and 22 of PAIA.
- 3) Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 4) The contact details of the Commission are:

Postal address: Private Bag 2700, Houghton, 2041

Telephone number: 011 877 3600

Fax number: 011 403 0625

Website address: sahrc.org.za

## 4 Contact details

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1) Office bearers:

Bernardus van Biljon (Chief Executive Officer)

James Prior Scheepers (Chief Operating Officer)

Ndiafhi Rerani (Director)

Jaco de Vries (Chief Enterprise Engineer)

Mariska Munnik (Company Secretary)

2) Physical addresses

Regus

Floor 5, Bloukrans Building

Lynnwood Bridge

Daventry Road

Lynnwood Manor

0081

3) Telephone number: 012 007 2564

4) Website address: [www.novus3.co.za](http://www.novus3.co.za)

5) E-mail address: [info@novus3.co.za](mailto:info@novus3.co.za)

## 5 Protection of Personal Information

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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.

2) Novus3 needs Personal Information relating to both individual and juristic persons to carry out its business and organisational functions. The way this information is Processed and the purpose for which it is Processed is determined by Novus3. Novus3 is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- a) is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Novus3, in the form of privacy or data collection notices. Novus3 must also have a legal basis (for example, consent) to process Personal Information;
- b) is processed only for the purposes for which it was collected;

- c) will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
  - d) is adequate, relevant and not excessive for the purposes for which it was collected;
  - e) is accurate and kept up to date;
  - f) will not be kept for longer than necessary;
  - g) 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 Novus3, to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
  - h) is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
    - i) be notified that their Personal Information is being collected by Novus3. The Data Subject also has the right to be notified in the event of a data breach,
    - ii) know whether Novus3 holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual,
    - iii) request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information,
    - iv) object to Novus3's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Novus3's record keeping requirements),
    - v) object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications, and
    - vi) 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.
- 3) The purpose of the Processing of Personal Information by Novus3 is outlined in Table 1.

**Table 1: Purposes of the Processing of Personal Information**

| Purpose of Processing of Personal Information  | Type of Processing   |
|--|--|
| 1. For the purposes of recruitment and management of employees.<br>2. To provide services to the Client in accordance with terms agreed to by the Client.<br>3. To manage third party and service provider relationships.<br>4. To manage engagements with statutory and other authorities.<br>5. To manage engagements with the media and the public; | Collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction. |

| Purpose of Processing of Personal Information  | Type of Processing |
|--|--------------------|
| <p>6. To undertake activities related to the provision of services and transactions, including:</p> <p>6.1. to verify the identity of Client and third-party representatives.</p> <p>6.2. for risk assessment, information security management, statistical, trend analysis and planning purposes.</p> <p>6.3. to monitor and record calls and electronic communications with the Client and third-party representatives for quality, training, investigation and fraud prevention purposes.</p> <p>6.4. for crime detection, prevention, investigation and prosecution.</p> <p>6.5. to enforce or defend Novus3's rights; and</p> <p>6.6. to manage Novus3's relationship with its Clients and third parties.</p> <p>7. The purposes related to any authorised disclosure made in terms of agreement, law or regulation.</p> <p>8. Any additional purposes expressly authorised by the Client or relevant third party; and</p> <p>9. Any additional purposes as may be notified to the Client, relevant third parties or Data Subjects in any notice provided by Novus3</p> |                    |

4) The Categories of Data Subjects and Personal Information relating thereto are summarised in Table 2.

**Table 2: Categories of Data Subjects and Personal Information**

| Categories of Data Subjects and Personal Information relating thereto   | Data Subject                         |
|---|--------------------------------------|
| <p><b>Employees:</b><br/>Name; ID number; business contact details (address/telephone number/email address), bank details; medical aid details; emergency contact details</p> | Natural persons                      |
| <p><b>Service providers:</b><br/>Name; ID/registration number; business contact details (address/telephone number/email address), bank details</p>                            | Natural persons and juristic persons |

| Categories of Data Subjects and Personal Information relating thereto   | Data Subject                                |
|---|---|
| <p><b>Clients:</b></p> <p>Personal information relating to a Data Subject received by or on behalf of Novus3 from the Client, Client affiliates and their respective representatives and related parties while providing services to the Client or in connection with a transaction or services.</p> <p>Client personal information may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, account numbers, voiceprints, PBX recordings, bank account and transactional information (where legally permissible), to the extent that these amount to personal information under POPIA.</p> | <p>Natural persons and juristic persons</p> |

## 5) Possible recipients of Personal Information

### a) The following groups may receive Personal Information from Novus3:

- i) National and Provincial Treasuries, Auditor General and other statutory authorities,
- ii) Clients,
- iii) professional advisers to Novus3,
- iv) industry bodies,
- v) law enforcement agencies, and
- vi) service providers.

## 6) Planned transborder flows of Personal Information

- a) Transborder flow of information will only occur for purposes of cloud storage of such information and then only in compliance with section 72 of the Protection of Personal Information Act, 4 of 2013.

## 7) Security measures to protect Personal Information

- a) Physical security measures
  - i) access controls,
  - ii) employee home and mobile measures,
  - iii) internal security measures,
  - iv) encryption of backup data in motion, and
  - v) encryption of backup data at rest.
- b) cyber and information security measures,
  - i) anti-spam measures,
  - ii) anti-virus measures,



- iii) firewalls,
  - iv) password control,
  - v) virtual private networks (VPN), and
  - vi) credential vaults.
- c) Training and policies in information security.
- d) Audits of information security systems and procedures.
- 8) Requests for access to Personal Information
- a) Data Subject may request access to his/her/its Personal Information from Novus3 at any time, by sending an email to [info@novus3.co.za](mailto:info@novus3.co.za).
- b) Objection to the Processing of Personal Information by a Data Subject
- i) Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form, subject to exceptions contained in POPIA.
- c) Request for correction or deletion of Personal Information
- i) Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form.

## 6 Applicable legislation

The application legislation which should be read in conjunction with this manual is summarised in Table 3.

**Table 3: Applicable Legislation**

| Number | Reference   | Act   |
|--------|-------------|---|
| 1      | 108 of 1996 | Constitution of the Republic of South Africa                      |
| 2      | 71 of 2008  | Companies Act   |
| 3      | 98 of 1978  | Copyright Act   |
| 4      | 55 of 1998  | Employment Equity Act   |
| 5      | 4 of 2000   | Promotion of Equality and Prevention of Unfair Discrimination Act |
| 6      | 95 of 1967  | Income Tax Act  |
| 7      | 66 of 1995  | Labour Relations Act  |
| 8      | 89 of 1991  | Value Added Tax Act   |
| 9      | 97 of 1998  | Skills Development Act  |
| 10     | 9 of 1999   | Skills Development Levy Act                                       |
| 11     | 53 of 2003  | Broad based black economic empowerment Act                        |
| 12     | 75 of 1997  | Basic Conditions of Employment Act                                |

| Number | Reference   | Act   |
|--------|-------------|---|
| 13     | 85 of 1993  | Occupational Health and Safety Act                      |
| 14     | 130 of 1993 | Compensation for Occupational Injuries and Diseases Act |
| 15     | 69 of 1984  | Close Corporations Act                                  |
| 16     | 25 of 2002  | Electronic Communications and Transactions Act          |
| 17     | 2 of 2000   | Promotion of Access of Information Act                  |
| 18     | 26 of 2000  | Protected Disclosures Act                               |
| 19     | 30 of 1996  | Unemployment Insurance Act                              |
| 20     | 2 of 2013   | Protection of Personal Information Act                  |
| 21     | 117 of 1998 | Municipal Structures Act                                |
| 22     | 5 of 2000   | Preferential Procurement Policy Framework Act           |
| 23     | 27 of 1998  | Municipal Demarcation Act                               |
| 24     | 32 of 2000  | Municipal Systems Act                                   |
| 25     | 56 of 2003  | Municipal Finance Management Act                        |
| 26     | 6 of 2004   | Municipal Property Rates Act                            |
| 27     | 12 of 2007  | Municipal Fiscal Powers and Functions Act               |
| 28     | 12 of 2004  | Prevention and combating of corrupt activities Act      |
| 29     | 3 of 2000   | Promotion of administrative justice Act                 |
| 30     | 89 of 1998  | Competition Act   |
| 31     | 38 of 2001  | Financial intelligence centre Act                       |
| 32     | 68 of 2008  | Consumer Protection Act                                 |

## 7 Schedule of Records

The subjects on which Novus3 holds Records and the categories on each subject in terms of Section 51 are as listed below. Please note that a Requester is not automatically allowed access to these Records and that access to them may be refused in accordance with Sections 62 to 69 of PAIA. The availability of Records and method of access is summarised in the following table.

**Table 4: Availability of Records**

| Records        | Availability  |
|----------------|---|
| Public affairs | Freely available on <a href="http://www.novus3.co.za">www.novus3.co.za</a> and <a href="http://www.cipc.co.za">www.cipc.co.za</a> |
| Clients        | Request in terms of PAIA  |
| Financial      | Request in terms of PAIA  |

| Records                | Availability  |
|------------------------|---|
| Human Resources        | Request in terms of PAIA  |
| Information Technology | Request in terms of PAIA  |
| Corporate              | Request in terms of PAIA  |
| Sales and marketing    | Limited information available on website Request in terms of PAIA |
| Operational            | Request in terms of PAIA  |

## 8 Form of request

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- 1) To facilitate the processing of your request, kindly use the prescribed form, available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za).
- 2) Address your request to the Novus3 Information Officer and send via email to [info@novus3.co.za](mailto:info@novus3.co.za).
- 3) Please provide enough details to enable Novus3 to identify:
  - a) the Record/s requested,
  - b) the Requester (proof of capacity is required where and agent lodges a request),
  - c) the form of access required,
  - d) the South African postal- and email address of the Requester,
  - e) details of the way the Requester would like to be informed of the outcome of his/her/its request,
  - f) the right which the Requester is seeking to exercise or to protect, with an explanation of the reason the Record is required to exercise or protect the right.
- 4) Note that Novus3 reserves the right to request that a fee is paid for the compilation of the records requested. The cost to access the Records will be related to the direct cost for Novus3 to prepare the records and will be made available at the time of request.

## 9 Copyright

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