

**BLUE SPEC HOLDINGS (PTY) LTD
SPEC”)**

2000/015694/07

**(“BLUE
REGISTRATION NUMBER:**

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• **PREAMBLE**

The Promotion of Access to Information Act, 2000 ("**PAIA**"), as amended, seeks to *inter alia*, give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain justifiable limitations and grounds of refusal, in order to enable them to exercise or protect their rights.

Blue Spec is a private body as defined in PAIA. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such body and stipulates the minimum requirements that the manual must comply with.

This PAIA Manual constitutes Blue Spec's PAIA Manual. This PAIA Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("**POPIA**"), which gives effect to everyone's Constitutional right to privacy. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

Where a request is made in terms of PAIA, the body to whom the request is made is obliged to release the information, subject to justifiable limitations, which include, *inter alia*:

- Reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance.

PAIA and this PAIA manual sets out the procedure to be adopted when requesting information from a body.

All requests in terms of PAIA and this PAIA Manual must be addressed to the Information Officer, whose details are set out in this manual.

• **DEFINITIONS**

- "**Access fee**" : means the fee prescribed for the purposes of section 22(6) or 54(6) of PAIA as the case may be;
- "**Blue Spec**" : means Blue Spec Holdings (Pty) Ltd, a company registered in terms of the laws of the Republic of South Africa with registration number: **2000/015694/07**, and its subsidiaries, affiliates and Related Party's;
- "**Data Subject/s**" : the natural or juristic person/s to whom Personal Information relates;
- "**Information Officer**" : means the head of a private body as contemplated in section 1 of PAIA. In terms of PAIA, the "head" of a private body is the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer. Blue Spec has appointed an Information Officer to *inter alia*, assess requests for access to information;
- "**Information Regulator**" : The Information Regulator is an independent body established in terms of section 39 of PAIA;
- "**PAIA Manual**" : means this manual inclusive of the appendixes hereto;
- "**Personal Information**" : information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to –
 - information relating to the race, gender, pregnancy, marital status, nationality, ethnic or social origin, colour, sexual orientation, age, physical or mental 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, e-mail address, physical address, telephone number, location information, online identifier or other particular 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.
- "**POPIA**" : means the Protection of Personal Information Act of 2013 (as amended), together with any

- regulations;
- **“Private body”** : means:
 - 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;
 - any former or existing juristic person; or
 - a political party,
- but excludes a public body.
 - **“Processing”** : means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including;
 - **the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;**
 - **dissemination by means of transmission, distribution or making available in any other form; or**
 - **merging, linking, as well as restriction, degradation, erasure or destruction of information.**
 - **“Record”** : of, or in relation to, a public or private body, means any recorded information:
 - regardless of form or medium;
 - in the possession or under the control of that public or private body, respectively; and
 - whether or not it was created by that public or private body, respectively.
 - **“request for access”** : means a request for access to the record of a private body;
 - **“requester”** : means any person including but not limited to, a public body or official thereof making a request for access to a record of a private body.

OBJECTIVES OF THIS MANUAL

- The objectives of this PAIA Manual are to provide information in respect of the following:
 - the purpose for which Blue Spec processes personal information;
 - a description of the categories of data subjects;
 - the recipients or categories of recipients to whom personal information may be supplied;
 - a general description of security measures implemented by Blue Spec;
 - to provide sufficient information to facilitate a request for access to records.

ABOUT BLUE SPEC

Blue Spec Holdings (Pty) Ltd is a holding company incorporated in South Africa with interests in the Services Industry. This PAIA manual is relevant and has application to Blue Spec’s major subsidiaries and/or affiliates and/or Related Party’s.

CONTACT DETAILS OF INFORMATION OFFICER

The Information Officer:

- has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA; and
- will communicate with the internal legal team on all of these requests.

All requests for access to records in terms of PAIA must be in writing and must be addressed to the relevant contact details below:

| | |
|----------------------|--|
| Information Officer: | Dietloff Van Heerden |
| Telephone: | +27 (0) 11 087-3880 |
| Website: | https://bluespec.co.za/ |
| E-Mail: | privacy@bluespec.co.za |
| Physical Address : | 126 Rivonia Road Sandton 2192 Gauteng |
| | South Africa |
| Postal Address: | PO Box 787246 Sandton |

PAIA ACT SECTION 10 GUIDE AS IS STIPULATED BY SECTION 51 (1) (b) (i)

An official Guide has been compiled by the Human Rights Commission and has been made available by the Information Regulator. The Guide contains information which seeks to assist an individual wishing to exercise a right of access to information in terms of PAIA and POPIA. The Guide together with copies of PAIA and POPIA are and may be obtained from the Information Regulator. Any enquiries regarding the Guide should be directed to:

| The Information Regulator | |
|----------------------------------|---|
| Physical Address: | JD House 27 Stiemens Street Braamfontein, Johannesburg |
| Postal address: | P.O Box 31533, Braamfontein, Johannesburg, 2017 |
| Telephone Number: | +27 (0) 10 023 5200 |
| E-mail Address: | inforeg@justice.gov.za enquiries@inforegulator.org.za paiacomplaints@inforegulator.org.za |
| Website: | https://inforegulator.org.za/contact-us/ |

IMPORTANT INFORMATION TO NOTE PRIOR TO INITIATING A REQUEST

PAIA seeks to *inter alia*, give effect to the Constitutional right of access to any information held by the State or by any other person where such information **is required for the exercise or protection of any right**.

Information will therefore not be furnished to a requester unless the requester provides sufficient particulars to enable Blue Spec to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right.

All requests in terms of PAIA and this PAIA Manual must be addressed to the Information Officer using the details provided above.

AUTOMATICALLY AVAILABLE INFORMATION IN TERMS OF SECTION 52 (IF ANY) READ TOGETHER WITH SECTION 52 (b) (ii)

Records of a public nature and which are found on the website of Blue Spec need not be formally requested in terms of this PAIA Manual.

INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION AS IS STIPULATED BY SECTION 51 (1) (b) (iii)

Where applicable to the services rendered by Blue Spec, Blue Spec retains records in terms of the legislation set out below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreements or for any other reason whatsoever, records that are required to be made available, will be made available for inspection in terms of the requirements and conditions of PAIA, should they be entitled to such information. A request to access must be done according to PAIA.

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Close Corporations Act 69 of 1984
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Insolvency Act No. 24 of 1936

- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Pension Fund's Act 24 of 1956
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

ACCESS TO RECORDS AVAILABLE ONLY UPON REQUEST IN TERMS OF THE ACT IN TERMS OF SECTION 51 (1) (d) AND THE CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

Blue Spec maintains records on the categories and subject matters listed below. It is specifically recorded that the accessibility of the records listed below, may be subject to the grounds of refusal set out in this PAIA manual. Records deemed confidential in respect of a 3rd party will necessitate permission from the 3rd party concerned prior to Blue Spec providing access to such information. Requests for access to these records will be considered carefully and all requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA.

| Category of Data Subjects | Records and/or Personal Information |
|--|---|
| <p>Statutory Business Records The records listed pertain to Blue Spec's own affairs</p> | <ul style="list-style-type: none"> • <i>Certificate of Incorporation.</i> • <i>Certificate to Commence Business.</i> • <i>Dividend Register.</i> • <i>Memorandum of Incorporation.</i> • <i>Register of Directors and Officers.</i> • <i>Share Registers.</i> |
| <p>Accounting records</p> | <ul style="list-style-type: none"> • <i>Annual financial statements and management accounts.</i> • <i>General ledgers.</i> • <i>Subsidiary ledgers (receivables, payables, etc.)</i> • <i>Deposit slips.</i> • <i>Cash books and petty cash books.</i> • <i>Fixed asset register.</i> • <i>VAT returns.</i> • <i>Lease or instalment sale agreements.</i> • <i>Budgets and business plans.</i> • <i>Insurance records.</i> • <i>Investment records.</i> • <i>Auditor's reports.</i> |
| <p>Fixed Property</p> | <ul style="list-style-type: none"> • <i>Lease agreements.</i> |
| <p>Information Technology</p> | <ul style="list-style-type: none"> • <i>Hardware / Internet Licenses.</i> • <i>System support, programming and development.</i> • <i>Telephone exchange equipment; and</i> • <i>Telephone lines, leased lines and data lines.</i> |

| | |
|---|---|
| Legal Agreements and Contracts | <ul style="list-style-type: none"> • <i>Material licenses, permits and authorisations.</i> • <i>Contracts, including lease agreements</i> |
| Personnel Records For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Blue Spec and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Blue Spec. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers. | <ul style="list-style-type: none"> • <i>Employee evaluation and performance records.</i> • <i>Employee information records.</i> • <i>Employment applications.</i> • <i>Employment contracts.</i> • <i>Expense accounts.</i> • <i>IRP 5 and IT 3 certificates.</i> • <i>Letters of appointment.</i> • <i>Leave applications.</i> • <i>Medical aid records.</i> • <i>Payroll.</i> • <i>Personnel File.</i> • <i>Policies and procedures.</i> • <i>Appointments.</i> • <i>Salary and wage registers.</i> • <i>Salary slips and wage cards.</i> • <i>Time records.</i> • <i>UIF, PAYE and SDL returns; and</i> Workmen's Compensation Documents. |
| Other records | <ul style="list-style-type: none"> • Information relating to Blue Spec; and Research information belonging to Blue Spec or carried out on behalf of a third party. |

In addition to the above, Bluespec may process the following categories of personal information, in respect of personel, customers, contractors, suppliers and any other third party relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- information relating to the race, gender, pregnancy, marital status, nationality, 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, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment 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.

THE PURPOSE OF PROCESSING PERSONAL INFORMATION

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which personal information is processed by Blue Spec will depend on the nature of the personal information and the particular data subject.

In general, personal information is processed for purposes of dealing with complaints, procurement purposes, records management, security, employment and related matters.

THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

Depending on the nature of the personal information, Blue Spec may supply information or records to the following categories of recipients, which list is not exhaustive:

- Subsidiaries, affiliates and Related Party's;
- Suppliers and contractors;
- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
- Intended third party purchasers of Blue Spec or part of Blue Spec to whom it may transfer its rights under any agreement it may have with data subjects;
- To a third party where disclosure is required in order to improve on service delivery;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and
- Subject to the provisions of POPIA and other relevant legislation, Blue Spec may share information about a customer's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which Blue Spec operates.

PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

Blue Spec may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation applicable. However, these countries may not have data-protection laws which are similar to those of South Africa.

A GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES IMPLEMENTED BY BLUE SPEC

Blue Spec employs extensive information security measures to ensure the confidentiality, integrity and availability of personal information in its possession. Blue Spec takes the appropriate technical and organisational measures designed to ensure that personal information remains confidential and remains secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

REQUEST PROCEDURE

Completion of the prescribed forms

Any request for access to a record from a private body in terms of PAIA must comply with all procedural requirements relating to the request for access to a record.

A request for access to information which does not comply with the formalities as prescribed by PAIA will not be considered as a valid request until such time as all formalities have been complied with.

The requester must complete the prescribed form and submit same as well as proof of payment of the prescribed fee and/or deposit if applicable to the Information Officer at the postal or physical address or email address as set out in this PAIA Manual.

The prescribed form must be completed in sufficient detail to enable the Information Officer to identify:

- The records requested;
- the proof of identity of the requester (certified proof of identity not older than 3 months is required) and where applicable a power of attorney and/or resolution;
- The form of access required, if granted;
- The postal, physical and email addresses of the requester; and
- the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right;
- if the requester wishes to be informed of the decision of the request in any other manner, then to provide the manner and the necessary particulars to ensure that the request may be complied with;

Any right of access only applies to records in existence at the time of the request.

PAIA and the request procedure contained in this PAIA Manual may not be used to access a record for the purpose of criminal or civil proceedings, where such proceedings have commenced and where the access to such records may be requested in terms of any other law.

POPIA provides that a data subject may object, at any time, to the processing of personal information by Blue Spec, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form and submit it to the Information Officer at the postal, physical or email addresses set out above.

A data subject may also request Blue Spec:

- to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- to destroy or delete a record of personal information about the data subject that Blue Spec is no longer authorised to retain records of in terms of POPIA's retention and restriction of records provisions.

A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal, physical or email addresses set out above.

PAYMENT OF THE PRESCRIBED FEES

- Section 54 of PAIA entitles Blue Spec to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records.
- There are two categories of fees which are payable:
 - The request fee;
 - The access fee: This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs.
- 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.
- Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form.
- If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

TIMELINES FOR CONSIDERATION OF A REQUEST FOR ACCESS

- Blue Spec will within 30 (thirty) days, subject to all procedural requirements being met, after receipt of the request for access decide whether to grant or deny access to the requested records which decision shall be communicated to the requester in the manner nominated by the requester.
- There may be instances which arise that may dictate that an extension of the time limit is necessary. Should an extension be required, the requester will be notified, together with reasons explaining why the extension is necessary.
- If the request for access to information affects a third party, then such third party will be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

MANNER AND FORM OF ACCESS

- The requester shall be informed in the manner nominated by the requester whether access to the records have been granted or not.
- If access is denied, the requester is entitled to a refund of the fees paid.

GROUND FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

- There are various grounds upon which a request for access to a record may be refused. These grounds include but are not limited to:
 - protect the personal information of a third party (who is a natural person) from unreasonable disclosure;

- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - protect information supplied by a third party in confidence, which if disclosed would prejudice that party in contractual negotiations or prejudice that third party in relation to its competitors;
 - if the disclosure would result in the breach of a duty of confidence owed to a third party in terms of an agreement;
 - if the disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
 - if the record was produced during legal proceedings, unless that legal privilege has been waived;
 - if the record contains trade secrets, financial or sensitive information or any information that would put Blue Spec at a disadvantage in negotiations or prejudice it in commercial competition; and/or
 - if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Blue Spec;
 - the disclosure would be likely to prejudice or impair:
- the security of a building, structure or system, including, but not limited to, a computer or communication system, a means of transport or any other property; or
 - methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public, or any part of the public or the security of property.

RECORDS CANNOT BE LOCATED

- 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. The affidavit or affirmation must set out in full the steps taken to locate the record or to ascertain if the record exists including all internal correspondence if necessary.
- Such a notice will be regarded as a decision to refuse a Request for access to the Record concerned for the purpose of PAIA.
- If after notice is provided to the requester that the record cannot be found, the relevant record is located, the requester must be provided with access to the record subject to any grounds of refusal which might exist.

REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

- There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that the requester is not satisfied with the outcome of the request, he/she/they are entitled to apply to the Information Regulator and/or to a court of competent jurisdiction to take the matter further.
- Where a third party is affected by the request for access and the Information Officer has decided to grant access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, the requester must be granted access to the record.

AVAILABILITY OF THIS MANUAL

Copies of this PAIA Manual are available on the company website and at Blue Spec's offices which are situated at 126 Rivonia Road, Sandown, Sandton.

APPENDIX A – Request Forms

PAIA FORM - REQUEST FOR ACCESS TO RECORD

PAIA FORM - OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

PAIA FORM - REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION

APPENDIX B – Fees in respect of private bodies