

# **MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000 AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, NO. 4 OF 2013**

## **1. SCOPE**

This manual has been prepared in respect of IBM South Africa (Proprietary) Limited (“IBM”), as well as IBM Global Financing South Africa (Proprietary) Limited. The above company together with IBM shall collectively be referred to as the “IBM Group”.

## **2. INTRODUCTION**

- 2.1. The Promotion of Access to Information Act No. 2 of 2000 (“Act”) gives effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights.
- 2.2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).
- 2.3. This PAIA Manual is also compiled in accordance with the Protection of Personal Information Act, 2013 (POPIA). POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.
- 2.4. This PAIA Manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.
- 2.5. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/ or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.
- 2.6. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

## **3. PURPOSE OF THE PAIA MAUAL**

- 3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within IBM Group by giving the right to access information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have

effective access to information to enable them to exercise and protect their rights.

3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1. Limitations aimed at the reasonable protection of privacy;

3.3.2. Commercial confidentiality; and

3.3.3. Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4. This PAIA Manual complies with the requirements of the guide mentioned in section 10 of the Act and recognises that upon commencement of POPIA, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

#### **4. SECTION 51 (1) (a) OF THE ACT**

##### **a. CONTACT DETAILS**

###### **i. Country General Manager**

Postal address: Pvt Bag X9907, Sandton 2146.

Street address: 90 Grayston Drive, Sandton, 2196.

Phone number: (011) 302 5011

Fax number: (011) 302 8265

Email address: Hamiltr@za.ibm.com

###### **ii. Legal Manager and Deputy Information Officer:**

Anja Schirmer

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 90 Grayston Drive, Sandton, 2196

Phone number: (011) 302 6205

Email address: [anjas@za.ibm.com](mailto:anjas@za.ibm.com)

## **5. THE INFORMATION OFFICER [Section 51(1)(b)]**

- 5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess a request for access to information. The head of a private body fulfils such a function in terms of section 51. IBM Group has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.
- 5.2. The Information Officer appointed in terms of the Act also refers to the Information Officer and Deputy Information Officers as referred to in POPIA. The Information Officer oversees the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of section 55 of POPIA after registering with the Information Regulator.
- 5.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of POPIA. This is in order to render IBM Group as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of POPIA. All requests for information in terms of this Act must be addressed to the Information Officer/s.

## **6. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (“GUIDE”)**

- 6.1. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 6.2. A Guide has been prepared by the South African Human Rights Commission in accordance with section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.
- 6.3. This Guide is available from the South African Human Rights Commission as follows:

Postal Address: Private Bag 2700, Houghton, Johannesburg  
2041

Street Address: PAIA Unit, 29 Princess of Wales Terrace,  
Cnr York and St Andrews Streets, Parktown, Johannesburg

Phone Number: (011) 484 8300

Fax Number: (011) 484 0582

Email Address: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **7. SECTION 51 (1) (c) OF THE ACT**

### **7.1. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST**

7.1.1. No notice in terms of section 52 (2) of the Act, regarding the categories of records of the IBM Group which are available without request, has to date been published.

7.1.2. The information as regarding the IBM Group and accessible at [www.ibm.co.za](http://www.ibm.co.za) is available without request.

## **8. SECTION 51 (1) (d) OF THE ACT**

### **8.1. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

Records being held by the IBM Group in accordance with the following other legislation\*:

8.1.1. Basic Conditions of Employment Act, No. 75 of 1997;

8.1.2. Broad-Based Black Economic Empowerment Act, No. 53 of 2003;

8.1.3. Companies Act, No. 61 of 1973;

8.1.4. Companies Act, No. 71 of 2008;

8.1.5. Compensation for Occupational Injuries and Health Diseases Act, No.130 of 1993;

8.1.6. Employment Equity Act, No. 55 of 1998;

8.1.7. Income Tax Act, No. 95 of 1967;

8.1.8. Labour Relations Act, No. 66 of 1995;

8.1.9. Occupational Health & Safety Act, No. 85 of 1993;

8.1.10. Patents Act, No. 57 of 1987;

8.1.11. Promotion of Access to Information Act, No. 2 of 2000;

8.1.12. South African Reserve Bank Act, No. 90 of 1989;

- 8.1.13. Skills Development Act, No. 97 of 1998;
- 8.1.14. Skills Development Levies Act, No. 9 of 1999;
- 8.1.15. Trade Marks Act, No. 194 of 1993;
- 8.1.16. Unemployment Contributions Act, No. 4 of 2002;
- 8.1.17. Unemployment Insurance Act, No. 63 of 2001;
- 8.1.18. Value Added Tax Act, No. 89 of 1991;
- 8.1.19. Protection of Personal Information Act, No 4 of 2013.

*\* Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.*

## **9. SECTION 51(1)(e) OF THE ACT**

9.1. For the purposes of this clause 9.1, "Personnel" refers to any person who works for, or provides services to, or on behalf of IBM Group and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of IBM Group. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

### **9.2. Description of the subjects on which IBM Group holds records and the categories of records held on each subject:**

- 9.2.1. Human Resources;
- 9.2.2. Accounting and Payroll Records;
- 9.2.3. B-BEE Statistics;
- 9.2.4. Personnel Information;
- 9.2.5. Employment Equity Reports;
- 9.2.6. General Terms of Employment;
- 9.2.7. Letters of Employment;

- 9.2.8. Leave Records;
- 9.2.9. PAYE Records and Returns;
- 9.2.10. Performance Management Records;
- 9.2.11. Policies and Procedures;
- 9.2.12. UIF Returns;
- 9.2.13. Retirement Benefit and Medical Aid Records;
- 9.2.14. Finance and Administration;
- 9.2.15. Accounting Records;
- 9.2.16. Annual Financial Statements;
- 9.2.17. Banking Records;
- 9.2.18. Correspondence;
- 9.2.19. Invoices and Statements;
- 9.2.20. Management Reports;
- 9.2.21. Tax Records and Returns;
- 9.2.22. South African Reserve Bank Returns;
- 9.2.23. Information Management and Technology;
- 9.2.24. Agreements;
- 9.2.25. Equipment Register;
- 9.2.26. Policies, Procedures, and Guidelines;
- 9.2.27. Marketing and Communication;
- 9.2.28. Brand Information Management;
- 9.2.29. Marketing Strategies;
- 9.2.30. Communications Strategies;
- 9.2.31. Operations;
- 9.2.32. Access Control Records;

- 9.2.33. Archival Administration Documentation;
- 9.2.34. Correspondence;
- 9.2.35. Insurance Documentation;
- 9.2.36. Vehicle Registration Documentation;
- 9.2.37. Secretarial;
- 9.2.38. Annual Reports;
- 9.2.39. Statutory Documentation;
- 9.2.40. Memoranda and Articles of Association;
- 9.2.41. Share Registers;
- 9.2.42. Share Certificates;
- 9.2.43. Statutory Returns to Relevant Authorities;
- 9.2.44. Minutes.

9.3. Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst others, records deemed confidential on the part of a third party will necessitate permission from the third party concerned, in addition to normal requirements before IBM Group will consider access.

## **10. SECTION 51 (1) (e) OF THE ACT**

### **DETAILS TO FACILITATE A REQUEST FOR ACCESS TO RECORDS**

#### **10.1. Requesters of access to information must:**

- 10.1.1. complete the form attached hereto as Annexure “A” in BLOCK LETTERS;
- 10.1.2. make a copy of his/her identity book (or a copy of the identity book of a director, member, trustee, etc., if the requester is a juristic person);
- 10.1.3. submit the items as listed in A and B above, together with the applicable fee/s in terms of Annexure “B”, to the CEO/GM of the IBM Group (as set out in section “A” of Annexure “A” hereto).

## **11. PRESCRIBED FEES (SECTION 51 (1)(f))**

### **11.1. Fees Provided by the Act**

- 11.1.1. The Act provides for two types of fees, namely:

- a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
  - b) An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.
- 11.1.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).
- 11.1.3. 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.
- 11.1.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 11.1.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 request form.
- 11.1.6. 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.

## 11.2. **Reproduction Fee**

Where IBM Group has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

## 11.3. **Request Fees**

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the IBM Group will further process the request received.



#### **11.4. Access Fees**

- 11.4.1. An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

#### **11.5. Deposits**

- 11.5.1. Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.
- 11.5.2. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

#### **11.6. Collection Fees**

- 11.6.1. The initial "request fee" of R50,00 should be deposited into the bank account below and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via fax.
- 11.6.2. The officer will collect the initial "request fee" of applications received directly by the Information Officer via email.
- 11.6.3. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

#### **11.7. Decision**

##### **11.7.1. Time Allowed to Institution**

- 11.7.1.1. IBM Group will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 11.7.1.2. The 30 (thirty) day period within which IBM Group has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty days if the request is for a large number of information, or the request requires a search for information held at another office of IBM Group and the information cannot reasonably be obtained within the original 30 (thirty) day period.

- 11.7.1.3. IBM Group will notify the requester in writing should an extension be sought.

## **12. Protection of Personal Information that is Processed by IBM Group**

- 12.1. 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.
- 12.2. IBM Group needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by IBM Group. IBM Group is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:
  - 12.2.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by IBM Group, in the form of privacy or data collection notices. IBM Group will also have a legal basis (for example, consent) to process Personal Information;
  - 12.2.2. is processed only for the purposes for which it was collected;
  - 12.2.3. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
  - 12.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
  - 12.2.5. is accurate and kept up to date;
  - 12.2.6. will not be kept for longer than necessary;
  - 12.2.7. 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 IBM Group, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
  - 12.2.8. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
    - 12.2.8.1. be notified that their Personal Information is being collected by IBM Group. The Data Subject also has the right to be notified in the event of a data breach;

- 12.2.8.2. know whether IBM Group 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;
- 12.2.8.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- 12.2.8.4. object to IBM Group's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to IBM Group's record keeping requirements);
- 12.2.8.5. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 12.2.8.6. 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.

### **12.3. Purpose of the Processing of Personal Information by the Company**

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which IBM Group processes or will process Personal Information is set out in Part 1 of ANNEXURE C.

### **12.4. Categories of Data Subjects and Personal Information/special Personal Information relating thereto**

As per section 1 of POPIA, a Data Subject may either be a natural or a juristic person. Part 2 of ANNEXURE C sets out the various categories of Data Subjects that IBM Group Processes Personal Information on and the types of Personal Information relating thereto.

### **12.5. Recipients of Personal Information**

Part 3 of ANNEXURE C outlines the recipients to whom IBM Group may provide a Data Subjects Personal Information to.

### **12.6. Cross-border flows of Personal Information**

12.6.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- 12.6.1.1. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or

- 12.6.1.2. Data Subject consents to the transfer of their Personal Information; or
  - 12.6.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
  - 12.6.1.4. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
  - 12.6.1.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.
- 12.6.2. Part 4 of ANNEXURE C sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

**12.7. Description of information security measures to be implemented by IBM Group.**

Part 5 of ANNEXURE C sets out the types of security measures to be implemented by IBM Group in order to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by IBM Group may be conducted in order to ensure that the Personal Information that is processed by IBM Group is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

**12.8. Objection to the Processing of Personal Information by a Data Subject**

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 attached to this manual as ANNEXURE D subject to exceptions contained in POPIA.

**12.9. Request for correction or deletion of Personal Information**

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 attached as ANNEXURE E to this Manual.

**13. Availability and Updating of the PAIA Manual**

- 13.1. Regulation Number R.187 of 15 February 2002

- 13.1.1. This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. IBM Group will update this PAIA Manual at such intervals as may be deemed necessary.
- 13.1.2. This PAIA Manual of the IBM Group is available to view at its premises and on its website at [www.ibm.co.za](http://www.ibm.co.za).

**ANNEXURE A**

**SECTION 53 (1) OF THE ACT**

**FORM FOR APPLICATION OF INFORMATION REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**A. Particulars of Private Body**

**Country General Manager:**

Hamilton Ratshefola

Postal address: Pvt Bag X9907, Sandton 2146

Street address: 90 Grayston Drive,

Sandton, 2196

Phone number: (011) 302 5011

Email address: hamiltr@za.ibm.com

**B. Particulars of Person Requesting Access to the Record**

- (a) The particulars of the person who requests access to the record must be given below.*
- (b) The address and/or fax number in the Republic of South Africa to which the information is to be sent must be given.*
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full Names and Surname (if natural person): \_\_\_\_\_

Full name of Entity (if juristic person): \_\_\_\_\_

Identity Number (if natural person): \_\_\_\_\_

Registration Number (if juristic person): \_\_\_\_\_

Physical address: \_\_\_\_\_

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

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

Email Address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of another person:

\_\_\_\_\_  
\_\_\_\_\_

**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. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.*

Full Names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

#### **D. Particulars of Record**

*(a) 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.*

*(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.***

Description of record or relevant part of the record:

\_\_\_\_\_

Reference number, if available:

\_\_\_\_\_

Any further particulars of record:

\_\_\_\_\_

#### **E. Fees**

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.*

*(b) You will be notified of the amount required to be paid as the request fee.*

*(c) 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 a record.*

*(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption from payment of fees:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### **F. 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 hereunder, state your disability and indicate in which form the record is required.*

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

Mark the appropriate box with an X.

**NOTES:**

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) 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.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form:**

Copy of record*		inspection of record	
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**2. If record consists of visual images**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View the images		copy of the images*		transcription of the images*	
-----------------	--	---------------------	--	------------------------------	--

**3. If record consists of recorded words or information which can be reproduced in sound:**

listen to the soundtrack (audio cassette)		Transcription of soundtrack* (written or printed document)	
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**4. If record is held on computer or in an electronic or machine-readable Form:**

printed copy of record*		printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)	
-------------------------	--	--	--	--	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>	Y E S	N O
--	-------------	--------

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Indicate which right is to be exercised or protected:

---



Explain why the record requested is required for the exercise or protection of the  
aforementioned right:

---

**H. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved /denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?

---

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

---

Signature of Requester/Person  
on whose behalf Request is  
made

## **ANNEXURE B**

### **FEES**

All prices listed below are exclusive of value added tax as set out in the Value

Added Tax Act, No. 89 of 1991.

### **SECTION 54(7) OF THE ACT**

The request fee payable by a requester, other than a personal requester (i.e. a person seeking access to records that contain their personal information), is R50.00.

The fee for a copy of the manual is R1.10 for every photocopy of an A4-size page or part thereof.

(a) For every photocopy of an A4-size page or part thereof	R1.10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(c) For a copy in a computer-readable form on compact disc	R70.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	R40.00 R60.00
(e) (i) For a transcription of an audio record, for an A6-size page or part thereof (ii) For a copy of an audio record	R20.00 R30.00
(f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00
(g) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
(h) For a copy in a computer-readable form on compact disc	R70.00

(i) (i) For a transcription of visual images, for an A4-size page or part thereof	R40.00 R60.00
(ii) For a copy of visual images	
(j) (i) For a transcription of an audio record, for an A6-size page or part thereof	R20.00 R30.00
(ii) For a copy of an audio record	

The actual postage is payable when a copy of a record must be posted to a requester.

**SECTION 54(2) OF THE ACT**

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.

## **ANNEXURE C: Part 1 - Processing of Personal Information in Accordance with POPIA**

### **For consumers:**

- a. Performing duties in terms of any agreement with consumers
- b. Make, or assist in making, credit decisions about consumers
- c. Operate and manage consumers' accounts and manage any application, agreement or correspondence consumers may have with IBM Group
- d. Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about IBM Group's products and services, unless consumers indicate otherwise
- e. To form a view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers
- f. Carrying out market research, business and statistical analysis
- g. Performing other administrative and operational purposes including the testing of systems
- h. Recovering any debt consumers may owe the IBM Group
- i. Complying with the IBM Group's regulatory and other obligations
- j. Any other reasonably required purpose relating to the IBM Group business

### **For prospective consumers:**

- a. Verifying and updating information
- b. Pre-scoring
- c. Direct marketing
- d. Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the IBM Group's business.

### **For employees:**

- a. The same purposes as for consumers (above)
- b. Verification of applicant employees' information during recruitment process
- c. General matters relating to employees:

i. Pension

ii. Medical aid

iii. Payroll

iv. Disciplinary action

v. Training

d. Any other reasonably required purpose relating to the employment or possible employment relationship.

**For vendors /suppliers /other businesses:**

a. Verifying information and performing checks;

b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;

c. Payment of invoices;

d. Complying with the IBM Group's regulatory and other obligations; and

e. Any other reasonably required purpose relating to the IBM Group business.

## **ANNEXURE C: Part 2 - Categories of Data Subjects and Categories of Personal Information relating thereto**

### **Employees**

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Banking and financial details
- e. Details of payments to third parties (deductions from salary)
- f. Employment contracts
- g. Employment equity plans
- h. Medical aid records
- i. Pension Fund records
- j. Remuneration/salary records
- k. Performance appraisals
- l. Disciplinary records
- m. Leave records
- n. Training records

### **Consumers and prospective consumers (which may include employees)**

- a. Postal and/or street address
- b. title and name
- c. contact numbers and/or e-mail address
- d. ethnic group
- e. employment history
- f. age
- g. gender
- h. marital status

i. nationality

j. language

k. financial information

l. identity or passport number

m. browsing habits and click patterns on IBM Group websites.

**Vendors /suppliers /other businesses:**

a. Name and contact details

b. Identity and/or company information and directors' information

c. Banking and financial information

d. Information about products or services

e. Other information not specified, reasonably required to be processed for business operations

## **ANNEXURE C: Part 3 - Recipients of Personal Information**

- a. Any firm, organisation or person that the IBM Group uses to collect payments and recover debts or to provide a service on its behalf;
- b. Any firm, organisation or person that/who provides the IBM Group with products or services;
- c. Any payment system the IBM Group uses;
- d. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where IBM Group has a duty to share information;
- e. Third parties to whom payments are made on behalf of employees;
- f. Financial institutions from whom payments are received on behalf of data subjects;
- g. Any other operator not specified;
- h. Employees, contractors and temporary staff; and
- i. Agents.

## **Appendix 2: Part 4 – Cross border transfers of Personal Information**

Personal Information may be transmitted transborder to IBM Group's suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. IBM Group will endeavour to ensure that its suppliers will make all reasonable efforts to secure said data and Personal Information.

## **Appendix 2: Part 5 – Description of information security measures**

IBM Group undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. IBM Group may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

### **1. Access Control of Persons**

IBM Group shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

### **2. Data Media Control**



IBM Group undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by IBM Group and containing personal data of Customers.

### **3. Data Memory Control**

IBM Group undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.

### **4. User Control**

IBM Group shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

### **5. Access Control to Data**

IBM Group represents that the persons entitled to use IBM Group's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

### **6. Transmission Control**

IBM Group shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of IBM Group's data communication equipment / devices.

### **7. Transport Control**

IBM Group shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

### **8. Organisation Control**

IBM Group shall maintain its internal organisation in a manner that meets the requirements of this Manual.

**ANNEXURE D: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION - SECTION 11(3)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

*Note:*

*Affidavits or other documentary evidence as applicable in support of the objection may be attached.*

*If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

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 number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ( )
Contact number(s):	

Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at ..... on this ..... day of .....

.....

Signature of data subject/designated person

**ANNEXURE E: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

*Note:*

*Affidavits or other documentary evidence as applicable in support of the request may be attached.*

*If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

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 possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
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Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
<b>D</b>	<p>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN            POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or</p> <p>REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</p> <p><i>(Please provide detailed reasons for the request)</i></p>

Signed at ..... on this ..... day of .....

.....

Signature of data subject/designated person