



Cingulate

MARKETING & ADVERTISING

CINGULATE MARKETING & ADVERTISING (PTY) LTD
("the Private Body")

MANUAL

in terms of Section 51 of
The Promotion of Access to Information Act 2/2000 (as amended), ("PAIA")

and

Section 18 of
The Protection of Personal Information Act, No.4 of 2013, (POPIA)

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1. INTRODUCTION

- 1.1. This information Manual is published in terms of section 51 of the Promotion of Access to Information Act, No.2 of 2000 (“PAIA”), as amended by the Protection of Personal Information Act, No.4 of 2013, (“POPIA”) as well as section 18 of POPIA.
- 1.2. PAIA gives effect to the provisions of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (“the Constitution”), which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.
- 1.3. POPIA gives effect to the provisions of, inter alia, Section 14 of the Constitution, which provides for the right to privacy of all persons.
- 1.4. The information provided in this manual includes:
 - 1.4.1. Contact details of the head as defined in PAIA, of the Private Body;
 - 1.4.2. A description of the guide referred to in section 10 of PAIA (which is a guide which was produced by the South African Human Rights Commission and after 01 July 2021 shall be made available and amended, from time to time, by the Information Regulator defined in POPIA) dealing with the access to information;
 - 1.4.3. A description of the records of the Private Body which are available in terms of any legislation other than PAIA;
 - 1.4.4. A description of the subjects on which the Private Body holds records and the categories of records held on each subject;
 - 1.4.5. A description of the subjects on which the Private Body holds personal information and the categories of personal information held on each subject;
 - 1.4.6. The purpose of processing personal information;
 - 1.4.7. The recipients to whom the personal information may be supplied;
 - 1.4.8. Planned transborder flows of information (if applicable);
 - 1.4.9. A general description of the security measures in place to ensure the confidentiality, integrity and availability of the information to be processed;
 - 1.4.10. Sufficient information so as to facilitate a request for access to a record of the Private Body;
- 1.5. The reference to any information in addition to that specifically required in terms of section 51 of PAIA and section 18 of POPIA does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of PAIA and POPIA.

2. DEFINITIONS & INTERPRETATIONS

- 2.1. In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention;
- 2.2. An expression which denotes:
 - 2.2.1. Any gender includes the other gender;
 - 2.2.2. A natural person includes an artificial or juristic person and vice versa;
 - 2.2.3. The singular includes the plural and vice versa;
- 2.3. The following expressions shall bear the meanings assigned to them below and similar expressions bear corresponding meanings:
 - 2.3.1. “data subject” means the person to whom personal information relates;
 - 2.3.2. “personal information” means information relating to an identifiable living, natural person, and where it is applicable, an identifiable existing juristic person;
 - 2.3.3. “this document” or “this manual” means this information manual, together with all of its annexures, as amended from time to time;

- 2.3.4. “the Private Body” means the Private Body to which this manual applies with their details as they appear on the front page of this manual;
- 2.3.5. “requester” means a person or entity requesting access to a record that is under the control of the Private Body;
- 2.4. Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 2.5. If any provision in a definition is substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this manual;
- 2.6. Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this manual;
- 2.7. Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day which is not a business day, the last day shall be deemed to be the next succeeding business day;
- 2.8. Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be or as is otherwise defined in any legislation;
- 2.9. The use of the word “including” followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the eiusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 2.10. Insofar as there is a conflict in the interpretation of or application of this manual and PAIA or POPIA, PAIA or POPIA shall prevail;
- 2.11. This manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or all rights listed under POPIA. The reader relying on any provisions of this manual is advised to familiarise his/her/itself with the provisions of PAIA and POPIA.

3. ACRONYMS AND ABBREVIATIONS

- 3.1 “CEO” Chief Executive Officer
- 3.2 “IO” Information Officer
- 3.3 “DIO” Deputy Information Officer

4. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to:

- 4.1. See the categories of records held by a body which are available without a person having to submit a formal PAIA request (dealt with in Part A hereof);
- 4.2. Have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 4.3. Know the description of the records of the body which are available in accordance with any other legislation; access all the relevant contact details of the Information Officer (“IO”) and Deputy Information Officer (“DIO”) who will assist the public with the records they intend to access;
- 4.4. Understand the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 4.5. Know what personal information is being collected and processed, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto (dealt with in Part B hereof);

- 4.6. Know the recipients or categories of recipients to whom the personal information may be supplied;
- 4.7. Know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 4.8. Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

This manual shall be made available on the Private Body’s website and at its principal place of business, to any person on request (during business hours), subject to the payment of a reasonable fee and to the Information Regulator.

5. CONTACT DETAILS (SECTION 51(1)(A)(I) & (II) OF PAIA) AND (SECTION 18(1)(B) OF POPIA)

Cingulate Marketing & Advertising Solutions (Pty) Ltd (“the Company”) is a juristic person incorporated as a private company in terms of the company laws of the Republic of South Africa in 2021. The Company is classified as a “Private Body” within the definition of Section 1 of the Act and is a Healthcare Marketing and Advertising Agency

| | |
|------------------------------------|--|
| Full name of Private Body: | Cingulate Marketing & Advertising Services (Pty) Ltd |
| CEO of Private Body: | Sabine Raves |
| Information Officer: | Sabine Raves |
| Deputy Information Officer: | Angela Hailu |
| Postal Address: | P.O. Box 325, Witkoppen, 2068 |
| Physical address: | Block A, Regent Hill Office Park, Cnr Leslie & Turley Road, Lonehill, Gauteng, 2191 |
| Telephone Number: | +27 (0) 11 467 3645 |
| Website address: | www.cingulate.co.za |
| Cellphone Number: | +27 (0) 82 451 6458 (“IO”) |
| E-mail address: | sabine@cingulate.co.za (“IO”) |
| Cellphone Number: | +27 (0) 82 579 7618 (“DIO”) |
| E-mail address: | angela@cingulate.co.za (DIO”) |

PART A: PROMOTION OF ACCESS TO INFORMATION

6. Guide on How to use PAIA and how to obtain access to the Guide

- 6.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use the PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 6.2. The Guide is available in each of the official languages and in braille.
- 6.3. The aforesaid Guide contains the description of:
 - 6.3.1. the objects of PAIA and POPIA;
 - 6.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:

- 6.3.2.1. the “IO” of every public body, and
- 6.3.2.2. every “DIO” of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 6.3.3. the manner and form of a request for:
 - 6.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 6.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 6.3.4. the assistance available from the “IO” of a public body in terms of PAIA and POPIA;
- 6.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
 - 6.3.6.1. an internal appeal;
 - 6.3.6.2. a complaint to the Regulator; and
 - 6.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 6.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 6.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 6.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 6.3.10. the regulations made in terms of section 92¹¹.
- 6.4. Members upon request “Annexure A” of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 6.5. The Guide can also be obtained:
 - 6.5.1. upon request to the Information Officer;
 - 6.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 6.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours:
 - 6.6.1 English
 - 6.6.2 isiZulu

⁵Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

7. RECORDS APPLICABLE IN TERMS OF LEGISLATION OTHER THAN PAIA & POPIA (SECTION 51(1)(B) (III) OF PAIA)

Description of the Records of which are available in accordance with legislation

| No. | Reference | Act |
|-----|----------------|--|
| 1. | No 71 of 2008 | Companies Act |
| 2. | No 95 of 1967 | Income Tax Act |
| 3. | No 66 of 1995 | Labour Relations Act |
| 4. | No 75 of 1997 | Basic Conditions of Employment Act |
| 5. | No 4 of 2013 | Protection of Personal Information Act |
| 6. | No 2 of 2000 | Promotion of Access of Information Act |
| 7. | No 63 of 2001 | Unemployment Insurance Act |
| 8. | No 30 of 1966 | Compensation of Occupational Injuries and Diseases Act |
| 9. | No 89 of 1991 | Constitution of the Republic of South Africa |
| 10. | No 55 of 1998 | Occupational Health & Safety Act |
| 11. | No 9 of 1999 | Skills Development Levy Act |
| 12. | No 63 of 2001 | Unemployment Contributions Act |
| 13. | No 30 of 196 | Unemployment Insurance Act |
| 14. | No 89 of 1991 | Value Added Tax Act |
| 15. | No 55 of 1998 | Employment Equity Act |
| 16. | No 25 of 2002 | Electronic Communications and Transactions Act |
| 17. | No 36 of 2005 | Electronic Communications Act |
| 18. | No 98 of 1978 | Copyright Act |
| 19. | No 194 of 1993 | Trademarks Act |
| 20. | | |
| 21. | | |
| 22. | | |
| 23. | | |
| 24. | | |

8. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS (SECTION 51(1)(B)(II) & (IV) OF PAIA)

- 8.1. The Private Body holds various records. The subjects on which the Private Body holds records and the categories of records held by the Private Body are reproduced in the tables below;
- 8.2. The listing of a category or subject matter in this manual does not guarantee access to such records. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA and other applicable legislation. A request for records shall be made in the prescribed form set out later in this manual under the heading “Form of Request for Records” set out below in section 9.1 of this Manual.

| Record Subjects | Categories of Records Held | Availability |
|--|--|---|
| Public & Employee Records (Available without a person having to request access by completing Form C. These are mostly records that may be available on the website and a person may download or request telephonically or by sending an email or a letter) | Website Service / Product Information Media Releases Online Media Company Profile Social Media BBBEE Certification Personnel Records Performance Management & related matters Policies & Procedures | General Public General Public General Public General Public General Public General Public General Public Employees Employees Employees |
| Internal Administration, Compliance & Management | Records & Minutes of the meetings of the Directors / Managers of the Private Body Resolutions of Shareholders Certificate of Incorporation Memorandum of Incorporation Liability Insurance Professional Indemnity Trademarks & Copyrights Domain Names Internal Correspondence Software Licences Insurance Records | Form of Request for Records |
| Statutory Records | VAT COIDA PAYE / UIF / SDL Letter of Good Standing Tax Clearance Certificate Documents concerning Occupational Health & Safety Act No.85 of 1993 | Form of Request for Records |

| | | |
|--|---|-----------------------------|
| Finance | Annual Financial Statements & Accounting Records; Tax Returns & Assessments Bank Statements incl. Electronic Banking records & Account Details Annual Performance Plans & Budgets Petty Cash Records | Form of Request for Records |
| Client Records | Agreements Documentary Evidential Material Correspondence Records provided by a client to a third party acting on behalf of the Private Body Records provided by a third party Statements & Transactional Information Research conducted on behalf of the clients | Form of Request for Records |
| Service Providers, Suppliers & 3rd Parties | SLA's Correspondence Records Statements & Transactional Information | Form of Request for Records |
| Human Resources Department | List of Employees Personal Information Employment Contracts Training & Development Schedules & Manuals Payroll Information IRP5 Certificates Advertised Positions | Form of Request for Records |
| Information Technology & Equipment | IT Site Manual & Policies Equipment Details (Asset Register) | Form of Request for Records |

9. PROCEDURES FOR REQUESTING INFORMATION

9.1. Form of request for records

9.1.1. A request for records shall be accompanied by adequate proof of identity of the applicant, (such as a certified copy of his/her identity document), and made using the prescribed form, a copy of which is attached hereto and marked Annexure B. The prescribed form is also available from the website of the Department of Justice and Constitutional Development at <https://www.justice.gov.za>;

9.1.2. The prescribed form shall be submitted to the Private Body Head named in clause 5 hereof;

9.1.3. The above procedure shall apply in the event that the requester is requesting information for personal use and/or on behalf of another person, even if such other person is a permanent employee of the Private Body;

- 9.1.4. The Head of the Private Body shall as soon as reasonably possible, and within 30 (thirty) days after the request has been received, decide whether or not to grant such request;
- 9.1.5. The requester will be notified of the decision of the Head of the Private Body or the General Manager in the manner indicated by the requester;
- 9.1.6. After access is granted, actual access to the record requested will be given as soon as reasonably possible;
- 9.1.7. If the request for access is refused, the Head of the Private Body or the General Manager shall advise the requester in writing of the refusal. The notice of refusal shall state:
- 9.1.7.1. Adequate reasons for the refusal; and
- 9.1.7.2. That the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal;
- 9.1.8. If the Head of the Private Body or the Information Officer fails to respond within 30 (thirty) days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of PAIA, that the Head of the Private Body or the Information Officer has refused the request.
- 9.2. Fees Prescribed in Terms of the Regulations (Section 54 of PAIA)
- 9.2.1. The following applies to requests (other than personal requests):
- 9.2.1.1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 9.2.1.2. If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 9.2.1.3. The requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 9.2.2. Records may be withheld until the fees have been paid;
- 9.2.3. The fee structure shall be available by way of regulations published from time to time;
- 9.2.4. In addition to the request fee, the following reproduction fees are prescribed by the Minister in respect of private bodies such as the Private Body:

| DESCRIPTION: | FEE: |
|---|---|
| For every photocopy of an A4 size page or part thereof | R 1.10 |
| For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine readable forms | R 0.75 |
| For a copy in a computer readable form on compact disc | R70.00 |
| i. For a transcription of visual images, for an A4 size page or part thereof | R20.00 |
| ii. For a copy of visual images | R60.00 |
| To search for the record for disclosure | R30.00 for each hour or part of an hour reasonably required for such search |

PART B: PROTECTION OF PERSONAL INFORMATION

10. PROTECTION OF PERSONAL INFORMATION (SECTION 51(1)(C)(I)-(III) OF PAIA READ WITH SECTION 18 OF POPIA)

10.1. The Private Body processes certain personal information, as defined in POPIA relating to several data subjects, from time to time. A data subject is the person, (natural or juristic), to whom Personal Information relates and from whom the Private Body collects and processes information;

10.2. A description of the data subjects, (individuals and juristic persons), the information relating thereto, the purpose of processing that information and the recipients of that Personal Information is reproduced in the tables below:

| Data Subjects: Employees | | |
|--|--|---|
| Personal information processed: | Source of the Personal Information | Supply of information Mandatory or Voluntary |
| Employee Information: Name, e-mail address, physical address, postal address, telephone number, ID, job title, bank account details, salary information, tax numbers, qualifications, gender, race | Employee Information form and/or Communication via electronic platform or verbal communication from the employee | Mandatory |
| Employee Next of Kin Information: Name, Contact details | Employee Information form | Mandatory |
| Purpose of processing the Personal Information: <ul style="list-style-type: none"> • Payroll & Payment • Statutory & Compliance • Emergencies & Non Compliance of Internal Codes, Policies & Procedures • Public Liability & other Insurance purposes • South African Qualifications Authority (SAQA) • Credit Bureaus | | |
| Will any of their Personal Information be transferred to another country or international organisation? | | NO |
| Recipient or categories of recipients to whom the personal information is supplied: <ul style="list-style-type: none"> • 3rd Party Operator • SA Police Services • SAQA • Directors/Management | | |
| The consequence of failure to provide information: <ul style="list-style-type: none"> • Non-payment of salaries and other relevant payments • Non-compliance • Inability to respond to emergency situations • Inability to lodge an Insurance claim or obtain Public Liability | | |

Data Subjects: Clients

| Personal information processed: | Source of the Personal Information | Supply of information Mandatory or Voluntary |
|---|---|---|
| Employee Information: Name, e-mail address, physical address, postal address, telephone number, online and other identifiers , company registration number or ID, Vat number, shareholders' information, BBBEE & other statutory info, bank details | Communication either via electronic platforms or verbal communication from the client | Mandatory |
| 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 | Communication via electronic platforms from the client | Voluntary |
| Purpose of processing the Personal Information: <ul style="list-style-type: none"> • Invoicing • Statutory purposes • Delivery and Collection of Services /Product • Logistic purposes • Execution of Services / Products | | |
| Will any of their Personal Information be transferred to another country or international organisation? | | NO |
| Recipient or categories of recipients to whom the personal information is supplied: <ul style="list-style-type: none"> • Administration/Finance Department/Service Team/Operations Team/Creative / DTP • 3rd Party Operator • Directors/Management | | |
| The consequence of failure to provide information: <ul style="list-style-type: none"> • Non-compliance • Inability to execute Services/Products • Non-delivery | | |

Data Subjects: Suppliers

| Personal information processed: | Source of the Personal Information | Supply of information Mandatory or Voluntary |
|--|---|---|
| Name, e-mail address, physical address, postal address, telephone number, online and other identifiers , company registration number or ID, Vat number, shareholders information, BBBEE & other statutory info, bank details | Communication either via electronic platforms or verbal communication from the client | Mandatory |
| 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 | Communication via electronic platforms from the supplier | Voluntary |

| | | |
|--|---|---|
| Name & Registration Number | Operator Agreement | Mandatory |
| Purpose of processing the Personal Information: <ul style="list-style-type: none"> • Purpose of processing the Personal Information: • Payment purposes • Statutory purposes • Logistic purposes • Execution of services/products | | |
| Will any of their Personal Information be transferred to another country or international organisation? | NO | |
| Recipient or categories of recipients to whom the personal information is supplied: <ul style="list-style-type: none"> • Administration/Finance Department/Service Team/Operations Team/Creative/DTP • 3rd Party Operator • Directors/Management | | |
| The consequence of failure to provide information: <ul style="list-style-type: none"> • Non-compliance • Inability to execute Services/Products • Non-delivery | | |
| Data Subjects: Other | | |
| Personal information processed: | Source of the Personal Information | Supply of information Mandatory or Voluntary |
| Prospective Employee Candidates: Name, e-mail address, physical address, postal address, telephone number, ID, job title, salary information, tax numbers, qualifications, gender, race | CV Communication either via electronic platforms or verbal communication from the prospective employee | Voluntary Voluntary |
| Purpose of processing the Personal Information: | | Potential Employment |
| Will any of their Personal Information be transferred to another country or international organisation? | | NO |
| Recipient or categories of recipients to whom the personal information is supplied: <ul style="list-style-type: none"> • Directors/Management • 3rd Party Operators | | |
| The consequence of failure to provide information | | Non-employment |

10.3. Where Personal Information is collected in terms of specific legislation, the Private Body will inform the data subject, in terms of which legislation that specific data is collected;

10.4. Data subjects have the right to object to the processing of their Personal Information;

10.5. In the event a data subject requires confirmation regarding the existence of the Personal Information processed by the Private Body or believes that the Personal Information processed by the Private Body requires rectification, the data subject is entitled to utilise the processes and procedures set out in Section A of this manual to request access to the records of the Private Body set out in section 18(1)(h)(iii);

10.6. We will not, without data subjects' express consent, use their Personal Information for any other purpose other than:

Specifically:

10.6.1. As set out in the above mentioned tables;

Generally:

10.6.2. In relation to the provision of any goods and services to a data subject;

10.6.3. To inform the data subject of new features, special offers and promotional competitions offered by us or any of our departments, affiliates and/or partners (unless they have opted out from receiving marketing material from us);

10.6.4. To improve our product and/or service selection and their experience on our website; or

10.6.5. To disclose their Personal Information to any third party as set out below:

10.6.5.1. To our employees and/or third party service providers who assist us to interact with data subjects via our website, for the ordering of goods or services or when delivering goods or services to data subjects, their personal and contract information being essential in order to assist us to communicate with the data subject properly and efficiently;

10.6.5.2. To our divisions, affiliates and/or partners (including their employees and/or third party service providers) in order for them to interact directly with data subjects via email or any other method for purposes of sending data subjects marketing material regarding any current or new goods or services, new features, special offers or promotional items offered by them (unless the data subjects have opted out from receiving marketing material from us);

10.6.5.3. To law enforcement, government officials, fraud detection agencies or other third parties when we believe in good faith that the disclosure of Personal Information is necessary to prevent physical harm or financial loss, to report or support the investigation into suspected illegal activity;

10.6.5.4. To our service providers (under contract with us) who help with parts of our business operations (accounting, payroll and information technology services, etc). However, the service providers may only use data subjects' information in connection with the services they perform for us and not for their own benefits;

10.6.5.5. To our suppliers in order for them to liaise directly with data subjects regarding any defective goods or services which require their involvement;

10.6.5.6. To any third party seller for purposes of sending data subjects an invoice for any goods purchased from such third party seller, which disclosed information will be limited to data subjects' email address;

10.7. We are entitled to use or disclose data subjects' Personal Information if such use or disclosure is required in order to comply with any applicable law, subpoena, order of court or legal process served on us, or to protect and defend our rights or property. In the event of a fraudulent online payment, we are entitled to disclose relevant Personal Information for criminal investigation purposes or in line with any other legal obligation for disclosure of the Personal Information which may be required of it;

10.8. Data subjects' privacy is important to us and we will therefore not sell, rent or provide Personal Information to unauthorised third parties for their independent use without their consent;

10.9. We will not process personal information concerning:

10.9.1. The religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of data subject; or

10.9.2. The criminal behaviour of a data subject to the extent that such information relates to:

- I. The alleged commission by a data subject; or
- II. Any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings unless
 - 10.9.2.1. The data subject has given specific consent to process such data; or
 - 10.9.2.2. Processing is necessary for the establishment, exercise or defence of a right or obligation in law;
 - 10.9.2.3. Processing is necessary to comply with an obligation of international law; or
 - 10.9.2.4. Processing is for historical, statistical or research purposes to the extent that:
 - I. The purpose serves a public interest; or
 - II. requesting consent would constitute an unreasonable requirement in the circumstances
- 10.10. In line with our obligations in terms of section 22 of POPIA, where there are reasonable grounds to believe that Personal Information has been accessed or acquired by any unauthorised person, we will notify the Information Regulator and the data subject, where possible;
- 10.11. When data subjects provide a rating or review of our services and/or goods, they consent to us using that rating or review as we deem fit, including without limitation, on our website, in newsletters or other marketing material. The name that will appear next to that rating or review is their first name, as they would have provided. We will not display their surname, nor any of their contact details, with a rating or a review;
- 10.12. We will:
 - 10.12.1. Treat data subjects' Personal Information as strictly confidential, save where we are entitled to share it as set out in this section;
 - 10.12.2. Take appropriate technical and organisational measures to ensure that data subjects' Personal Information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access;
 - 10.12.3. Provide data subjects with access to their Personal Information to view and/or update personal details;
 - 10.12.4. Promptly notify data subjects if we become aware of any unauthorised use, disclosure or processing of their Personal Information;
 - 10.12.5. Provide data subjects with reasonable evidence of our compliance with our obligations under this section on reasonable notice and request; and
 - 10.12.6. Upon data subjects' request, promptly return or destroy any and all of their Personal Information in our possession or control, save for that which we are legally obliged to retain.
- 10.13. We will not retain data subjects' Personal Information longer than the period for which it was originally needed, unless we are required by law to do so, or they consent to us retaining such information for a longer period.
- 10.14. We undertake to never sell or make data subjects' Personal Information available to any third party other than as provided for in this section;
- 10.15. Whilst we will do all things reasonably necessary to protect data subjects' rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of data subjects' Personal Information, whilst in our possession, made by third parties who are not subject to our direct control, unless such disclosure is as a result of our gross negligence;
- 10.16. Should a data subject believe that we have used their Personal Information contrary to this Manual and the provisions of POPIA, the data subject should first attempt to resolve any concerns with us. If the data subject is not satisfied, they have the right to lodge a complaint with the Information Regulator (whose address can be found herein above), established in terms of POPIA.

11. TRANSBORDER FLOWS OF PERSONAL INFORMATION (SECTION 51(1)(C)(IV) OF PAIA AND SECTION 18(1)(G) OF POPIA)

The Private Body may from time to time need to transfer authorised Personal Information to another country for storage purposes or for rendering of services by a foreign third party service provider or otherwise. We will ensure that any person

that we pass data subjects' Personal Information to agrees to treat their information with the same level of protection as we are obliged to in terms of section 72 of POPIA.

12. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION (SECTION 51(1)(C)(V))

The security measures implemented by the Private Body to ensure the confidentiality, integrity and availability of Personal Information, are listed and described below:

| Physical Security Measures | Cyber Security Measures |
|--|---|
| Password protection alarm activation | Robust password protection on all company devices and encryption on all company devices |
| Armed security patrol | Company devices are automatically locked after certain periods of inactivity |
| Only authorised personnel have keys and gate remotes | Authentication and access control protocol Virus Protection and Firewalls |
| Main Office under lock and key | Automated screen lock protocol |
| Server room under lock and key | Cloud storage is password protected |
| Storerooms under lock and key | Server password protection |
| Employee cabinet under lock and key | Data is backed up onto cloud and server automatically |
| Discarded documentation is shredded | Network drives have controlled access |
| | Archived information is backed up onto a hard drive and locked away |

13. UPDATES TO THE MANUAL (SECTION 51(2))

The Private Body may update this manual annually or from time to time as it may deem necessary.

ANNEXURE A

Form 1

Request for a copy of the guide
 [Regulation 3]

To: The Information Officer

I,

| | | |
|--|----------------------|-----------|
| Full names: | | |
| In my capacity as (mark with "x") | Information Officer: | Other: |
| Name of *public/private body (if applicable) | | |
| Postal address | | |
| Street address | | |
| Email address | | |
| Facsimile | | |
| Contact numbers | Telephone | Cellular: |

Hereby request the following copy (ies) of the Guide:

| Language (mark with "x") | No of copies | Language (mark with "x") | No of copies |
|--------------------------|--------------|--------------------------|--------------|
| Sepedi | | Sesotho | |
| Setswana | | siSwati | |
| Tshivenda | | Xitsonga | |
| Afrikaans | | English | |
| IsiNdebele | | isiXhosa | |
| isiZulu | | | |

Manner of collection (mark with "x")

| Personal Collection | Postal Address | Facsimile | Electronic communication (please specify) |
|---------------------|----------------|-----------|---|
| | | | |

Signed at _____ this _____ day of _____ 20 _____

Signature of requester _____

ANNEXURE B

Form 2

Request for access to record
 [Regulation 3]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

To: The Information Officer

Email address: _____

Fax number: _____

Mark with an "X"

Request is made in my name

Request is made on behalf of another person.

| | | |
|---|------------|------------|
| Personal Information | | |
| Full Names | | |
| Identity Number | | |
| Capacity in which request is made (when made on behalf of another person) | | |
| Postal Address | | |
| Street Address | | |
| Email Address | | |
| Contact Numbers | Telephone: | Facsimile: |
| | Cellular: | |
| Full names of person on whose behalf request is made (if applicable) | | |
| Identity Number | | |
| Postal Address | | |

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.

1. Description of the record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

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 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

4. Reason for exemption from payment of fees:

Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate 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 for access in the specified form may depend on the form in which the record is available.
 (b) Access in the form requested 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: | | | | | |
| <input type="checkbox"/> | Copy of record* | <input type="checkbox"/> | Inspection of record | <input type="checkbox"/> | |
| 2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.): | | | | | |
| <input type="checkbox"/> | view the images | <input type="checkbox"/> | copy of the images | <input type="checkbox"/> | |
| <input type="checkbox"/> | | | | transcription of the images* | |
| 3. If record consists of recorded words or information which can be reproduced in the sound: | | | | | |
| <input type="checkbox"/> | listen to the soundtrack (audio cassette) | <input type="checkbox"/> | Transcription of soundtrack* (written or printed document) | <input type="checkbox"/> | |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | | | |
| <input type="checkbox"/> | printed copy of record* | <input type="checkbox"/> | Printed copy of information derived from the record* | <input type="checkbox"/> | |
| <input type="checkbox"/> | | | | 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? Postage is payable. | | | | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

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.

1. Indicate which right is to be exercised or protected:

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

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 _____

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HEAD OF THE PRIVATE BODY