

PAIA AND POPIA MANUAL

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (“*PAIA*”) and to address requirements of the Protection of Personal Information Act 4 of 2013 (“*POPIA*”).

This manual applies to

KAMAL CAPE TOWN IRON AND STEEL COMPANY [PTY] LTD

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1. List of Acronyms and Abbreviations

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“Guide”	PAIA Guide contemplated in section 10(1) of PAIA
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act 2 of 2000;
1.6	“PAIA Manual”	Manual contemplated in section 51 of PAIA
1.7	“POPIA”	Protection of Personal Information Act 4 of 2013;
1.8	“Regulator”	Information Regulator; and
1.9	“Republic”	Republic of South Africa

2. Background to the Promotion of Access to Information Act

- 2.1 The Promotion of Access to Information Act 2 of 2000 (“*PAIA*”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa, 1996 (“*the Constitution*”) of access to any information held by the state and 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 PAIA, all Private Bodies are required to compile a Manual (“*PAIA Manual*”).
- 2.3 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 applicable legislative and/or regulatory requirements, except where the act expressly provides that the information may be refused when requesting information from a public or private body.

3. Kamal Cape Town Iron and Steel Company [Pty] Ltd

- 3.1 Kamal Cape Town Iron and Steel Company (Pty) Ltd (previously known as DHT Holding Africa Proprietary Limited) is a private limited company having registered offices at 42 Fabriek Street, Kuils River, Cape Town, Western Cape 7580 and is engaged in the business of manufacturing and supplying of steel billets.
- 3.2 This PAIA Manual of Kamal Cape Town Iron and Steel Company [Pty] Ltd is available at its premises 42 Fabriek Street, Kuilsriver, Cape Town, 7140 as well as on its website www.cisco.co.za.

4. Purpose of the PAIA Manual

- 4.1 The purpose of PAIA is to promote the right of access to information and to foster a culture of transparency and accountability within Kamal Cape Town Iron and Steel Company [Pty] Ltd, by giving the right 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 the rights.
- 4.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand the rights in relation to public and private bodies.
- 4.3 Section 9 of PAIA recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
- 4.3.1 Limitations aimed at the reasonable protection of privacy;
 - 4.3.2 Commercial confidentiality; and
 - 4.3.3 Effective, efficient and good governance,
- in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.
- 4.4 This PAIA Manual complies with the requirements of section 51 of PAIA and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013 (“*POPIA*”), that the appointed Information Regulator (“*Regulator*”) will be responsible to regulate compliance with PAIA and its regulations by private and public bodies.

5. Contact Details of the Head of Kamal Cape Town Iron and Steel Company [Pty] Ltd [Section 51(1)(a)(i) of PAIA]

CEO:	Mr. Gagan Santosh
Registered address:	42 Fabriek Street, Kuilsriver, Cape Town, 7140
Postal address:	Same as above
Telephone number:	021 900 4300
Website:	www.cisco.co.za

6. The Information Officer (“IO”) [Section 51(1)(a)(ii) of PAIA]

- 6.1 PAIA prescribes the appointment of an IO for public bodies where such IO is responsible to, *inter alia*, assess requests for access to information. The head of a private body fulfils such a function in terms of section 51 of PAIA. The head of Kamal Cape Town Iron and Steel Company [Pty] Ltd has authorised the appointment of an IO to assess all requests for access to information as well as to oversee its required functions in terms of PAIA.
- 6.2 The IO appointed in terms of PAIA is also the IO as contemplated in POPIA. The IO oversees the functions and responsibilities as required in terms of PAIA as well performing the duties and responsibilities in terms of section 55 of POPIA, after registering with the Information Regulator (“*Regulator*”).
- 6.3 The IO may appoint, where it is deemed necessary, Deputy Information Officers (“*DIO*”), in terms of section 17 of PAIA, as well as section 56 of POPIA. This is in order to render Kamal Cape Town Iron and Steel Company [Pty] Ltd as assessable as reasonable possible for requestors 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 PAIA must be addressed to the IO.

Contact details of the Information Officer (“IO”):

IO:	David Manevil
Physical Address:	42 Fabriek Street, Kuilsriver, Cape Town, 7140
Telephone Number:	021 900 4300
Email:	David.manevil@kamalcisco.co.za

Contact details of the Deputy Information Officer (“DIO”):

DIO:	NA
Physical Address:	
Telephone Number:	
Email:	

7. Guide on how to use PAIA and how to obtain access to the Guide [Section 51(1)(b)(i) of PAIA]

7.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use 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.

7.2 The Guide is available in each of the official languages and in Braille.

7.3 Members 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.

7.4 The Guide can also be obtained:

7.4.1 upon request to the IO;

7.4.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>)

7.5 A copy of the Guide is also available at the premises of Kamal Cape Town Iron and Steel Company [Pty] Ltd in the following two official languages, for public inspection during normal office hours:

7.5.1 English and Afrikaans

8. Description of the Records of the Body which are available in accordance with any other Legislation¹ [Section 51(1)(b)(iii) of PAIA]

¹ 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 Request access on a basis other than as set out in PAIA, we shall update the list accordingly. However, if a Request believes that a right of access to a record exists in terms of any other legislation not listed above, 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.

8.1 Where applicable to its operations Kamal Cape Town Iron and Steel Company [Pty] Ltd also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA, the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request for access must be done in accordance with the prescriptions of PAIA, unless the record is listed under the categories of records of Kamal Cape Town Iron and Steel Company [Pty] Ltd which are available without a person having to request access.

- a. Auditing Professions Act 26 of 2005;
- b. Basic Conditions of Employment Act 75 of 1997;
- c. Broad-Based Black Economic Empowerment Act 53 of 2003;
- d. Business Act 71 of 1991;
- e. Companies Act 71 of 2008;
- f. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- g. Competition Act 89 of 1998;
- h. Constitution of the Republic of South Africa, 1996;
- i. Copyright Act 98 of 1978;
- j. Customs and Excise Act 91 of 1964;
- k. Electronic Communications Act 36 of 2005;
- l. Electronic Communications and Transactions Act 25 of 2002;
- m. Employment Equity Act 55 of 1998;
- n. Environment Conservation Act 73 of 1989;
- o. Financial Intelligence Centre Act 38 of 2001;
- p. Identification Act 68 of 1997;
- q. Income Tax Act 58 of 1962;
- r. Intellectual Property Laws Amendment Act 38 of 1997;
- s. Labour Relations Act 66 of 1995;
- t. Long Term Insurance Act 52 of 1998;
- u. National Environmental Management Act 107 of 1998;
- v. National Environmental Management: Air Quality Act 39 of 2004;
- w. National Environmental Management: Waste Act 59 of 2008;
- x. National Water Act 36 of 1998;
- y. Occupational Health & Safety Act 85 of 1993;
- z. Pension Funds Act 24 of 1956;
- aa. Prescription Act 68 of 1969;
- bb. Prevention of Organised Crime Act 121 of 1998;
- cc. Promotion of Access to Information Act 2 of 2000;
- dd. Promotion of Administrative Justice Act 3 of 2000;
- ee. Protection of Personal Information Act 4 of 2013;

- ff. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;
- gg. Skills Development Levies Act 9 of 1999;
- hh. Short-Term Insurance Act 53 of 1998;
- ii. Trust Property Control Act 57 of 1988;
- jj. Unemployment Insurance Contributions Act 4 of 2002;
- kk. Unemployment Insurance Act 30 of 1966;
- ll. Value Added Tax Act 89 of 1991.

8.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

9. Subjects and Categories of Records Available Only on Request to Access in Terms of PAIA [Section 51(1)(b)(iv) of PAIA]

9.1 Records held by Kamal Cape Town Iron and Steel Company [Pty] Ltd

For the purposes of this clause, “Personnel” refers to any person who works for, or provides services to, or on behalf of Kamal Cape Town Iron and Steel Company [Pty] Ltd and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Kamal Cape Town Iron and Steel Company [Pty] Ltd. This includes, without limitation, directors (executive and non-executive), or permanent, temporary and part-time staff, as well as contract workers.

This clause serves as a reference to the categories of information that Kamal Cape Town Iron and Steel Company [Pty] Ltd holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Companies Act Records	All trust deeds; Documents of Incorporation; Index of names of Directors; Memorandum of Incorporation; Minutes of Meetings of the Board of Directors; Minutes of Meetings of Shareholders; Proxy Forms;

	<p>Register of Debenture-Holders; Register of Directors' Shareholdings; Share Certificates; Share Register and other statutory registers and/or records and/or documents; Special resolutions/Resolutions passed at General and Class Meetings; Records relating to the appointment of: Auditors; Directors; Prescribed Officer; Public Officer; and Secretary</p>
Financial Records	<p>Accounting Records; Annual Financial Reports; Annual Financial Statements; Asset Registers; Bank Statements; Banking details and bank accounts; Banking Records; Directors/Creditors Statements and Invoices; General Ledgers and Subsidiary Ledgers; General Reconciliation; Invoices; Paid Cheques; Policies and Procedures; Rental Agreement; and Tax Returns</p>
Income Tax Records	<p>PAYE Records; Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees; All other statutory compliances: VAT Regional Services Levies Skills Development Levies UIF Workmen's Compensation</p>
Personnel Documents and Records	<p>Accident books and records; Address Lists; Disciplinary Code and Records; Employee benefits arrangements rules and records; Employment Contracts; Employment Equity Plan; Forms and Applications;</p>

	Grievance Procedures; Leave Records; Medical Aid Records; Payroll Reports/Wage Register; Pension Fund Records; Safety, Health and Environmental Records; Salary Records; SETA Records; Standard Letters and Notices; Training Manuals; Training Records; Workplace and Union Agreements and Records.
Procurement Department	Standard Terms and Conditions for Supply of Services and Products; Contractor, Client and Supplier Agreements; Lists of Suppliers, Products, Services and Distribution; and Policies and Procedures.
Sales Department	Customer Details; Credit Application Information; Information and Records Provided by a Third Party.
Marketing Department	Advertising and Promotional Material.
Risk Management and Audit	Audit Reports; Risk Management Framework; and Risk Management Plans.
Safety, Health and Environment	Complete Safety, Health and Environment Risk Assessment; Environmental Management Plans; Inquiries, Inspections, Examinations by Environmental Authorities.
IT Department	Computer/mobile device usage policy documentation; Disaster recovery plan; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals; Information usage policy documentation; Project implementation plans; Software licensing; and System Documentation and Manuals.
Corporate Social Responsibility (CSR)	CSR schedule of projects/record of organisations that receive funding; Reports, books, publications and general information related to CSR spend; Records and contracts of agreement with funded organisations.

- 9.2 Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Kamal Cape Town Iron and Steel Company [Pty] Ltd will consider access.

10. Records Available without a Request to Access in Terms of PAIA [Section 52(1) of PAIA]

- 10.1 Records of a public nature, typically those disclosed on the Kamal Cape Town Iron and Steel Company [Pty] Ltd website and in its various annual reports, may be assessed without the need to submit a formal application.
- 10.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be assessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the IO.

11. Procedural Requirements to Facilitate a Request for Access to a Record of Kamal Cape Town Iron and Steel Company [Pty] Ltd [Section 53 of PAIA]

- 11.1 The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 11.2 The request must complete the prescribed form in close deal with, and submit same as well as payment of a request fee and a deposit (if applicable) to the IO or the DIO at the postal or physical address, fax number or electronic mail address as noted in clause 6 above.
- 11.3 The prescribed form must be filled in with sufficient information to enable the IO to identify:
- a. the record or records requested; and
 - b. the identity of the requester.
- 11.4 The requester should indicate which form of access is required and specify a postal address or fax number or electronic mail address of the requester in the Republic.
- 11.5 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right.
- 11.6 Kamal Cape Town Iron and Steel Company [Pty] Ltd will process the request within 30 (thirty) days, provided that the IO or the DIO may extend this period once, for a further 30 (thirty) days, in accordance with the provisions of section 57 of PAIA.

- 11.7 The requester shall be advised whether access is granted or denied in writing, if, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 11.8 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the IO.
- 11.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 11.10 The requester must pay the prescribed fee, before any further processing can take place.
- 11.11 All information as listed in clause 11 herein must be provided, failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The IO shall sever a record, if possible, and grant only access to that portion requested, which is not prohibited from being disclosed.

12. Prescribed Fees [Section 54 of PAIA]

12.1 Fees Provided by PAIA

- 12.1.1 PAIA provides for two types of fees, namely:
- a. A request fee, which is a form of administration fee to be paid by all requestors except personal requestors, before the request is considered and is not refundable; and
 - b. An access fee, which is paid by all requestors 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.
- 12.1.2 When the request is received by the IO, such officer shall by notice required the request, other than a personal requester, to pay the prescribed request fee, before further processing of the request.
- 12.1.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the IO 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.
- 12.1.4 The IO shall withhold a record until the request has paid the fees as indicated below.
- 12.1.5 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 requested form.

- 12.1.6 If a deposit has been paid in respect of a request for access, which is refused, then the IO concerned must repay the deposit to the request.

12.2 **Reproduction Fee**

- 12.2.1 Where Kamal Cape Town Iron and Steel Company [Pty] Ltd 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.

Reproduction of Information Fees	Fees to be Charged
Information in an A4-size page photocopy or part thereof	R4.00 per page black and white
A printed copy of an A4-size page or part thereof	R4.00 per page black and white
A copy in computer-readable format for example: Compact disc – If provided by requester; Compact disc – If provided to requester	R10.00 per document R70.00 per document
A transcription of visual images, in an A4-size page or part thereof	R4.00 per page black and white
A copy of visual images	R150.00
A transcription of an audio record for an A4-size page or part thereof	R40.00 per page black and white
A copy of an audio record on: Flash drive (to be provided by requester); Compact disc – If provided by requester; Compact disc – If provided to requester	R30.00 per document R30.00 per document R70.00 per document
To search for and prepare record for disclosure for each hour or part of our, excluding 1 st hour, reasonably required for such search and preparation (not exceeding total costs of prescribed amount)	R30.00 per hours or part thereof
Deposit (if search exceeds 6 hours)	R one third of the access fee
Postage, email or any other electronic transfer	R15.00 per item posted, e-mail or other electronic transfer

12.3 Request Fees

- 12.3.1 Where a requester submits a request for access to information held by Kamal Cape Town Iron and Steel Company [Pty] Ltd on behalf of a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before Kamal Cape Town Iron and Steel Company [Pty] Ltd will further process the request received.

12.4 Access Fees

- 12.4.1 An access fees 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 PAIA or an exclusion is determined by the Minister in terms of section 54(8) of PAIA. The applicable access fees which will be payable are as follows:

Access of Information Fees	Fees to be Charged
Information in an A4-size page photocopy or part thereof	R4.00 per page black and white
A printed copy of an A4-size page or part thereof	R4.00 per page black and white
A copy in computer-readable format for example: Compact disc – If provided by requester; Compact disc – If provided to requester	R35.00 R70.00
A transcription of visual images, in an A4-size page or part thereof	R40.00 per page black and white
A copy of visual images	R60.00
A transcription of an audio record for an A4-size page or part thereof	R40.00 per page or part thereof
A copy of an audio record (per hour or part of an hour reasonably required for such search)	R35.00 per page or part thereof

Where a copy of a record needs to be posted the actual postage fee is payable

12.5 Deposits

- 12.5.1 Where Kamal Cape Town Iron and Steel Company [Pty] Ltd receives a request for access to information held on a person other than the requester himself/herself and the IO 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.
- 12.5.2 the amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

12.6 Collection of Fees

- 12.6.1 The initial request fee should be deposited into the bank account of Kamal Cape Town Iron and Steel Company [Pty] Ltd, which will be provided by the IO and a copy of the deposit slip, application form and other correspondence/documents must be forwarded to the IO via electronic mail.
- 12.6.2 All fees are subject to change as allowed for in PAIA and as a consequence thereof such escalations may not always be immediately available at the time of the request being made. Requestors shall be informed of any changes in the fees prior to making a payment.

13. Decision on Request and Notice Thereof [Section 56 of PAIA]

13.1 Time Allowed to Kamal Cape Town Iron and Steel Company [Pty] Ltd

- 13.1.1 Kamal Cape Town Iron and Steel Company [Pty] Ltd 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.
- 13.1.2 The 30 (thirty) day period within which Kamal Cape Town Iron and Steel Company [Pty] Ltd 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 any one or more of the reasons prescribed in section 57(1) of PAIA applies, and Kamal Cape Town Iron and Steel Company [Pty] Ltd will notify the request in writing should an extension be sought.

14. Refusal of Access to Records

14.1 Grounds to Refuse Access

A private body such as Kamal Cape Town Iron and Steel Company [Pty] Ltd is entitled to refuse a request for information.

14.1.1 The main grounds for Kamal Cape Town Iron and Steel Company [Pty] Ltd to refuse a request for information relates to the following:

- a. the mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of the natural or juristic person;
- b. the mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
- c. the mandatory protection of the commercial information of a third party if the record contains:
 - i. trade secrets of the third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party;
 - iii. information disclosed in confidence by a third party to Kamal Cape Town Iron and Steel Company [Pty] Ltd, if the disclosure could put the third party at a disadvantage in negotiations or commercial competition;
- d. the mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- e. the mandatory protection of the safety of individuals and the protection of property;
- f. the mandatory protection of records which would be regarded as privileged in legal proceedings.

14.1.2 The commercial activities of a private body, such as Kamal Cape Town Iron and Steel Company [Pty] Ltd, which may include:

- a. trade secrets of Kamal Cape Town Iron and Steel Company [Pty] Ltd;
- b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of Kamal Cape Town Iron and Steel Company [Pty] Ltd;
- c. information which, if disclosed could put Kamal Cape Town Iron and Steel Company [Pty] Ltd at a disadvantage in negotiations or commercial competition;
- d. a computer program which is owned by Kamal Cape Town Iron and Steel Company [Pty] Ltd, and which is protected by copyright;
- e. the research information of Kamal Cape Town Iron and Steel Company [Pty] Ltd or a third party, if it's disclosure would disclose the identity of Kamal Cape Town Iron and Steel Company [Pty] Ltd, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

- 14.1.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 14.1.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 14.1.5 If a requested record cannot be found or if the record does not exist, the IO shall, by way of an affidavit or affirmation, notify the request that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of PAIA. If the record should later be found, the request shall be given access to the record in the manner stipulated by the request in the prescribed form, unless the IO refuses access to such record.

15. Remedies Available When Kamal Cape Town Iron and Steel Company [Pty] Ltd Refuses a Request for Access to Record(s)

15.1 Internal Remedies

Kamal Cape Town Iron and Steel Company [Pty] Ltd does not have internal appeal procedures. The decision made by the IO's final. Requesters will have to exercise such external remedies at the disposal if the request for information is refused, and the requester is not satisfied with the answers supplied by the IO.

15.2 External Remedies

- 15.2.1 A requester that is dissatisfied with the IO's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.
- 15.2.2 A third party dissatisfied with the IO's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.
- 15.2.3 For purposes of PAIA, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or any other court of similar status and a Magistrate's Court designated by the Minister and which is beside it over by a designated Magistrate.

16. Access to Records Held by Kamal Cape Town Iron and Steel Company [Pty] Ltd

16.1 Prerequisites for Access by Personal/Other Request

- 16.1.1 Records held by Kamal Cape Town Iron and Steel Company [Pty] Ltd may be assessed by requests only once the report prerequisite requirements for access have been met.

16.1.2 A requester is any person making a request for access to a record of Kamal Cape Town Iron and Steel Company [Pty] Ltd. There are 2 types of requestors:

a. Personal Requester

- i. A personal requester is a requester who is seeking access to a record containing personal information about the request.
- ii. Kamal Cape Town Iron and Steel Company [Pty] Ltd will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

b. Other Requester

- i. This requester (other than a personal requester) is entitled to request access to information on third parties.
- ii. In considering such a request, Kamal Cape Town Iron and Steel Company [Pty] Ltd will adhere to the provisions of PAIA. Section 71 of PAIA requires the IO to take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representations to the IO why the request should be refused or, where required, give written consent for the disclosure of the information.

Kamal Cape Town Iron and Steel Company [Pty] Ltd is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements in accordance with the requirements of PAIA, as stipulated in Chapter 5, Part 3 thereof, including payment of the request and access fee.

17. Protection of Personal Information That Is Processed by Kamal Cape Town Iron and Steel Company [Pty] Ltd

17.1 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.

17.2 Kamal Cape Town Iron and Steel Company [Pty] Ltd requires 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd. Kamal Cape

Town Iron and Steel Company [Pty] Ltd is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- 17.2.1 is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Kamal Cape Town Iron and Steel Company [Pty] Ltd, in the form of privacy or data collection notices. Kamal Cape Town Iron and Steel Company [Pty] Ltd must also have a legal basis (for example, consent) to process Personal Information;
- 17.2.2 is processed only for the purposes for which it was collected;
- 17.2.3 will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- 17.2.4 is adequate, relevant and not excessive for the purposes for which it was collected;
- 17.2.5 is accurate and kept up to date;
- 17.2.6 will not be kept for longer than necessary;
- 17.2.7 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 17.2.8 is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - a. be notified that their Personal Information is being collected by Kamal Cape Town Iron and Steel Company [Pty] Ltd. The Data Subject also has the right to be notified in the event of a data breach.
 - b. know whether Kamal Cape Town Iron and Steel Company [Pty] Ltd holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;
 - c. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
 - d. object to Kamal Cape Town Iron and Steel Company [Pty] Ltd's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Kamal Cape Town Iron and Steel Company [Pty] Ltd's record keeping requirements);
 - e. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and

- f. complain to the 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.

17.3 Purpose of the Processing of Personal Information by Kamal Cape Town Iron and Steel Company [Pty] Ltd

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which Kamal Cape Town Iron and Steel Company [Pty] Ltd processes or will process Personal Information is set out in Part 1 of Appendix 2.

17.4 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 Appendix 2 sets out the various categories of Data Subjects that Kamal Cape Town Iron and Steel Company [Pty] Ltd processes Personal Information on and the types of Personal Information relating thereto.

17.5 Recipients of Personal Information

Part 3 of Appendix 2 outlines the recipients to whom Kamal Cape Town Iron and Steel Company [Pty] Ltd may provide a Data Subject's Personal Information.

17.6 Cross-border flows of Personal Information

17.6.1 Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic if the:

- a. 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
- b. Data Subject consents to the transfer of his/her or its Personal Information; or
- c. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- d. 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
- e. 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.

17.6.2 Part 4 of Appendix 2 sets out the planned cross-border transfers of Personal Information and the condition that applies thereto.

17.7 Description of information security measures to be implemented by Kamal Cape Town Iron and Steel Company [Pty] Ltd

Part 5 of Appendix 2 sets out the types of security measures to be implemented by Kamal Cape Town Iron and Steel Company [Pty] Ltd 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd may be conducted in order to ensure that the Personal Information that is processed by Kamal Cape Town Iron and Steel Company [Pty] Ltd is safeguarded and processed in accordance with the Conditions for Lawful Processing.

17.8 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 or its Personal Information in the prescribed form attached to this PAIA Manual as Appendix 3, subject to the exceptions contained in POPIA.

17.9 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 Personal Information to be corrected or deleted in the prescribed form attached as Appendix 4 to this PAIA Manual.

18. Availability and Updating of this PAIA Manual

This PAIA Manual is made available in accordance with the provisions of section 51 of PAIA and Kamal Cape Town Iron and Steel Company [Pty] Ltd will update this PAIA Manual at such intervals as may be deemed necessary. This PAIA Manual of Kamal Cape Town Iron and Steel Company [Pty] Ltd is available to view at its premises and on its website.

APPENDIX 1
FORM 2
REQUEST FOR ACCESS TO RECORD
[REGULATION 7]

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
Kamal Cape Town Iron and Steel Company [Pty] Ltd

e-mail:

Mark with an "X"

..... Request is made in my own name
another person

..... Request is made on behalf of

PERSONAL INFORMATION

Full names			
Identity number			
Capacity in which request is made on behalf of another person			
Postal address			
Street address			
E-mail address			
Contact number	Tel: (B)		Facsimile
	Cellular		
Full names of person on whose behalf request is made (if applicable)			
Identity number			
Postal address			
Street address			
E-mail address			
Contact numbers	Tel: (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			

Provide full particulars of the record to which access is requested including the reference number of that is known to you, to enable the record to be located. (If the provided space is inadequate please continue on a separate page and attach it to this form. All additional pages must be signed.)

TYPE OF RECORD

(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	

FORM OF ACCESS

(Mark the applicable box with an "X")

Printed copy of record (<i>including copies of any virtual images, transcription and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS

(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>)	
Postal service to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcription</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file share	

Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	
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PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED (If the space provided is inadequate, please continue on a separate page and attach it to this For. The requester must sign all the additional pages)	
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:	

FEES	
a) A request fee must be paid before the request will be considered. b) You will be notified of the amount of the access fee to be paid 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 an prepare a record d) If you qualify for exemption of the payment of any fee, please state the reason for exemption	
Reason:	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 202..

Signature of requester / person on whose behalf request is made

.....
.....

FOR OFFICIAL USE

Reference number	
Request received by: (state rank, name and surname of information officer)	
Date received	
Access fees:	
Deposit (if any):	

Signature of information officer

Appendix 2

Part 1: Processing of Personal Information in accordance with POPI

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 who correspondence consumers may have with Kamal Cape Town Iron and Steel Company [Pty] Ltd
- d. Communicating (including direct marketing) with consumers by e-mail, SMS, letter, telephone or in any other way about Kamal Cape Town Iron and Steel Company [Pty] Ltd products and services, unless consumers indicate otherwise
- e. To form my view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers
- f. Carry 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd
- i. Complying with the Kamal Cape Town Iron and Steel Company [Pty] Ltd regulatory and other obligations
- j. Any other reasonably required process relating to the Kamal Cape Town Iron and Steel Company [Pty] Ltd business

For perspective 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd

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 Kamal Cape Town Iron and Steel Company [Pty] Ltd regulatory and other obligations
- e. Any other reasonably required purpose relating to the Kamal Cape Town Iron and Steel Company [Pty] Ltd business.

APPENDIX 2

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 addresses
- 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd 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

APPENDIX 2

Part 3- Recipients of personal information

- a. Any firm, organisation or person that Kamal Cape Town Iron and Steel Company [Pty] Ltd use this to collect payments and recover debts or to provide a service on its behalf
- b. Any firm, organisation or person that/who provides Kamal Cape Town Iron and Steel Company [Pty] Ltd with products or services
- c. Any payment system Kamal Cape Town Iron and Steel Company [Pty] Ltd uses
- d. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Kamal Cape Town Iron and Steel Company [Pty] Ltd 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 Kamal Cape Town Iron and Steel Company [Pty] Ltd's suppliers in other countries, and personal information may be stored in data servers hosted outside South Africa, which might not have adequate data protection laws. Kamal Cape Town Iron and Steel Company [Pty] Ltd to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and personal information.

APPENDIX 2

Part 5- Description of information security measures

Kamal Cape Town Iron and Steel Company [Pty] Ltd undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given ought to be

interpreted as examples of how to achieve an adequate data protection level for each objective. Kamal Cape Town Iron and Steel Company [Pty] Ltd alternative measures and the depth to technological security development, as needed, provided that the objectives are achieved.

1. Access control of persons

Kamal Cape Town Iron and Steel Company [Pty] Ltd show implement suitable measures in order to prevent unauthorised persons from gaining access to the data processing equipment where the data are processed.

2. Data media control

Kamal Cape Town Iron and Steel Company [Pty] Ltd undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by Kamal Cape Town Iron and Steel Company [Pty] Ltd and containing personal data of customers.

3. Data memory control

Kamal Cape Town Iron and Steel Company [Pty] Ltd undertakes do implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User control

Kamal Cape Town Iron and Steel Company [Pty] Ltd 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

Kamal Cape Town Iron and Steel Company [Pty] Ltd represents that the person entitled to use Kamal Cape Town Iron and Steel Company [Pty] Ltd data processing systems are only able to access the data within the scope and to the extent covered by the respective access permissions (authorisation).

6. Transmission Control

Kamal Cape Town Iron and Steel Company [Pty] Ltd show be obliged to enable the verification and tracing of the locations/destinations to which the personal information is transferred by utilisation of Kamal Cape Town Iron and Steel Company [Pty] Ltd data communication equipment/devices.

7. Transport control

Kamal Cape Town Iron and Steel Company [Pty] Ltd shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by unauthorised persons during the transmission there of ordering the transport of the data media.

8. Organisation control

Kamal Cape Town Iron and Steel Company [Pty] Ltd shall maintain its internal organisation in a manner that meets the requirements of this manual.

APPENDIX 3

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN
TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL
INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL
INFORMATION, 2017**
[Regulation 2(1)]

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

A	DETAILS OF DATA SUBJECT	
Name and surname of data subject:		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party(<i>if the responsible party is a natural</i>):		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		

Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signed at this day of20.....

.....
Signature of data subject (applicant)

APPENDIX 4

FORM 2

**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, 2017
[Regulation 3(2)]

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number....

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
Surname:	
Full names:	
Identity number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	

