



PAIA and POPI Manual

Hey Guys (Pty) Ltd

20 Regent Street, Durbanville, Cape Town, 7550

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Section 51 of the Promotion of
Access to Information Act (No. 2 of 2000)

and

Sections 11 and 24 of the Protection of
Personal Information Act (No. 4 of 2013)

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PAIA and POPI Manual

This PAIA and POPI Manual ("Manual") has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, (2 of 2000) read with sections 11 and 24 of the Protection of Personal Information Act (4 of 2013) for Hey Guys Digital (Pty) Ltd.

This Manual applies to Hey Guys Digital (Pty) Ltd registration number [insert registration] ("**Hey Guys**" or "**the Company**"). Hey Guys' nature of business is the following: is an interface design company that assists companies to create valuable user experiences to unlock revenue potential for their clients.

1. Applicability and Availability of This Manual

The Promotion of Access to Information Act, (No 2 of 2000) ("**PAIA**") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. PAIA sets out the procedural requirements attached to requests for information, the requirements which requests must meet as well as the grounds for refusing requests.

The Protection of Personal Information Act (No 4 of 2013) ("**POPI**") gives effect to the constitutional right to privacy in terms of data subject's personal information. It also gives effect to everyone's right to access information held by private or public bodies to exercise the protection of their rights. If a public body makes a request the public body must be acting in public interest.

PAIA recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.

This Manual informs requesters of procedural and other requirements which a request must meet to request records in terms of PAIA. The Manual further provides an outline of the type of records and personal information that Hey Guys holds; and how to object to the processing of personal information held by Hey Guys or request the correction or deletion of the personal information in terms of section 11 and 24 of POPI. All requests made must be made in accordance with the prescribed procedures listed in this Manual

at the rates provided. The forms and relevant fees needed to complete the process is described below.

This Manual is available for inspection, free of charge, at Hey Guys' offices or on its website (see details below). Guides to the PAIA and POPI Act is also available (see section 10 below).

2. Contact Details of Information Officer

Information Officers	Giovanni Manousakis and Andrew Miles Potter
Postal Address	20 Regent Street Durbanville, Cape Town, 7550
Physical Address	20 Regent Street, Durbanville, Cape Town, 7550
Telephone Number	082 210 1416
Website	https://heyguys.digital/
E-mail Address of Information Officer	giovanni@heyguys.digital

3. Company Records in Terms of PAIA

3.1 Company Record Classification Key

The below classification keys summarises the level of access that can be gained to information held by Hey Guys and the reasons why the access to information may be refused. Please refer to section 6 which further explains on what grounds access to information may be refused.

Classification No.	Access	Classification [PAIA section]
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [Section 7]
3	May be Disclosed	Subject to copyright

4	Limited Disclosure	Personal Information of Natural Persons that belongs to the requestor of that information, or personal information of Juristic Persons represented by the requestor of that information [Section 61]
5	May not be Disclosed	Unreasonable disclosure of personal information of Natural Person [Section 63(1)] or Juristic Person [POPI]
6	May not be Disclosed	Likely to harm the commercial or financial interests of third party [Section 64(1)(a) and (b)]
7	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [Section 64(1)(c)]
8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [Section 65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [Section 66]
10	May not be Disclosed	Legally privileged document [Section 67]
11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [Section 64(2); Section 68(2)]
12	May not be Disclosed	Commercial information of Private Body [Section 68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [Section 69]
14	May not be Refused	Disclosure in public interest [Section 70]

3.2 Company Record Availability

Departmental Records	Subject	Classification No.
Communications / Public Affairs	Current Product Information	1, 4
	Public Corporate Records	1
	Journalist Records	4, 5
	Media Releases	1
Health, Safety and Environmental Information	Environmental Policy	1
	Environmental Records	11, 14
	Health and Safety Records (Employees, Contractors)	4, 5, 9
Human Resources Information	Employee Records / Information	4, 5, 9 / 10
	Employment Contracts	4, 5
	Personnel Guidelines, Policies and Procedures	12
	Employee Medical Records	4, 5, 8
	Employee Disability Insurance Records	4, 5
	Employee Pension and Provident Fund Records	4, 5
	Payroll Records	4, 5
	Recruitment Records	4, 5
Financial Information	Audited Financial Statements	12
	Tax Records (Company & Employees)	4, 12
	Asset Register	12
	Supplier Records / Information	4, 5 / 10
	Management Accounts	12
Legal Services	General Contract Documentation	6, 12
	Intellectual Property Records	3
	Immovable Property Records	12
	Statutory Records	12

Compliance	Company Guidelines, Policies and Procedures	12
Sales, Marketing and Business Relations Information	Market Information	12, 13
	Product Brochures	1
	Performance Records	12
	Product Sales Records	1
	Marketing and Future Product Strategies	12
	Customer Information and Database	4, 5, 12
Customer Interaction Centre Information	Customer Records	4, 5
After Sales Information	Customer Records	4,5,10
IT Information	Processing, Testing and Development Records	4, 5
Facilities Management Information	Physical Security Records (Visitors, Suppliers, Contractors, Employees)	4, 5
	Electronic Access & Identity Management Records (Employees, Contractors)	4, 5
	Time and Attendance Records	4, 5
Risk Control Information	Complaints and Investigations Records	4, 5

4. Processing of Personal Information in Terms of POPI

Hey Guys Digital respects the personal information of both natural and juristic persons. All relevant privacy principles relating to the processing of personal information ("PI") as defined by the POPI Act will be followed. This includes, but is not limited to the collection, handling, transfer, sharing, correction, storage, archiving and deletion of information.

This Manual must be read with Hey Guys' POPI Manual which includes an additional POPI Policy and Privacy Statement (see website). The aforementioned documents describe what PI is, how it is processed and stored and with which third parties it is shared.

4.1. The Purpose of Processing PI

PI will be processed by Hey Guys for a variety of reasons, which includes but is not limited to:

- identifying data subjects who contact the company;
- maintaining customer records;
- recruiting employees;
- managing employment of staff;
- managing any apprenticeships;
- providing and managing any information, products or services requested by data subjects;
- managing general administration;
- managing financial information;
- managing tax compliance;
- complying with legal and contractual requirements;
- complying with health and safety requirements;
- monitoring access and promoting security of the company's assets;
- transacting with suppliers and business partners
- improving quality of services;
- assist in detecting fraud;
- assist in recovering debt;
- assist in carrying out customer profiling and analysis;
- assist in identifying products or services which may be of interest to data subjects and informing them of these new products.

4.2. Categories of Data Subjects and PI Processed by the Company

The Company will process the below categories of PI from the below listed data subjects. This is a guideline and not an exhaustive list:

- Customers and potential customers (PI; contracts; warranties etc.)
- Business partners (PI; location information; PI of their employees)
- Suppliers (PI; personal information of representatives)

- Employees (PI; medical information; disability information; pension and/or provident fund information; contracts; performance records; electronic access records; physical access records; surveillance/monitoring of pc records; health and safety records; training records; employment history; time and attendance records; payroll records)
- Job Applicants (CV's and application forms; criminal and background checks)
- Visitors to website (information stored in line with their consent)

4.3. Recipients or Categories of Recipients with Whom PI is shared

The Company may share the PI of our data subjects (for the purposes described above) with the following parties:

- carefully selected business partners who provide products or services under our brand; and
- our service providers and agents who perform services on our behalf

We will not provide any of our data subjects' PI to third parties unless we:

- are obliged to provide this information for legal or regulatory purposes;
- are selling our business to someone who may transfer our rights under any employee/ customer agreement we have with you;
- are involved in the prevention of fraud; loss; bribery or corruption;
- are required to do so for purposes of existing or future legal processes;
- are working with the third party as they perform services and process PI on our behalf;
- need the third party to improve the quality of our products and services; or
- require the third party to manage or provide information, products and or services to our data subjects.

If we are required by law or contract to sent notifications or communications to our data subjects we will do so. We will only disclose PI to government authorities if we are legally obliged to. Our employees, suppliers and third party operators are required to adhere to data privacy principles and to attend data privacy training.

4.4. Information Security Measures to protect Personal Information

The Company has implemented reasonable technical and organizational measures to protect the PI of the Company and its third party operators.

Third party operators are required to adhere to the requirements of POPI in order to continue its relationship with the Company. Reasonable steps will be taken to ensure that operators use adequate safeguards when processing the Company's data subjects' PI.

Hey Guys is committed to the constant improving of organizational security measures to improve the manner in which PI could be protected. The Company will further strive to continuously implement and monitor the implementation of technical and organizational security measures.

4.5. Trans-Border Flows of PI

Hey Guys will only transfer PI across South African borders if the relevant business transactions or situation requires trans-border processing. Trans-border processing of PI will be done according to POPI or if the data subjects consents to the cross-border transferring of information.

The Company will take reasonable steps to ensure that third party operators transfer information in line with the principles for lawful and reasonable processing of PI in accordance with POPI. The Company will also take reasonable steps to ensure that operators processing information outside of South Africa apply reasonable safeguards when processing PI.

4.6. PI Received from Third Parties

In situations where a third party submitted PI on behalf of a data subject, the following measures will be taken: we will require written consent from the data subject that they are aware of this Manual and Hey Guys' POPI Manual and that they have no objection to the processing of their PI.

5. Hey Guys Information Description

Access to the documents listed below may be subject to the grounds of refusal set out in this Manual:

5.1. Personnel Records

"**Personnel**" refers to any person who works for or provides services to or on behalf of Hey Guys and who receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting Hey Guys business and includes, without limitation, directors (executive and non- executive), all permanent, temporary and part-time staff as well as contract workers. Personnel records include:

- personal records (provided by personnel themselves);
- records provided by a third party relating to personnel;
- conditions of employment and other personnel-related contractual and quasi-legal records;
- internal evaluation records and other internal records;
- correspondence relating to personnel; and
- training schedules and material

5.2. Customer Records

A "customer" refers to any natural or juristic entity that receives services from Hey Guys. Customer records include:

- records pertaining to products sold and/or serviced by Hey Guys including, without limitation, online and print publications;
- records provided by a customer to a third party acting for or on behalf of cap Hey Guys;
- records provided by a third party; and
- records generated by or within Hey Guys relating to its customers, including transactional data.

5.3. Private Body Records

These are records which include, but are not limited to, records which pertain to Hey Guys' own affairs including:

- financial records;
- operational records;
- databases;
- information technology systems and documents;
- marketing records;
- internal correspondence;
- product records;
- statutory records;
- internal policies and procedures.

5.4. Other Party Records

The following information may also include other party records:

- Personnel, customer or private body records which are held by another party on Hey Guys' behalf, as opposed to the records held by Hey Guys itself.
- Records held by Hey Guys pertaining to other parties, including without limitation, financial records, correspondence, contractual records, and records about Hey Guys' contractors / suppliers / service providers.

6. Grounds of Refusal of Access to Information

As listed above in paragraph 3 above, Hey Guys may refuse a request for information on, inter alia, the following basis:

6.1. Mandatory Protection of Privacy of Third Party (Natural Person)

The mandatory protection of the privacy of a third party who is a natural person, in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).

6.2. Mandatory Protection of Privacy of Third Party

The mandatory protection of the commercial information of a third party, if the record contains:

- trade secrets of that third party;
- financial, commercial, scientific or technical information, other than trade secrets, of a third party;
- the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
 - to put that third party at a disadvantage in contractual or other negotiations;
 - or
 - to prejudice that third party in commercial competition.

6.3. Mandatory Protection of Confidential Information of Third Party

The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement.

6.4. Mandatory Protection of the Safety of Individuals/property

The mandatory protection of the safety of individuals and the protection of property.

6.5. Mandatory Protection of Legally Privileged Records

The mandatory protection of records which would be privileged from production in legal proceedings.

6.6. Mandatory Protection of Commercial Activities

The protection of Hey Guys' commercial activities including, (without limitation), records that contain:

- Hey Guys' trade secrets;
- financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to Hey Guys commercial or financial interests;
- information, the disclosure of which could reasonably be expected to put Hey Guys at a disadvantage in contractual or other negotiations; or
- to prejudice Hey Guys in commercial competition.

6.6. Computer Programs/ Systems Owned by Hey Guys

Computer programs owned by Hey Guys, is protected and access to these may be refused.

6.7. Mandatory Protection of Research Information

The mandatory protection of research information of Hey Guys or a third party, if the disclosure would expose the identity of Hey Guys or the third party, the researcher or the subject matter of the research to serious disadvantage.

6.8. Frivolous or Vexatious Requests

Requests for information that are, in Hey Guys' reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

7. Request Procedure

7.1. Form of Request

Any data subject whose PI is being processed by Hey Guys as described above in terms of POPI or who would like to request information in terms of PAIA, can follow the below processes.

7.1.1. PAIA request for information

In order to gain access to information in terms of PAIA, please follow the below steps:

- use the prescribed PAIA forms on Hey Guys' website (refer to Annexure A to view the form 2 and 3);
- address your request to the Information Officer (see paragraph 2);

- provide sufficient information to ensure that the Company can identify:
- - the requestor (and if the agent is lodging the request, proof of capacity);
 - the e-mail; postal address or fax number of the requestor;
 - the requested record(s);
 - the form of access that is required;
 - whether the requester wants to be informed of the decision in any manner (i.e. in addition to being in writing); and
 - the right that the requester is attempting to protect with an explanation of the reason, and how the record is required to protect or exercise this right

7.1.2. POPI Act request for objection, correction or deletion of information

If the above information has been received, a data subject may need no further action to be taken. If, however, the data subject would like information to be corrected, deleted or has an objection to the processing of this information, the following process should be followed:

- use the relevant POPI form (Form 1 or Form 2) on the Company website (refer to Annexure B to view the relevant forms);
- address the form to the Information Officer; and
- ensure that the Information Officer has all the relevant information.

For the purposes of paragraph 7.1.2.1 and paragraph 7.1.2.2, “details of the data subject” will refer to the data subject’s name and surname/ registered name of the data subject (if it is company); unique identifier or identity number; residential, postal or business address; contact number(s); and facsimile or e-mail addresses.

For the purposes of paragraph 7.1.2.1 and paragraph 7.1.2.2, “details of the responsible party” will refer to the name(s) and surname or registered name of the responsible party (provide all the details of the parties with whom the PI was shared); residential, postal or business address; contact number(s) and facsimile or e-mail addresses.

7.1.2.1. Objection to processing of PI

To ensure that Hey Guys can review and reasonably action the objection to processing of PI, the following details must be provided to the Company, i.e. the

- details of the data subject;
- details of the responsible party; and
- reasons for the objection in terms of section 11(1)(d) to (f) of the POPI Act.

7.1.2.2. Request for the correction or deletion of PI

To ensure that Hey Guys can review and reasonably action any request to correct or delete a data subject's PI, the following details must be provided to the Company, i.e. the

- details of the data subject;
- details of the responsible party;
- PI to be corrected/ deleted/ destructed / destroyed; and
- reasons for the correction or deletion of personal information about the data subject in terms of section 24(1)(A) which is in possession or under the control of the data subject and/or the reasons for the destruction or deletion of a record of PI about the data subject in terms of section 24(1)(b) which the responsible party is no longer authorized to retain.

7.2. Prescribed Fees in Term of PAIA

A requestor who seeks access to a record or records containing PI about the requestor is not required to pay a request fee. Every other requestor must pay the prescribed request fee before a request will be processed.

In terms of the types of fees which may be due to the Company, PAIA provides for:

- a request fee (being a standard fee); and
- an access fee (which is calculated by taking into account the reproduction costs, search and preparation tie and costs as well as the postal costs).

The process which must be followed by requestors in terms of prescribed fees are as follows:

- A requestor will be notified if they are required to pay the prescribed fee (currently at R50.00) before the request may proceed.
- If the preparation of the record requested requires more than the prescribed time (six hours), a deposit shall be paid (not more than one third of the access fee which will be payable if the access to the information is granted).
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid.
- A requestor whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of prescribed hours for search for and to prepare the record for disclosure (incl. making arrangements to make it available in the requested form).
- If a deposit has been paid in respect of a request for access which was refused, Hey Guys will repay the deposit to the requestor.

8. Access to Records

8.1. Conditions When Access Will Be Granted

A requestor will only be given access to a record(s) held by Hey Guys if:

- the record is required for the exercise or protection of a right;
- the requestor has complied with all procedural requirements relating to a request for access to a particular record including making the request in the prescribed format; and
- access to that record is not refused in terms of any ground for refusal.

8.2. Forms to Gain Access to Information

The forms to gain access to information in terms of PAIA can be found on the Company website as shown in Annexure A:

- **Form 2:** Request for Access to Information from a Private Body (in terms of Regulation 7); and

- **Form 3:** Outcome of Request and of Fees Payable from a Private Body (in terms of Regulation 8).

The forms to object to the processing of PI or to request the correction, deletion or destruction of PI in terms the POPI Act can be found on the Company website as shown in Annexure B:

- **Form 1:** Objection to the Processing of Personal Information (in terms of section 11(3) read with Regulation 2 of POPI Act).
- **Form 2:** Request for the correction or deletion of PI or destroying or deletion of record of PI (in terms of section 24(1) read with Regulation 3 of the POPI Act).

9. Remedies Available When Hey Guys (Pty) Ltd Refuses a Request for Information

9.1. Internal Remedies

Hey Guys does not have internal appeal procedures.

9.2. External Remedies

A requester or a third party, who is dissatisfied with the decision of Hey Guys in relation to a request for access to a record (including with regard to fees) may, within 30 (thirty) days apply to the High Court, or any other Court having jurisdiction, or the Information Regulator for relief.

10. Availability of the Manual and Guidelines for Acts

A copy of this manual is available as follows:

- Online: visit <https://heyguys.digital/>
- On request made to the Information Officer as set out in section 2 of this manual.
- Guides to the PAIA and POPI Acts can be obtained and queries directed to:

The Information Regulator (South Africa)
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