



# Supertech Group

Supertech Group (Pty)  
Ltd

Registration No:  
2016/133986/07

VAT no :  
4300273408

Telephone:  
+27-31-465-1981

Street Address:  
21 Steel Road  
Windermere  
Berea, 4001

Banking details:  
Supertech Group  
(Pty) Ltd  
FNB  
Account:  
62813485043  
Branch:  
210554

Executive Directors  
Mr S.A. Tayob  
Mr M.U. Tayob  
Mrs F. Tayob  
Mr M. Sader

## **SUPERTECH GROUP (PTY) LTD (REGISTRATION NUMBER: 2016/133986/07)**

### MANUAL

PUBLISHED IN TERMS OF SECTION 14 & 51 OF  
THE PROTECTION OF PERSONAL INFORMATION ACT, 2013  
&  
THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

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**Definitions:**

<b><i>Access fee</i></b>	means a fee to be paid by a requester to Supertech Group from which you are seeking the information. The cost will cover finding and copying the record requested;
<b><i>Agreement</i></b>	means the Online Services terms of use, Supertech Lifestyle terms and conditions, your Pre-agreement statement and quote;
<b><i>Child</i></b>	any person under the age of 18;
<b><i>Competent person</i></b>	means anyone who is legally allowed to consent to any action or decision being taken for any matter concerning a child, for example, a parent or legal guardian;
<b><i>Consent</i></b>	means the voluntary, specific and informed expression of will or permission to do something;
<b><i>Data Subject</i></b>	means the natural or juristic person to whom the Personal Information relates which are our Customers, Employees and Vendors;
<b><i>Direct Marketing</i></b>	means approaching a Data Subject personally, by mail or electronic communication for the purpose of selling them a product or service;
<b><i>Electronic Communication</i></b>	means any text, voice, sound or image message sent to any customer of Supertech;
<b><i>Information Officer</i></b>	means a person appointed in each dealership to ensure compliance with POPIA;
<b><i>Juristic person</i></b>	means a company or body which is recognized by law as a single entity or a person having rights and duties;
<b><i>Operator</i></b>	means suppliers or vendors of Supertech;
<b><i>PAIA</i></b>	means the Promotion of Access to Information Act 2 of 2000;

<b><i>Personal information</i></b>	means personal information about you, your spouse, your dependents. It includes personal information as well as special personal information as defined by POPIA such as your biometric (facial recognition and fingerprints), health, financial status and credit information, as well as your gender, age, identity number, contact numbers and addresses;
<b><i>Private body</i></b>	means a natural, partnership or existing juristic person has carried on any trade, business or profession but excludes a public body;
<b><i>Process information</i></b>	means collecting, recording, organising, storing, updating, distributing, writing down a person's name, surname, identity number, address, submitting the details to any financial institution and removing or deleting personal information which can identify a person;
<b><i>POPIA</i></b>	means the Protection of Personal Information Act 4 of 2013;
<b><i>Public body</i></b>	means any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government;
<b><i>Record</i></b>	means any recorded information regardless of the form, for example: written documents, video materials etc;
<b><i>Requester</i></b>	means any person or entity requesting access to a record that is under the control of Supertech Group;
<b><i>Regulator</i></b>	means the Information Regulator appointed in terms of POPIA to ensure that companies are complying with POPIA. Our customers and vendors can lodge complaints with the regulator for non-compliance with POPIA;
<b><i>Responsible party</i></b>	Supertech Group (all the dealerships);

***Special Personal Information***

means information about a person's religious or philosophical beliefs, race, or ethnic origin, trade union membership, political persuasion, health, sex life, fingerprints, voice signatures, blood type or criminal behaviour;

## **1. Introduction**

The Supertech Group (herein referred to as “the Company”) is a world-class, luxury brand with the backdrop of sheer driving pleasure, it's not just a BMW at a Supertech Dealership, its dealing with a Group that prides itself on exceptional data subject services and a luxury lifestyle that every data subject deserves.

The protection of our customers personal information is of utmost importance to us therefore we hereby abide and comply with the Protection of Personal Information Act, 2013 (herein referred to as “POPI”) to give effect to our data subjects rights.

POPI gives effect to our constitutional right to privacy which is entrenched in section 14 of our Constitution. This right to privacy includes the protection against unlawful collection, retention, dissemination and use of personal information. POPI embraces our right in the Constitution by regulating the way in which we process our data subject’s information.

This Manual was prepared in accordance with sections 14 and 51 of the Promotion of Access to Information Act, 2000 (PAIA) and to address requirements of the Protection of Personal Information Act, 2013 (POPIA).

## **2. Availability of this Manual**

This manual shall be made available on the Company website <https://www.supertechgroup.co.za/> and a physical copy is available at all Supertech dealerships.

## **3. Purpose of this Manual**

The purpose of this manual is to give effect to Promotion of Access to Information Act, 2000 (PAIA) and to address requirements of the Protection of Personal Information Act, 2013 (POPIA).

The purpose of PAIA is to govern and regulate section 32 of our Constitution which states that we have the right to access any information held by the State or any other person which is required for the protection of any right. At Supertech we pride ourselves on accountability and transparency by providing our data subjects with access to information which will enable them to protect their rights.

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:

- a) Limitations aimed at the reasonable protection of privacy;
- b) Commercial confidentiality; and
- c) Effective, efficient, and good governance and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

The purpose of POPIA is to give effect to the constitutional right to privacy. In doing so it must deal with the limitations within this right. The further scope for POPIA is:

- a) Regulate the way personal information may be processed.
- b) Provide persons with rights and remedies to protect their personal information with processing which is not consistent with POPIA.
- c) Establish measures that ensures the protection, respect for and to promote, enforce and fulfil the rights in POPIA.

#### **4. Company contact details**

In terms of section 51 of PAIA the Company contact details are as follows:

##### **Supertech Group (Pty) Ltd**

**Postal Address:** P.O. BOX 1033  
ROSSBURGH  
4072

**Physical Address:** 6 Kirk Road  
New Germany  
Pinetown  
3610

**Telephone N.o:** 031 702 0271

#### **5. Contact details of the Information Officer:**

The below information officers have been elected for each dealership:



- a) **Supertech Durban:**  
Information Officer: Rudolf Avallone  
Telephone number: 031 465 1981  
Email address: [rudolf.avallone@supertechgroup.co.za](mailto:rudolf.avallone@supertechgroup.co.za)
- b) **Supertech Pinetown / Supertech Motorrad:**  
Information Officer: Ubaid Tayob  
Telephone number: 031 702 0271  
Email address: [ubaid.tayob@supertechgroup.co.za](mailto:ubaid.tayob@supertechgroup.co.za)
- c) **Supertech Newcastle:**  
Information Officer: Ray Williams  
Telephone number: 034 312 6060  
Email address: [ray.williams@supertechgroup.co.za](mailto:ray.williams@supertechgroup.co.za)
- d) **Supertech Pietermaritzburg:**  
Information Officer: Mohamed Sader  
Telephone number: 033 897 8800  
Email address: [mohamed.sader@supertechgroup.co.za](mailto:mohamed.sader@supertechgroup.co.za)
- e) **Supertech Shelly Beach:**  
Information Officer: Tim Mcgregor  
Telephone number: 039 315 0020  
Email address: [tim.mcgregor@supertechgroup.co.za](mailto:tim.mcgregor@supertechgroup.co.za)
- f) **Supertech East London:**  
Information Officer: Ray Williams  
Telephone number: 043 726 8730  
Email address: [ray.williams@supertechgroup.co.za](mailto:ray.williams@supertechgroup.co.za)
- g) **Supertech Group:**  
Information Officer: Yasir Ismail  
Telephone number: 031 465 1981  
Email address: [yasir.ismail@supertechgroup.co.za](mailto:yasir.ismail@supertechgroup.co.za)

## **6. Information Officer**

The above information officers have been appointed for each dealership in the Supertech Group. These information officers have been appointed in terms of section 55 of POPIA and sections 14 and 51 of PAIA.

For Supertech to ensure compliance with PAIA and POPIA the Information Officer must ensure that:

- a) this Compliance Manual is implemented.
- b) a Personal Information Impact Assessment is done to ensure that adequate measures and standards exist to comply with the conditions for the lawful processing of personal information.
- c) that this Compliance Manual is developed, monitored, maintained, and made available.
- d) that internal measures are developed together with adequate systems to process requests for information or access to information.
- e) that internal awareness sessions are conducted regarding the provisions of POPI, the Regulations, codes of conduct or information obtained from the Information Regulator; and
- f) that copies of this manual are provided to persons at their request, hard copies to be provided upon payment of a fee (to be determined by the Information Regulator).

All queries or complaints can be addressed to the above listed information officers. We shall appoint deputy information officers at each dealership and the names of those deputy officers shall be published on our website.

## **7. Undertaking to data subjects**

- 7.1. We undertake to comply with the requirements set out in terms of POPIA & PAIA and to process our data subject's personal information in a lawful manner which shall not infringe on their right to privacy.
- 7.2. We undertake to process personal information of our data subjects for the intended purpose which shall enable us to complete our mandated task. Should we require our data subjects consent we shall obtain such consent at any given time.

- 7.3. Where we do not require consent from our data subjects, all employees have obtained sufficient training regarding the processing of personal information of a data subject and shall always keep such information confidential.
- 7.4. Should our data subject withdraw his/her consent, we shall stop processing his/her information. We shall collect personal information directly from the data subject whose information we require, unless:
- a) the information is of public record, or
  - b) the data subject has consented to the collection of their personal information from another sources, or
  - c) the collection of the information from another source does not prejudice the data subject, or
  - d) the information to be collected is necessary for the conclusion of the data subject's instruction, or
  - e) the information is being collected to comply with a legal obligation, including an obligation to SARS, or
  - f) the information collected is required for the conduct of proceedings in any court or tribunal, where these proceedings have commenced or are reasonably contemplated.
- 7.5. We shall always inform our data subject the reason for requiring their personal information.
- 7.6. We shall retain our data subject's records for the time required by law unless the data subject provides us with his/her consent to store the information for a longer period.
- 7.7. We shall destroy or delete records of personal information as soon as possible after the time period for which we had to hold such information has lapsed.

## **8. Our Customer's rights**

- 8.1. Data subjects must be notified of the collection of their personal information.
- 8.2. Data subjects must be notified that their personal information has been accessed or acquired by an unauthorised person.

- 8.3. Our data subject can withdraw his/her consent to process his/her personal information at any time.
- 8.4. All data subjects are entitled to lodge a complaint regarding the application of POPIA with the Information's Regulator.
- 8.5. Where we process personal information without consent to protect a legitimate interest, to comply with the law or to pursue or protect our legitimate interests, the data subject has the right to object to such processing.
- 8.6. Data subjects have a right to request access to their personal information.
- 8.7. Data subjects have a right to request a correction or deletion of their personal information.
- 8.8. Data subjects can object against the processing of personal information for the purpose of direct marketing through unsolicited electronic communication.

## **9. Processing of personal information**

- 9.1. In terms of POPIA the meaning of processing is defined as an operation or activity, whether automatic or not which include but not limited to the collection, receipt, recording, storage, updating or making available in any other form and the destruction of personal information.
- 9.2. What defines personal information. Personal information of a data subject means personal information about the data subject, data subject's spouse, data subject's dependents. It includes personal information as well as special personal information as defined by POPIA such as the data subjects biometric (facial recognition and fingerprints), health, financial status, and credit information, as well as gender, age, identity number, contact numbers and addresses.
- 9.3. The processing of personal information about data subjects must be done in accordance with provisions of POPIA. There are 8 conditions which allows for the lawful processing of personal information which are entrenched in POPIA. These conditions are:

- I. Accountability
- II. Process limitation
- III. Purpose specification
- IV. Further processing limitation
- V. Information quality
- VI. Openness
- VII. Security safeguards
- VIII. Data subject participation

#### 9.4. **Accountability- Condition 1**

9.4.1. Supertech Group is the responsible party. POPIA defines a responsible party as a public or private body or any other person who alone or with others who determines the purpose of and means for processing personal information.

9.4.2. The steps which Supertech Group should take to ensure that they are accountable are:

- Ensure compliance with the responsibilities set out under POPIA;
- Draft and authorize policies for management and Supertech staff to comply with the processing of personal information of data subjects;
- Put measures in place to ensure that policies are understood by employees which are embraced and complied with;
- Employees are equipped and trained to comply with POPIA;
- Ensure that contracts with employees and third parties have been amended to comply with POPIA;
- Regularly monitor and review the effectiveness of the policies and systems.

9.4.3. At Supertech Group we are accountable to ensure that all the other 7 conditions have been complied with. We further shall ensure that our Operators are processing our data subject's personal information with due care. An Operators addendum has been compiled for all operators to sign, which ensures compliance with POPIA.

## 9.5. **Process Limitation – Condition 2**

9.5.1. In terms of section 9 of POPIA, Supertech Group will process our data subject's personal information lawfully and in a reasonable manner which does not infringe on the data subject's privacy.

9.5.2. The Responsible Party (Supertech Group) shall ensure that the purpose of processing personal information of the data subject is adequate, relevant and not excessive given the purpose for which the personal information has to be processed.

9.5.3. When is processing of personal information lawful?

Personal information may only be processed (including collected, received, recorded, organised, collated, stored, updated, altered, disseminated) if:

- a) The data subject consents to the processing of personal information;
- b) Consent from a parent or guardian where the data subject is a child;
- c) It is necessary to carry out these action for the conclusion or performance of the contract with Supertech to which the data subject is a party to;
- d) It complies with a legal obligation imposed by law on Supertech;
- e) It protects the legitimate interest of the data subject;
- f) It is necessary for pursuing the legitimate interest of the responsible party (Supertech) or a third party to whom the information is supplied.

9.5.4. A data subject (or parent/guardian of a child) may at anytime withdraw his/her consent. A data subject can contact any information officer as stated in this manual and request the consent to be withdrawn.

9.5.5. Supertech Group undertakes to collect personal information from the data subject directly unless the data subject's information is placed on public record by the data subject.

## 9.6. **Purpose Specification- Condition 3**

9.6.1. Supertech Group shall inform data subjects the reason that their personal information is being collected and undertakes to only use the information for the

purpose that it has been collected.

- 9.6.2. Supertech Group undertakes to not retain the records of a data subject for a longer period than for achieving the purpose that the personal information has been collected.
- 9.6.3. Supertech Group shall retain the data subject's personal information if the law requires such a retention period, the record is required for a lawful purpose, the retention is based on a contract between Supertech Group and the data subject, the data subject has consented to the retention or a competent person on behalf of a minor has consented to such retention.
- 9.6.4. Supertech Group shall destroy, delete, or de-identify personal information once they are no longer authorised to retain such records of the data subject.
- 9.6.5. Supertech Group will restrict the processing of personal information if:
  - a) The accuracy is contested by the data subject;
  - b) It no longer needs the information for its original purpose, except for the purpose of proof;
  - c) The processing of personal information is unlawful, but the data subject opposes its destruction and requests a restriction on the use.

#### 9.7. **Further Processing Limitation- Condition 4**

- 9.7.1. Supertech Group shall only further a data subjects personal information if it is to complete a transaction to which the data subject has agreed.
- 9.7.2. Supertech Group will not collect personal information for one purpose and use such information for another.
- 9.7.3. To ensure whether the further processing is compatible with the purpose of collection, Supertech Group shall take into account the following factors:
  - a) The relationship between the purpose for the collection and the purpose for further processing;
  - b) The nature of the information concerned;
  - c) The consequences of the intended further processing for the data subject;

- d) The manner in which personal information has been collected;
- e) Contractual rights and obligations between the parties.

9.7.4. The processing of personal information is permissible if:

- a) The data subject has provided consent;
- b) The personal information is available on a public record;
- c) Data subject has deliberately made their personal information public record.

#### 9.8. **Information Quality- Condition 5**

9.8.1. Supertech Group will take reasonable steps to ensure personal information is complete, accurate, not misleading and updated where informed by the data subject.

9.8.2. Supertech Group will have regard for the purpose for the collection and processing of the personal information.

#### 9.9. **Openness- Condition 6**

9.9.1. Supertech Group undertakes to be open and transparent about the processing of information.

9.9.2. The Supertech Group shall ensure that data subjects are aware of:

- a) The information being collected;
- b) The source from which the information was collected;
- c) Name and place of the responsible party;
- d) The purpose for the collection of the information;
- e) Whether or not the supply of information is voluntary or mandatory;
- f) The consequence on the failure to provide information;
- g) Any law authorising or requiring the collection of information;
- h) The intention to transfer the information to a third party or international organisation and the level of protection afforded to the information.

9.9.3. It will not be necessary for Supertech Group to comply with the above if:

- a) The data subject has provided consent to the non-compliance;
- b) Non-compliance is necessary to comply with a legal obligation;



- c) Non-compliance is necessary for the conduct of court proceedings;
- d) Non-compliance is necessary in the interest of national security;
- e) Compliance would prejudice a lawful purpose of the collection
- f) Compliance is not reasonably practical in the circumstances;
- g) The information will not be used in a way to identify the data subject;
- h) The information will be used for historical, statistical or research purposes.

#### 9.10. **Security Safeguards- Condition 7**

9.10.1. Supertech Group shall process personal information with integrity and confidentiality which 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 the Supertech Group to protect against access and acquisition by unauthorised persons and accidental loss, destruction, or damage.

9.10.2. Should there be any security compromises Supertech Group shall inform the Regulator.

9.10.3. Supertech Group has a duty to ensure that the data subject is notified in writing if there is a data breach in one of the following manners:

- a) Mailed to the data subject's last known physical or postal address;
- b) Sent via email to the data subject's last known email address;
- c) Placed on Supertech Groups website;
- d) Published in the news media;
- e) Alternatively, as directed by the Regulator.

9.10.4. The notification to the data subject as stated above must give sufficient information to enable the data subject to protect themselves against the potential consequences of the security breach, and must include:

- a) a description of the possible consequences of the breach;
- b) details of the measures that we intend to take or have taken to address the breach;
- c) the recommendation of what the data subject could do to mitigate the adverse effects of the breach; and
- d) if known, the identity of the person who may have accessed, or acquired the personal information.

9.10.5. To ensure that the data subject's personal information is protected, we shall continue to enforce the following security safeguards:

- a) Our business premises where records are kept must remain protected by access control, burglar alarms and armed response.
- b) Archived files must be stored behind locked doors and access control to these storage facilities must be implemented.
- c) All the user terminals on our internal computer network and our servers must be protected by passwords which must be changed on a regular basis.
- d) Our email infrastructure must comply with industry standard security safeguards.
- e) Vulnerability assessments must be carried out on our digital infrastructure at least on an annual basis to identify weaknesses in our systems and to ensure we have adequate security in place.
- f) Supertech Group shall use a Firewall to protect data and run an antivirus protection every hour so that it is up to date. In addition to this the Firewall will have real time threat protection enabled and continuously monitor threats to the network.
- g) Supertech Group employees have a responsibility to promptly report theft, loss or unauthorised disclosure of the Supertech Group proprietary information.
- h) Supertech Group ensures that for security and network maintenance purposes an authorised individual of the Supertech Group is monitoring the system and network traffic.
- i) Supertech Group employee's have been trained on the processing and protection of personal information and shall comply with the POPIA standards.
- j) All personal information which is not required should be destroyed to de-identify the data subject.

#### **9.11. Data Subject Participation- Condition 8**

##### ***9.11.1. Data subject's right to request records:***

- a) The data subject should provide proof of identity when requesting Supertech Group to confirm if they hold personal information about them;

- b) Should Supertech Group hold such personal information, on request, and upon payment of a fee plus VAT, Supertech Group shall provide the data subject (customer or vendor) with the record, or a description of the personal information, including information about the identity of all third parties or categories of third parties who have or have had access to the information.
- c) Supertech Group shall provide the data subject with the information within a reasonable period, in a reasonable manner and in an understandable form.
- d) The data subject has the right to request that any errors in their personal information corrected by Supertech Group. Please see attached form for you to complete.
- e) In certain circumstances, Supertech Group will be obliged to refuse to disclose the record containing the personal information to the customer or vendor. We are complying with section 34 to 46 of PAIA.
- f) Should Supertech Group provide the data subject with more information than what the data subject has requested then the written consent of the Information officer should be requested.
- g) The Information Officer (or his delegate) will be required to consider the provisions of Chapter 4 of Part 3 of the Promotion of Access to Information Act before providing such consent requested above.
- h) If a request for personal information is made and part of the requested information may, or must be refused, every other part must still be disclosed.

**9.11.2. Data Subject's right to request correction of personal information:**

- a) A data subject has the right to request Supertech Group to correct or delete personal information that we have, which is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or which has been obtained unlawfully.
- b) A data subject is entitled to require us to destroy or delete records of personal information about the client that we are no longer authorised to retain.
- c) Any such request must be made on the prescribed form. The form has been attached to this manual.
- d) Once Supertech Group has received such a lawful request, we shall comply within a reasonable time frame.

- e) If a dispute arises regarding the data subject's rights to have information corrected, Supertech Group will attach to the information, in a way that it will always be read with the information, an indication that the correction of the information has been requested but has not been made.
- f) Supertech Group will notify the data subject who has made a request for their personal information to be corrected or deleted on what action we have taken.

**9.12. The purpose of processing personal information by Supertech Group:**

Supertech Group processes personal information for multiple reasons which include but not limited to the following:

- To provide or manage any information, products or services requested by data subjects;
- To assist us identify data subjects when they contact Supertech;
- To maintain customer records;
- To maintain customer vehicle records;
- For employment purposes;
- For recruitment purposes;
- For travel purposes;
- For general administration, financial and tax purposes;
- For legal and contractual purposes;
- For health and safety purposes;
- To monitor access, secure and manage our premises and facilities;
- To transact with vendors, customers, suppliers and any affiliated company of the Supertech Group;
- To help us improve the quality of our products and services;
- To help detect and prevent fraud and money laundering
- Assist to recover debts;
- To identify other products and services which might be of interest to the data subjects and to inform them about our products and services.

## **10. Special Personal Information**

Supertech Group shall not process any Special Personal Information without the data subject's consent or where it is necessary for the establishment, exercise, or defence of a right or an obligation in law.

## **11. Processing of Personal Information of Children**

Supertech Group shall only process the personal information of a child if consent has been obtained from the child's parent or legal guardian.

## **12. Circumstances requiring prior authorisation**

12.1. In the following situations, Supertech Group will need prior approval from the Information Regulator before processing any personal information:

12.1.1. In a situation that Supertech intends to use any unique identifiers data subject's information for any other purpose other than the original intention or to link the information with the information held by others;

12.1.2. If Supertech are processing information on criminal behaviour or unlawful objectionable conduct;

12.1.3. Processing information for the purpose of credit reporting;

12.1.4. If Supertech are transferring special personal information or the personal information of children to a third party in a foreign country, that does not provide adequate protection of that personal information.

12.2. The Information Regulator must be notified of Supertech's intention to process any personal information as set out above prior to any processing taking place and they may not commence with such processing until the Information Regulator has decided in our favour.

12.3. The Information Regulator has 4 weeks to decide but may choose that a more detailed investigation is required. In this event the decision must be made in a

period as indicated by the Information Regulator, which must not exceed 13 weeks. If the Information Regulator does not decide within the stipulated time periods, we can assume that the decision is in our favour and commence processing the information.

### **13. Direct Marketing**

- 13.1. Supertech Group may only carry out direct marketing (using any form of electronic communication) to data subject's if:
  - a) they were given an opportunity to object to receiving direct marketing material by electronic communication at the time that their personal information was collected and;
  - b) they did not object then or at any time after receiving any such direct marketing communications from Supertech Group.
- 13.2. Supertech Group may only approach data subject's using their personal information, if they have obtained such information in the context of providing the customer services associated with the dealership and only may then market Supertech goods and services to them.
- 13.3. Supertech Group may only carry out direct marketing (using any form of electronic communication) to potential customers if they have received their consent to do so.
- 13.4. Supertech Group can only approach a potential customer to request for their consent to receive direct marketing only once and may not do so if the customer/data subject refused previously.
- 13.5. All direct marketing communications will disclose the company's identity and contain an address or other contact details to which the customer or data subject may send a request that the communications stop.

### **14. Transborder Information Flows**

Supertech Group shall not transfer any customers personal information to a third party in a foreign country, unless:

- a) The customer has consented to this or requests it;
- b) such third party is subject to a law, binding corporate rules or a binding

agreement which protects the personal information in a manner similar to POPI, and such third party is governed by similar rules which prohibit the onward transfer of the personal information to a third party in another country; or

- c) the transfer of the personal information is required for the performance of the contract between Supertech Group and the customer; or
- d) the transfer is necessary for the conclusion or performance of a contract for the benefit of the customer entered between Supertech Group and the third party; or
- e) the transfer of the personal information is for the benefit of the customer, and it is not reasonably possible to obtain their consent and that if it were possible the customer would be likely to give such consent.

## **15. Guide of South African Human Rights Commission in terms of PAIA**

- 15.1. PAIA allows individuals to request records for the protection of any rights and you must be acting in the public's best interest.
- 15.2. The request above shall be conducted in terms of PAIA's procedures and the rates which has been provided.
- 15.3. The SA Human Rights Commission shall compile a guide which shall be available on their website which shall contain information for the purpose of exercising Constitutional Rights.
- 15.4. The contact details of the Commission are:

<b>Contact body:</b>	The South African Human Rights Commission
<b>Physical Address:</b>	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
<b>Postal Address:</b>	Private Bag 2700, Houghton 2041
<b>Telephone Number:</b>	+27 11 877 3600
<b>E-Mail:</b>	<a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>
<b>Web Site:</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## **16. Subjects & Categories of Record Available only on Request to Access (PAIA)**

The information which Supertech Group holds shall be categorised below. In terms of this section "Personnel" refers to any person who works for or provides services to Supertech Group or any affiliated company which assists in carrying out or conducting a part of the business operations on behalf of Supertech Group. This includes, without limitation, directors (executive and non-executive), permanent, temporary, and part-time staff, service providers as well as contract workers. Supertech is within its right to refuse access to records if the record is confidential and requires the permission of a third party to release such information.

<b>Subject</b>	<b>Category</b>
Companies Act Record	Documents of Incorporation Names and addresses of Directors Memorandum of Incorporation Minutes of meetings of the Board of Directors Documents of Incorporation Names and addresses of Directors
Financial Records	Accounting Records Annual Financial Reports Annual Financial Statements Asset Registers Bank Statements Banking details and bank accounts Banking Records Debtors lists Statements and invoices Ledgers General reconciliation Policies and procedures Rental Agreements Tax Returns



Income Tax Records	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, Levies Skills Development, UIF
Human Resources Division	Address and contact detail lists Disciplinary Policy and Procedure Record of Disciplinary Procedures Employee Benefits Employment Contracts Employment Equity Documents Grievance Procedures Leave Records Medical Aid Records Medical Records Payroll reports Pension Fund Records Safety, Health and Environmental records Salary Records Organisational policies and codes of conduct Training records Training manuals
Sale and Marketing Division	Product Brochures Owner Manuals Field Records Product Sales Record Customer Information and Database Dealer Agreements and Documents Dealership Records
Aftersales Department	Customer Records
IT Department	Processing, Testing and Development Records Disaster Recovery Plan Cyber Protection Hardware Asset Register

	Software Licensing IT Security and Policies
Facilities Department	Physical Security Records Electronic Access & Identity Management Time and Attendance Records
Complaints Department	Complaints and Investigation Records

### 17. Company Record Access Key: PAIA

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(s7)
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information of natural persons that belongs to a Private or Public Body
5	May not be Disclosed	Unreasonable disclosure of personal information or of Natural person [s63(1)] or Juristic Person [POPI]
6	May not be Disclosed	Likely to harm the commercial or financial interests of third party [s64(a)(b)]
7	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(c)]
8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]

10	May not be Disclosed	Legally privileged document [s67]
11	May not be refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be Disclosed	Commercial information of Private Body [s68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be Refused	Disclosure in public interest [s70]

### **18. Categories of records which are available without request**

- 18.1. Certain records of public nature are available without the need to submit a formal application.
- 18.2. This information may be inspected, collected, purchased, or copied at the prescribed fee at our Supertech branches.
- 18.3. An appointment with our Information Officer must be made to view these records.

### **19. Records Available in terms of other legislation**

Supertech Group shall retain records and other documents applicable to its operations in terms of other legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, or contractual agreements the records are required to be available in terms of PAIA. The legislation are as follows:

- a. Auditing Professions Act, No 26 of 2005;
- b. Basic Conditions of Employment Act, No 75 of 1997;
- c. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
- d. Companies Act, No 71 of 2008;

- e. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
- f. Competition Act, No.71 of 2008;
- g. Constitution of the Republic of South Africa 2008;
- h. Copyright Act, No 98 of 1978;
- i. Cybercrimes Act, No 19 of 2020;
- j. Electronic Communications and Transactions Act, No 25 of 2002;
- k. Employment Equity Act, No 55 of 1998;
- l. Financial Intelligence Centre Act, No 38 of 2001;
- m. National Road Traffic Act, No. 93 of 1996;
- n. Income Tax Act, No 58 of 1962;
- o. Intellectual Property Laws Amendment Act, No 38 of 1997;
- p. Labour Relations Act, No 66 of 1995;
- q. Long Term Insurance Act, No 52 of 1998;
- r. Occupational Health & Safety Act, No 85 of 1993;
- s. Pension Funds Act, No 24 of 1956;
- t. Prescription Act, No 68 of 1969;
- u. Prevention of Organised Crime Act, No 121 of 1998;
- v. Promotion of Access to Information Act, No 2 of 2000;
- w. Protection of Personal Information Act, No. 4 of 2013;
- x. Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- y. Value Added Tax Act 89 of 1991
- aa. Short-term Insurance Act No. 53 of 1998;
- bb. Skills Development Levies Act No. 9 of 1999;
- cc. Unemployment Insurance Contributions Act 4 of 2002;
- dd. Unemployment Insurance Act No. 63 of 2001.

## **20. Details to Facilitate for Access to a Record**

- 20.1. A public or private body being the requester must comply with all procedural requirements in terms of POPIA and PAIA when requesting any records.
- 20.2. The requester must complete the prescribed form enclosed herewith and submit same as well as payment of the request fee to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted above.

- 20.3. The prescribed form must be completed with adequate information to enable the Information Officer to identify:
- 20.3.1. The record or records requested; and
  - 20.3.2. The identity of the requester.
- 20.4. The requester must specify a postal address or email address of themselves in the Republic of South Africa and indicate which form of access is required.
- 20.5. The requester must state that he/she requires the information 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.
- 20.6. Supertech Group will process the request within 30 days, unless the requester has stated special reasons to the satisfaction of the Information's Officer that circumstances suggest that 30-day period shall not be complied with.
- 20.7. The requester shall be advised whether access is granted or denied in writing. The requester shall state the manner in which they receive their response from Supertech.
- 20.8. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer, subject to the provisions of PAIA and POPIA.
- 20.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 20.10. The requester must pay the prescribed fee before any further processing can take place.
- 20.11. All information as listed in this clause shall 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 Information Officer can split a record in certain circumstances and grant only access to that portion requested and which is not prohibited from being disclosed.

## **21. Grounds for Refusal of Access to Records**

21.1. Supertech Group is allowed to refuse a request for information.

21.2. In the following circumstances Supertech is obliged to refuse access to records:

- a) Mandatory protection of third party who is a natural person's privacy (s63 of PAIA) if the request to access to a record will involve unreasonable disclosure of personal information of a third party or a deceased as stated in POPIA;
- b) Mandatory protection of personal information and the disclosure of personal information in compliance with the provisions of POPIA, in addition to any other legislative, regulatory or contractual obligations;
- c) Mandatory protection of the commercial information of a third party (section 64 of PAIA) if the record contains:
  - i. Trade secrets of the relevant third party;
  - ii. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the relevant third party;
  - iii. Information disclosed in confidence by a third party to Supertech Group, if the disclosure could place that third party at a disadvantage in negotiations or commercial competition;
- d) Mandatory protection of confidential information of third parties (section 65 of PAIA) if it is protected in terms of any agreement;
- e) Mandatory protection of the safety of individuals and the protection of property (section 66 of PAIA);
- f) Mandatory protection of records which would be regarded as privileged in

legal proceedings; or

- g) Supertech Group may refuse a request for access to a record if the record contains:
  - i. Trade secrets of Supertech Group;
  - ii. Financial, commercial, scientific or technical information which disclosure can cause harm to the financial interest of the Supertech Group;
  - iii. A computer program or application which was developed for Supertech Group, and which is protected by copyright;
  - iv. Research information of Supertech Group or a third party, if disclosure would disclose the identity of the researcher or the subject matter of the research;
  - v. Request for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources, shall be refused.

21.3. All requests for information shall be assessed on its own merits by Supertech Group. The outcome shall be based on legal principles and legislation.

21.4. If a requested record cannot be found or if the record does not exist, the Information Officer at Supertech shall provide an affidavit to affirm the requester that it is not possible to give access to such a record. Should the record be later found the requester shall be notified and provided the information unless the Information Officer refuses such a request.

## **22. Remedies available when a request has been denied**

22.1. Should the requester or a third party be unsatisfied with the outcome of the request, he/she may within 30 days of the decision, apply to a Court for relief.

22.2. In terms of POPIA and PAIA the courts which may be approached are the Constitutional Court, High Court and the Magistrates Court.

### **23. Prescribed request form and fees**

- 23.1. The South African Human Rights Commission is administering the constitutional right of access to information.
- 23.2. PAIA provides for two types of fees which are:
  - a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable;
  - b) An access fee, which is paid by all requesters in the event that the request for access has been granted.
- 23.3. To facilitate the request of access, use the prescribed form C attached in this manual.
- 23.4. A requestor is required to pay the prescribed fee of R50-00 (Fifty Rands Only) before a request will be processed.
- 23.5. If the preparation of the record requested requires more than the prescribed 6 hours, a deposit shall be paid. The amount of the deposit is equal to one third (1/3) of the amount of the applicable access fee.
- 23.6. A requestor may lodge an application with a court against the payment of the request fee or the deposit.
- 23.7. Records will be held if no payment has been made.
- 23.8. Access fee is payable in all instances where a request for access to information has been granted. The applicable access fees which will be payable are:



<b>Access of Information Fees</b>	<b>Fees to be Charged</b>
<i>Information in an A-4 size page photocopy or part thereof</i>	<b>R1.10</b>
<i>A printed copy of an A4-size page or part Thereof</i>	<b>R0.75</b>
<i>A copy in computer-readable format, for example: Stiffy disc Compact disc</i>	<b>R7.50</b> <b>R70.00</b>
<i>A transcription of visual images, in an A4-size page or part thereof</i>	<b>R40.00</b>
<i>A copy of visual images</i>	<b>R60.00</b>
<i>A transcription of an audio record for an A4-size page or part thereof</i>	<b>R20.00</b>
<i>A copy of an audio record *Per hour or part of an hour reasonably required for such search.</i>	<b>R30.00</b>

23.9. Should a copy of a record need to be posted the actual postage fee shall be charged.

#### **24. Decision to Access Records**

In terms of section 56 of PAIA Supertech Group will, within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons if any. Should Supertech Group require an extension on the period in a circumstance that the information held is in another location or the information is large, a request for an extension shall be made. Supertech Group shall notify the requester in writing should an extension be sought.

- 25. Appendix 1: Access Request Form: Form C**
- 26. Appendix 2: Objection to Processing of Personal Information in terms of Section 11(3) of POPIA- Form 1**
- 27. Appendix 3: Request for correction or deletion of personal information or destroying or deletion of record of personal information in terms of section 24(1) of POPI- Form 2**