



© SHOPMAX ONLINE STORE (PTY) LTD

PAIA MANUAL

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 for the **SHOPMAX ONLINE STORE (PTY) LTD** ("the Organisation")

1. APPLICABILITY AND AVAILABILITY OF THIS MANUAL ("Manual")

- 1.1. The Promotion of Access to Information Act, No 2 of 2000 ("**the Act**") 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.
- 1.2. The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet as well as the grounds for refusing requests.
- 1.3. The Act also 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.
- 1.4. This Manual informs requesters of procedural and other requirements which a request for information must meet, and further, this Manual in its entirety is available for inspection, free of charge, at the Organisation's offices and website (see details below).

2. THE ORGANISATION'S CONTACT DETAILS & PAIA HEAD

PAIA Head:

Chief Executive Officer (CEO) / Chairman

Postal Address:

PO Box 4079, Tyger Valley Centre, Bellville 7536

Telephone Number:

+27 (0) 66 508 4401

Website:

<https://www.shopmax.co.za/>

E-mail Address of PAIA Head

legal@shopmax.co.za

3. **SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE**

The South African Human Rights Commission (“**SAHRC**”) is required, as directed by the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC. In this regard, enquiries should be directed to:

The South African Human Rights Commission:

Telephone Number:

(011) 484 8300

Fax Number:

(011) 484 7149

Website:

<http://www.sahrc.org.za>

4. **SECTION 52 NOTICE: VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**

The following information is automatically available, and does not have to be requested in terms of this Manual:

- 4.1. All information on and anything downloadable off the website, BBBEE certificate, banking details, product brochure, services brochure, terms and conditions, privacy policy, returns policy, prices and services offered.

5. **THE ORGANISATION’S RECORDS**

- 5.1. Information is available in terms of the following legislation to the persons or entities specified in such legislation:

- 5.1.1. Companies Act, 71 of 2008
- 5.1.2. Income Tax Act, 58 of 1962
- 5.1.3. Value Added Tax, Act 89 of 1991
- 5.1.4. Broad Based Black Economic Empowerment Act No. 53 of 2003
- 5.1.5. Labour Relations Act, 66 of 1995
- 5.1.6. Basic Conditions of Employment Act, 75 of 1997
- 5.1.7. Employment Equity Act, 55 of 1998
- 5.1.8. Unemployment Insurance Act No. 63 of 2001
- 5.1.9. Unemployment Insurance Contributions Act No. 4 of 2002
- 5.1.10. Skills Development Act No. 97 of 1998
- 5.1.11. Skills Development Levies Act, 9 of 1999
- 5.1.12. Unemployment Insurance Act, 30 of 1966
- 5.1.13. Compensation of Occupational Injuries and Diseases Act, 130 of 1993
- 5.1.14. Occupational Health & Safety Act, 85 of 1993
- 5.1.15. Electronic Communications and Transactions Act, 25 of 2002.
- 5.1.16. Telecommunications Act, 103 of 1996
- 5.1.17. Competition Act No. 89 of 1998
- 5.1.18. Consumer Protection Act No. 68 of 2008
- 5.1.19. Customs and Excise Act No. 91 of 1964
- 5.1.20. National Credit Act No. 34 of 2005
- 5.1.21. Liquor Act No. 27 of 1989
- 5.1.22. Liquor Act No. 59 of 2003
- 5.1.23. Promotion of Access to Information Act No. 2 of 2000 ("PAIA Act")
- 5.1.24. Protection of Personal Information Act 4 of 2013 ("POPI Act")
- 5.1.25. Trade Marks Act No. 194 of 1993

- 5.2. Access to the documents as set out below may be subject to the grounds of refusal, which grounds of refusal are set out in clause 6 below:

- 5.2.1. **Customer Records**

"**Customer**" in the Manual refers to a natural person or juristic entity that buy products or receives services from the Organisation. Customer records include the following:

5.2.1.1. Any such records which may pertain to products sold and/or services rendered by the Organisation including:

5.2.1.1.1. records provided by a third party and which are in the possession of the Organisation;

5.2.1.1.2. records provided by a customer to a third party whilst acting for or on behalf of the Organisation;

5.2.1.1.3. records generated by or within the Organisation relating to its customers.

5.2.2. **Supplier Records**

"Supplier" in the Manual refers to a natural person or juristic entity that provides services or goods to the Organisation. Supplier records include the following:

5.2.2.1. Any such records which may pertain to products bought and/or services received by the Organisation including;

5.2.2.1.1. records provided by a third party and which are in the possession of the Organisation;

5.2.2.1.2. records provided by a supplier to a third party whilst acting for or on behalf of the Organisation;

5.2.2.1.3. records generated by or within the Organisation relating to its suppliers.

5.2.3. **Personnel Records**

"Personnel" in the Manual refers to any person who works for or provides any service to or on behalf of the Organisation and who receives or is entitled to receive remuneration therefrom. Personnel further refers to any other such person who assists in carrying out or conducting the business of the Organisation, and which includes but is not limited to directors, whether executive or non-executive, all permanent, temporary and part-time staff as well as contract workers. Personnel records include inter alia the following:

- 5.2.3.1. personal records which are provided by the personnel themselves and/or by any other third party;
- 5.2.3.2. internal evaluation records as well as other internal records;
- 5.2.3.3. conditions of the Personnel's employment and other personnel-related contractual and legal records;
- 5.2.3.4. correspondence relating to personnel; and
- 5.2.3.5. such training schedules, courses and material as have been provided from time to time.

5.2.4. **Private Body Records**

"Private Body" in this Manual refers to the Organisation, and these are records which include, but are not limited to, records pertaining to the affairs of the Organisation, and which include:

- 5.2.4.1. operational records;
- 5.2.4.2. databases;
- 5.2.4.3. financial records;
- 5.2.4.4. information technology systems and documents;
- 5.2.4.5. internal correspondence;
- 5.2.4.6. marketing records;
- 5.2.4.7. product and/or service records;
- 5.2.4.8. statutory records;

- 5.2.4.9. documentation pertaining to the processing operations as required by section 17 of the Protection of Personal Information Act 4 of 2013;
- 5.2.4.10. internal policies and procedures.

5.3. Records held by third parties as well as those which pertain to third parties

- 5.3.1. Personnel, customer or private body records which are in the possession of another party on the Organisation's behalf.
- 5.3.2. Records held by the Organisation pertaining to other parties, including without limitation, correspondence, financial records, product and service records, contract records, and records which relate to the Organisation's suppliers, contractors and/or service providers.

6. **GROUNDINGS FOR THE REFUSAL OF ACCESS TO RECORDS**

The Organisation may refuse a request for information on, inter alia, the basis of any of the following, as provided for in terms of Chapter 4 of the Act:

- 6.1. The mandatory protection of the privacy of a third party who is a natural person, to avoid the unreasonable disclosure of personal information which concerns such natural person, irrespective of whether such person is alive or deceased at the time of such request.
- 6.2. The mandatory protection of the commercial information of a third party, if the record contains:
 - 6.2.1. trade secrets pertaining to a third party;
 - 6.2.2. financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would or could be likely to cause harm to the commercial or financial interests of that third party; or
 - 6.2.3. 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. 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. The mandatory protection of the safety of individuals, and the protection of property.
- 6.5. The mandatory protection of records which would be privileged from disclosure in legal proceedings.
- 6.6. The protection of the Organisation's commercial activities which shall include but not limited to records which contain:
 - 6.6.1. the Organisation's trade secrets;
 - 6.6.2. financial, commercial, customer, scientific or technical information, which, if disclosed could or would be likely to cause harm to the Organisation's commercial or financial interests;
 - 6.6.3. information, the disclosure of which could reasonably be expected:
 - 6.6.3.1. to put the Organisation at a disadvantage in contractual or other negotiations; or
 - 6.6.3.2. to prejudice the Organisation in commercial competition.
 - 6.6.4. computer programs owned by the Organisation and defined as such in terms of the Copyright Act, No 98 of 1978.
- 6.7. The mandatory protection of research information of the Organisation or a third party, if disclosure would expose the identity of the Organisation or the third party, the researcher or the subject matter of the research to serious disadvantage.
- 6.8. Requests for information that are, in the Organisation's reasonable opinion, manifestly frivolous or vexatious or which involve a substantial and unreasonable diversion of resources.

7. REQUEST PROCEDURE

- 7.1. The formal request forms are accessible on the website of the Department of Justice and Constitutional Development (www.justice.gov.za) – **Form C (J752)**.
- 7.2. A requester requiring access to information held by the Organisation is to make such a request in the prescribed form and submit the request, together with the prescribed fee and deposit, if applicable, to the Organisation's PAIA Head at the post, physical or email address as set out in clause 2 above.
- 7.3. The prescribed form is attached or available on request from the PAIA Head, and which must be completed with enough particularity to enable the Organisation to identify:
 - 7.3.1. the record/s requested;
 - 7.3.2. the identity of the requester;
 - 7.3.3. the form of access required, if the request is granted;
 - 7.3.4. the physical, postal address, fax number and email address of the requester.
- 7.4. The requester must:
 - 7.4.1. state that the record is required in order to exercise or protect a right; and
 - 7.4.2. provide details of the nature of the right to be exercised or protected.
- 7.5. Subject to the Organisation's rights which pertain any extension as set out in the Act relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt of a request unless the requester has submitted special reasons to the Organisation, which the Organisation's reasonable satisfaction, support that the above time periods be dispensed with.
- 7.6. The Organisation will give the requestor written notice of its decision as to whether the request is granted, which written notice shall include the reasons for denying such request, should such request be declined.

- 7.7. The said 30 (thirty) day period may be extended for a further period not exceeding 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 (thirty) day period. The PAIA Head will notify the requester in writing should an extension be sought.
- 7.8. If a request is made on behalf of another person, such requester must submit, to the reasonable satisfaction of the Organisation, proof of the capacity in which the requester is making the request.
- 7.9. If an individual is unable to submit a request in the prescribed form on account of illiteracy or disability, such a person is entitled to make the request orally.
- 7.10. The requester is required to pay the prescribed fee, and deposit where applicable, before the request will be considered.

8. ACCESS TO RECORDS

- 8.1. In terms of the Act, a requestor will only be given access to a record held by the Organisation if:
- 8.1.1. the record is required for the exercise or protection of a right;
 - 8.1.2. the requestor has complied with all procedural requirements, set out herein and in terms of the Act, relating to a request for access to a particular record including making the request in the prescribed format; and
 - 8.1.3. access to that record is not refused on a ground for refusal as provided for in terms of the Act.

9. REMEDIES AVAILABLE SHOULD THE ORGANISATION REFUSE A REQUEST

9.1. Internal Remedies

The Organisation does not have any internal appeal procedures.

9.2. External Remedies

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

10. FEES

- 10.1. The prescribed fees can be obtained on the Department of Justice and Constitutional Development (www.justice.gov.za) and SAHRC websites (www.sahrc.org.za).
- 10.2. The prescribed request fee payable by a requester referred to in section 54(1) of the Act, is **R50**.
- 10.3. When a request is received by the Organisation it will require the requester, on notice, other than a personal request made in respect of a person's own personal records, to pay the prescribed request fee (if any), before further processing the request.
- 10.4. If the search for the record has been made and the preparation of the record for disclosure would require more time than that prescribed for this purpose, the PAIA Head will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would then be payable if the request is granted.
- 10.5. The Organisation will withhold a record until the requester has paid the prescribed fees together with the deposit, where applicable.
- 10.6. A requester whose request for access to a record has been granted, must pay an access fee for reproduction as well as for the search and preparation thereof, and for the time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.
- 10.7. If a deposit has been paid in respect of a request which is refused, then the Organisation shall repay the deposit to the requester.



FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

The Head:

B. Particulars of person requesting access to the record

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

Full names and surname:

[illegible]

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

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

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

[illegible]

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X . NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form. (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	Form in which record is required:
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1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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G. Particulars of right to be exercised or protected

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

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

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

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H. Notice of decision regarding request for access

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

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

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Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE