



PAIA Manual

Prepared in terms of Section 51 of the Promotion of Access to Information Act, Act No. 2 of 2000 and Section 25 of the Protection of Personal Information Act, Act No. 4 of 2013

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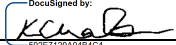
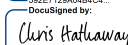
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Version	Date	Revision Author	Summary of changes

Distribution

Name	Title
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Approval

Name	Position	Signature	Date
Kelly Chalom	Head of Legal & Compliance		26 July 2021
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1 Introduction

1.1 Purpose

The purpose of this PAIA Manual is to *foster a culture of transparency and accountability by giving effect to the right of access to information in terms of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA") and the Protection of Personal Information Act, No 4 of 2013 ("POPIA")*. In order to give effect to individuals' right to data privacy, it is necessary that they understand their rights with respect to their personal information and be empowered to enforce those rights.

However, Section 9 of PAIA recognises that the right to access information is not absolute and should be subject to justifiable limitations, including, but not limited to:

1. Limitations aimed at the reasonable protection of the privacy of others;
2. Commercial confidentiality; and
3. Effective, efficient and good corporate governance; and
4. In a manner which balances the individual's rights with any other rights, including those entrenched in the Bill of Rights, Chapter 2 of the Constitution of the Republic of South Africa, Act 108 of 1996.

This PAIA Manual complies with the requirements of both PAIA and the POPIA and, among other things, defines the manner in which individuals can exercise their right to access their personal information as well as the limitations imposed by the legislation on doing so.

1.2 Scope

This PAIA Manual was prepared in accordance with Section 51 of PAIA and to address requirements of POPIA. This PAIA Manual applies to Cloud Essentials (Proprietary) Limited (Cloud Essentials) which forms part of the Cloud Essentials Group. The Group consists of CloudEssentials (Proprietary) Limited, Cloud Essentials Limited (United Kingdom) and Salient Discovery (Proprietary) Limited and Salient Discovery Limited (United Kingdom). For the purpose of this manual each South African entity within the Cloud Essentials Group will have its own PAIA Manual in accordance with the requirements of the POPIA.

CloudEssentials (Proprietary) Limited	Registration Number:	2007/017898/07
Cloud Essentials Limited (United Kingdom)	Registration Number:	10647511
Salient Discovery (Proprietary) Limited	Registration Number:	2019/104188/07
Salient Discovery Limited (United Kingdom)	Registration Number:	11716370

Section 17 of POPIA requires that all Responsible Parties (that are private bodies) maintain documentation of all processing under their responsibility in the manner referred to in Section 51 of the PAIA. POPIA furthermore requires, in Section 25, that the manner of access to records held by the Responsible Party (that is a private body), must be detailed in accordance with Section 53 of PAIA.

Subject to the exclusion below, this PAIA Manual applies to all records under the management and control of Cloud Essentials regardless of when the record came into existence, in accordance with Section 3 of the PAIA.

This PAIA Manual will not apply to *records required for criminal or civil proceedings where the request is made after commencement of those proceedings and where the production of or access to that record is provided for in another law.*

1.3 Glossary of Terms

Access Fee:	This is the fee paid by the Data Subject to Cloud Essentials to cover the costs of providing the record(s) required.
Data Subject:	The person to whom the personal information relates.
Deputy Information Officer:	The Deputy Information Officer (DIO) is the person designated by the Information Officer of Cloud Essentials to assist the Information Officer with fulfilment of their responsibilities in terms of POPIA which may include responding to Data Subject requests.
Human Rights Commission:	The South African Human Rights Commission referred to in section 181(1)(b) of the Constitution.
Information Officer:	<p>An information officer is responsible for the encouragement of compliance, by the body, with the conditions for the lawful processing of personal information, dealing with requests made to the body pursuant to this Act; working with the Regulator in relation to investigations conducted in relation to the body, otherwise ensuring compliance by the body with the provisions of this Act¹.</p> <p>In the case of any other private body the Information Officer means the head of a private body as contemplated in section 1 of the PAIA.</p>
Juristic person:	A company or body which is recognised by law as an entity or 'person' having rights and duties.
Natural person:	A real person, as opposed to a legal or juristic person such as a corporation.
Personal Information:	<p>Information about an identifiable individual, including, but not limited to -</p> <ul style="list-style-type: none"> (a) information relating to the race, gender, sex, pregnancy, marital status national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual; (b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved; (c) any identifying number, symbol or other particular assigned to the individual; (d) the address, fingerprints or blood type of the individual; (e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual; (f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; (g) the views or opinions of another individual about the individual;

¹ Section 55 (1) of POPIA

	(h) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual, but excludes information about an individual who has been dead for more than 20 years;
Private Body:	A natural person who carries or has carried on any trade, business or profession, but only in such capacity; or a partnership which carries or has carried on any trade, business or profession; or former or existing juristic person but excludes a public body.
Record:	A any recorded information – (a) regardless of form or medium; (b) in the possession or under the control of that public or private body, respectively; and (c) whether or not it was created by that public or private body, respectively;
Requestor:	For a private body, means any natural or juristic person requesting access to information on behalf of a data subject.
Request fee:	The fee to be paid for making a request for access to information. For an information request to a private body there is a standard fee of R50. (For more information on request fees and the exemptions see Annexure A: Cost of Requesting Records of this Manual).
Third party:	Any natural or juristic person who is not the Data Subject of the information, nor the body to whom the information request is made.

2 Publication and Availability of Certain Records

2.1 Head of the Private Body – Section 51(1)(a)

Cloud Essentials is managed by two managing partners, the Commercial Director and Operational Director. For the purpose of this manual, the Operational Director has been designated as the Information Officer. The contact information for the Information officer i.e., Head of the Private Body, as provided for in Section 51 (1)(a) of the PAIA is presented below.

Table 1: Contact Details: Cloud Essentials

Designation	Operational Director
Name & Surname	Chris Hathaway
Postal Address	PO Box 13139, Woodstock, 7915
Principal Place of Business	Unit 12 Somerset House, 11 York Street, Kensington B, Randburg, 2195
Email address	privacy@cloudessentials.com
Telephone Contact	010 591 2323
Website	www.cloudessentials.com

2.1.1 The Information Officer

The appointment of an Information Officer for a private body is provided for in the POPIA to allow for processing of requests made to the private body pursuant of the POPIA and the development, monitoring, maintenance, and publication of a manual as prescribed in Section 51 of PAIA. The Information Officer is responsible for receiving, assessing, processing, and granting or refusing requests for access to information of the private body.

Section 1 of the PAIA determines that the head of a private body is automatically designated as the Information Officer for an organisation. Cloud Essentials has opted to assign the duty of Information Officer to the Operations Director in his capacity as the head of the private body.

2.1.1.1 *Cloud Essentials' Information Officer*

The Information Officer appointed in terms of the PAIA also refers to the Information Officer as referred to in the POPIA.

Cloud Essentials' Information Officer oversees the functions and responsibilities as required for in terms of both this Acts and will take up his duties upon registering with the Information Regulator.

All request for information in terms of the POPIA must be addressed to the Information Officer.

Table 2: Contact Details: Cloud Essentials' Information Officer

Designation	Operational Director
Name & Surname	Chris Hathaway
Postal Address	PO Box 13139, Woodstock, 7915
Principal Place of Business	Unit 12 Somerset House, 11 York Street, Kensington B, Randburg, 2195
Email address	privacy@cloudessentials.com
Telephone Contact	010 591 2323
Website	www.cloudessentials.com

2.1.1.2 Cloud Essentials' Deputy Information Officer

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of POPIA.

The Information Officer has designated the Head of Legal and Compliance at Cloud Essentials as the Deputy Information Officer.

This will render Cloud Essentials as accessible to Data Subjects as reasonably possible in order to ensure fulfilment of the private body's obligations and responsibilities as prescribed in terms of Section 55 of POPIA and Regulation GNR 1383.

Table 3: Contact Details: Cloud Essentials' Deputy Information Officer

Designation	Head of Legal & Compliance
Name & Surname	Kelly Chalom
Postal Address	PO Box 13139, Woodstock, 7915
Principal Place of Business	Unit 12 Somerset House, 11 York Street, Kensington B, Randburg, JHB, 2195
Email address	privacy@cloudessentials.com
Telephone Contact	010 591 2323
Website	www.cloudessentials.com

2.2 PAIA and POPIA integration – Section 51(1)(b)

2.1.2 Guide on how to use PAIA – Section 51(1)(b)(i)

PAIA grants a Data Subject access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Data Subjects are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission and to be updated and made available by the Information

Regulator², which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC and all queries should be directed:

Table 4: Contact Details: SA Human Rights Commission

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27(0)11-877 3600
Fax Number:	+27(0)11-403 0625
Website:	www.sahrc.org.za
Email Address:	Section51.paia@sahrc.org.za

2.1.3 Information Regulator

Any queries where you believe Cloud Essentials has not adequately dealt with your request, or to lodge a complaint should be directed to:

Table 5: Contact Details: Information Regulator

Physical Address:	JD House, 27 Stiemens Street, Braamfontein, 2001
Postal Address	P.O Box 31533, Braamfontein, 2017
Contact Number:	-
Fax Number:	-
Website:	https://www.justice.gov.za/infoereg/index.html
Email Address:	infoereg@justice.gov.za complaints.IR@justice.gov.za

2.1.4 Voluntary Disclosure and Automatic availability of certain records – Section 51(1)(b)(ii)

Records of a public nature, typically those disclosed on the Cloud Essentials website and in its various annual reports, may be accessed without the need to submit a formal access request application.

Table 6: Applicable Legislation

No	Reference	The Act
1.	No. 75 of 1997	Basic Conditions of Employment Act
2.	No. 75 of 1997	Broad- Based Black Economic Empowerment Act
3.	No. 71 of 2008	Companies Act
4.	No. 130 of 1993	Compensation for Occupational Injuries & Diseases Act
5.	2008	Constitution of the Republic of South Africa
6.	No 68 of 2008	Consumer Protection Act
7.	No. 98 of 1978	Copyright Act
8.	No. 91 of 1964	Customs & Excise Act
9.	B6-2017	Cybercrimes Act

² Three years from commencement of this section 110 of POPIA. Date of Commencement: 1 July 2021

No	Reference	The Act
10.	No. 57 of 2002	Disaster Management Act
11.	No. 36 of 2005	Electronic Communications Act
12.	No. 25 of 2002	Electronic Communications and Transactions Act
13.	No. 55 of 1998	Employment Equity Act
14.	No. 58 of 1962	Income Tax Act
15.	No. 66 of 1995	Labour Relations Act
16.	No. 34 of 2005	National Credit Act
17.	No. 85 of 1993	Occupational Health & Safety Act
18.	No. 2 of 2000	Promotion of Access to Information Act
19.	No. 4 of 2013	Protection of Personal Information Act
20.	No. 26 of 2000	Protected Disclosures Act
21.	No. 9 of 1999	Skills Development Levies Act
22.	No. 4 of 2002	Unemployment Insurance Contributions Act
23.	30 of 1966	Unemployment Insurance Act
24.	89 of 1991	Value Added Tax Act ³

2.1.5 Records available without being requested – Section 51(1)(b)(ii)

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

2.1.6 Available records in terms of other legislation – Section 51(1)(b)(iii)

Cloud Essentials retains records in terms of the legislation listed in Section 2.1.4 with respect to its operations. Records that are required to be made available in terms of the Acts listed, will only be made available for inspection by interested parties in terms of the conditions of the PAIA, should the disclosure of the information not be prohibited in terms of any applicable legislation, regulations, contractual agreements, or other legally binding conditions.

A request to access these records must be submitted in accordance with the prescriptions of the PAIA and as set out in this PAIA Manual.

Should a Data Subject suppose that a right of access to a record exists in terms of any legislation other than that provided for above, the Data Subject needs to specify the legislation upon which the request is based including the specific provision of that legislation granting that Data Subject the right alleged in order to afford the Information Officer the opportunity to consider and evaluate the request on its merit.

The right of access to all records may be subject to the grounds of refusal set out in this PAIA Manual as well as those outlined in PAIA.

Table 7: Type of Record and Availability

No	Categories of Records/ Information held	Type of Record/ Information held	Availability
1.	Company Secretarial	Company documents:	Not automatically available

³ Disclaimer: Although Cloud Essentials has endeavoured to supply a complete and relevant list of applicable legislation, it is possible that this list may omit some legislation or regulations. Cloud Essentials will update the list accordingly should it come to our attention that existing or new legislation allows a Data Subject access on a basis other than as set out in PAIA.

No	Categories of Records/ Information held	Type of Record/ Information held	Availability
		<ul style="list-style-type: none"> - memorandum of incorporation - minutes - statutory returns - powers of attorney and - share certificates 	
2.	Legal Information	Agreements with customers	Not automatically available
		Agreements with vendors	Not automatically available
		Agreements with other third parties	Not automatically available
3.	Compliance Services	Information Security Management System documentation	Not automatically available
		PAIA Manual	Automatically available on the Cloud Essentials Website, at our physical address or on request
4.	Moveable and Immoveable property	Hire agreements or hire-purchase agreements	Not automatically available
		Sale Agreements	Not automatically available
		Lease agreements	Not automatically available
		Credit sale agreements	Not automatically available
5.	Intellectual Property	Trademarks	Not automatically available
		Designs and logos	Not automatically available
		Know-how and resource	Not automatically available
		Licensing agreements	Not automatically available
6.	Insurance	Policies	Not automatically available
		Insurance claims	Not automatically available
7.	Tax	PAYE records	Not automatically available
		Records of payments made to SARS on behalf of employees	Not automatically available
		Documents issued to employees for income tax purposes	Not automatically available
		Private body tax returns	Not automatically available
		VAT returns	Not automatically available
		Skills Development Levies	Not automatically available
		UIF submissions	Not automatically available
8.	Finance and Accounting	Accounting records	Not automatically available
		Financial statements, reports and returns	Not automatically available
		Asset Register	Not automatically available
		Bank statements	Not automatically available
		Banking details	Not automatically available
		Debtors/creditors statements	Not automatically available
		Invoices	Not automatically available
		Annual financial statements	Not automatically available
9.	Human Resources	Sales Forecasts	Not automatically available
		Policies and procedures	Not automatically available
		Employee contact information	Not automatically available

No	Categories of Records/ Information held	Type of Record/ Information held	Availability
		Personnel files with performance and disciplinary information	Not automatically available
		Employment contracts	Not automatically available
		Forms and applications	Not automatically available
		Training records	Not automatically available
		Workplace agreements	Not automatically available
		Benefit arrangements rules and records	Not automatically available
		Salary and claims information	Not automatically available
		BBBEE certification	Not automatically available
		Disability Information	Not automatically available
		Health and safety reporting	Not automatically available
		Leave records	Not automatically available
10.	Operations	Standard operating procedures	Not automatically available
		Operational policies	Not automatically available
		Reports and supporting documentation	Not automatically available
		Client information	Not automatically available
		Supplier information	Not automatically available
		Contractor information	Not automatically available
11.	Sales	Pricing Information	Not automatically available
		Sales policies and procedures	Not automatically available
		General correspondence	Not automatically available
		Product/Service Sales Records	Not automatically available
		Customer Information	Not automatically available
12.	Marketing	Category of services	Automatically available
		Website	Automatically available
		Brochures	Automatically available
		Press releases	Automatically available
		Blog posts	Automatically available
		Articles and publications	Automatically available
		Promotional material	Automatically available
		Statistical information on the market	Not automatically available
		Services or purchase Information	Not automatically available
13.	Information Technology	System documentation and performance records	Not automatically available
		User Manuals	Not automatically available
		Disaster recovery and implementation plans	Not automatically available
		IT policies and procedures	Not automatically available
		Configuration setups	Not automatically available
		General correspondence	Not automatically available
		Network diagrams	Not automatically available
		Asset registers	Not automatically available
14.	Health and Security	CCTV footage	Not automatically available
		Access control (physical) records	Not automatically available

No	Categories of Records/ Information held	Type of Record/ Information held	Availability
		Information related to health and safety	Not automatically available
		Information related to fire response	Not automatically available
		Policies and procedures	Not automatically available
15.	General Communication	Communication records (such as customer reviews and service ratings, general electronic enquiries etc.)	Not automatically available

2.1.7 Form of Request of Access to Information – Section 51(1)(b)(iv)

2.2.1.1 Form of Request for Access to a Record

In order for Cloud Essentials to facilitate the processing of a Data Subject's request the Data Subject must:

- Complete the prescribed form ([click here](#)), which must contain the information outlined in clause 2.2.1.3;
- Provide adequate proof of their identity and, where requesting access on behalf of another, adequate proof of the capacity in which they are making the request to the satisfaction of the Information Officer.
- Make payment to Cloud Essentials of any required deposit in terms of clause 2.2.1.2.

2.2.1.2 Cost of Request

- A data subject, having provided adequate proof of identity, has the right to request that Cloud Essentials confirm, free of charge, whether or not their personal information is being held by the company.
- Should a data subject, request that Cloud Essentials provide the record or a description of the personal information that is being held by the company and/or information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information within the previous 30 days, this information can be requested at a prescribed fee in an electronic or hard copy format.
- In the event of the information detailed in clause 2.2.1.3 being provided, Cloud Essentials will give the Data Subject a written estimate of the fee, including any deposit payable, before providing the Data subject with the record or a description of the personal information it holds.
- Cloud Essentials may require the applicant to pay a deposit for all or part of the fee.
- Where applicable, and where access to the record is granted, the Data Subject will be required to make payment of the request fee into the bank account detailed in the estimate provided. Proof of payment must be submitted to the Information Officer or the Deputy Information Officer at the physical address or electronic mail address as noted in Section 2.1.1.

2.2.1.3 Prescribed Form

The prescribed form ([click here](#)) must be completed with relevant and sufficient information to enable the Information Officer to identify:

- the record or records requested by the Data Subject;
- the identity of the Data Subject;
- the form of access required:

- specify the postal address, fax number and/ or electronic mail address of the Data Subject in the Republic;
- If the Data Subject wishes to be informed of the decision in any specific manner (in addition to written format), the manner and particulars thereof; and
- the right that the Data Subject wishes to exercise or protect with a clear and specific motivation or explanation of the reason why the record is necessary to exercise or protect such a right.

2.2.1.4 *Prerequisites for Access to Records by Data Subjects*

- Records or a description of information held by Cloud Essentials may be accessed by requests only once the requirements for access have been met.
- Categories of Requesters
- A first party Data Subject is a Data Subject who is seeking access to a record containing personal information about the Data Subject seeking access.
- Cloud Essentials will provide the requested information or record regarding the Data Subject's personal information, unless it may or must lawfully be refused
- Representatives may make a request on behalf of the Data Subject(s).
- This access request is submitted by someone other than a first party Data Subject, who may be entitled to request access to the personal information of a Data Subject.
- In considering such a request, Cloud Essentials will adhere to the provisions of the Section 71 of the PAIA. Where required, the Information Officer will take all reasonable steps to inform the Data Subject to whom the requested record relates of the access request, informing them that they may make a written or oral representations to the Information Officer regarding why the request should be refused or may, where required, give written consent for the disclosure of the Information to the requesting third party.
- Third Party who requests information about a Data Subject;
- This access request is submitted by a third party, who may be entitled to request access to information relating to a Data Subject.
- In considering such a request, the Information Officer will take all reasonable steps to inform the Data Subject to whom the requested record relates of the access request, informing them that they may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.
- A Public Body who requests information in the public interest.

2.2.1.5 *Processing of a Request for Access to a Record by Cloud Essentials*

- Cloud Essentials will process the request for access within 30 (thirty) days of receipt, unless the Data Subject has provided, to the satisfaction of the Information Officer, adequate justification for an earlier response (including supporting documentation where required).
- The Data Subject shall be informed by the Information Officer by electronic mail or (where no such address is in the possession of Cloud Essentials) by telephone or by post whether access to the record(s) will be granted or whether the request has been refused. Should the Data Subject require a motivation for the decision to be made in any manner other than the communication channels outlined herein, the Data Subject will be obliged to define the manner and the particulars required.
- Should a Data Subject not be able to complete the prescribed form due to illiteracy or a disability, such a person has the right to make the request orally in person or telephonically to the Information Officer or Deputy Information Officer.
- For Cloud Essentials to process the request for access to a record, the Data Subject must pay the prescribed fee (refer to Annexure A: Cost of Requesting Records).

- Should all the information, as required by this section not be provided to the Information Officer, the process will be delayed until such time as the required information has been provided. The prescribed period will only commence once the Data Subject has provided all the relevant and necessary information to the Information Officer.

2.2.1.6 *Records that cannot be found or do not exist*

- Should Cloud Essentials have taken all reasonable and practicable steps to locate a record that has been requested but is unable to find the record or if there are reasonable grounds to believe the record does not exist, the Data Subject will be notified in an official⁴ manner that the record cannot be accessed.
- The notification will detail the steps taken by Cloud Essentials to retrieve the requested record or determine if the record exists and all relevant communications of the team that undertook the investigation on behalf of Cloud Essentials.
- In accordance with PAIA the notification issued by Cloud Essentials in terms of 2.2.1.7 will be categorised as a decision to refuse a request for access to the record concerned.
- In the event that the record is found after the notice was issued to the Data Subject, Cloud Essentials will provide the Data Subject with access to the record unless access is refused on a ground for refusal contemplated in this PAIA Manual.

2.2.1.7 *Refusal of Access to Records*

- Should a request for access to records be refused by the Information Officer, the notification to the Data Subject must:
 - State the reasons for refusal;
 - Exclude any reference to the content of the record; and
 - Notify the Data Subject of their right to apply to the Courts against the refusal of the access request (Refer to Section 2.2.1.8.)
- Cloud Essentials is entitled to refuse a request for information based on the following grounds:
 - mandatory protection of the privacy of a third party who is a natural person including a deceased person⁵ or a juristic person⁶ which would involve the unreasonable disclosure of personal information of that natural or juristic person;
 - mandatory protection of the commercial information of a third party⁷ if the record contains:
 - trade secrets of the third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to Cloud Essentials, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition or could prejudice a third party in commercial competition.
 - mandatory protection of certain confidential information of third parties⁸ if it is protected in terms of any agreement;
 - mandatory protection of the safety of individuals and the protection of property⁹;

⁴ By means of an affidavit or affirmation from the Operations Director.

⁵ PAIA, Act 2 of 2000 Section 63

⁶ As provided for under POPIA Act 4 of 2013

⁷ PAIA, Act 2 of 2000 Section 64

⁸ PAIA, Act 2 of 2000 Section 65

⁹ PAIA, Act 2 of 2000 Section 66

- mandatory protection of records which would be regarded as privileged in legal proceedings¹⁰;
- commercial activities¹¹ of a private body, which may include:
 - trade secrets;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Cloud Essentials
 - information which, if disclosed could put Cloud Essentials at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by Cloud Essentials, and which is protected by copyright;
- mandatory protection of research information of a third party and of the private body where disclosure could possibly disclose the third party or private body or the party that is undertaking the research on their behalf or the subject matter of the research;
- mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- All requests for information will be assessed based on their own merits and in accordance with the relevant legislation.

2.2.1.8 Remedies Available When a Request is Refused

Internal Remedies

- This PAIA Manual does not provide for an internal appeals procedure and the decision made by the Information Officer is regarded as final. Should a Data Subjects not be satisfied with the outcome of the decision, or should a request be refused, they will have to exercise appropriate external remedies at their disposal.

External Remedies

- Within 30 days of notification of the decision, a Data Subject may apply to the Courts for relief, should they be dissatisfied with the Information Officer's decision to disclose information to a third party or to refuse access to required information. Should the access request have been submitted by a requester (third party), they may within 30 days of notification of the decision apply to the Courts for relief, should they be dissatisfied with the Information Officer's decision to disclose or refuse information.

2.3 Protection of Personal Information Inclusion – Section 51(1)(c)

2.1.8 Purpose of processing

2.3.1.1 For employees:

- Verification of applicant employees' information during recruitment process:
 - Credit check;
 - Criminal check; and
 - Reference check (if required).
- Performing duties in terms of any agreement with employees.
- General matters relating to employees and dependents, where applicable:

¹⁰ PAIA, Act 2 of 2000 Section 67

¹¹ PAIA, Act 2 of 2000 Section 68

- Payroll
- Disciplinary action
- Training
- Updating information of employees or dependents, where applicable.
- Any other reasonably required purpose relating to the employment or possible employment relationship.

2.3.1.2 *For agents, vendors and suppliers:*

- Processing contact information for initial first contact with Cloud Essentials.
- Verifying information and performing required checks, where applicable.
- Verification of applicant employees' information during recruitment process:
 - Credit check;
 - Criminal check; and
 - Reference check (if required).
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties.
- Updating information of the customer.
- Payment of invoices.
- Complying with the regulatory and other obligations of Cloud Essentials.
- Any other reasonably required purpose relating to the Cloud Essentials service requirements.

2.3.1.3 *For prospective customers and existing customers:*

- Processing contact information for initial first contact.
- Verification of information.
- Updating of information.
- Direct marketing to existing customers.
- Performing duties in terms of any agreement with customers.
- Manage customer accounts and any applications, agreement or correspondence customers may have with Cloud Essentials.
- Communicating (including direct marketing) with customers by email, SMS, letter, telephone or in any other way about services and products offered by Cloud Essentials, unless customers indicate otherwise.
- To identify, develop or improve products, that may be of interest to customers based on feedback received or communications.
- Carrying out market research with respect to products and services delivered and potential new customer segments to be targeted.
- Performing other administrative and operational purposes including the testing of systems
- Customer data repositories when using one of the Cloud Essentials' services such as migration or archiving.
- Recovering any debt that customers may owe the Cloud Essentials.
- Complying with the regulatory and other obligations of Cloud Essentials.
- Any other reasonably required purpose relating to the Cloud Essentials service requirements.

2.1.9 Description of categories of information

Categories of individual or juristic persons	Categories of information held	Availability
Employees	<p>Contact Details:</p> <ul style="list-style-type: none"> • Postal address • Street address • Contact number • Email address <p>Identification Information:</p> <ul style="list-style-type: none"> • ID number and document • Passports • VISA <p>Employment history and references</p> <p>Banking and financial details:</p> <ul style="list-style-type: none"> • Income tax details/reference number • Payroll records • Details of payments to third parties (deductions from salary) • Pension Fund records • Salary records <p>Employment equity plans</p> <p>Employment contracts</p> <p>Medical information:</p> <ul style="list-style-type: none"> • Medical aid records • Sick leave notes • Doctor's certificates <p>Employee Performance records:</p> <ul style="list-style-type: none"> • Performance appraisals • Disciplinary records <p>Training records and qualifications</p> <p>CV and educational history</p> <p>Employment history,</p> <p>Time and attendance records:</p> <ul style="list-style-type: none"> • Electronic access records • Physical access records • Leave records <p>CCTV records</p> <p>Photographs</p> <p>Health and safety records</p> <p>Disability information</p> <p>Ethnic group</p> <p>Nationality</p> <p>Language</p> <p>Age</p> <p>Gender</p> <p>Marital status</p> <p>Health information (COVID)</p>	Not automatically available

Categories of individual or juristic persons	Categories of information held	Availability
	Browsing habits and click patterns on Cloud Essentials' websites ¹² .	
Customers and prospective customers	Contact Details: <ul style="list-style-type: none"> • Postal address • Street address • Contact number • Email address Customer Details: <ul style="list-style-type: none"> • Customer contact name • Title Financial information: <ul style="list-style-type: none"> • Tax number • Banking details • Company registration information Identification Information: <ul style="list-style-type: none"> • ID number and document • Passports • Company registration information Browsing habits and click patterns on Cloud Essentials' websites ¹³ . CCTV records	Not automatically available
Vendors/ suppliers/ other businesses	Entity name Registration number VAT number Tax information Registration details Contact Details: <ul style="list-style-type: none"> • Postal address • Street address • Contact number • Email address Identity and/or company information and directors' information Banking and financial information BBBEE certificates Health information (for COVID Screening) CCTV records	Not automatically available
New Job Applicants <i>(Should it be a direct hire and not via an external third party)</i>	Name, ID number, contact details: <ul style="list-style-type: none"> • Street address • Contact number • Email address Marital status Educational history	Not automatically available

¹² This may be applicable to anyone visiting the Cloud Essentials website such as existing customers, prospective customers, current employees and prospective employees.

¹³ This may be applicable to anyone visiting the Cloud Essentials website such as existing customers, prospective customers, current employees and prospective employees.

Categories of individual or juristic persons	Categories of information held	Availability
	Skills Employment history Current remuneration Disability for purposes of indicating where Cloud Essentials must adapt the working environment to accommodate the candidate. Passport and working permit for non-South African candidates	
Website Visitors	Physical access records Electronic access records IP Address Contact details such as name, surname, contact phone numbers, email addresses, job title and company information Information provided as part of an enquiry Comments regarding blog articles as posted on the website or on social media platforms Website cookie data	Not automatically available

2.1.10 Recipients or categories of recipients who may receive personal information

- Employees, contractors and temporary staff.
- Agents, suppliers and vendors that provide Cloud Essentials with products or services.
- All payment systems that Cloud Essentials use to process financial information of its employees and agents, suppliers and vendors.
- Regulatory authorities or other government agencies such as tax authorities, where Cloud Essentials has a legal obligation to share information.
- Third parties to whom payments are made on behalf of employees where consent is obtained or where legally obliged to do so.
- Third parties to whom payments are made on behalf of customers.
- Any organisation used to collect payments and recover debts on Cloud Essentials' behalf.
- Other individuals or organisations appointed by Cloud Essentials to provide a service on its behalf subject to the consent of the Data Subject or the existence of another basis for lawful processing.

2.1.11 Transborder Flow of Personal Information

- Personal Information may be transmitted across border to suppliers and/or, vendors of Cloud Essentials that are in countries other than South Africa.
- Personal Information may be stored in data centers that are hosted outside of South Africa.
- Cloud Essentials will take the necessary steps to ensure that all service providers and third-party operators are bound by laws, binding corporate rules or data protection and privacy agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

2.1.12 General description information security measures to be implemented

Cloud Essentials has taken reasonable and practicable precautions to protect all personal information under its control and management from intentional and accidental misuse, loss, unauthorised access, modification or disclosure, by implementing a combination of logical access controls, technical safeguards and administrative (people and process) control measures.

The technical security controls implemented include (but are not limited to) the following:

- Personal information will be stored in one of the following environments:
 - Microsoft Office 365: for further information on how Microsoft protects data within Office 365 see Microsoft's independent audit reports in the Microsoft Service Trust Portal (<https://servicetrust.microsoft.com/>).
 - Sage Pastel: The Sage Pastel server has been deployed on Cloud Essentials' Microsoft Azure tenant in the South Africa North data center. For further information on how Microsoft protects data within Office 365 see Microsoft's independent audit reports in the Microsoft Service Trust Portal (<https://servicetrust.microsoft.com/>).
 - Access to customer data is role-based and is granted to Cloud Essentials personnel on a least privilege basis – this means that access will only be given to employees that require such access to perform their duties.
- All personnel wanting to access Office 365 are required to authenticate using Microsoft's Multi-factor Authentication which means that they must log in with their unique username and password as well as another authentication factor such as a one-time-pin or a temporary code generated by the Microsoft Authenticator App.
- Cloud Essentials uses Microsoft Defender which incorporates Advanced Threat Protection for protection against malware, phishing and other malicious activity. Also included is a URL scanning capability to ensure that links clicked by employees are safe before the user is directed to the destination site.
- Employee behaviour is governed by a variety of policies such as the Cloud Essentials Information Security Policy, Bring Your own Device Policy, and Acceptable Usage Policy and all employees are required to sign Confidentiality and Non-Disclosure Agreements as a condition of their employment.
- Any employee mobile devices that are used to access data within Office 365 are required to register their devices with Microsoft Intune which the organisation uses to manage those devices and to revoke access on termination of employment.
- Although the company policy stipulates that no data may be stored on users' endpoint devices, all devices are protected using Microsoft BitLocker.
- Cloud Essentials has adopted a classification taxonomy and leverages Microsoft Azure Information Protection to label, encrypt and protect high risk and sensitive information including personal information.

2.4 Review and Update of the PAIA Manual – Section 51(2)

This PAIA Manual is made available in terms of Government Notice Regulation Number R.1383 of 14 December 2018. Cloud Essentials will update the PAIA Manual either on an annual basis or at such intervals as may be deemed necessary by changes in legislative and regulatory requirements or significant changes in the company's processing of personal information.

2.5 Availability of PAIA Manual – Section 51(3)

This manual is available for inspection by the general public by the following means:

- An electronic copy is available on the Cloud Essentials website at: www.cloudessentials.com.
- A hard copy or soft copy of this manual is available during office hours and free of charge, at the offices of Cloud Essentials.
- A hard or soft copy of this manual may also be requested from Cloud Essentials upon payment of the request fee.

This manual will be made available to the Information Regulator upon request¹⁴.

¹⁴ Schedule – Laws amended by Section 110 of POPIA.

Annexure A: Cost of Requesting Records¹⁵

The fees for the acquisition of a copy, whole or partly of the Cloud Essentials PAIA Manual as contemplated in regulation 9(2)(c) of GNR. 187, as promulgated on 15 February 2002, is for every photocopy of an A4-size page or part thereof is:

R1,10

The fees for reproduction of records as contemplated in Regulation 11(1) are as follow:

a) For every photocopy of an A4-size page or part thereof	R1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
c) For a copy in a computer-readable form ¹⁶	
d) (i) For a transcription of visual images, for an A4-size page or part thereof	R40.00
(ii) For a copy of visual images	R60.00
e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
(ii) For a copy of an audio record	R30.00

The request fee payable by every Data Subject, other than a personal Data Subject, referred to in regulation 11(2) is:

R50,00

The access fees payable by a Data Subject referred to in regulation 11(3) are as follows:

a) For every photocopy of an A4-size page or part thereof	R1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
c) For a copy in a computer-readable form ¹⁷ on—	
d) (i) For a transcription of visual images, for an A4-size page or part thereof	R40.00
(ii) For a copy of visual images	R60.00
e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R20.00
(ii) For a copy of an audio record	R30.00

¹⁵ Section 54 of PAIA and subsequent regulations.

¹⁶ A copy will be sent via electronic mail or a secure download site (FTP).

¹⁷ A copy will be sent via electronic mail or a secure download site (FTP).

f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R30.00 per hour or part thereof
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For purposes of section 54(2) of the Act, the following applies:

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the Data Subject.

The actual postage is payable when a copy of a record must be posted to a Data Subject.