

**BRAND
REPUBLIC.**

POPIA

**Compliance manual
2022**



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1 Right of Access to Information

1.1 Introduction

The Promotion of Access to Information Act ("PAIA" or "Act"), 2 of 2000 was assented to on the 2nd of February 2000 and came into effect on 9 March 2001. This Act gives effect to the constitutional right of access to any information held by the State and private bodies and promoted the exercise or protection of any rights to information.

This Act applies to the exclusion of any provision of other legislation that-

- a) prohibits or restricts the disclosure of a record of a public body or private body; and
- b) is materially inconsistent with an object, or a specific provision, of this Act.

PAIA fosters a corporate culture of transparency and accountability, within the context of the protection of personal information. In this regard, the provisions of the Protection of Personal Information Act 4 of 2013 are also relevant whenever a request for information is received.

In terms of PAIA, if a person other than a government department or agency requests information from a private body, such information may only be provided if:

- the information is requested to protect a right;
- the person requesting the information complied with the procedural requirements of that private body relating to such requests for information; and
- there is no ground on which to refuse access to such information.

With the above provisions in mind, the Act requires private bodies to compile a PAIA manual to assist in the exercise of right to information.

1.2 The Brand Republic South Africa PAIA manual

In terms of Section 51 of the Act all private bodies must compile a PAIA Manual providing for the procedure to request information held by such private bodies as well as information regarding the processing of personal information.

This manual is published on the Company website at www.brepublic.co.za or alternatively, a copy can be requested from the information officer (see contact details in section 1.4).

1.3 Who may Request Access to Information?

In terms of section 1 of PAIA, a requester, in relation to a private body, means:

- any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- a person acting on behalf of the person contemplated in subparagraph (i).

The above means that, a requester may act on behalf of a person in making a request for a record.

In terms of section 53(2)(d) of the Act, a request for access must at least require the requester concerned to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

In essence, PAIA provides that a requester will be entitled to access to a record if the record is required for the exercise or protection of a right.

Requests can be made:

- as a personal requester;
- an agent of a requester on behalf of someone else; or
- as a third party seeking information.

1.4 Contact Details of Information Officer

Chief Executive Officer:	Werner R Scholtz
Physical Address:	Agri – Hub, Grain Building, 1 st Floor, 477 Witherite St, The Willows, Pretoria, 0184
Tel:	011 464 0099
E-mail:	hello@brepublic.co.za

1.5 SAHRC Guidance to Requesters on how to Use the Act

The South African Human Rights Commission (“SAHRC”) published guidelines in terms of section 10 of the Act that will facilitate ease of use of the Act for requesters.

The guide to the Act can be obtained below:

South African Human Rights Commission Promotion of Access to Information Act Unit -	
Physical Address:	33 Hoofd Street, Braamfontein, Johannesburg
Postal Address:	Private Bag X2700, Houghton, 2041
Tel:	011 877 3600
Fax:	011 403 0625
Email:	section51.paia@sahrc.org.za
Website:	www.sahrc.org.za

Information Regulator -	
Physical Address:	JD House 27 Stiemens Street, Braamfontein, Johannesburg
Postal Address:	P.O Box 31533, Braamfontein, Johannesburg, 2017
Tel:	010 023 5207
Fax:	011 403 0668
Email:	infoereg@justice.gov.za

2 Company Structure

2.1 Scope

This PAIA Manual has been prepared for Brand Republic South Africa only. This manual is intended to ensure that Brand Republic South Africa complies with the Act by fostering the culture of transparency and accountability and giving effect to the right to information.

2.2 Company Profile

Brand Republic South Africa is a full-service agency with its own production company providing services such as:

Content Development	Journalism Production Publishing
Corporate Videos	
Strategy	Marketing communication strategies
Copywriting	Journalism Creative writing Editing Proof reading
Media & Advertising	Planning Media partnerships Bookings Media liaison
Public Relations	Traditional media

	<p>Social media</p> <p>Video productions</p> <p>Podcast productions</p>
Shows & Events	<p>Traditional expos</p> <p>Virtual expos</p> <p>Tradeshows</p>
Long & Short Form Videos	<p>TV commercial</p> <p>TV series</p> <p>Digital series</p> <p>Corporate videos</p>
Digital & Social Media	<p>Digital marketing</p> <p>Google ads</p> <p>Online platform advertising</p> <p>Social media marketing</p> <p>Community management</p> <p>Page management</p>
Design	<p>Concept creation and development</p> <p>Brand development</p> <p>Marketing material</p> <p>Advertisements</p> <p>Digital and web</p>
Radio	<p>Voice recording</p> <p>Radio commercials</p> <p>Radio Shows</p> <p>Podcasts</p>

Activations	Brand Products Services Events Social
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3 Classes of Records

3.1 Records automatically available to the Public

In general terms, the following records are automatically available at the office of Brand Republic South Africa upon payment of the prescribed fee for reproduction:

- Newsletters/ Magazines intended for public viewing;
- Pamphlets/brochures intended for public viewing; and
- Other records of public nature.

Some of these records are freely available on the Brand Republic South Africa website for inspection.

3.2 Records available in accordance with other legislation

Where applicable to its operation, Brand Republic South Africa also retains records and documents in terms of legislation listed below. Please note that the records listed below are not exhaustive and as such, each request for access to such record will be treated uniquely with consideration of applicable legislation, procedure and policy.

Records are kept in accordance with such other legislation as applicable to Brand Republic South Africa which includes, but is not limited to:

- The Basic Conditions of Employment Act No 75 of 1997;
- The Broad Based Black Economic Empowerment Act No 53 of 2003;
- The Companies Act No 71 of 2008;
- The Compensation for Occupational Injuries and Diseases Act No 130 of 1993;
- The Competition Act No 89 of 1998;
- The Copyright Act No 98 of 1978;
- The Consumer Protection Act No 68 of 2008;
- The Employment Equity Act No 55 of 1998;

- The Electronic Communications and Transactions Act No 25 of 2002;
- The Income Tax Act No 58 of 1962;
- The Labour Relations Act No 66 of 1995;
- The National Credit Act No 34 of 2005;
- The Occupational Health and Safety Act No 85 of 1993;
- The Protection of Personal Information Act 4 of 2013;
- The Skills Development Levies Act No 9 of 1999;
- The Skills Development Act No 97 of 1998;
- The Trademarks Act No 194 of 1993;
- The Unemployment Insurance Act No 63 of 2001;
- The Unemployment Insurance Contributions Act, No 4 of 2002; and
- The Value -added Tax Act No 89 of 1991.

3.3 Records held by Brand Republic South Africa

The below records may be subject to refusal as set out in paragraph 5 of this Manual. Furthermore, records deemed to be confidential, by a third party, will necessitate permission from such a third party before Brand Republic South Africa will consider access to and disclosure of requested records. The below information is classified and grouped according to records relating to the following categories:

Personnel Records:

Personnel refers to any person who works for or renders services to Brand Republic South Africa and receives or is entitled to receive remuneration and any other person who assists in carrying out Brand Republic South Africa's business.

These records may include-

1. Job Applications (including CV, interview notes, results of any testing);
2. Full name;
3. Biographic (Marital status, birth date ID numbers, nationality, address and next of kin information);
4. Race and gender;
5. Conditions of employment and other personnel related contractual and quasi-legal records;
6. Internal evaluations/ disciplinary and other internal records;
7. Correspondence relating to or emanating from personnel (internal and external);
8. Training material;
9. Position history and promotions;
10. Cost to company information;
11. Payment records and beneficiary payments (including banking details and tax numbers);
12. Annual declarations;
13. Ex- employee information;
14. PAYE records and returns; And

15. Records provided by a third party.

Client Records:

A client is any natural or juristic person who receives products and/or services from Brand Republic South Africa. This includes prospective clients.

These records may include-

1. Client details (addresses and contact person);
2. Correspondence with a client or relating to a client;
3. Business information of client and/or third party;
4. Fees;
5. Records pertaining to a client retrieved from other sources i.e. the credit bureau;
6. Records provided by a third party;
7. Records provided by a client to a third party acting on behalf of Brand Republic South Africa; And
8. Transactional records.

Private Body Records:

These records include, but are not limited to, records that pertain to Brand Republic South Africa's Affairs.

These records may include-

1. Communication;
2. Human resources records;
3. Internal policies and procedures;
4. Operational records;
5. Financial records;
6. Administrative records;
7. Employment contracts, service level agreements and freelance contracts;
8. Information technology;
9. Product and service records;
10. Marketing records including marketing strategies, proposal documents and brand information;
11. Patents and trademarks;
12. Minutes of meetings;
13. Travel records;
14. Asset information;
15. Legal documentation; And
16. Statutory records.

Other Party Records:

These records pertain to other parties and include but are not limited to –

1. Communication;
2. Financial records;
3. Contractual records;
4. Records provided by third parties; And

5. Contractor, supplier and service provider records.

Contractors, suppliers and service providers of Brand Republic South Africa may possess records that belong to Brand Republic South Africa.

4 Access Procedure and Requests

Any person requesting access to information in terms of PAIA and this Manual must follow the procedure set out in this clause.

4.1 Guidance on Completion of Prescribed Access Form

- 4.1.1 To facilitate the processing of your request, kindly:
- 4.1.2 Use the prescribed form on the Brand Republic South Africa website.
- 4.1.3 Type or print in block letters.
- 4.1.4 If a question is not applicable, answer as "N/A".
- 4.1.5 Proof of identity is required to identify yourself "the requester".
- 4.1.6 Provide sufficient details to enable the efficient processing of your request.
- 4.1.7 Provide sufficient records on the record requested.
- 4.1.8 Address the prescribed form to Information Officer whose contact details can be found in section 1.4 above.
- 4.1.9 Please stipulate the manner in which you would prefer to be notified of the decision of your request and state the particulars thereof.

4.2 Submission of Prescribed Access Form

The completed Access Request Form and its annexures, if applicable, must be submitted per hand, via registered post, email or fax and must be addressed to the Information Officer (contact details in section 1.4).

4.3 Payment of Prescribed Fees

Prescribed fees as published under Annexure A: Part 3 of the Regulations Regarding the Promotion of Access to Information¹ are as follows:

¹Published under Government Notice R187 in Government Gazette 23119 of 15 February 2002 as amended by:

- GN R1244/GG 25411 of 22/9/2003
- GN R990/GG 29278 of 13/10/2006
- GN R466/GG 29914 of 1/6/2007

FEES IN RESPECT OF PRIVATE BODIES IN TERMS OF PAIA

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) of PAIA is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) of PAIA are as follows:
 - (a) For every photocopy of an A4-size page or part thereof R 1, 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 on -
 - (i) stiffy disc R7, 50;
 - (ii) compact disc R70,00.
 - (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.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of PAIA is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) of PAIA are as follows:
 - (1)
 - (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 on –
 - (i) stiffy disc R7,50;
 - (ii) compact disc R70,00.
 - (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.

- (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and reparation.
- (2) For purposes of section 54(2) of PAIA, 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 requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

4.4 Notification

Please note that the requester will be notified in writing of the outcome of their request. If the requester prefers another method to be notified of the outcome, the requester must complete section G of the Access Request Form with sufficient details to enable compliance with the request.

5 Refusal of Access to Records

Brand Republic South Africa does not have internal appeal procedures regarding PAIA requests. As such, the decision made by the duly authorised person in section 1.4 is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator for relief.

5.1 Grounds for refusal

- 5.1.1 An information officer is obliged to refuse access to a record if the disclosure would be an unreasonable disclosure of personal information about a third party, including a deceased individual.
- 5.1.2 Commercial Information - A request for access will be refused if the record contains trade secrets, financial, commercial, scientific or technical information of the body or a third party that is likely to harm Brand Republic South Africa or a third party.²
- 5.1.3 An information officer is obliged to refuse a request for access to a record if disclosure would constitute breach of the duty of confidence owed to a third party in terms of an agreement.³
- 5.1.4 An information officer is obliged to refuse a request for access to a record if disclosure could possibly result in endangering the life of physical safety of individuals and protection of property.⁴
- 5.1.5 An information officer is obliged to refuse a request for access to a record which record would be regarded as privileged in legal proceedings.

²See section 63 of Protection of Personal Information Act 4 of 2013

³Section 68 of PAIA Act

⁴Section 65 of PAIA Act

6 Annexure 1: Access Request Form

Request for Access to a Record

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

A. Particulars of the Requester

Surname	
Full Names	
Identity Number	
Postal Address	
Contact Details	
Fax Number	
E-mail Address	

*If the request is made on behalf of another person, the requester is obliged to identify him/ her and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

B. Particulars of person on whose behalf request is made

Surname	
Full Names	
Identity Number	

C. Particulars of record

Description of records	
1.	
2.	

3.	
4.	
5.	

D. Fees

The following applies to requests (other than personal requests as referred to in regulation 11(2):

- The request fee payable by a requester, other than a personal requester, is R50.00.
- A fee will be payable for access to a record and it shall depend on the form in which access is required and the reasonable time required to search for and prepare a record.
- A Deposit that has been paid in respect of a request for access which is refused, will be repaid to the requestor.
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation for any time reasonably required in excess of the prescribed hours to search for and prepare (including making any arrangements contemplated in section 29(2)(a) and (b)(i) and (ii)(aa)) the record for disclosure.
- Records may be withheld until the fees have been paid.
- Fees are payable in cash or by electronic payment. Please note that prior arrangement must be made for electronic payments.

*If the requester qualifies for an exemption in payment of fees, he/ she must complete the section below

Reason for exemption from payment of fees:

E. Form of access to record

*If access is granted to a record, state your disability and indicate which form the record is required.

Section 60 of the Act: If access is granted to a record of a private body, the head of that body must, as soon as reasonably possible after notification in terms of section 56, but subject to section 57, give access in-	
a) such form as the requester reasonably requires; or b) if no specific form of access is required by the requester, such form as the head reasonably determines.	
Do you have any disability?	
Form in which record is required	

*Mark the appropriate box to indicate the form of record you require

1. Record in written or printed form	
Do you want to inspect the records?	Do you need a copy of record?
2. Record consists of visual images	
View images	Copy of images
3. Record consists or recordings or sound	

Listen to the recording	Transcription of recording
4. Record held on computer or electronic readable form	
Print out of record	Copy in computer readable form

Please note the following:

- Form of access depends on the availability of the record.
- Access may be denied in certain circumstances depending on the form available. The requester will be informed of the decision and access can be granted in a different form which is available.
- A postal fee is payable if the requester wishes a copy or transcription of the record to be posted.

F. Right to be Exercised or Protected

*In terms of section 53(2)(d) of the Act, a request for access must at least require the requester concerned to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

Which right is to be exercised or protected?

Explain why the requested record is required for the exercising or protection of the abovementioned right?

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G. Notice of Decision Regarding Request for Access

*When the request for information is approved/ denied, the requester will be notified in writing. If the requester wishes to be informed in another manner, please specify the manner and the necessary particulars below.

H. Signature

Signed at _____ this ____ day of _____ 20__.

Print Name

Signature