



NYARADZO FINANCIAL
SERVICES

POPIA & PAIA MANUAL

[Protection of Personal Information
Act 4 of 2013 (POPIA) and the
Promotion of Access to Information
Act 2 of 2000 (PAIA)]



Table of Contents

Contents

| | |
|---|-------------------------------------|
| 1. Definitions | 4 |
| 2. Introduction | 6 |
| 2.5. PAIA..... | 6 |
| 2.6. POPIA | 6 |
| 3. Company Details..... | 7 |
| 4. Company Records..... | 7 |
| 5. Records held as per Legislation..... | 9 |
| 6. Protection of Personal Information | 9 |
| 7. Rights of Data Subjects | 10 |
| 8. Information security measures..... | 10 |
| 9. Request for Information | 10 |
| 10. Objection to the Processing of PII | 12 |
| 11. Request for correction or deletion of PII | 12 |
| 12. Fees | 12 |
| 13. Deposits..... | 13 |
| 14. DOCUMENT APPROVAL..... | Error! Bookmark not defined. |

1. Definitions

- 1.1. As per the context of the Protection of Personal Information Act 4 of 2013 (POPIA) and the Promotion of Access to Information Act 2 of 2000 (PAIA), the following definitions are applicable:
- 1.2. **“Consent”** means any voluntary, specific, and informed expression of will in terms of which permission is given for the processing of personal information.
- 1.3. **“Data Subject”** means the person to whom personal information relates.
- 1.4. **“Information Officer”** means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the “head” of the Company by the Acts; The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the “head” of the Company in writing;
- 1.5. **“Juristic Person”** means a company or body which is recognised by law as an entity or “person” having rights and duties.
- 1.6. **“Natural Person”** (also sometimes referred to as a physical person) is a title used to identify an individual human being. This is different from a legal person, which can be an individual or a company.
- 1.7. **“Nyaradzo Financial Services”** is a juristic person (hereinafter referred to as "Nyaradzo") and is a private body as defined in the Act. Nyaradzo is bound by this Act and shall process any request made in terms thereof.
- 1.8. **“Personal Information”** means information about an identifiable individual, including, but not limited to-
 - 1.8.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth of the individual.
 - 1.8.2. information relating to the educational, medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved.
 - 1.8.3. any identifying number, symbol or other particular assigned to the individual.
 - 1.8.4. the address, fingerprints, or blood type of the individual.
 - 1.8.5. 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.
 - 1.8.6. 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.
 - 1.8.7. the views or opinions of another individual about the individual.
 - 1.8.8. the views or opinions of another individual about a proposal for a grant, an award, or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
 - 1.8.9. 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.

- 1.9. **“Personnel”** means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary, and part-time staff as well as contract workers, volunteers, unpaid interns, and trainees.
- 1.10. **“Private Body,”** also referred to as a private company or institution is a natural or juristic person or partnership who engages in any trade, business, or profession in that capacity.
- 1.11. **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –
 - 1.11.1. The collection, receipt, recording, organisation, collation, storage, updating, modification, retrieval, alteration, consultation, or use of said information; or
 - 1.11.2. Dissemination by means of transmission, distribution or making available in any other form; or
 - 1.11.3. Merging, linking, as well as restriction, degradation, erasure, or destruction of information.
- 1.12. **“PAIA”** means the Promotion of Access to Information Act 2 of 2000, passed in order to give effect to the constitutional right of access to information held by a public or private body for the exercise or protection of any right.
- 1.13. **Personal Identifiable Information [PII]** refers to Information about a person's race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, skin color, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language, and birth
- 1.14. **“POPIA”** means the Protection of Personal Information Act 4 of 2013 sets out the minimum standards regarding accessing and 'processing' of any personal information belonging to another. It defines 'processing' as collecting, receiving, recording, organizing, retrieving, or the use, distribution or sharing of any such information.
- 1.15. **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, irrespective of whether it was created by the Company or not.
- 1.16. **“Request”** means a request for access to a record of the Company.
- 1.17. **“Requester”** means any person, including a public body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person.
- 1.18. **“Responsible Party”** means a public or private body or any other person which, alone or in conjunction with others, determines the purpose and means for processing personal information.

- 1.19. **“Unique Identifier”** means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.
- 1.20. **“SAHRC”** means the South African Human Rights Commission.
- 1.21. **“Third Party”** means a natural or juristic person who is not the requester of the information nor the body to whom the information request is made.

2. Introduction

- 2.1. This Manual is published in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as the “PAIA”). The PAIA gives effect to the provisions of section 32 of the Constitution which provides for the right of access to information held by the state and/or to information held by another person that is required for the exercise and/or protection of any right.
- 2.2. It is significant to further note the provisions of section 17 of the POPIA which stipulate that ‘a responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act.’
- 2.3. The process of requesting information in terms of the Act is subjected to applicable legislative and/or regulatory requirements, and the applicable request forms are available as Annexures within this manual.
- 2.4. Enquiries regarding the PAIA and POPIA, can be made via the following channels:

2.5. PAIA

The South African Human Rights Commission
PAIA Unit (the Research and Documentation
Department) Postal address: Private Bag 2700,
Houghton, 2041 Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

2.6. POPIA

The Information Regulator (South
Africa) JD House
27 Stiemens
Street
Braamfontein
Johannesburg
2001
Website: www.justice.gov.za
Email: inforeg@justice.gov.za

3. Company Details

Nyaradzo Financial Services is a Microinsurer licensed to sell funeral policies.

| Company Details | |
|------------------------------|--|
| MD | Edith Hatendi |
| Contact Detail | 087 365 3221 |
| Information Security Officer | Tendayi Chirokote |
| Contact Detail | 087 365 3221 |
| Company Address | Cnr Hammer & Langwa St, Strydompark, Randburg, 2169 |
| Company Contact Detail | 087 365 3221 |
| Company E mail | info@nyaradzo.co.za |
| Company Website | www.nyaradzo.co.za |

The latest copy of this manual is available on the company website, www.nyaradzo.co.za and can also be requested from the Information Security Officer at Nyaradzo Financial Services. No one may create a link or reference to our website without first obtaining our written consent to do so. Above table lists the relevant contact details.

4. Company Records

Categories of information held by Nyaradzo Financial Services, are outlined in the following table:

| Category | Records |
|---|---------------------------------|
| Companies Act | Company registration documents |
| | Name & Appointment of Directors |
| | Share Certificates |
| | Board Meeting Minutes |
| | Share and statutory Registers |
| | Appointment of Auditors |
| | Resolutions |
| | Financial Records |
| Annual Financial Statements | |
| Bank Accounts and statements | |
| Asset Registers | |
| Debtors / Creditors statements and invoices | |
| General Ledgers | |
| Invoices | |
| Income Tax | Tax Returns |
| | PAYE Records |
| | VAT Records |

| | |
|---|--|
| | Skills Development Levies Records |
| | SARS Records |
| | UIF Records |
| | Asset Registers |
| Personnel | CV's |
| | Accident registry |
| | Address Lists |
| | Disciplinary codes and records |
| | Employee Benefits Records |
| | Employment contracts |
| | Forms and applications |
| | Medical aid records |
| | Leave records |
| | Skills Development Records |
| Procurement | Supplier Agreements |
| | Supplier Lists |
| | Policies & Procedures |
| Sales | Customer details |
| | Advertising material |
| | Records of customer communication |
| Governance | Audit Reports |
| | Risk Management Framework |
| | Risk Register |
| | Safety, Health & Environment Documents |
| | Policies & Procedures |
| | Business Continuity Plan |
| | Information Security Management Policy |
| | Corporate structure |
| | Director Information |
| Information & Communication Technology | Information Security Management Policy |
| | User Manuals |
| | Software Development Briefs and Records |
| | Policies & Procedures |
| | Software Licensing Agreements |
| | Systems Documentation & Manuals |
| | Database systems |
| Policy Client Information | Client records |
| | Consent Forms |
| | Contact details |

5. Records held as per Legislation

5.1. Information is retained in terms of the following legislation and is usually available only to the persons or entities specified in such legislation. Although we have used our best efforts to supply a list of applicable legislation, it is, however, possible that this list may be incomplete.

- 5.1.1. Basic Conditions of Employment No. 75 of 1997
- 5.1.2. Companies Act No. 61 of 1973
- 5.1.3. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- 5.1.4. Constitution of the Republic of South Africa 2008
- 5.1.5. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- 5.1.6. Copyright Act, No 98 of 1978.
- 5.1.7. Debtor Collectors Act No. 114 of 1998
- 5.1.8. Electronic Communications Act, No 36 of 2005.
- 5.1.9. Employment Equity Act No. 55 of 1998
- 5.1.10. Finance Act No. 35 of 2000
- 5.1.11. Financial Services Board Act No. 97 of 1990
- 5.1.12. Financial Relations Act No. 65 of 1976
- 5.1.13. Harmful Business Practices Act No. 23 of 1999
- 5.1.14. Income Tax Act No. 95 of 1967
- 5.1.15. Insurance Act No 27 of 1943
- 5.1.16. Intellectual Property Laws Amendments Act No. 38 of 1997
- 5.1.17. Labour Relations Act No. 66 of 1995
- 5.1.18. Medical Schemes Act No. 131 of 1998
- 5.1.19. Occupational Health & Safety Act No. 85 of 1993
- 5.1.20. Pension Funds Act No. 24 of 1956
- 5.1.21. Short Term Insurance Act No. 53 of 1998
- 5.1.22. Skills Development Levies Act No. 9 of 1999
- 5.1.23. Unemployment Contributions Act No. 4 of 2002
- 5.1.24. Unemployment Insurance Act No. 63 of 2001
- 5.1.25. Value Added Tax Act No. 89 of 1991
- 5.1.26. Financial Intelligence Centre Act, no. 38 of 2001
- 5.1.27. Financial Advisory and Intermediary Services Act, no. 37 of 2002

6. Protection of Personal Information

6.1. Nyaradzo Financial Services is capturing, processing, storing, and communicating Personal Identifiable Information (PII) to perform its business functions. It is accountable and a responsible party in ensuring that the PII of a Data Subject:

- 6.1.1. is processed lawfully, fairly, and transparently;
- 6.1.2. is processed only for the purposes for which it was collected;

- 6.1.3. will not be processed for a secondary purpose unless consent is provided;
- 6.1.4. is accurate and kept up to date;
- 6.1.5. will not be kept for longer than necessary;
- 6.1.6. is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that PII, in both physical and electronic form, is subject to an appropriate level of security when stored, processed, and communicated; and
- 6.1.7. is processed in accordance with the rights of Data Subjects, where applicable.

7. Rights of Data Subjects

Data subjects have the following rights:

- 7.1. To be notified that their Personal Information is being collected.
- 7.2. To be notified in the event of a data breach.
- 7.3. To know whether Nyaradzo Financial Services holds PII about them, and to access that information. Any request for information must be managed in accordance with the provisions of the POPIA and PAIA legislation
- 7.4. To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
- 7.5. To object to the use of their Personal Information and request the deletion of such PII. Deletion is, however, subject to the record keeping requirement of the regulations and legislation to be adhered to [POPIA and PAIA]
- 7.6. To object to the processing of PII for purposes of direct marketing by means of unsolicited electronic communications.
- 7.7. To complain to the Information Regulator regarding an alleged infringement of any of the rights protected under the POPIA and to institute civil proceedings regarding the alleged noncompliance with the protection of that data subject's personal information.

8. Information security measures

- 8.1. Nyaradzo Financial Services is committed to protecting the integrity and confidentiality of personal information in its possession and under its control, by the implementation of a security strategy that includes technical and organisational measures. These include a risk management framework to continuously guide control selection and implementation as well as assessing the effectiveness thereof.
- 8.2. The security controls are implemented and monitored as part of the Information Security Management Systems, guided by the Information Security Charter that stipulates the Information Security Objectives of the organisation. The Information Security Policy directs the rules, policies, and procedures to ensure data, systems, networks, and users within the organisation meet the security requirements.

9. Request for Information

- 9.1. In terms of POPIA, a data subject may, upon providing proof of identity, request Nyaradzo

Financial Services to confirm the information being held about the data subject. The data subject may also request access to the information being held, including information about the identity of third parties who have or have had access to such information. The data subject is allowed at any time to object to the processing of information by Nyaradzo Financial Services unless legislation provides for such processing.

- 9.2. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. In order to request the information, the prescribed form (see Form C attached to this document) must be completed, and the requester fee (if applicable) be paid to the Information Officer. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall serve a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.
- 9.3. The request will be processed within a 30 (thirty) day period, and the outcome of the request will be communicated in writing. This period may be extended by an additional 30 days depending on the complexity of the request requirements.
- 9.4. The process to request information from Nyaradzo Financial Services is as follows:
 - 9.4.1. Documentation containing PII such as application forms and identification documents must not be sent directly to Nyaradzo Financial Services via email. If required to communicate personal information, the Information Officer at Nyaradzo Financial Services should be contacted to obtain guidance on secure methods and processes for submission.
 - 9.4.2. Nyaradzo Financial Services will require proof of identification of the data subject (requester) or related third parties requesting information on behalf of the requester for all requests.
 - 9.4.3. The relevant prescribed form must be used and completed in full to file a request for access to a record. In the event that an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The following forms are available as part of this manual:
 - 9.4.4. Form C: Request for Access to Record of a Private Body.
 - 9.4.5. Please note that an application for access to information can be refused in the event that the application does not comply with the requirements of the PAIA. If access to a record/information is denied, the Requester will be notified, and adequate reasons for the refusal will be provided.
 - 9.4.6. Should the Requester not be satisfied with the decision of the Information Officer, the Requester may apply to the court for relief. In terms of the PAIA, the said application must be made within 180 days after the decision has been made by the Information Officer.
 - 9.4.7. The successful completion and submission of the access request does not automatically allow the Requester access to the requested records.
 - 9.4.8. If access to a record/information is granted, the Requester will be notified, and an indication of the access fee (if any) will be provided.

10. Objection to the Processing of PII

10.1. Section 11 (3) of POPI and regulation two (2) of the POPIA Regulations provides that a Data Subject may, at any time, object to the Processing of their PII by following the process stipulated in this manual.

11. Request for correction or deletion of PII

11.1. Section 24 of the POPIA and regulation three (3) of the POPI Regulations provides that a Data Subject may request for their PII to be corrected/deleted in the prescribed form.

11.2. To ensure the lawfulness and correctness of the data, the data subject may also request Nyaradzo Financial Services to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the company is no longer authorised to retain in terms of the POPIA's retention and restriction of records provisions.

12. Fees

12.1. Where an institution has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

12.2. The PAIA provides for two types of fees, namely a request fee and an access fee:

12.2.1. Request fee: This is a non-refundable administration fee paid by all requesters with the exclusion of personal requesters. It is paid before the request is considered. Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50-00 is payable up-front before the institution will further process the request received.

12.2.2. Access fee: This is paid by all requesters only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor. An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act, or an exclusion is determined by the Minister in terms of Section 54(8).

12.2.3. Nyaradzo Financial Services may withhold a record until the request fee has been paid.

| Item for Reproduction and/or Access | Fee (ZAR) |
|--|-----------|
| For every photocopy of a A4-size page or part thereof | 1.10 |
| For every printed copy of an A4-size page or part thereof held on a Computer or in electronic or machine-readable form | 0.75 |
| For a copy in computer-readable form on: - Flash Drive | 100.00 |

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|---|-----------|
| - Optical compact disc | 70.00 |
| A transcription of visual images, for an A4-size page or part thereof | 40.00 |
| For a copy of visual images | 60.00 |
| A transcription of an audio record, for an A4-size page or part thereof | 20.00 |
| For a copy of an audio record | 30.00 |
| | |
| Item for Access | Fee (ZAR) |
| To search for a record that must be disclosed | 30.00 |

13. Deposits

- 13.1. Where the institution receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.
- 13.2. The amount of the deposit is equal to one-third (1/3) of the amount of the applicable access fee.

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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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| |

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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: <input style="width: 90%;" type="text"/> | Form in which record is required: <input style="width: 90%;" type="text"/> |
| 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. | |

| | | | |
|---|---|--------------------------|--|
| 1. If the record is in written or printed form: | | | |
| <input type="checkbox"/> | copy of record* | <input type="checkbox"/> | inspection of record |
| 2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.): | | | |
| <input type="checkbox"/> | view the images | <input type="checkbox"/> | copy of the images* |
| <input type="checkbox"/> | | <input type="checkbox"/> | transcription of the images* |
| 3. If record consists of recorded words or information which can be reproduced in sound: | | | |
| <input type="checkbox"/> | listen to the soundtrack (audio cassette) | <input type="checkbox"/> | transcription of soundtrack* (written or printed document) |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | |
| <input type="checkbox"/> | printed copy of record* | <input type="checkbox"/> | printed copy of information derived from the record* |
| <input type="checkbox"/> | | <input type="checkbox"/> | 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 <input type="checkbox"/> | NO <input type="checkbox"/> |
|--|------------------------------|-----------------------------|

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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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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?

.....

Signed at this day, of year

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