

MEDIATION PAN AFRICAN (PTY) LTD

REGISTRATION NUMBER: 2021/770280/07

(The “Company”)

PAIA AND POPIA MANUAL

Prepared and published in accordance with Section 51 of the Promotion of Access to Information Act 2 of 2000 (“**PAIA**”) and to address the requirements of the Protection of Personal Information Act 4 of 2013 (“**POPIA**”).

Introduction and Purpose of Manual

The purpose of this manual is:

- To facilitate **requests for access to records** of the Company as provided for in PAIA.
- To serve as a manual for the Company, as required in terms of **Section 51 of PAIA**, to promote access to information.
- To set out the **responsibilities of the Information Officer** whose duty it will be to ensure compliance with PAIA and POPIA.
- To provide an outline of the **types of records and personal information** the Company holds and to explain how to submit requests for access to these records in terms of PAIA.

PAIA provides that a person may only request information in terms of the Act if the information is required for the **exercise or protection of a right**.

PAIA gives effect to Section 32 of the Constitution, which provides that everyone has the right to access information held by a private body or public body, if the record or personal information held is required for the exercise or protection of a right.

PAIA stipulates that a person requesting information must be given access to any record of a private body if that record is required for the exercise or protection of a right. However, such a request must comply with the procedural requirements, and PAIA makes provision for the **refusal of access to records** under certain circumstances.

Company Details:

Registration number	2021/770280/07
Registered address	1 Burgers Road, Nigel, Gauteng, 1490
Postal address	1 Burgers Road, Nigel, Gauteng, 1490
Principal place of business address	1 Burgers Road, Nigel, Gauteng, 1490

Registration number	2021/770280/07
Telephone number	0872657710
Director and Head of the Company	C. LABUSCHAGNE J.D. NASH
Designated Information Officer	J.D NASH
Email address of Information Officer	jane@mediationpanafrican.com
Website	mediationpanafrican.com

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1. The Company and Company Details [Section 51(1)(a)]

1.1. MEDIATION PAN AFRICAN (PTY) LTD (the “Company”) is a company focusing on the growth and efficiency of its subsidiaries. We have established long-term relationships with our mediators and clients, making their productivity our highest priority. Our focus is to provide a one-stop Holding Company solution inclusive of the following:

- Mediator Training
- Mediation Services

1.2. Company Details:

Detail	Information
Registration Number	2021/770280/07
Registered Address	1 Burgers Road, Nigel, Gauteng, 1490
Postal Address	1 Burgers Road, Nigel, Gauteng, 1490
Principal Place of Business	1 Burgers Road, Nigel, Gauteng, 1490
Telephone Number	0872657710
Director and Head of the Company	C. LABUSCHAGNE J.D. NASH
Designated Information Officer	J.D. NASH
Email Address of Information Officer	jane@mediationpanafrican.com
Website	mediationpanafrican.com

1.3. Requests for information shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in **Paragraphs 7 and 8** hereto.

2. Availability of this PAIA and POPIA Manual

2.1. This manual is published on the Company’s website, [Insert Website Address]. Alternatively, a copy can be requested from the Company by sending a request for a copy to the **Information Officer** via email (see contact details above).

2.2. This manual will also be available at the Company's registered office situated at 1 Burgers Road, Nigel, Gauteng, 1490.

3. The Promotion of Access to Information Act (PAIA) [Section 51(1)(b)]

3.1. PAIA grants a requester 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.

3.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in **Paragraphs 7 and 8** of this Manual.

3.3. Requesters are referred to the **Guide in terms of Section 10 of PAIA** which has been compiled by the South African Human Rights Commission (SAHRC). This Guide contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

3.4. The PAIA Guide is available in all official South African languages at no cost, and any person may request a copy of the Guide. A copy of the Guide may be obtained by contacting the South African Human Rights Commission at:

The South African Human Rights Commission PAIA Unit - The Research and Documentation Department Private Bag X2700 Houghton 2041 Telephone: +27 (0) 11 877 3600 Facsimile: +27 (0) 11 403 0625 Website: www.sahrc.org.za

4. Availability of Guides to PAIA and POPIA

4.1. In addition to the above, guides to PAIA and POPIA can be obtained from and queries directed to:

The Information Regulator (South Africa) 33 Hoofd Street, Forum III, 3rd Floor Braampark P.O. Box 31533, Braamfontein, Johannesburg, 2017 Mr Marks Thibela Chief Executive Officer Tel No. +27 (0) 10 023 5200, Cell No. +27 (0) 82 746 4173 Complaints email: complaints.IR@justice.gov.za General enquiries email: inforeg@justice.gov.za Website: <https://www.justice.gov.za/inforeg/>

5. Applicable Legislation [PAIA Section 51(1)(c)]

5.1. Where applicable to the Company's business and operations, information is also available in terms of certain provisions of applicable legislation, which include but are not limited to:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003

- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communication and Transactions Act 25 of 2002
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health & Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 4 of 2002
- Value Added Tax Act 89 of 1991

6. Schedule of Records [Section 51(1)(d)]

6.1. The Company maintains certain records, which include but are not limited to the categories listed below.

6.2. Recording a category or document and/or record in this Manual does not imply that a request for access to such records would be successful. The accessibility of the documents and/or records may be subject to the grounds of refusal outlined in **Paragraph 9**.

Categories of Records:

- **Employees and Personnel:**
 - Any personal records provided to the Company by employees
 - Employment contracts
 - Employment policies and procedures
 - Internal evaluation and disciplinary records
 - Occupational Health and Safety records
 - Training schedules and material
 - Personnel files
- **Company Secretarial:**

- Documents of Incorporation
- Share registers and other statutory reports
- Board meeting minutes
- **Customer, Prospective Customer and User Related Records:**
 - Customer contact details
 - Records generated by or within the Company pertaining to the customer, including transactional records
 - Information collected in terms of website cookie policy
- **Financial & Banking and Tax Records:**
 - Accounting records, books and documents
 - Interim and annual financial reports
 - Details of auditors
 - Bank facilities and account details
 - Bank statements
 - Tax returns
 - PAYE records
 - Skills Development Levies records
- **Other Company Related Records:**
 - Marketing records
 - Insurance records
 - Operational records
 - Databases
 - Information Technology records
 - Internal correspondence
 - Product records
 - Statutory records
 - Internal Policies and Procedures
 - Supplier information and records

6.3. The Company does make certain information freely available by publication on its website, which is accessible without a person having to request access.

7. Request for Access to Records

7.1. In terms of Section 50 of PAIA, any person who requires information for the exercise or protection of any rights may request information from a private body.

7.2. The categories of records and/or information which are held by the Company are listed above. A requester will not automatically be allowed access to these records, and access to records may be refused in accordance with PAIA.

Form of Request [PAIA Section 51(1)(e)]:

7.3. The requester must comply with all the procedural requirements contained in PAIA, and the request must be made on the correct form (**Form C for private bodies**). This form can be found on www.justice.gov.za and/or www.sahrc.org.za.

7.4. The completed prescribed request form must be addressed to the **Head of the Company and/or the Information Officer** of the Company and delivered (hand-delivered, posted, or sent via email), together with the proof of payment of a request fee and a deposit, if applicable.

7.5. A requester needs to provide sufficient details, and the prescribed form needs to contain sufficient information, to enable the Company to identify: * The record(s) requested. * The identity of the requester (and if an agent is lodging the request, proof of their capacity). * Which form of access is required, if the request is granted. * The postal address or fax number of the requester within South Africa. * If the requester wishes to be informed of the decision relating to the request for access in any manner (in addition to written) the manner and particulars thereof. * The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7.6. The Company will not consider a request unless it is contained in the correct and prescribed **Form C**.

Procedure:

7.7. The Company will, within **30 days** of receipt of the request, decide whether to grant or decline the request. Whatever decision is taken, the requester will be given notice of the decision in writing. If a request is refused, the notification will include the reasons for the refusal.

7.8. The 30-day notice period may be extended if the request is for a large number of information, or if it is necessary due to the nature of the request and the amount of time required to gather the requested information. The requester will, however, be given notice of the extension prior to the 30-day period's expiry.

7.9. The Company will not process a request until the prescribed fees have been paid. Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

8. Prescribed Fees [PAIA Section 51(1)(f)]

8.1. Request Fee (not applicable to a personal requester): The requester needs to pay the request fee as prescribed by the Minister for Justice and Constitutional Development before the request will be processed. This non-refundable fee is payable on submission of any request for access to any record. No fee is payable if the request is for personal records of the person requesting it.

8.2. Deposit (not applicable to a personal requester): If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one-third of the access fee which would be payable if the request were granted).

8.3. Access Fee: The requester needs to pay an access fee as prescribed by the Minister for Justice and Constitutional Development to enable the Company to recover the cost of processing a request and giving access to records in terms of PAIA. The access fee is payable prior to being granted access to the records.

8.4. A request will not be processed until the prescribed fees have been paid, and where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

8.5. A requester may lodge an application with a court against the tender and/or payment of the request fee and/or deposit.

9. Grounds for Refusal of Request

A request may be declined in accordance with one of the prescribed grounds in terms of PAIA, namely:

9.1. Section 63 of PAIA stipulates that a request for access to a record must be refused if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. However, Section 63(2) does provide exceptions to this.

9.2. Section 64 of PAIA states that a request must be refused if it relates to records containing third-party information pertaining to: 9.2.1. Trade secrets; 9.2.2. Financial, commercial, scientific, or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or 9.2.3. Information, supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

9.3. Section 65 of PAIA prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

9.4. In terms of **Section 66 of PAIA**, the Company must refuse disclosure if the record could reasonably be expected to compromise the safety of an individual or property.

9.5. **Section 67 of PAIA** mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

9.6. **Section 68 of PAIA** pertains to records containing information about the Company itself and may refuse access to a record if the record: 9.6.1. Contains trade secrets of the Company; 9.6.2. Contains financial, commercial, scientific, or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Company; 9.6.3. Contains information which, if disclosed, could reasonably be expected to put the Company at a disadvantage in contractual or other negotiations, or prejudice the Company in commercial competition; or 9.6.4. Consists of a computer program owned by the Company.

9.7. **Section 69 of PAIA** prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to the Company itself.

9.8. Notwithstanding any of the above-mentioned provisions, **Section 70 of PAIA** provides that a record must be disclosed if its disclosure would: 9.8.1. Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and 9.8.2. If the public interest in the disclosure clearly outweighs the harm.

10. Remedies & Appeal

10.1. The Company does not have internal appeal procedures regarding PAIA requests. As such, the decision made by the duly authorised persons is final. If a request is denied, the requester is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

11. Records That Cannot Be Found or Do Not Exist

11.1. If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified accordingly, which notification will include an explanation of the steps that were taken to attempt to locate the record by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

12. Records and Information Relating to a Third Party

12.1. If access is requested to a record that contains information about a third party, the Company must first contact such third party to inform him/her/it of the request to access the record and/or information and enquire if the third party consents to the Company providing the requester access to the record and/or information, as provided in **Chapter 5 (Sections 71 to 73) - third party notification and intervention – of PAIA**.

12.2. If the third party does not consent, the Company will request the third party to provide the Company with reasons why he/she/it does not consent to provide the requester access.

12.3. Upon receipt of the reasons for the support or denial of access, the Company's Information Officer will consider these in determining whether access should be granted or not.

13. Protection of Personal Information Act (“POPIA”) Compliance

This section outlines how MEDIATION PAN AFRICAN (PTY) LTD complies with the Protection of Personal Information Act 4 of 2013 (“POPIA”).

13.1. Purpose of Processing Personal Information:

The Company processes personal information for the following purposes, ensuring it is collected and processed lawfully and for specific, explicitly defined, and legitimate reasons:

- Complying with legal and statutory obligations in terms of applicable legislation.
- Staff administration, including management of employees.
- Human resources purposes such as job applications and interviews with potential or prospective employees.
- Keeping of accounts and records.
- Obtaining information necessary to provide the contractually agreed services and/or products to a customer.
- Obtaining information necessary to provide customers with the purchased product(s).
- Marketing and advertising purposes, with appropriate consent where required.
- Monitoring, maintaining, and managing the Company's contractual obligations with and to customers, clients, suppliers, service providers, employees, directors, and other third parties.
- Responding to enquiries and resolving complaints.

- To fulfil obligations (contractual or in terms of legislation) to clients and/or customers.
- To comply with the Company's delivery and return policy.

13.2. Categories of Data Subjects:

The Company may possess records relating to personal information of the following data subjects:

- Clients/customers (natural persons and/or juristic persons).
- Service providers.
- Employees.
- Directors.
- Shareholders.
- Visitors to the Company's premises.
- Individuals who have indicated an interest in the Company's products or services and/or who have completed the "contact us" form on the Company's website.

13.3. Types of Personal Information Processed by the Company:

The Company processes various types of personal information, limited to what is necessary for the stated purposes, which may include:

- **Client and/or customer's (individual) details:** Such as name and surname; physical address; postal address; ID number; tax-related information; email address; telephone number, etc.
- **Client and/or customer's (juristic) details:** Such as name of entity, registration number, physical address, postal address, telephone number, email address, information of authorised representatives, etc.
- **Employee and/or director's details:** Such as name and surname, gender, age, national origin, email address, telephone number, education and qualification information, employment history, ID number, tax number, medical history, etc.
- **Service providers' details:** Such as name of entity, registration number, physical address, postal address, telephone number, email address, information of authorised representatives, tax-related information, etc.

13.4. Disclosure of Personal Information to Other Recipients:

It is sometimes necessary for the Company to share personal information with other organisations and/or recipients. Where necessary or required by law or contract, the Company shares personal information with:

- Employees and/or directors and/or shareholders of the Company.
- Regulatory and statutory bodies and government departments (e.g., SARS, CIPC).
- Service providers and suppliers who process personal information on the Company's behalf under strict contractual agreements (operators).
- Representatives of the Company (e.g., legal advisors, auditors).
- Employment and recruitment agencies.
- Banks or other financial institutions.
- Auditors.

The Company will ensure that appropriate data processing agreements are in place with all third parties who process personal information on its behalf, obligating them to comply with POPIA's principles.

13.5. Cross-Border Flow of Personal Information:

The Company may from time to time need to share personal information with third parties (suppliers and/or service providers) in other countries and transmit personal information cross-border. This personal information may be stored on data servers hosted outside South Africa.

When transferring personal information outside of South Africa, the Company will ensure that such transfers are conducted in accordance with **Section 72 of POPIA**, which requires that the recipient country has laws that provide an adequate level of protection, or that the transfer is necessary for the performance of a contract or for the protection of the data subject's vital interests, or with the data subject's consent.

The Company will endeavour to ensure that these third parties make all reasonable efforts to secure the personal information by implementing appropriate security measures.

13.6. General Description of Information Security Measures:

The Company is committed to protecting the personal information it holds. We implement a variety of technical and organisational measures to ensure the integrity and confidentiality of personal information, and to prevent loss, damage, unauthorised destruction, and unlawful access to or processing of personal information. These measures include, but are not limited to:

- Organisational privacy policies and procedures.
- Firewalls and Anti-Virus software.

- Physical access control to premises and systems where personal information is stored.
- Information Systems access control (e.g., role-based access, least privilege).
- Physical security of devices and data storage.
- Strong password protocols and regular password changes.
- Regular security assessments and updates.
- Employee training on data protection and privacy.

13.7. Data Subject's Rights:

POPIA grants data subjects specific rights regarding their personal information. The Company is committed to facilitating the exercise of these rights:

- In terms of **Section 11(3) of POPIA**, the data subject has the right to **object to the processing of personal information** in accordance with **Form 1** of the Regulations.
- In terms of **Section 23(1) & (2) of POPIA**, the data subject has the right to establish whether a responsible party holds personal information of the data subject and to **request access to his/her/its personal information**, subject to the provisions of Section 23.
- In terms of **Section 24 of POPIA**, the data subject has the right to request, where necessary, the **correction, destruction, or deletion of his/her/its personal information** or the destruction or deletion of a record of personal information in accordance with **Form 2** of the Regulations.
- Data subjects have the right to **lodge a complaint** with the Information Regulator regarding alleged interferences with the protection of their personal information.

14. LINKS TO FORMS

Protection of Personal Information (POPIA) Forms:

- FORM SCN1 – Security Compromises Notification – Fillable Form
- Guidelines on completing a Security Compromise Notification to Section 22 POPIA
- Form 1: Objection to the Processing of Personal Information
- Form 2: Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information
- Form 3: Application for the Issue of a Code of Conduct

- Form 4: Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing
- Form 5: Complaint Regarding Interference with the Protection of Personal Information/Complaint Regarding Determination of an Adjudicator
- Form 20: Request for an Internal Review as in the rules of procedure relating to the way a complaint must be submitted and handled by the Information Regulator
- Application form for authorisation to process Special Personal Information
- Application form for authorisation to process Personal Information of Children
- Exemption Application Form submitted in terms of section 37(1)
- Application form for Registration of Information Officers
- Application Form for Prior Authorisation Responsible parties may submit their applications for prior authorisation by completing the form.

Official POPIA Forms from the Information Regulator

You can access the official forms directly from the Information Regulator’s website:

[Information Regulator – POPIA Forms](#)

Form Name	Purpose
Form 1 – Objection to Processing	Used by data subjects to object to the processing of their personal information.
Form 2 – Request for Correction or Deletion	Allows individuals to request correction, deletion, or destruction of personal information.
Form 3 – Request for Access	Used to request access to personal information held by a responsible party.
Form 4 – Complaint Form	For lodging a complaint with the Information Regulator regarding non-compliance.
Form 5 – Consent Form	Used to obtain consent from data subjects for processing personal information.
Form 6 – Application for Prior Authorisation	Required when processing involves special personal information or cross-border transfers.

[POPIA Guidelines and Notices](#)

[POPIA Act Full Text \(PDF\)](#)

Promotion of Access to Information (PAIA) Forms:

- Form 01: Request for a Guide from the Regulator [Regulation 2]
- Form 01: Request for a Copy of the Guide from an Information Officer [Regulation 3]
- Form 02: Request for Access to Record [Regulation 7]
- Form 03: Outcome of request and of fees payable [Regulation 8]
- Form 04: Internal Appeal Form [Regulation 9]
- Form 05: Complaint Form [Regulation 10]
- Form 13: PAIA Request for Compliance Assessment Form [Regulation 14(1)]

- **Promotion of Access to Information Act (PAIA) forms** used in South Africa, along with their purposes:
 - Common PAIA Forms

Form Number	Purpose
Form 01	Request for a copy of the PAIA Guide from the Regulator or Information Officer
Form 02	Request for access to a record (Regulation 7)
Form 03	Outcome of request and fees payable (Regulation 8)
Form 04	Internal appeal form (Regulation 9)
Form 05	Complaint form (Regulation 10)
Form 13	Request for PAIA compliance assessment (Regulation 14(1))

These forms are essential for individuals or entities seeking access to records held by public or private bodies, or for lodging appeals or complaints under PAIA.

You can download the official PAIA forms from the **Information Regulator South Africa** website: [PAIA Forms – Information Regulator](#)

This manual will be reviewed periodically to ensure ongoing compliance with PAIA and POPIA.