

HPP NPC Policy:
Access to Information Policy

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1. PROCESS FOR REQUESTS TO INFORMATION

- 1.1 Any requests for access to records of Hermanus Public Protection NPC (HPP) are subject to PAIA and, in respect of personal information, POPIA.
- 1.2 In terms of PAIA, a request for access is to be made on the prescribed form in Annexure A. The request is to be made to the Information Officer addressed to the contact details set out above (section 53(1) of PAIA).
- 1.3 The requester must provide sufficient detail on the form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed (section 53(2)(a) and (b) and (c) and (e) of PAIA).
- 1.4 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (section 53(2)(d) of PAIA).
- 1.5 In circumstances where the request for access is being made on behalf of another person, the requestor is obliged to prove the capacity in which the request is being made, with any submissions in support thereof being subject to the satisfaction of HPP (section 53(2)(f) of PAIA). Section 71 of the PAIA makes provision for a request for information or records about a third party. In considering such a request, HPP will adhere to the provisions of sections 71 to 74 of the Act. The requestor is to note the provisions of Chapter 5 of Part 3 of PAIA in terms of which HPP is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of HPP by referring the matter to the High Court.
- 1.6 The Information Officer will decide on whether or not to grant the request as soon as is reasonably possible (but in any event within thirty days of the request having been submitted) and notify the requester accordingly.
- 1.7 The Information Officer may decide to extend the period of thirty days for another period of not more than thirty days if –
 - 1.7.1 the request is for a large number of records;
 - 1.7.2 the search for the records is to be conducted across of number of dates, times or areas;
 - 1.7.3 consultation among divisions or departments; as the case may be, of HPP is required;
 - 1.7.4 the requester consents to such an extension in writing; and

- 1.7.5 the parties agree in any other manner to such an extension. Should HPP require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 1.8 If the Information Officer fails to respond (or extend the period within which the respond) within thirty days after a request has been received, it will, in terms of PAIA, be deemed to have refused the request (section 58 read together with section 56(1) of PAIA).
- 1.9 Where access is granted –
- 1.9.1 the Information Officer will advise the requester of –
- a. the access fee to be paid for the information (in accordance with paragraph 5.10.3 of this Manual below) prior to HPP being able to process the request and grant the access (section 54(1) of PAIA);
 - b. the format in which access will be given; and
 - c. the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted (section 56(2) of PAIA); and access to the record requested will be given as soon as reasonably possible.
- 1.10 The following access and reproduction fees apply:
- 1.10.1 the request fee payable by a requester, other than a personal requester (being a requester who seeks access to a record containing personal information about that requester) is R50,00. The requester may lodge an application to the court against the tender or payment of the request fee (section 54(3)(b) of PAIA); and
- 1.10.2 where the Information Officer is of the opinion that the number of hours required to search, reproduce and/or prepare the information requested will exceed 6 hours, it may require that a deposit
- 1.11 If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal, including adequate reasons for the refusal and that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (section 56(3) of PAIA).
- 1.12 Upon the refusal by the Information Officer, any deposit paid by the requester will be refunded.
- 1.13 The requester may lodge an appeal with a court of competent jurisdiction against any process set out in this paragraph 5.

2. RECORDS NOT FOUND

- 2.1 If a record cannot be found or if the records do not exist, the Information Officer shall notify the requester (providing full details of steps taken to find the record or determine its existence) that it is not possible to give access to the requested record.
- 2.2 If the record in question should later be found, the requester shall be given access to the record unless access is refused by HPP.

3. REFUSAL OF ACCESS

- 3.1 HPP may refuse to grant access on certain grounds, including the following (Part 3, Chapter 4 of the PAIA):
- 3.1.1 that the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege;
 - 3.1.2 to protect the commercial information or the confidential information of a third party or HPP;
 - 3.1.3 that it is necessary to protect the safety of individuals or property;
 - 3.1.4 that it is necessary to protect the research information of a third party or HPP; and
 - 3.1.5 that granting access would result in the unreasonable disclosure of personal information about a third party.

4. PROTECTION OF PERSONAL INFORMATION

4.1 Introduction

- 4.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful "processing" of "personal information" by a "responsible party" (as such terms are defined under POPIA). These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 4.1.2 HPP requires personal information relating to both natural and legal persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by HPP. Accordingly, HPP is a responsible party for the purposes of POPIA and will ensure that the personal information of a "data subject" (as defined in POPIA), amongst other things as prescribed by POPIA:
- a. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data is collected by HPP, in the form of privacy or data collection notices. HPP must also have a legal basis (for example, but not limited to, consent) to process personal information;
 - b. is processed only for the purposes for which it was collected;
 - c. will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
 - d. is adequate, relevant and not excessive for the purposes for which it was collected;
 - e. is accurate and kept up to date;
 - f. will not be kept for longer than necessary;
 - g. is processed in accordance with integrity and confidentiality principles – this includes physical and organisational measures to ensure that personal Information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by HPP, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
 - h. is processed in accordance with the rights of data subjects, where applicable.

4.2 Data Subject Rights

4.2.1 Data Subjects have the right to:

- a. be notified that their personal information is being collected by HPP. The data subject also has the right to be notified in the event of a data breach;
- b. know whether HPP holds personal information about them and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;
- c. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- d. object to HPP' use of their personal information and request the deletion of such personal information (deletion would be subject to HPP' record keeping requirements);
- e. object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
- f. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

4.3 Purpose of the Processing of Personal Information by HPP

4.4 As noted above, personal information held by HPP can only be processed for a specific purpose. The purpose for which HPP processes or will process personal information is set out in section of A of Annexure B to this Manual, provided however that this is not an exhaustive list.

4.5 Categories of Data Subjects and Personal Information relating thereto

4.6 In terms of section 1 of POPIA, a data subject may either be a natural or a juristic person. The various categories of Data Subjects that HPP processes personal information in respect of and the types of personal information relating thereto includes but is not limited to those detailed in section B of Annexure B to this Manual.

4.7 Sharing of Personal Information

4.8 HPP may share a data subject's Personal Information in accordance with section C of Annexure B to this Manual.

4.9 Cross-border flows of Personal Information

4.9.1 Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- a. recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPIA; or
- b. data subjects' consent to the transfer of their personal information; or
- c. transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party; or
- d. transfer is necessary for the performance of a contractual obligation between the responsible party and a third party, in the interests of the data subject; or

- e. the transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject, and if it were, the data subject, would in all likelihood provide such consent.

4.9.2 Planned cross-border transfers of personal information and the justifications therefor includes but is not limited to those detailed in section D of Annexure B to this Manual.

4.10 Description of information security measures to be implemented by HPP

Section E of Annexure B to this Manual sets out the types of security measures to be implemented by HPP in order to ensure that personal information is respected and protected. This is not an exhaustive list and is subject to change. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by HPP may be conducted in order to ensure that the personal information that is processed by HPP is safeguarded and processed in accordance with the Conditions for Lawful Processing under POPIA.

5. Objection to the Processing of Personal Information by a Data Subject

Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the processing of his/her/its personal information in the prescribed form attached to this manual as Annexure C subject to exceptions contained in POPIA.

6. Request for correction or deletion of Personal Information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a data subject may request for their personal information to be corrected/deleted in the prescribed form attached as Annexure D.

Annexure A

A. Particulars of organisation

Hermanus Public Protection (HPP) NPC Information Officer

B. Particulars of person requesting access to the record

[Regulation 10]

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

Full names and surname:	
Identity number:	
Postal address:	
Fax number:	
Telephone number:	
E-mail address:	
Identify the right you wish to exercise or protect:	<ul style="list-style-type: none"> a) Personal Privacy b) Environmental Rights c) Access to Information Rights d) Other (Specify) _____
Provide an explanation of why the requested record is required for the exercise or protection of that right:	
Capacity in which request is made, when made on behalf of another person:	

C. Particulars of person on whose behalf request is made

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

Full names and surname:	
Identity number:	

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.

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

E. Fees

No fee is applicable.

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 hereunder, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X

NOTES:

(a) Compliance with your request 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 for the record, if any, will be determined partly by the form in which access is requested.



If the record is in written or printed form:	copy of record*	
	inspection of record	
If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	view the images	
	copy of the images	
	transcription of the images*	
If record consists of recorded words or information which can be reproduced in sound:	listen to the soundtrack/audio	
	transcription of soundtrack*, written or printed document cassette	
If record is held on computer or in an electronic or machine-readable form:	printed copy of record*	
	printed copy of information derived from the record*	
	copy in computer readable form* (stiffy or compact disc)	
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.		
In which language would you prefer the record?		

G. 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:

A. Purpose of processing:

The purposes for which HPP processes personal information includes but is not limited to:

- (a) rendering of services to our clients;
- (b) employee administration;
- (c) transacting with our suppliers and third party service providers;
- (d) maintaining records;
- (e) recruitment;
- (f) general administration;
- (g) financial requirements;
- (h) compliance with legal and regulatory requirements; and
- (i) facilities management.

Annexure B

Data Subject	Personal Information processed
Employees	ID number, contact details, physical and postal address, date of birth, age, marital status, race, employment history, criminal/background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information (including medical aid, pension/provident fund information), details related to employee performance, disciplinary procedures, employee disability information, employee pension and provident fund information, employee contracts, employee performance records, payroll records, electronic access records, physical access records, CCTV records, health and safety records, training records, employment history, time and attendance records.
Clients	<i>Natural persons:</i> ID number, information required for FICA compliance, contact details, physical and postal address. <i>Legal persons:</i> Entity name, registration number, VAT number, contact details for representative persons, FICA documentation
Suppliers and service providers	Entity name, registration number, income tax number, tax information, contact details for representative persons, FICA documentation, BBB-EE certificates, invoices, agreements
Directors and shareholders	<i>Natural persons:</i> ID number, information required for FICA compliance, contact details, physical and postal address.
Website visitors	IP Addresses
Visitors	Full name, position, telephone number and email address
Physical access records, electronic access records and CCTV records	Name, surname, ID numbers, other information as required for reporting purposes
Job applicants	Name, surname, address, contact details, email address, telephone number, details of qualifications, skills, experience and employment history, current remuneration

C. Sharing of personal information

HPP may share personal information with:

- (a) other companies forming part of HPP' group of companies located outside of South Africa;
- (b) service providers who perform services on behalf of HPP; and
- (c) third party suppliers.

D. Cross border transfers of personal information

HPP may from time to time need to transfer personal information to its group companies, service providers and other third parties located in a country outside of South Africa, including for the purposes of rendering services to clients or for HPP administration purposes (including employee administration).

Where personal information is transferred outside of South Africa, HPP will take steps to ensure that such transfer is subject to laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

E. Information Security Measures

HPP implements and maintains reasonable technical and organisational measures to protect personal information, including by way of the implementation of policies, procedures and controls aimed at preventing any unauthorised access to, loss or destruction of personal information. HPP has a wide range of security measures designed to mitigate data security breaches, accidental loss or destruction of, or damage to, personal information. These include the storage of personal information relating to clients and employees in locked cabinets within the HPP offices; IT systems such as encryption software, password protection software. Restricted access, levels of authority, and separation of duties are in place for dealing with all personal information.

HPP has and will continue to take steps to ensure that third party providers who process personal information on behalf of HPP apply appropriate safeguards in compliance with POPIA.

Objection to the Processing of Personal Information in terms of Section 11(3) of POPIA by a Data Subject

Regulations relating to the protection of Personal Information, 2018

Note:



1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an annexure to this Form and sign each page.
3. Complete as is applicable.

A. DETAILS OF DATA SUBJECT

Name(s) and surname/ registered name
Unique identifier / Identity Number

Residential, postal or business address Contact number(s)

Fax number/email address

Annexure C

B. DETAILS OF RESPONSIBLE PARTY

Name(s) and surname/ registered name:

Residential, postal or business address:

Contact number(s)

Fax number/email address

C. REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(D) TO (F) (Please provide detailed reasons for the objection)

Signed at:

Day:

Month:

Year:

Signature of requester / person on whose behalf request is made:

Request for correction or deletion of Personal Information or destroying or deletion of record of Personal Information in terms of Section 24(1) of POPIA

Regulations relating to the protection of Personal Information, 2018

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form

and sign each page.

3. Complete as is applicable.

Request for: (Mark the appropriate box with an "X".)

- Correction or deletion of the Personal Information about the Data Subject which is in possession or under the control of the Responsible Party.
- Destroying or deletion of a record of Personal Information about the Data Subject which is in possession or under the control of the Responsible Party and who is no longer authorized to retain the record of information.

A. Details of Data Subject

Name(s) and surname/registered name:

Unique Identifier/Identity Number:

Contact number(s):

Fax number/email address:

B. Details of Responsible Party

Name(s) and surname/registered name:

Contact number(s):

Fax number/email address:

Annexure D

Residential, postal or business address	
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Residential, postal or business address	
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C. Reasons for objection in terms of Section 11(1)(d) to (f) (Please provide details reasons for the objection)

D. Reasons for correction or deletion of the Personal Information about the Data Subject in terms of Section 24(1)(a) which is in possession or under the control of the Responsible Party; and or reasons for destruction or deletion of a record of Personal Information about the Data Subject in terms of Section 24(1)(b) which the Responsible Party is no longer authorised to retain (please provide detailed reasons for the request)