



MAB Bureau

POPIA Manual

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2. Guidelines and Training Manual

MAB Bureau PTY LTD

3. The Protection of Personal Information (POPI) Act

as published in the Government Gazette Notice 37067 on 26 November 2013

This is a guide!

Its purpose is to assist you and your company to be compliant and to align with the intent and purpose of the Act. The provisions of POPI reflect the ideals as enshrined in common law and more importantly Section 14 of the Constitution.

Unfortunately, POPI is not an event, in essence it requires a change in corporate culture and a concerted and directed effort. POPI Compliance requires at least the following:

- Will from management
- Training of staff
- Regular inspection and process flow management
- Reporting and measurement
- Re-training

Steps to POPI:

- Appointment of a COMPLIANCE OFFICER.
- Your POPI Training Guide and Compliance Manual is only your, "Introduction to POPI", The Start.
- No two business are the same, you will need to build your own corporate culture regarding POPI.
- The Golden Rule for POPI is Personal Information has now become, "Treasured Goods".
- The guide serves to outline the fundamentals of the Act including the following:
 - Who are the role players?
 - What is meant by "Personal Information"?
 - What is "Processing"?
 - The job of the Compliance Officer.
 - Checklists and guides.

4. Section 51 Manual

[The Promotion of Access to Information Act, \(Act 2 of 2000\)](#)

Incorporating additional requirements of The Protection of Personal Information Act, (No 4 of 2013) for MAB Bureau

[SECTION 51 MANUAL FOR MAB Bureau \(2021/429892/07\)](#)

Information Required Under Section 51(l)(A) Of The Act

Postal Address of head office MAB Bureau (Pty) Ltd:

1st Floor, Block C, The Beachhead, 10 Niblick Way, Somerset West, 7130

Physical Address of head office MAB Bureau (Pty) Ltd:

1st Floor, Block C, The Beachhead, 10 Niblick Way, Somerset West, 7130

Email address of head of MAB Bureau PTY LTD:

corne@mabbureau.co.za

5. Description Of Guide Referred to In Section 10: Section(51)(1)(A)

A guide has been compiled in terms of Section 10 of PAIA by MAB Bureau (Pty) Ltd. It contains information required by a person wishing to exercise any right, contemplated by PAIA.

This Guide is available for inspection, inter alia, at the office of the offices of MAB Bureau (Pty) Ltd at the physical address above and at the SAHRC.

THE LATEST NOTICE IN TERMS OF SECTION 52(2)(IF ANY):

At this stage, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

ACTS AND OTHER LEGISLATION HELD AT PHYSICAL ADDRESS BY MAB Bureau.

6. Basic Conditions of Employment 75 of 1997

SUBJECTS AND CATEGORIES OF RECORDS HELD AT PHYSICAL ADDRESS BY MAB Bureau (Pty) Ltd:

- Attendance registers
- Correspondence
- Licenses (categories)
- Minutes of Management Meetings
- Minutes of Staff Meetings
- Statutory Returns
- Employee Records
- Employment Contracts
- Employment Equity Records
- General Correspondence
- Industrial and Labor Relations Records
- Information relating to Health and Safety Regulations
- Performance Appraisals
- Personnel Guidelines, Policies and Procedures

- Remuneration Records and Policies
- Skills Requirements
- Staff Recruitment Policies
- Statutory Records
- Training Records
- Contracts
- Marketing Records
- Annual Financial Statements
- Asset Register
- Budgets
- Financial Transactions
- Insurance Information
- Management Accounts
- Purchase and Order Information
- Stock Records
- Tax Records (company and employee)
- IT Policies and Procedures

SUBJECTS AND CATEGORIES OF PERSONAL RECORDS HELD AT PHYSICAL ADDRESS BY MAB Bureau (Pty) Ltd:

- Identity Numbers
- Dates of birth
- Telephone numbers
- emails
- Addresses
- License Numbers
- BEE Certificates
- Banking Details
- Financial Information

CUSTOMER PERSONEL INFORMATION SHARED BY MAB Bureau (Pty) Ltd.

- Group companies
- 3rd Party service providers to uphold contract service obligations of client.

IT PRACTISES BY MAB Bureau (Pty) Ltd Physical security, (PCs locked to fixture/locked computer)

- Network security controls
- Password controls
- Virus & Malware protection
- Software updates
- Disaster recovery & back-up policy

COUNTRIES OF OPERATION

7. Detail On How to Make a Request for Access – Section 51 (E)

The requester must complete Form B and submit this form together with a request fee, to the head of the private body.

The form must be submitted to the head of the private body at his/her address, fax number or email address.

The form must:

provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester.

- indicate which form of access is required.
- specify a postal address or fax number of the request in the Republic.
- identify the right that the requester is seeking to exercise or protect.

provide an explanation of why the requested record is required for the exercise or protection of that right

8. POPI Compliance

The 10 Protection Principles for Responsible Parties

Accountability

The Responsible Party must ensure compliance. The Responsible Party is required to audit the processes used to collect, record, store, disseminate and destroy personal information: in particular, ensure the integrity and safekeeping of personal information in your possession or under your control.

The Responsible Party must take steps to prevent the information being lost or damaged, or unlawfully accessed.

Purpose Specification

The Responsible Party must define the purpose of the information gathering and processing: personal information must be collected for a specific, explicitly defined, and lawful purpose that is related to a function or activity of the company concerned.

Processing Limitation

The Responsible Party must ensure processing is lawful and:

- Is done in a reasonable manner that does not infringe the privacy of the data subject.
- Must be adequate, relevant, and not excessive given the purpose.
- Must have obtained consent or necessity, if consent, it must be Voluntary, Specific, Informed.

Data subject consent is required – BUT NOT if.

- Would prejudice lawful purpose, or e Information is contained in public record.

What is "Special Personal Information"?

- Religious or political beliefs
- Race or ethnic origin
- trade union membership
- Political opinions
- Health, sexual life
- Criminal behavior.

Take steps to notify the 'data subject'.

The individual whose information is being processed has the right to know this is being done and why.

The data subject must be told.

• 'The name and address of the company processing their information, he or she must be informed as to whether the provision of the information is voluntary or mandatory.

Further Processing limitation – (limit the processing parameters) To assess whether further processing is permitted – Ask the following: o Is there a valid relationship between the purposes?

- What is the nature of information?
- What are the consequences for data subject?
- The manner in which information was collected?
- Are there any contractual rights between the parties?

To check the rationale for any further processing – Ask the following:

- If information is received via a third party for further processing, this further processing must be compatible with the purpose for which the data was initially collected.

Information quality

The Responsible Party must take reasonably practicable steps to ensure that the information is:

- Complete
- Accurate
 - Not misleading; and
 - Updated where necessary.

Notify the information Protection Regulator:

Once POPI is FULLY enacted and a Regulator established, organizations processing personal information will have to notify the Regulator about their actions.

AND

The Responsible Party must take reasonable steps to notify the data subject of o Information being collected.

- Purpose for which information is collected e Whether the supply of information is voluntary or mandatory.
- The consequences of failure to provide information.
- Any particular law that applies.

You will only need to notify once, not each instance of processing, but if processing is different than initially notified, you are required to notify within 1 year.

Accommodating data subject requests

POPI allows data subjects to make certain requests, free of charge, to organizations holding their personal information.

For instance, the data subject has the right to know the identity of all third parties that have had access to their information. A data subject can also ask for a record of the information concerned.

Security

The Responsible Party is required to secure the integrity of personal information by taking appropriate, reasonable technical and organizational measures to prevent, or Loss, damage, or unauthorized access o Unlawful access to or processing of personal information.

The Responsible Party must take all reasonable measures to.

- Identify all reasonably foreseeable internal and external risks o Establish and maintain appropriate safeguards against the risks o Regularly verify that the safeguards are adequately implemented.
- Ensure the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

The Responsible Party must oversee an Operator who processes data on his/her behalf. Responsible Party must be aware.

- The Operator must treat information confidentially o The Responsible Party must ensure that the operator establishes and maintains appropriate security safeguards e ALL processing by an operator must be governed by a written contract o In the event of security breaches, the Responsible Party must notify the Regulator and the data subject

Retain records for required periods.

- Personal information must be destroyed, deleted or 'de-identified' as soon as the purpose for collecting the information has been achieved.
- However, a record of the information must be retained if an organization has used it to decide about the data subject. The record must be kept for a period long enough for the data subject to request access to it.

Cross Border Data Transfer.

There are restrictions on the sending of personal information out of South Africa as well as on the transfer of personal information back into South Africa.

The applicable restrictions will depend on the of the country to whom the data is transferred or from where the data is returned, as the case may be.

The Responsible Party must institute a written protocol to cover these aspects.

Roles and Responsibilities of an OPERATOR

Who is Who Data Subject: the person to whom the information relates?

- Responsible Party: The entity which determines the purpose of and means for processing personal information.
- Operator: The company or a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of the responsible party.
- Regulator: The Information Protection Regulator, established by POPI.

Duties of an Operator

All Information processed by an operator must be treated in the following manner:

- The Responsible party must be aware of the Operators processing.
- The Operator must treat information confidentially.
- The Responsible party must ensure that the Operator establishes and maintains appropriate security safeguards.
 - In the event of security breaches, the Operator via the Responsible party must notify the Regulator and the data subject.
 - The processing by an operator must be governed by a written contract between the Responsible party and the Operator.

Contents of the Contract

The Contract between Operator and Responsible Party must detail at least the following:

- the legitimate grounds for collecting and using personal data collected,
- the lawful purpose for which data are being collected,
- the limit of processing and prohibiting of further processing,
- the extent of information that is required to prevent any excessive information collection,
- the information retention periods and requirements applicable together with destruction processes and procedures,
- The right of individuals to request such information and query the use thereof,
- The security measures required to prevent the unauthorized or unlawful processing of personal data or access to personal data, including accidental loss or destruction or damage to personal data.

DEALING WITH SPECIAL PERSONAL INFORMATION

1. Religious or Philosophical Beliefs Processing may take place by:
2. Spiritual or religious organizations & institutions, provided that the information concerns data subjects belonging to such organizations; if it is necessary to achieve their aims and principles; or
3. To protect the spiritual welfare of the data subjects.

Unless they have objected to the processing, this information may not be supplied to 3rd parties without the data subject's consent.

Race

Processing may be carried out to:

- Identify data subjects when this is essential to Comply with laws or measures designed to protect or advance persons disadvantaged by unfair discrimination.

Trade Union Membership

Processing may take place by a trade union to which the data subject belongs, or the trade union federation to which the trade union belongs, if the processing is necessary to achieve the aims of the trade union/trade union federation.

This information may not be supplied to 3rd parties without the data subject's consent.

Political Persuasion

Processing may take place by an institution founded on political principles if such processing is necessary to achieve the aims or principles of the institution.

This information may not be supplied to 3rd parties without the data subject's consent.

Health or Sexual Life

Processing may take place by:

- Medical practitioners, healthcare institutions
- Insurance companies, medical aid scheme providers
- Schools
- Institutions of probation, child protection or guardianship

Pension funds and employers if processing is necessary for:

- Implementation of laws/pension regulations.