



## **PAIA MANUAL**

**In Terms Of: Section 51 of The Promotion of Access to  
Information Act (PAIA) No. 2 of 2000 (as amended)  
AND  
Section 18 of The Protection of Personal Information Act (POPIA)  
No. 4 of 2013, compiled for:**

**Kensten Brokers CC ("Private Body")  
Company Registration Number 2007/254057/23**

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## 1. INTRODUCTION

- 1.1 This PAIA Manual is published in terms of section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("PAIA"), as amended by the Protection of Personal Information Act, No. 4 of 2013, ("POPI Act") as well as section 18 of the POPI Act.
- 1.2 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 to information held by another person that is required for the exercise and/or protection of any right.
- 1.3 The POPI Act gives effect to the provisions of, inter alia, Section 14 of the Constitution, which provides for the right to privacy of all persons.
- 1.4 The information provided in this manual includes:
  - 1.4.1 Contact details of the Head, as defined in PAIA, of the Private Body;
  - 1.4.2 A description of the guide referred to in section 10 of PAIA, (which is a guide which was produced by the Human Rights Commission and after 1 July 2021 shall be made available and amended, from time to time, by the Information Regulator defined in POPI) dealing with access to information;
  - 1.4.3 A description of the records of the Private Body which are available in terms of any legislation other than the PAIA;
  - 1.4.4 A description of the subjects on which the Private Body holds records and the categories of records held on each subject;
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  - 1.4.6 The purpose of processing personal information;
  - 1.4.7 The recipients to whom the personal information may be supplied;
  - 1.4.8 Planned trans-border flows of information (if applicable);
  - 1.4.9 A general description of the security measures in place to ensure the confidentiality, integrity, and availability of the information to be processed;
  - 1.4.10 Sufficient information so as to facilitate a request for access to a record of the Private Body.
- 1.5 The reference to any information in addition to that specifically required in terms of section 51 of PAIA and section 18 of the POPI Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of PAIA and the POPI Act.
- 1.6 The main aim of this manual is to:
  - 1.6.1 Disclose the types of records held by the Private Body and to facilitate the requests for access to records of the Private Body, as permitted by PAIA (dealt with in Part A hereof);
  - 1.6.2 Make data subjects aware of the type and source of information being collected, the purpose of collecting and processing such information and related matters (dealt with in Part B hereof).

This manual may be updated from time to time and shall be made available on the Private Body's website and/or at its principal place of business, to any person on request, subject to the payment of a reasonable fee and to the Information Regulator.

**The Private Body is a registered Financial Services Provider (FSP Licence Number 34332), licenced to conduct business as a Short-Term Insurance Broker under the following Categories:**

- **Category 1 Sub-Category 2 : Short-Term Insurance Personal Lines**
- **Category 1 Sub-Category 23 : Short-Term Insurance Personal Lines A1**
- **Category 1 Sub-Category 6 : Short-Term Insurance Commercial Lines**

## **2. DEFINITIONS AND INTERPRETATION**

2.1 In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention:

2.2 An expression which denotes –

2.2.1 any gender includes the other genders;

2.2.2 a natural person includes an artificial or juristic person and vice versa;

2.2.3 the singular includes the plural and vice versa;

2.3 The following expressions shall bear the meanings assigned to them below and similar expressions bear corresponding meanings:

2.3.1 "data subject" means the person to whom personal information relates;

2.3.2 "Personal Information" means information relating to an identifiable living, natural person, and where it is applicable, an identifiable existing juristic person;

2.3.3 "this document" or "this manual" means this information manual, together with all of its annexures, as amended from time to time;

2.3.4 "the Private Body" means the private body to which this manual applies with their details as they appear on the front page of this manual;

2.3.5 "requester" means a person or entity requesting access to a record that is under the control of the Private Body.

2.4 Any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

2.5 If any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this manual;

2.6 Where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this manual;

2.7 Where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding business day;

2.8 Any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be or as is otherwise defined in any legislation;

2.9 The use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;

2.10 Insofar as there is a conflict in the interpretation of or application of this manual and PAIA or the POPI Act, PAIA or the POPI Act shall prevail;

2.11 This manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or all rights listed under the POPI Act. The reader relying on any provisions of this Manual is advised to familiarise his/her/itself with the provisions of PAIA and the POPI Act.



### **3. CONTACT DETAILS OF THE PRIVATE BODY – (Section 51(1)(a)(i) of PAIA and Section 18(1)(b) of the POPI Act)**

**HEAD OF THE PRIVATE BODY & INFORMATION OFFICER:** Norman George Payne

**PHYSICAL ADDRESS:** InsureRing Junction Building, 1<sup>st</sup> Floor, 2 Sarel Cilliers Street, Rynfield, Benoni, 1514

**POSTAL ADDRESS:** P.O. Box 13366, Lakefield, Benoni, 1525

**TELEPHONE NUMBER:** (011) 306-3780 (Direct Line) or 086 176 9546 (Switchboard) or 082 789 9783 (Cell)

**FAX NUMBER:** 086 613 7543

**E-MAIL ADDRESS:** [norman@kensten.co.za](mailto:norman@kensten.co.za)

**DEPUTY INFORMATION OFFICER:** Raquel Gomes

**PHYSICAL ADDRESS:** InsureRing Junction Building, 1<sup>st</sup> Floor, 2 Sarel Cilliers Street, Rynfield, Benoni, 1514

**POSTAL ADDRESS:** P.O. Box 13366, Lakefield, Benoni, 1525

**TELEPHONE NUMBER:** (011) 306-3790 (Direct Line) or 086 176 9546 (Switchboard) or 083 283 9564 (Cell)

**FAX NUMBER:** 086 610 4735

**E-MAIL ADDRESS:** [raquel@kensten.co.za](mailto:raquel@kensten.co.za)

## **PART A: PROMOTION OF ACCESS TO INFORMATION**

### **4. GUIDE ON HOW TO EXERCISE RIGHTS IN TERMS OF PAIA – Section 51(1)(b)(i) of PAIA**

4.1 The Human Rights Commission ("the HRC") has compiled a guide, as contemplated in section 10(1) of PAIA, containing information to assist any person who wishes to exercise any right as contemplated in PAIA and POPIA.

4.2 The contact details of the HRC are as follows:

4.2.1 Postal address: Private Bag 2700, Houghton, 2041

4.2.2 Telephone: +27 11 484 8300

4.2.3 Telefax: +27 11 484 0582

4.2.4 Website: [www.sahrc.org.za](http://www.sahrc.org.za)

4.2.5 Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

4.3 The Guide is also available electronically at

<https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

4.4 With effect from 1 July 2021, the Information Regulator, ("IR") must update and make available the existing Guide that had previously been compiled by the HRC containing information in an easily comprehensible form and manner as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPI. The Guide is available from the Information Regulator's website [https://www.justice.gov.za/inforeg/docs/misc/PAIA-Guide-English\\_20210905.pdf](https://www.justice.gov.za/inforeg/docs/misc/PAIA-Guide-English_20210905.pdf). A copy of the Guide is also available at the offices of the Private Body, in the following two official languages, for public inspection during normal office hours: English and Afrikaans.

4.5 The contact details of the Information Regulator are as follows:

4.5.1 Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

4.5.2 Postal Address: P.O Box, 31533

4.5.3 Telephone: +27 10 023 5200

4.5.4 Telefax: +27 86 500 3351

4.5.5 Website: [www.justice.gov.za/inforeg/contact.html](http://www.justice.gov.za/inforeg/contact.html)

4.5.6 Email: [inforeg@justice.gov.za](mailto:inforeg@justice.gov.za).

## **5. RECORDS AVAILABLE IN TERMS OF LEGISLATION OTHER THAN PAIA AND POPI – Section 51(1)(b)(iii) of PAIA**

5.1 Some of the records held by the Private Body are available in terms of legislation, other than PAIA or POPI, of which the legislation is listed below. Records that must be made available in terms of these Acts shall be made available in terms of the requirements of PAIA and this manual. That legislation includes:

- 5.1.1 CLOSED CORPORATIONS ACT NO. 69 OF 1984 (as amended)
  - 5.1.2 LABOUR RELATIONS ACT NO. 66 OF 1995 (as amended)
  - 5.1.3 BASIC CONDITIONS OF EMPLOYMENT ACT NO. 75 OF 1997
  - 5.1.4 UNEMPLOYMENT INSURANCE ACT NO. 63 OF 2001
  - 5.1.5 INCOME TAX ACT NO. 95 OF 1967
  - 5.1.6 VALUE ADDED TAX ACT NO. 89 OF 1991
  - 5.1.7 SKILLS DEVELOPMENT LEVIES ACT NO. 9 OF 1999
  - 5.1.8 ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT NO. 25 OF 2002
  - 5.1.9 FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT NO. 37 OF 2002, SECTION 8
  - 5.1.10 SHORT-TERM INSURANCE ACT NO. 53 OF 1998
  - 5.1.11 Any other industry applicable legislation
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### **5.2 The following records of the Private Body are available without a person having to request formal access:**

- 5.2.1 BBBEE Sworn Affidavit (available upon request)
- 5.2.2 Proof of Professional Indemnity Cover (available upon request)
- 5.2.3 Complaints Process (available on our website: <https://www.kensten.co.za/>)
- 5.2.4 PAIA Manual (available on our website: <https://www.kensten.co.za/>)
- 5.2.5 PAIA Forms (available on our website: <https://www.kensten.co.za/>)
- 5.2.6 Privacy Policy (available on our website: <https://www.kensten.co.za/>)
- 5.2.7 Conflict of Interest Policy (available on our website: <https://www.kensten.co.za/>)

## **6. DESCRIPTION OF SUBJECTS AND CATEGORIES OF RECORDS – Section 51(1)(b)(iv) of PAIA**

6.1 The Private Body holds various records. The subjects on which the Private Body holds records and the categories of records held by the Private Body are reproduced in the tables below.

6.2 The listing of a category or subject matter in this manual does not guarantee access to such records. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and other applicable legislation. A request for records shall be made in the prescribed form set out later in this manual under the heading “FORM OF REQUEST FOR RECORDS”.

## **RECORD SUBJECTS:**

### **a. OPERATIONAL, INTERNAL ADMINISTRATION, COMPLIANCE, MANAGEMENT RECORDS:**

- i. Records relating to the creation and/or registration of the Private Body
- ii. Legislative Compliance
- iii. Regulatory Reports
- iv. Customers/Insured's details (for the purpose of providing the service as a registered FSP)
- v. Administrative Matters

### **b. HUMAN RESOURCES RECORDS**

- i. List of employees
- ii. Personal records provided to the Private Body by their employees
- iii. Conditions of employment and employment contracts
- iv. Employee tax and insurance fund information, including unemployment insurance fund contributions, group life/death/disability contributions & policies, pension/provident fund contributions & policies
- v. Health and Safety records

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- vi. Codes of Conduct and Disciplinary records and procedures
  - vii. Payroll records
  - viii. Annual leave, sick leave, maternity and special leave records
  - ix. Internal policies applicable and accessible to employees
  - x. Any records that a third party has provided to the Private Body about any of their employees
  - xi. Other internal records and correspondence relating to employees

### **c. FINANCIAL RECORDS**

- i. Annual Financial reports, financial statements and other accounting records
- ii. Accounting reports
- iii. Banking Statements
- iv. VAT returns
- v. Income tax returns and assessments
- vi. Bordereaux, commissions, fees reports
- vii. Short-term insurance

### **d. MEMBER RECORDS**

- i. Any records that a member has provided to the Private Body or a third party acting for or on behalf of the Private Body
- ii. Contractual Information
- iii. Personal records of members
- iv. Any records that a third party has provided to the Private Body about members
- v. Confidential, privileged, contractual and legal records of members



- vi. Records generated by or within the Private Body pertaining to members, including transactional records

**e. SERVICE PROVIDERS, SUPPLIERS AND THIRD PARTIES RECORDS**

- i. Any records a member has provided to the Private Body or a third party acting for or on behalf of the Private Body
- ii. Lists and details of service providers and suppliers
- iii. Service Level Agreements & Agent/Sub-Agent Intermediary Agreements

**f. ASSET RECORDS**

- i. Assets registers
- ii. Insurance records relating to the assets
- iii. Leases

**g. OTHER RECORDS**

- i. Research information belonging to the Private Body, whether carried out itself or obtained from a third party
  - ii. Environment and market information
  - iii. Information technology including information systems, network security, software licenses, technology assets, etc.
  - iv. Support services
  - v. Internal communication and information
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**7. FORM OF REQUEST FOR RECORDS**

7.1 A request for records shall be accompanied by adequate proof of identity of the applicant, (such as a certified copy of his/her identity document), and made using the prescribed form, a copy of which is attached hereto and marked annexure "A" ("the prescribed form"). The prescribed form is also available from the website of the Human Rights Commission at <https://www.sahrc.org.za>, or the website of the Department of Justice and Constitutional Development at <https://www.doj.gov.za> and as may be advised by the Information Regulator on or after 1 July 2021.

7.2 The prescribed form shall be submitted to the Private Body Head named in clause 3 hereof.

7.3 The above procedure shall apply in the event that the requester is requesting information for personal use and/or on behalf of another person, even if such other person is a permanent employee of the Private Body.

7.4 The Head of the Private Body shall as soon as reasonably possible, and within 30 (thirty) days after the request has been received, decide whether or not to grant such request.

7.5 The requester will be notified of the decision of the Head of the Private Body or the Manager in the manner indicated by the requester.

7.6 After access is granted, actual access to the record requested will be given as soon as reasonably possible.

7.7 If the request for access is refused, the Head of the Private Body or the Manager shall advise the requester in writing of the refusal. The notice of refusal shall state:

7.7.1 adequate reasons for the refusal; and

7.7.2 that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.

7.8 If the Head of the Private Body or the General Manager fails to respond within 30 (thirty) days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of PAIA, that the Head of the Private Body or the Manager has refused the request.

**8. FEES PRESCRIBED IN TERMS OF THE REGULATIONS – Section 51(1)(f) of PAIA (as per amended Regulations Gazetted on 27 August 2021)**

8.1 The following applies to requests (other than personal requests):

8.1.1 The requestor is required to pay the **prescribed fee of R140.00** before a request will be processed;

8.1.2 If the search/preparation of the record requested requires more than the 6 (six) hours, a deposit of **one third of the amount per request calculated in terms of items 2 to 8** mentioned in the table below shall be payable;

8.1.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

8.2 Records may be withheld until the fees have been paid.

8.3 The fee structure shall be available by way of regulations published from time to time.

8.4 The following fees are prescribed by the Minister of Justice in respect of Private Bodies:

ITEM NO.	DESCRIPTION	FEE
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of an A4-size page or part thereof	R2.00 per page or part thereof
3.	Printed copy of an A4-size page	R2.00 per page or part thereof
4.	For a copy in a computer-readable form on: (iii) Flash Drive (to be provided by requestor) (iv) Compact Disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from the service provider
6.	Copy of visual images	Service to be outsourced. Will depend on quotation from the service provider
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash Drive (to be provided by requestor) (vi) Compact Disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

8.5 For purposes of section 54(2) of the Act, the following applies:

8.5.1 Six hours as the hours to be exceeded before a deposit is payable; and

8.5.2 one third of the access fee is payable as a deposit by the requester.

8.6 The actual postage is payable when a copy of a record must be posted to a requester.



## PART B: PROTECTION OF PERSONAL INFORMATION

### 9. PROTECTION OF PERSONAL INFORMATION – Section 51(1)(c)(i)-(iii) of PAIA read with Section 18 of the POPI Act

9.1 The Private Body processes certain personal information, as defined in the POPI Act, (“Personal Information”) relating to multiple data subjects. A data subject is the person, (natural or juristic), to whom Personal Information relates and from whom the Private Body collects and processes information.

9.2 A description of the data subjects, (individuals and juristic persons), the information relating thereto, the purpose of processing that information and the recipients of that Personal Information, is reproduced in the tables below.

DATA SUBJECTS: EMPLOYEES		
Personal Information processed	Source of the Personal Information	Is the supply of Personal Information mandatory or voluntary?
Information relating to: Name & surname, race, gender, pregnancy, marital status, CV, nationality, ethnicity or social origin, sexual orientation, age, medical history, religion, ethics, culture, language, employment history, qualifications, certificates, postal address, physical address, contact details of the employee as well as contact details in case of emergency, email address, annual earnings, banking details, next of kin, beneficiaries, contact details (of employee, next of kin and beneficiaries), date of birth and ID number of the person/s	Employment Equity Documents; information provided by the individual/ employee (i.e. the Data Subject); previous employers	Both Mandatory & Voluntary
<b>Will any of the Personal Information be transferred to another country or international organisation?</b> No, unless the information is lawfully required by a Third Party and authorized by the Data Subject		
<b>Purpose of processing Personal Information:</b> Compliance; UIF; Provident/Pension Fund; Group Life Scheme; SARS		
<b>Recipient or categories of recipients to whom the Personal Information is supplied:</b> Department of Labour; SARS; Insurers/Service Providers		
<b>Consequences of failure to provide information:</b> Non-compliance; incomplete/inaccurate records may affect the outcome/pay-out of a policy/cover		

DATA SUBJECTS: CLIENTS/INSURED ENTITIES		
Personal Information processed	Source of the Personal Information	Is the supply of Personal Information mandatory or voluntary?
Information relating to: Name & surname, gender, marital status, nationality, age, language, occupation, postal address, physical address, security details at the insured premises, contact details, email address, date of birth and ID number (or Passport Number if a non-SA resident) of the person/s, banking details, Company VAT Number, Company Registration Number, details of business dealings, tenants, assets and values thereof, vehicle details, financial information (such as Gross Profit, Turnover, Annual Earnings), previous insurers/covers, claims history, ITC consent	Information provided by: the client/insured (i.e. the Data Subject); previous insurers; credit bureau; SAPS	Both Mandatory & Voluntary
<b>Will any of the Personal Information be transferred to another country or international organisation?</b> No, unless the information is lawfully required by a Third Party and authorized by the Data Subject		
<b>Purpose of processing Personal Information:</b> In order to provide the service/s relating to our business as a Financial Services Provider/Non-Life Insurance Brokers; Compliance		
<b>Recipient or categories of recipients to whom the Personal Information is supplied:</b> Service Providers; Insurers; Credit Bureau (ITC consent required); SAPS/Law Enforcement Agencies		
<b>Consequences of failure to provide information:</b> Inability to provide quotes/adequate cover/risk assessment to clients; Non-compliance		

DATA SUBJECTS: SERVICE PROVIDERS		
Personal Information processed	Source of the Personal Information	Is the supply of Personal Information mandatory or voluntary?
Information relating to: Name & surname, business description/list of services provided, postal address, physical address, contact details, email address, banking details, Company VAT Number, Company Registration Number, rates/pricing	Information provided by: the service providers (i.e. the Data Subject)	Both Mandatory & Voluntary
<b>Will any of the Personal Information be transferred to another country or international organisation?</b> No, unless the information is lawfully required by a Third Party and authorized by the Data Subject		
<b>Purpose of processing Personal Information:</b> In order to provide the service/s relating to our business as a Financial Services Provider/Non-Life Insurance Brokers; Compliance		
<b>Recipient or categories of recipients to whom the Personal Information is supplied:</b> Clients, Insurers		
<b>Consequences of failure to provide information:</b> Inability to utilize their services; Non-compliance		



9.3 Where Personal Information is collected in terms of specific legislation, the Private Body will inform the data subject in terms of which legislation that data is collected.

9.4 Data subjects have the right to object to the processing of their Personal Information.

9.5 In the event that a data subject requires confirmation regarding the existence of the Personal Information processed by the Private Body or believes that the Personal Information processed by the Private Body requires rectification, the data subject is entitled to utilise the processes and procedures set out in section A of this manual to request access to the records of the Private Body set out in section 18(1)(h)(iii).

9.6 We will not, without data subjects' express consent, use their Personal Information for any purpose, other than:

**Specifically:**

9.6.1 as set out in the abovementioned tables;

**Generally:**

9.6.2 in relation to the provision of any goods and services to a data subject;

9.6.3 to inform the data subject of: changes to their policies/covers/premium payable; details of new products or product providers on the market; details of benefits/services available

9.6.4 to notify the data subject of any amendments to our operating hours/closure dates during festive periods or change in operation methods

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9.6.5 to disclose their Personal Information to any third party as set out below:

9.6.5.1 to our employees and/or third party service providers who assist us to interact with data subjects, for the ordering of goods or services or when delivering goods or services to data subjects, their personal and contact information being essential in order to assist us to communicate with the data subjects properly and efficiently;

9.6.5.2 to our divisions, affiliates, members and/or partners (including their employees and/or third party service providers) in order for them to interact directly with data subjects via email, telephone or any other method for purposes of sending data subjects information regarding goods or services provided by them as requested by the data subjects;

9.6.5.3 to law enforcement, governing bodies, fraud detection agencies or other third parties when we believe in good faith that the disclosure of Personal Information is necessary to prevent physical harm or financial loss, to report or support the investigation into suspected illegal activity;

9.6.5.4 to our service providers and/or those of our divisions, affiliates, members, partners who assist with our business operations (fraud prevention, marketing, technology services etc). These service providers however may only use the data subjects' information in connection with the services that they perform for us/our divisions/affiliates/members/partners and not for their own benefit;

9.6.5.5 to our suppliers in order for them to liaise directly with the data subjects regarding any defective goods or services which requires their involvement;

9.6.5.6 to any third-party seller or service provider for purposes of sending data subjects a quote or invoice for any goods or services purchased from such third-party seller or service provider, of which the disclosed information will be limited to the data subjects' contact details;

9.7 We are entitled to use or disclose data subjects' Personal Information if such use or disclosure is required in order to comply with any applicable law, subpoena, order of the court or legal process served on us, or to protect and defend our rights or property. In the event of fraudulent payments, we are entitled to disclose relevant Personal Information for criminal investigation purposes or in line with



any other legal obligation for disclosure of the Personal Information which may be required of it.

9.8 Data subjects' privacy is important to us and we will therefore not sell, rent or provide their Personal Information to unauthorised third parties for their independent use, without the data subjects' prior consent.

9.9 We will not process personal information concerning:

9.9.1 the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or

9.9.2 the criminal behaviour of a data subject to the extent that such information relates to i) the alleged commission by a data subject of any offence; or ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

**Unless**

9.9.2.1 the data subject has given us specific consent to process such data; or

9.9.2.2 processing is necessary for the establishment, exercise or defence of a right or obligation in law;

9.9.2.3 processing is necessary to comply with an obligation of international public law; or

9.9.2.4 processing is for historical, statistical or research purposes to the extent that: (i) the purpose serves a public interest or (ii) requesting consent would constitute an unreasonable requirement in the circumstances.

9.10 In line with our obligations in terms of section 22 of the POPI Act, where there are reasonable grounds to believe that Personal Information has been accessed or acquired by any unauthorised person, we will notify the Information Regulator and the data subjects, where possible.

9.11 When data subjects provide a rating or review of our services and/or goods, they consent to us using that rating or review as we deem fit, including without limitation, on our website, in newsletters or other marketing material. The name that will appear next to that rating or review is their first name, as they would have provided. We will not display their surname, nor any of their contact details, with a rating or review.

9.12 We will:

9.12.1 treat data subjects' Personal Information as strictly confidential, save where we are entitled to share it as set out in this section;

9.12.2 take appropriate technical and organisational measures to ensure that data subjects' Personal Information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration, disclosure or access;

9.12.3 provide data subjects with access to their Personal Information to view and/or update personal details;

9.12.4 promptly notify data subjects if we become aware of any unauthorised use, disclosure or processing of their Personal Information;

9.12.5 provide data subjects with reasonable evidence of our compliance with our obligations under this section on reasonable notice and request; and

9.12.6 upon data subjects request, promptly return or destroy any and all of their Personal Information in our possession or control, save that which we are legally obliged to retain.

9.13 We will not retain data subjects' Personal Information longer than the period for which it was originally needed, unless we are required by law to do so, or they consent to us retaining such information for a longer period.

9.14 We undertake never to sell or make data subjects' Personal Information available to any third-party other than as provided for in this section.

9.15 Whilst we will do all things reasonably necessary to protect data subjects' rights of privacy, we cannot guarantee or accept any liability whatsoever for unauthorised or unlawful disclosures of data subjects' Personal Information whilst in our possession, made by third parties who are not subject to our direct control, unless such disclosure is as a result of our gross negligence.

9.16 Should a data subject believe that we have used their Personal Information contrary to this Manual and the provisions of the POPI Act, the data subject should first attempt to resolve any concerns with us. If the data subject is not satisfied, they have the right to lodge a complaint with the Information Regulator (of which the address can be found herein below), established in terms of the POPI Act:

The Information Regulator (South Africa)  
JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

## **10. TRANSBORDER FLOWS OF PERSONAL INFORMATION – Section 51(1)(c)(iv) of PAIA and Section 18(1)(g) of the POPI Act**

10.1 The Private Body may from time to time need to transfer authorised Personal Information to another country for storage purposes or for the rendering of services by a foreign third-party service provider or otherwise. We will ensure that any person that we pass data subjects' Personal Information to, agrees to treat their information with the same level of protection as we are obliged to in terms of section 72 of the POPI Act.

## **11. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION – Section 51(1)(v)**

11.1 The security measures implemented by the Private Body to ensure the confidentiality, integrity, and availability of Personal Information, are listed, and described below:

<b>PHYSICAL SECURITY MEASURES:</b>	<b>CYBER SECURITY MEASURES:</b>
Access control onto the premises, as well as access control into our offices	Firewalls
CCTV Cameras	Virus/Malware Protection
Alarm and external beams are activated and linked to armed response when the premises are vacated	All computers/laptops are password protected
Laptops at our office premises are secured with cable locks	Access onto our server and programme/s used to retain Personal Information is password protected
Server is stored in an access-controlled room with restricted access	Computers/laptops are automatically locked after a certain period of inactivity (if the user hasn't locked it when walking away from his/her work station)
Documentation with sensitive information/personal information is shredded/destroyed in-house when no longer required for the purposes of which it was intended	Data is backed up regularly

## **12. AVAILABILITY OF THE MANUAL**

12.1 A copy of the Manual is available to the Information Regulator upon request. It is available for public inspection at the offices of the Private Body during business hours and on the Private Body's website <https://www.kensten.co.za/wp-content/uploads/2015/07/Kensten-Information-Manual-for-The-Company.pdf> A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

### 13. UPDATES TO THE MANUAL – Section 51(2)

The Private Body may update this manual from time to time as it may deem necessary and/or as Regulations are amended.

SIGNED at BENONI on 30<sup>TH</sup> of NOVEMBER 20 21



**NORMAN GEORGE PAYNE (MEMBER/KI/IO)**  
**(HEAD OF THE PRIVATE BODY)**

**DATE OF COMPILATION: 24/11/2021**  
**DATE OF REVISION:**