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**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000 AND THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013  
FOR Mindex Systems**

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## Contents

Interpretation.....	4
Introduction .....	5
Overview of Mindex.....	5
Purpose .....	5
Information and Contact Details .....	6
Guidance and PAIA and POPIA.....	6
Records Held By Mindex Systems .....	7
Processing of Personal Information .....	8
How To Request Access to A Record .....	10
Payment of Fees.....	10
Applicable time-periods.....	11
Outcome of the Request (Granting or Refusing).....	11
Grounds For Refusal of Access To Records.....	11
Remedies for Refusal .....	12
Availability of the Manual .....	12
Updating of this Manual .....	12
Annexure A.....	13
Annexure B.....	17
Annexure C.....	21

## Interpretation

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

1.1 an expression which denotes –

1.1.1 any gender includes the other genders;

1.1.2 1.1.2 a natural person includes an artificial or juristic person and vice versa;

1.1.3 the singular includes the plural and vice versa;

1.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.2.1 "this document" – this document together with all of its annexures, as amended from time to time;

1.2.2 "the company" – Mindex Systems CC;

1.2.3 "PAIA" - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the PAIA;

1.2.4 "POPIA" – Protection of Personal Information Act No. 4 of 2013, as amended from time to time including the regulations promulgated in terms of the POPIA;

1.2.5 "Information Officer" - the designated Information Officer/s or head of the body, as described in this manual, responsible for discharging the duties and responsibilities assigned to the Information Officer as prescribed in terms of PAIA and POPIA;

1.3 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;

1.4 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 document;

1.5 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 document;

1.6 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 day which is a business day;

1.7 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;

1.8 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;

1.9 insofar as there is a conflict in the interpretation of or application of this document and PAIA or POPIA, the legislation shall prevail;



## Introduction

2.1 This manual is published pursuant to sections 14 and 51 of PAIA which was promulgated in order to nurture an ethos which promotes transparency, accountability and effective governance of all private and public bodies. PAIA gives effect to section 32 of the Constitution of the Republic of South Africa, 1996, which provides for the right of access to information in a manner that affords persons a means/platform to obtain the records of private and public bodies as promptly and as efficiently as reasonably possible to endorse, including but not limited to, mechanisms and procedures that empower and educate all persons.

2.2 In addition, the manual explains how to access, or object to, or request correction or deletion of, personal information held by Werksmans, in terms of sections 23, 24 and 25 of POPIA and the Regulations Relating to the Protection of Personal Information, 2017 ("POPIA Regulations").

## Overview of Mindex

Mindex Systems is the authorised distributor of Lucidea library management and software products in Southern Africa, with offices in Pretoria, Johannesburg and Cape Town. We also provide support and training for the full product range. Mindex System's associates are all qualified librarians and information professionals with a very wide range of experience in application environments such as:

- Libraries;
- Archives;
- Museums;
- Content management;
- Information resource management;
- Image management

Mindex presents training courses on all the library, archiving and cataloguing products, either on site or at scheduled dates. The scheduled courses are presented twice a year, in Johannesburg / Pretoria / Cape Town

## Purpose

The purpose of this manual is to facilitate requests for access to records of the company as provided for in PAIA, and to inform data subjects on the types of information Werksmans collects and processes, and how a data subject may request access to this information.



## Information and Contact Details

### 5.1 The Information Officer

Mrs Penndy Loodts

Telephone no: (021) 9760515

Email: [penny@mindex.co.za](mailto:penny@mindex.co.za)

### 5.2 Head Office

Mrs Bella Odendaal

Telephone No : 082 458 9202

Email: [bella@mindex.co.za](mailto:bella@mindex.co.za)

## Guidance and PAIA and POPIA

6.1 As of 1 July 2021, the Information Regulator will assume the functions of the South African Human Rights Commission (“SAHRC”) and will be responsible for PAIA and POPIA queries.

6.2 As part of its functions, the Information Regulator will publish a guide on how to use PAIA and POPIA in the new dispensation. The Information Regulator has not yet published a guide to this effect

6.3 The SAHRC has previously developed a with information on how to use PAIA. This guide is available on the SAHRC website <https://www.sahrc.org.za>

6.4 Any information or queries related to the guide, or to PAIA or POPIA should be directed to –

Information Regulator – telephone (012) 406 4818

- Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)
- Fax no: (086) 500 3351
- Website: [www.justice.gov.za/infoereg](http://www.justice.gov.za/infoereg)
- Postal address: P.O. Box 31533 Braamfontein, Johannesburg 2017
- Physical address: JD House 27 Stiemens Street Braamfontein Johannesburg 2001



## Records Held By Mindex Systems

### 7.1 Records that are automatically available in terms of section 51(1)(c)

7.1.1 At this stage no notices have been published by the Information Regulator on the categories of records automatically available without a person having to request access thereto in terms of PAIA

7.1.2 The records that are located on the Mindex System website, however, are automatically available and are freely accessible to any person requesting this information. It is therefore not necessary to apply for access thereto in terms of PAIA. Mindex Systems' website address is <https://www.mindex.co.za>

7.2 Records held by Mindex Systems in accordance with other legislation Mindex Systems is required in accordance with legislation to retain certain records. We hold records for the purposes of PAIA in accordance with the following legislation, among others –

7.2.1 Basic Conditions of Employment Act 75 of 1997;

7.2.2 Broad-Based Black Economic Empowerment Act 53 of 2003

7.2.3 Companies Act 71 of 2008; 7.2.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993;

7.2.5 Electronic Communications and Transaction Act 25 of 2002

7.2.6 Employment Equity Act 55 of 1998;

7.2.7 Financial Intelligence Centre Act 38 of 2001

7.2.8 Income Tax Act 58 of 1962;

7.2.9 Labour Relations Act 66 of 1995;

7.2.10 Legal Practice Act 28 of 2014;

7.2.11 Occupational Health and Safety Act 85 of 1993;

7.2.12 Pension Funds Act 24 of 1956;

7.2.13 Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002;

7.2.14 Skills Development Levies Act 9 of 1999;

7.2.15 Skills Development Act 9 of 1999;

7.2.16 Unemployment Insurance Act 63 of 2001; and

7.2.17 Value Added Tax Act 89 of 1991.



## Processing of Personal Information

### 8.1 POPIA

8.1.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

8.1.2 Mindex Systems processes personal information in accordance with POPIA. In terms of our privacy policy, Mindex Systems will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information. Mindex Systems processes personal information of both living and juristic persons.

### 8.2 Purpose for processing personal information by Mindex Systems

8.2.1 Mindex Systems will process your information in the ordinary course of the business of providing legal and related services. Primarily, Mindex Systems will use your personal information only for the purpose for which it was originally or primarily collected. Your personal information will only be used for a secondary purpose if such purpose constitutes a legitimate interest and is closely aligned with the original or primary purpose for which your personal information was collected

8.2.2 Mindex Systems processes personal information for a number of reasons, including, but not limited to, -

8.2.2.1 providing services requested;

8.2.2.2 managing the commercial relationship with clients;

8.2.2.3 managing dispute resolution;

8.2.2.4 creating and managing supplier relationships;

8.2.2.5 managing contracts, orders, deliveries, invoices and accounting;

8.2.2.6 sending quotation estimates and invoices;

8.2.2.7 general human resource and finance functions including those obligations imposed by legislation;

8.2.2.8 recruitment;

8.2.2.9 procurement processes;

8.2.2.10 analysis, evaluation, review and collation of information in order to determine legal issues and potential disputes, provide legal advice and prepare or comment on opinions, memoranda, agreements, correspondence, reports, publications, documents relating to legal proceedings and other documents or records; and

8.2.2.11 to allow for proper functioning of the website which includes, amongst others, proper display of content, interface personalisation and ensuring that the website is safe and secure to protect against misuse



#### 8.4 Disclosure of personal information to third parties

8.4.1 We may disclose your personal information to third parties such as our associates and service providers, for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality

8.4.1 We may disclose your personal information to third parties such as our associates and service providers, for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality confidentiality is adopted by the third parties to which your personal information is being transferred to.

#### **8.5 Trans-border/Cross border flows of personal information**

Mindex Systems may transfer your personal information to recipients outside of the Republic of South Africa. However, Mindex Systems complies with the conditions for the transborder flow of personal information as provided by section 72 of POPIA

#### 8.6 Data security

8.6.1 Mindex Systems takes reasonable, appropriate and adequate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access. We contractually mandate any third parties to which your personal information is transferred to do the same.

8.6.2 Mindex Systems regularly reviews our security controls and related processes to ensure that your personal information is secure. However, where there are reasonable grounds to believe that your personal information has been accessed or acquired by any unauthorised person, we will notify the Information Regulator and you, unless the Information Regulator or a public body responsible for detection, prevention or investigation of offences, informs us that notifying you will impede a criminal investigation





## How To Request Access to A Record

9.1 To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as Annexure A. This request must be sent to the Information Officer at the addresses provided in paragraph 6.4.

9.2 For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 1 (objection) or Form 2 (correction or deletion), which are attached to this Manual as Annexure B

9.3 The requestor must provide sufficient detail to enable the Information Officer to identify the record(s) requested and the requestor. The requestor must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

9.4 If the request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the Information Officer.

9.5 PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the Information Officer will decide whether or not to grant a request for access to information.

## Payment of Fees

10.1 PAIA provides for two types of fees, namely –

10.1.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

10.1.2 an access fee, payable when access is granted which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

10.2 Subsequent to a request being made, the Information Officer, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.

10.3 If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, Mindex Systems will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

10.4 Mindex Systems may withhold a record until the requester has paid the fees as indicated in Annexure C.

10.5 A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed



hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

10.6 In terms of POPIA, a data subject has the right to request Mindex Systems to confirm, free of charge, whether or it holds personal information about the data subject and request from Mindex Systems the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

10.7 POPIA further provides that where the data subject is required to pay a fee for services provided to them, Mindex Systems must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

## Applicable time-periods

11.1 Mindex Systems will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.

11.2 The 30-day period may be extended by a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Mindex Systems or the records are not located at Mindex Systems offices.

## Outcome of the Request (Granting or Refusing)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request

## Grounds For Refusal of Access To Records

13.1 In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds –

- 13.1.1 protection of privacy to a third party who is a natural person;
- 13.1.2 protection of the commercial information of a third party;
- 13.1.3 protection of certain confidential information of a third person;
- 13.1.4 protection of the safety of individuals and the protection of property;
- 13.1.5 protection of records privileged from production and legal proceedings;



13.1.6 the commercial information and activities of Mindex Systems;

13.1.7 the protection of research information of a third party; and

13.1.8 any other ground legally available on which to refuse access to the information requested.

13.2 Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

## Remedies for Refusal

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

## Availability of the Manual

This manual is available in electronic and hard copies in English. The hard copies are available at the head office of Mindex Systems as contained in paragraph 5.2. The electronic version of this manual is available on Mindex Systems website.

## Updating of this Manual

This manual will be reviewed and updated, if necessary, on a periodic basis



## Annexure A

### FORM C

#### REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of PAIA)

[Regulation 10]

A. Particulars of private body

The Head:

\_\_\_\_\_

Company Name:

\_\_\_\_\_

Company Registration Number:

\_\_\_\_\_

B. Particulars of person requesting access to the record

(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:

\_\_\_\_\_

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:

\_\_\_\_\_

Postal address:

\_\_\_\_\_

\_\_\_\_\_

Fax number:



\_\_\_\_\_  
Telephone number:

\_\_\_\_\_  
E-mail address:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reference number, if available: \_\_\_\_\_

2. Any further particulars of record:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption. Reason for exemption from payment of fees:

\_\_\_\_\_  
\_\_\_\_\_

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:

\_\_\_\_\_

Form in which record is required:

\_\_\_\_\_

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 to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:
  - copy of record
  - inspection of record
2. 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\*
3. If record consists of recorded words or information which can be reproduced in sound:
  - listen to the soundtrack (audio cassette)
  - transcription of soundtrack (written or printed document)
4. 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?

- YES
- NO

G. Particulars of right to be exercised or protected If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

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---

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right: \_\_\_\_\_

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H. Notice of decision regarding request for access You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the



manner and provide the necessary particulars to enable compliance with your request. How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

---

Signature of requestor /  
person on whose behalf request is made

---

Name of requestor / person on whose behalf request is made



## Annexure B

### FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 2(1)]

Note:

1. Affidavits or other documentary evidence in support of the objection must 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.

Reference Number.....

#### A DETAILS OF DATA SUBJECT

Name and surname of data subject:

Residential, postal or business address:

Contact number(s):

FAX number:

E-mail address:

#### B DETAILS OF RESPONSIBLE PARTY

Name and surname of responsible party (if the responsible party is a natural person):

Residential, postal or business address:

Contact number(s):

FAX number:





E-mail address:

Name of public or private body (if the responsible party is not a natural person):

Business address:

Contact number(s):

FAX number:

E-mail address:

C REASONS FOR OBJECTION (Please provide detailed reasons for the objection)

Signed at ..... this day ..... of ..... 20.....

\_\_\_\_\_

Signature of Data subject (applicant)



FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017 [Regulation 3(2)]

Note: Affidavits or other documentary evidence in support of the request must be attached. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

Mark the appropriate box with an "x".

Request for:

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 authorised to retain the record of information.

A DETAILS OF DATA SUBJECT

Surname:

Full names:

Identity number:

Residential, postal or business address:

Contact number(s):

FAX number:

E-mail address:

B DETAILS OF RESPONSIBLE PARTY



Name and surname of responsible party (if the responsible party is a natural person):

Residential, postal or business address:

Contact number(s):

FAX number:

E-mail address:

Name of public or private body (if the responsible party is not a natural person):

Business address:

Contact number(s):

FAX number:

E-mail address:

C REASONS FOR \*CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT / \*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY.  
(Please provide detailed reasons for the request)

\*Delete whichever is not applicable

Signed at ..... this day ..... of ..... 20.....

\_\_\_\_\_ Signature of Data subject

## Annexure C

### FEES PAYABLE IN RESPECT OF RECORDS REQUESTED FROM MINDEX SYSTEMS

The fees, in respect of private bodies, are as follows –

For every photocopy of an A4-size page or part thereof R 1.10

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0.75

For a copy in a computer-readable form on –

- stiffer disc R 7.50
- compact disc R 70.00

For a transcription of visual images, for an A4-size page or part thereof R 40.00

For a copy of visual images R 60.00

For a transcription of an audio record, for an A4-size page or part thereof R 20.00

For a copy of an audio record R 30.00

The request fee payable by a requester, other than a personal requester R 50.00

The access fees payable by a requester are as follows – For every photocopy of an A4-size page or part thereof R 1.10

For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R 0.75

For a copy in a computer-readable form on

- stiffer disc R 7.50
- compact disc R 70.00

For a transcription of visual images, for an A4-size page or part thereof R 40.00

For a copy of visual images R 60.00

For a transcription of an audio record, for an A4-size page or part thereof R 20.00

For a copy of an audio record R 30.00

To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation. For purposes of section 54(2) of PAIA, the following applies –

- Six hours as the hours to be exceeded before a deposit is payable; and
- one third of the access fee is payable as a deposit by the requester. The actual postage is payable when a copy of a record must be posted to a requester.