

# CUBIX SOLUTIONS (PTY) LTD T/A CUBIX

## PAIA MANUAL

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (PAIA) for a private body. It provides information on the records held and the process that is to be followed to request access to such records.

### Request Forms for POPI

This Manual includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of the Protection of Personal Information Act of 2014 (“POPI”)

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## Scope

The scope of this information manual relates to Cubix Solutions (Pty) Limited t/a Cubix, hereinafter referred to as “Cubix”.

## Availability of the manual

The public are able to obtain a copy of this manual on request from the designated contact person. A copy of the manual will be made available on the website.

## Designated contact person: Our Information Officer

Cubix’s Chief Executive Officer is the Information Officer and has delegated responsibility to his Deputy Information Officer. Both parties’ details are listed below:

<b>Information Officer:</b>	Andrew Moore
<b>Deputy Information Officer:</b>	Shaun Naidoo
<b>Postal address:</b>	P.O. Box 1498, Umhlanga Rocks, 4320
<b>Physical address:</b>	Talksure House, 62 Umhlanga Ridge Boulevard, Parkside, Umhlanga, KZN, 4051
<b>Telephone number:</b>	+27(0) 31 582 8366 / 0860 33 33 43
<b>Email address:</b>	<a href="mailto:POPIA_Complaints@cubix.co.za">POPIA_Complaints@cubix.co.za</a>

## Section 10 Guide to the Act

The Regulator has developed and made available a Guide with information to assist anyone wishing to exercise their right to access information under both PAIA and POPIA.

Copies of the Guide can be obtained from the Information Regulator in the way specified.

The contact information for the Information Regulator is provided below. **The Information Regulator Contact Details:**

- **Tel:** +27 (12) 406 4818
- **Fax:** 086 500 3351

**Email:** [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za)

- **General Enquiries:** [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)
- **Website:** <https://inforegulator.org.za/>

Further, the PAIA Unit Research Documentation Department's contact details are set out below. Contact details:

The South African Human Rights Commission: PAIA Unit Research and Documentation Department

- **Tel:** +27(11) 877 3600
- **Tel:** (011) 877 3645 (for Enquiries)
- **Fax:** +27(11) 4840582

**Email:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za) / [tsebulela@sahrc.org.za](mailto:tsebulela@sahrc.org.za)

## Records automatically available

Information required by section 51 (1) (c) of the Act A section 52(2) notice regarding categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

## Records available in accordance with other legislation

Information required by section 51(1) (d) of the Act

Records are held in accordance with the following legislation

- Electronic Communications and Transactions Act, 2002
- Conversion of SASRIA Act, 1998
- Income Tax Act, 1962
- Insider Trading Act, 1998
- National Credit Act, 2005
- Short Term Insurance Act, 1998
- Stamp Duties Act, 1968 (repealed)
- Statistics Act, 1999
- Value-Added Tax Act, 1991
- Tobacco Products Control Act, 1993
- Basic Conditions of Employment Act, 1997
- Compensation for Occupational Injuries and Diseases Act
- Employment Equity Act, 1998
- Labour Relations Act, 1995
- Manpower Training Act, 1981 (repealed)
- Occupational Health and Safety Act, 1993
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Unemployment Insurance Contributions Act, 2002
- Regional Services Councils Act, 1985
- Broad Based Black Economic Empowerment Act, 2003
- Companies Act, 1973
- Companies Act, 2008
- Competition Act, 1998

- Consumer Affairs Act (Unfair Business Practices) Act, 1988
- Consumer Protection Act, 2008
- Consumer Affairs Reports
- Copyright Act, 1978
- Trade Marks Act, 1993
- Long Term Insurance Act, 1998
- Medical Schemes Act, 1998
- Financial Intelligence Centre Act, 2001
- Financial Advisory and Intermediary Services Act, 2002
- National Environmental Management: Waste Act, 2008
- Protection of Personal Information Act, 2013

## Subjects and categories of records

Information required by section 51(1)( e) of the Act

The following subjects and categories of records are held –

- a) Statutory company information
  - I. Certificate of incorporation;
  - II. Certificates of Change of Name (if any);
  - III. Memorandum and Articles of Association;
  - IV. Minute book, CM25 and CM26, as well as Resolutions passed at general meetings;
  - V. Proxy forms;
  - VI. Register of Shareholders;
  - VII. Register of Director's shareholdings;
  - VIII. Register of Directors and Certain Officers;
  - IX. Annual Financial Statements including;
    - a) Annual accounts
    - b) Director's reports
- b) Auditors reports
  - I. Books of account regarding information required by the Companies Acts 71, 2008;
  - II. Supporting schedules of books of account and ancillary books of accounts;

- c) Accounting records
  - I. Books of accounts including journals and ledgers
  - II.
- d) Taxation
  - I. Copies of all Income Tax Returns and other tax returns and documents
- e) Agreements and Contracts
- f) Acquisition or disposal documentation
- g) Contracts and agreements
- h) Customer information

## Processing of personal information

### ***Purpose of processing personal information***

According to POPIA, data processing must be done for a specific reason. The reason that Cubix processes data will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected by Cubix. Security and privacy requirements are outlined in Cubix's Privacy policy (available online).

A data subject may object, at any time, to the processing of personal information by Cubix, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing.

The data subject must complete the prescribed form attached as Appendix 2 and submit it to the Information Officer at the postal, physical address or electronic mail address set out above.

### ***Categories of data subjects and of the information or categories of information relating thereto***

Generally, personal information is processed during on boarding of suppliers, business partners and clients as well as for records management, service or product delivery, security, employment and related matters. This list is not exhaustive.

### ***The recipient or categories of recipients to whom the personal information may be supplied***

Generally, personal information is may be supplied to service providers. suppliers, business partners and relevant regulatory authorities.

### ***Request for access to records and information***

A data subject may, upon providing proof of identity, request that the responsible party confirm and provide access to all information it holds about the data subject. This can include information about the identity of third parties who have or have had access to such information.

A data subject who wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the above mentioned postal, physical address or electronic mail address on the appropriate form set out in Appendix 3.

### ***Planned transborder flows of personal information***

Indicate if the body has planned transborder flows of personal information. For example, some personal information may be stored in the cloud outside the Republic. Please specify the country in which personal information will be stored and categories of personal information.

### ***Information security measures to be implemented to ensure the confidentiality, integrity and availability of information***

Specify the nature of the security safeguards to be implemented or under implementation to ensure the confidentiality and integrity of the personal information under the care of the body. This may, for example, include Data Encryption; Antivirus and Anti-malware Solutions.

## **Request for access to records**

### **Information required by section 51 (1)(e) of the Act**

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to the limitations set out in Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.



## Completion of Access Request Form

To ensure a timely response to requests for access to records, all requesters should take note of the following when completing the Access Request Form –

- The Access Request Form must be completed;
- Identification documentation is necessary to confirm the requester's identity. Requesters will need to provide a copy of their identification document in addition to the access form. ;
- Type or print every answer in BLOCK LETTERS;
- If a question does not apply, state “N/A” in response to that question;
- If there is nothing to disclose in reply to a particular question state “NIL” in response to that question;
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio; and
- When the use of an additional folio is required, start each answer with the applicable title.

The Access Request Form is included in this manual as an Appendix

## Submission of Access Request form and request fee payable

The completed Access Request form together with a copy of the requester's identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the designated contact person as indicated above.

*An initial, request fee of R57.00 (incl. VAT) is payable on submission.*

This fee is not applicable to Personal Requesters referred to in section 54(1) of the Act being any person seeking access to records that contain their personal information.

## Notification

Cubix will within 30 days of receipt of the request to access records decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 day period within which Cubix has to decide whether to grant or refuse the request may be extended for a further period, of not more than thirty days, if the request is for a large volume of information, the request requires a search for information held at premises other than those of Cubix, or consultation is necessary to decide on the request that cannot be done within the original period and the information cannot reasonably be obtained within the original 30 day period. Cubix will notify the requester in writing should an extension be sought.

## Grounds for refusal of access to records

### Chapter 4 of the Act

The main grounds for refusal of a request for access to records are –

Mandatory protection of a natural person's privacy if disclosure would involve the unreasonable disclosure of personal information;

Mandatory protection of a third party's commercial information if it contains trade secrets, financial, commercial, scientific, or technological information whose disclosure could potentially harm that third party's financial or business interests, or information disclosed in confidence if doing so could reasonably disadvantage that third party in contract negotiations or in commercial competition;

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

Mandatory protection of the safety of individuals and the protection of property;

Mandatory protection of records which could be regarded as privileged in legal proceedings;

The commercial information of Cubix which may include trade secrets, financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Cubix, or information, the disclosure thereof could reasonably put Cubix at a disadvantage in contractual negotiations or in commercial competition; and

Mandatory protection of research information of a third party or Cubix.

## Approval of information manual

This information manual has been prepared in accordance with Section 51(1) of the Promotion of Access to Information Act, No.2 of 2000 and is hereby approved:

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

\_\_\_\_\_

Name and Designation

\_\_\_\_\_

Signature

## APPENDIX 1 – ACCESS Request Form

### FORM 2

### REQUEST FOR ACCESS TO RECORD [Regulation 7]

**NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**TO:** The Information Officer

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ (Address)

**E-mail Address:** \_\_\_\_\_

**Fax Number:** \_\_\_\_\_

Mark with an "X"

- Request is made in my own name       Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made <i>(when made on behalf of another person)</i>	
Postal Address	
Street Address	

E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		

Full names of person on whose behalf request is made ( <i>if applicable</i> ):	
Identity Number	
Postal Address	

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

**PARTICULARS OF RECORD REQUESTED**

*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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	

Reference number, if available	
y further particulars of record	
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	<input type="checkbox"/>
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Record consists of recorded words or information which can be reproduced in sound	<input type="checkbox"/>
Record is held on a computer or in an electronic, or machine-readable form	<input type="checkbox"/>

<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
<b>Indicate which right is To be exercised or protected</b>	
<b>Explain why the record requested is required For the exercise or</b>	
<b>Protection of the aforementioned right:</b>	

<b>FEEES</b>	
a) <i>A request fee must be paid before the request will be considered.</i>	
b) <i>You will be notified of the amount of the access fee to be paid.</i>	
c) <i>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.</i>	
d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
<b>Reason</b>	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

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

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Signature of Requester / person on whose behalf request is made

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**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

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Signature of Information Officer



## FORM 3

### OUTCOME OF REQUEST AND OF FEES PAYABLE

[Regulation 8]

**NOTE:**

1. *If your request is granted the—*
  - a) *amount of the deposit, (if any), is payable before your request is processed; and*
  - b) *requested record/portion of the record will only be released once proof of full payment is received.*
2. *Please use the reference number hereunder in all future correspondence.*

**TO:** The Information Officer

Reference Number: \_\_\_\_\_

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Your request dated \_\_\_\_\_, refers.

**1. You Requested:**

Personal inspection of information at registered address of public/private body ( <i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i> ) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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Or

**2. You Requested:**

Printed copies of the information <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form )</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of information on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of information on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

**3. To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language: <i>(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)</i>	

Kindly note that your request has been:

- Approved
- Denied, for the following reasons:

**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**1. Deposit payable (if search exceeds six hours):**

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_

Name of account holder: \_\_\_\_\_

Type of account: \_\_\_\_\_

Account number: \_\_\_\_\_

Branch Code: \_\_\_\_\_

Reference Nr: \_\_\_\_\_

Submit proof of payment to: \_\_\_\_\_

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

\_\_\_\_\_

**Information Officer**