

**WEBHELP SA OUTSOURCING PROPRIETARY LIMITED | REGISTRATION NO. 2013/077689/07
MANUAL IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION
ACT, NO. 2 OF 2000**

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1. INTRODUCTION

General

- 1.1. The Promotion of Access to Information Act. No. 2 of 2000 (“**PAIA**”) recognises the constitutional right of access to information as enshrined in section 32 of the Constitution of the Republic of South Africa 1996, which is the right to access any information held by the State or any institution or other person, if such information is required for the exercise or protection of any lawful right.
- 1.2. In terms of PAIA, each person has the right to request information essential to the exercise and/or protection of any legally recognised right and Webhelp is obliged to permit access to the information in its possession when the circumstances of a Requester justify such disclosure. The constitutional right of access to information is subject to limitations, including the right to privacy and the protection of a person’s personal information as contemplated in the Protection of Personal Information Act. No. 4 of 2013 (“**POPIA**”).
- 1.3. Accordingly, PAIA outlines the procedures to follow to obtain information including the grounds and rights of refusal upon which access to information can be denied.

Purpose of this Manual

- 1.4. In terms of section 51 of PAIA, Webhelp is required to compile an information manual and as such, this Manual has been developed to assist Requesters access information in the possession of Webhelp, and it sets out the procedure to follow in such instances. This Manual also sets out the requirements of PAIA and POPIA, upon which the justified protection of Webhelp, its employees, suppliers and protected persons, limits the right to access information.
- 1.5. This Manual confirms Webhelp’s commitment to protect and uphold its legal obligations by giving effect to the right of access to information as enshrined in section 32 of the Constitution of the Republic of South Africa.

2. DEFINITIONS

For the purpose of this Manual, the following words shall bear the corresponding meaning:

- 2.1. “**Data Subject**” means the person (whether natural or juristic) to whom Personal Information relates;
- 2.2. “**Employee**” means any person who works for or provides services to Webhelp and is entitled to receive remuneration or any other kind of payment in carrying out or conducting the business of Webhelp, regardless of the position held by the person and whether a permanent, temporary, part-time or contract worker;

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- 2.3. **“Head”** means the chief executive officer or equivalent officer of Webhelp or any person duly authorised by the Head;
- 2.4. **“Information Officer(s)”** means the Head or any person designated by the Head as the Information Officer for Webhelp, who is responsible to perform the duties under PAIA and POPIA;
- 2.5. **“Manual”** means this manual with all the annexures and schedules attached hereto, which shall form part of it;
- 2.6. **“PAIA”** means the Promotion of Access to Information Act, No.2 of 2000, together with its schedules and regulations, as amended from time to time;
- 2.7. **“Personal Information”** means any information relating to an identifiable, living natural person, and where applicable an identifiable existing juristic person as listed in section 1 of POPIA, being -
 - 2.7.1. information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 2.7.2. information relating to the education or the medical, financial, criminal or employment history of the person;
 - 2.7.3. any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 2.7.4. the biometric information of the person;
 - 2.7.5. the personal opinions, views or preferences of the person;
 - 2.7.6. correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 2.7.7. the views or opinions of another individual about the person; and
 - 2.7.8. the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 2.8. **“POPIA”** means the Protection of Personal Information Act, No. 4 of 2013, together with its schedules and regulations, as amended from time to time;

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- 2.9. **“Process”, “Processed” or “Processing”** means any operation or activity or any set of operations whether or not by automatic means, concerning Personal Information, including the collection, receipt, recording, organization, collation, storage, updating, modification, retrieval, alteration, consultation or use, including but not limited to the dissemination by means of transmission, distribution or making available in any form, or merging, linking, as well as restriction, degradation, erasure or destruction of information;
- 2.10. **“Regulator”** means the Information Regulator established in terms of section 39 of POPIA;
- 2.11. **“Requester”** means any natural or juristic person making a request for access to a record that is under the control of Webhelp;
- 2.12. **“SAHRC”** means the South African Human Rights Commission;
- 2.13. **“Supplier”** means any natural or juristic person who renders services or sells goods to Webhelp;
- 2.14. **“Third Party”** means any natural or juristic person other than a Requester or person acting on behalf of Requester;
- 2.15. **“Webhelp”** means Webhelp SA Outsourcing (Pty) Ltd, a private company with limited liability, incorporated under the laws of South Africa with registration number: 2013/077689/07.

3. CONTACT DETAILS IN TERMS OF SECTION 51(1) OF PAIA

Company Name : **Webhelp SA Outsourcing Proprietary Limited**

Registration No. : **2013/077689/07**

Postal address : **33 Princess of Wales Terrace, Parktown, Johannesburg, 2193**

Physical address : **33 Princess of Wales Terrace, Parktown, Johannesburg, 2193**

Telephone No. : **+27 (0) 87 285 2345**

Fax No. : **Not Applicable**

E-mail of the Head : james.allen@webhelp.com; Privacy@uk.webhelp.com

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4. INFORMATION OFFICER

4.1. The Head is the Information Officer of Webhelp and may delegate his/her power or duty conferred by PAIA or POPIA to any designated Information Officer(s).

4.2. The following persons have been delegated by the Head to serve as the Information and Deputy Officers respectively–

4.2.1. Information Officer –

Name : **James Allen**

Postal address : **c/o 33 Princess of Wales Terrace, Parktown, Johannesburg, 2193**

Physical address : **c/o 33 Princess of Wales Terrace, Parktown, Johannesburg, 2193**

Telephone No. : **+44 1324 575000**

Fax No. : **Not Applicable**

E-mail of the Head : james.allen@webhelp.com; Privacy@uk.webhelp.com

4.2.2. Deputy Information Officer –

Name : **Melanie Muniandi**

Postal address : **33 Princess of Wales Terrace, Parktown, Johannesburg, 2193**

Physical address : **33 Princess of Wales Terrace, Parktown, Johannesburg, 2193**

Telephone No. : **+27 (0) 79 879 5855**

Fax No. : **Not Applicable**

E-mail of the Deputy: melanie.muniandi@webhelp.com; Privacy@uk.webhelp.com

4.3. All requests for information from Webhelp in terms of the POPIA and PAIA must be addressed to the Information Officer.

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5. GUIDE IN TERMS OF SECTION 10 OF PAIA

- 5.1. In terms of section 10 of PAIA, the SAHRC is required to compile and publish a guide to assist a person who wishes to exercise any right contemplated in PAIA. As at date of this Manual, the Regulator has not updated the guide and will be obliged to do so in due course.
- 5.2. The Regulator may, if necessary, update and publish the guide compiled at intervals of not more than two (2) years.
- 5.3. The guide published by the SAHRC is available from the SAHRC website: <https://www.sahrc.org.za>.
- 5.4. The contact details of the SAHRC are as follows:

South African Human Rights Commission	:	PAIA Unit
Physical Address	:	Braampark Forum 3, 33 Hoofd Street, Braamfontein Johannesburg, Gauteng, 2017
Telephone	:	011 877 3600
Facsimile	:	011 403 0668
Website	:	www.sahrc.org.za
E-mail	:	paia@sahrc.org.za

6. VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS IN TERMS OF SECTION 52(2) OF PAIA

- 6.1. The Head may, in accordance with section 52(2) of PAIA, on a voluntary basis make available a description of the categories of records of Webhelp that are automatically available without the necessity of a formal request as prescribed by the Act (the “**Automatically Available Records**”). The submission will include a list of records so available and the instructions on how to obtain access to such records.
- 6.2. The formal process set out in this Manual regarding the manner of obtaining access to information does not apply to the Automatically Available Records.
- 6.3. Webhelp has not designated or made submission of any records to be Records Automatically Available as at publication of this Manual.

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7. DESCRIPTION OF RECORDS HELD BY WEBHELP

The description of records (including their categories), which are held by Webhelp is included in **Schedule 1**.

8. RECORDS HELD BY WEBHELP IN TERMS OF OTHER LEGISLATION

- 8.1. Where applicable to its operations, Webhelp retains records and documents in terms of the legislation listed in **Schedule 2**, which is not exhaustive.
- 8.2. Unless disclosure is prohibited in terms of the relevant legislation, regulations, contractual agreement(s) or otherwise; records that are required to be made available in terms of the respective legislation shall be made available for inspection by interested parties. This will occur in terms of the requirements and conditions of the applicable legislation and applicable internal policies and procedures, should such interested parties be lawfully entitled to such information.
- 8.3. The accessibility of documents and records held by Webhelp will be subject to the grounds and rights of refusal as set out in this Manual.

9. THE PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH THE POPIA

- 9.1. Webhelp Processes Personal Information in order to conduct its business activities.
- 9.2. Whilst Processing Personal Information, Webhelp complies with the conditions and measures set out in Chapter 3 of POPIA (*Conditions for Lawful Processing of Personal Information*), being –

9.2.1. Condition 1 – Accountability

9.2.1.1. Personal Information Processed by Webhelp is identified; and

9.2.1.2. Webhelp has appointed an Information Officer charged with the overall duty of supervision and safeguarding of Personal Information;

9.2.2. Condition 2 – Processing limitation

Personal Information is processed by Webhelp –

9.2.2.1. lawfully i.e.

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- i. with the consent of the Data Subject or competent representative; or
- ii. without such consent when Processing –
 - a. is necessary in terms of a contract to which the Data Subject is a party;
 - b. complies with the law;
 - c. protects a legitimate interest of a Data Subject;
 - d. is necessary to fulfil a public law duty; or
 - e. is necessary for the legitimate interests of Webhelp or Third Party to whom information is supplied; and

9.2.2.2. in a reasonable manner that does not infringe the privacy of the Data Subject;

9.2.3. Condition 3 – Retention and restriction of records

Webhelp does not retain records for any longer than is necessary for achieving the purpose for which the information was processed;

9.2.4. Condition 4 – Further processing limitation

Further processing of any Personal Information by Webhelp is compatible with the purpose for which the Personal Information was initially collected.

9.2.5. Condition 5 – Information quality

Webhelp takes reasonably practicable steps to ensure that information is complete, accurate, and authentic and where necessary, is up to date.

9.2.6. Condition 6 – Openness

Webhelp ensures that the Data Subject is aware of:

- 9.2.6.1. the information being collected about him/her/it and if not received directly from the Data Subject, the source from which it is collected;

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- 9.2.6.2. the name and address of Webhelp;
- 9.2.6.3. the purpose of collection;
- 9.2.6.4. whether the supply of information by the Data Subject is voluntary or mandatory;
- 9.2.6.5. the consequences of failure to provide information;
- 9.2.6.6. the law authorising or requiring the collection of information;
- 9.2.6.7. if to be transferred to a third country or international organisation, the level of protection afforded to the information; and
- 9.2.6.8. any further relevant information;

9.2.7. Condition 7 – Security Safeguards

Webhelp has appropriate measures to secure the Personal Information of a Data Subject in its possession or under its control to protect against loss, destruction or unlawful access.

9.2.8. Condition 8 – Data Subject participation

Data Subjects have the right to request Webhelp to -

- 9.2.8.1. confirm, free of charge, whether Webhelp holds Personal Information about the Data Subject;
- 9.2.8.2. provide a description of the Personal Information held by it or by a third party within a reasonable time and on receipt of the prescribed fees;
- 9.2.8.3. correct its Personal Information, in accordance with the process set out in paragraph 9.9;
- 9.2.8.4. object to Processing its Personal Information, in accordance with the process set out in paragraph 9.8.

9.3. Purpose of the Processing

Personal Information Processed by Webhelp is not exhaustive hereunder and mainly relate to the following purposes:

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9.3.1.1. Employees –

- i. Performing obligations in terms of contractual arrangements;
- ii. Verification and recruitment processes;
- iii. Matters relating to –
 - a. Payments, incentives and remuneration;
 - b. Medical aid, medical insurance and wellness programs;
 - c. Pension fund, provident fund and group life benefits;
 - d. Training and skills development;
 - e. Access to company and client systems

9.3.1.2. Webhelp’s –

- i. Performance of obligations in terms of contractual arrangements;
- ii. Verification including voluntary and mandatory audits and assessments;
- iii. Sales and Marketing

9.3.1.3. Suppliers –

- i. Performing contractual obligations;
- ii. Verification including voluntary and mandatory audits and assessments;

9.3.1.4. Any other reasonably required purpose relating to the business of Webhelp.

9.4. Description of categories of Data Subjects and categories of information pertaining to them

9.4.1. The Personal Information Processed by Webhelp includes that of:

9.4.1.1. its Employees;

9.4.1.2. its Suppliers;

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- 9.4.1.3. its Clients and their customers;
- 9.4.1.4. its Shareholders and companies within the Webhelp Group;
- 9.4.1.5. sponsorships received from and/or provided to Third Parties;
- 9.4.1.6. Webhelp.

9.5. **Description of categories of Requesters to whom the Personal Information may be supplied**

The Personal Information processed by Webhelp may, on following the requirements of this Manual and provided it may be lawfully shared, be supplied to the following Requesters or categories of Requesters:

- 9.5.1. Employees of Webhelp (past and present);
- 9.5.2. Clients (past and present);
- 9.5.3. Suppliers (past and present);
- 9.5.4. Any other party who is lawfully entitled to the Personal Information

9.6. **Planned or actual trans-border flows of Personal Information**

Webhelp will take steps to ensure that any actual or trans-border flow of Personal Information is done within the ambit of POPIA.

9.7. **General Description of Information Security**

Webhelp has put in place the necessary security and technical measures to ensure the confidentiality, integrity and availability of the Personal Information Processed. A view of Webhelp's security and technical measures will be made available to entitled parties including the Information Regulator, interested Third Parties and Data Subjects.

9.8. **Objections**

- 9.8.1. Personal Information may only be Processed if Processing is based on –
 - 9.8.1.1. protection of a legitimate interest of a Data Subject;

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- 9.8.1.2. necessary to fulfil a public law duty; or
- 9.8.1.3. necessary for the legitimate interests of a responsible party or Third Party to whom information is supplied;
- 9.8.1.4. on reasonable grounds relating to the Data Subject’s particular situation;
- 9.8.1.5. unless legislation provides for such Processing.

9.8.2. A Data Subject may object, at any time, to the Processing of Personal Information –

- 9.8.2.1. under section 9.8.1.1 – 9.8.1.5 above on a prescribed form attached to this Manual as **Schedule 3**;
- 9.8.2.2. for purposes of direct marketing other than direct marketing by means of unsolicited electronic communications.

9.9. Requests for corrections

9.9.1. A Data Subject may, at any time, request Webhelp to –

- 9.9.1.1. correct or delete Personal Information about the Data Subject in possession or under control of Webhelp that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or
- 9.9.1.2. destroy or delete a record of Personal Information about the Data Subject that Webhelp or its designated operator is no longer authorised to retain.

9.9.2. Such request must be made on the prescribed form included as **Schedule 4** to this Manual.

9.9.3. On receipt of a request, Webhelp will, as soon as reasonably practicable—

- 9.9.3.1. correct the information;
- 9.9.3.2. destroy or delete the information;
- 9.9.3.3. provide the Data Subject, with credible evidence to his or her satisfaction, in support of the information; or

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9.9.3.4. where an agreement cannot be reached between Webhelp and the Data Subject, Webhelp will act on the request from the Data Subject, to take such steps as are reasonable in the circumstances, to attach to the information an indication that a correction of the information has been requested but has not been made.

9.9.4. If Webhelp has taken steps that result in a change to the information and the changed information has an impact on decisions that have been or will be taken in respect of the Data Subject in question, Webhelp will, if reasonably practicable, inform each person/body, responsible party or designated operator to whom the Personal Information has been disclosed of those steps.

9.9.5. Webhelp will notify the Data Subject of the action taken on the request.

10. ACCESS TO RECORDS

Request Procedure

10.1. Request

10.1.1. Access to any record will be granted if:

10.1.1.1. the information contained in the record is required for the exercise or protection of any rights afforded in law; and

10.1.1.2. the Requester complies with the procedural requirements as stated in this Manual, and

10.1.1.3. access is not refused upon any grounds as listed in paragraph 10.5; and

10.1.1.4. if the Requester is a public body (as defined in PAIA) then it must also act in the public interest.

10.1.2. The Requester must complete the prescribed form attached to this Manual as **Schedule 5** and submit a copy to the Information Officer at the postal or physical address or electronic mail address as stated in paragraph 4 above.

10.1.3. The Requester shall complete the form with enough particulars to enable the Information Officer to:

10.1.3.1. identify the record or records requested,

10.1.3.2. identify the Requester (provide proof of identity);

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- 10.1.3.3. indicate which form of access is required;
 - 10.1.3.4. contact the Requester in South Africa;
 - 10.1.3.5. identify the right the Requester is seeking to exercise or protect;
 - 10.1.3.6. contact the Requester in a manner if not through post or e-mail; and
 - 10.1.3.7. authenticate if the request is made on behalf of the Data Subject, that the person making the request is authorised to do with proof of the capacity to act in such manner.
- 10.1.4. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to Webhelp.

10.2. Decision

- 10.2.1. The Requester shall be informed of the decision as to whether access has been granted or refused within **thirty calendar (30) days** from the request. The decision shall be communicated to the Requester by way of notice from the Information Officer.
- 10.2.2. If access has been granted, the notice will state:
- 10.2.2.1. the form of access granted,
 - 10.2.2.2. the prescribed fee that must be paid upon access as set out in paragraph 10.3.3.3 or as prescribed by law from time to time;
 - 10.2.2.3. that the Requester may lodge a complaint to the Regulator or make an application with a court of competent jurisdiction against the fee to be paid or form of access granted, the procedure including the period allowed for lodging such complaint to the Regulator.
- 10.2.3. If access has been refused, the notice will:
- 10.2.3.1. state adequate reasons for the refusal, including the provisions of PAIA relied upon,
 - 10.2.3.2. exclude from any such reasons, any reference to the content of the record; and
 - 10.2.3.3. state that the Requester may lodge a complaint to the Regulator or make an application with a court of competent jurisdiction against the refusal of the request, and the procedure for lodging a complaint to the Regulator.

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10.2.4. If the Requester has not received a notice in reply to the request within **thirty (30) days**, it is deemed that the access has been refused and the Requester may lodge a complaint with the Regulator or lodge an application with a court of competent jurisdiction against the refusal of the request.

10.3. Extension

10.3.1. The Information Officer may decide on extension of the **thirty (30) calendar day'** period, as stipulated in paragraph 10.2.1, if the request contains considerations that are of such a nature that the extension is necessary.

10.3.2. The extension is justifiable especially in, but not limited to, the following circumstances:

10.3.2.1. if the request is for a large number of records and compliance with it would unreasonably interfere with the activities of Webhelp;

10.3.2.2. if the request requires the search and collection of records from the office that is situated in a different jurisdiction to the head office;

10.3.2.3. if the request requires consultation amongst the departments of Webhelp;

10.3.2.4. more than one circumstance as contemplated in paragraph 10.3.2.1 to 0 exist and compliance with the original period is not reasonably possible; or

10.3.2.5. if the Requester consents in writing for an extension.

10.3.3. The Requester shall be notified within **thirty (30) days** after the request is received about the extension by way of notice. The notice shall contain:

10.3.3.1. the period of the extension;

10.3.3.2. adequate reasons explaining why such extension is necessitated; and

10.3.3.3. that the Requester may lodge a complaint with the Regulator or make an application with a court of competent jurisdiction against the extension, and the procedure for lodging a complaint.

10.4. Fees

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- 10.4.1. Every Requester must pay a prescribed fee as a condition to be allowed the inspection of records unless otherwise stated by the Information Officer.
- 10.4.2. If the search for the record in respect of which the request has been made or preparation for the disclosure of such record would require more than hours prescribed for this purpose, the Information Officer may by notice require the Requester to pay a deposit before processing the request further.
- 10.4.3. The deposit may not exceed one third of the prescribed access fee, which would be payable if access is granted.
- 10.4.4. The Information Officer must repay the deposit if the access to information is later refused.
- 10.4.5. The list of prescribed fees is included in **Schedule 6** to this Manual, which may be amended from time to time in accordance with the applicable legislation.

Refusal of Access

10.5. Grounds for refusal

- 10.5.1. Webhelp is lawfully obliged to refuse access to information in its possession based on the following grounds:
- 10.5.1.1. mandatory protection of the privacy of a Third Party who is a natural person, which would involve the unreasonable disclosure of Personal Information of that natural person, unless:
- i. that person consented in writing to disclosure of the information;
 - ii. the records are already publicly available;
 - iii. that person was properly informed before giving the information, that it might be made available to the public;
 - iv. the information relates to the physical or mental health or well -being of a person under the age of 18 years or a person incapable of understanding the nature of the request and is under the care of a Requester and further, it is believed that granting of access would be in this person's best interest;

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- v. that person is deceased and the Requester is his/her next of kin, or makes the request with the written consent of that person's next of kin;
- vi. that person is or was an official of Webhelp and it concerns the positions or functions of that person;

10.5.1.2. mandatory protection of commercial information of a Third Party, including, but not limited to:

- i. trade secrets of a Third Party;
- ii. financial, commercial, scientific or technical information other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of that Third Party or to prejudice that Third Party in commercial competition, unless:
 - a. the person the information contained in records relates to, consented in writing for disclosure;
 - b. the information is of such nature that its disclosure would reveal a serious public safety or environmental risk;

10.5.1.3. mandatory protection of certain confidential information of a Third Party, if its disclosure would constitute an action for breach of a duty of confidence owed to a Third Party in terms of an agreement;

10.5.1.4. mandatory protection of the safety of individuals and protection of property, if its disclosure could reasonably be expected to endanger the life or physical safety of an individual or the security of building, structure or system, including, but not limited to, a computer or communication system, or the safety of the public;

10.5.1.5. mandatory protection of records privileged from production in legal proceedings;

10.5.1.6. mandatory protection of research information of Webhelp and Third Parties, the disclosure of which would be likely to expose Webhelp or a Third Party to a serious disadvantage;

10.5.2. Webhelp may refuse access to information in its possession based on the grounds of protection of commercial information of Webhelp. This includes, but is not limited to trade secrets of Webhelp's financial, commercial, scientific or technical information and other trade secrets.

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Webhelp will have to justify that the disclosure would likely cause harm to the commercial or financial interests of Webhelp or prejudice Webhelp in commercial competition, unless the information is of such a nature that its disclosure would reveal a serious public safety or environmental risk.

10.6. **Mandatory disclosure**

Webhelp is obliged to grant access to information in its possession, regardless of the circumstance described in paragraph 10.5.1, if the disclosure would reveal evidence of a substantial contravention of, or failure to comply with the law, or imminent and serious public safety of environmental risk and the public interest in the disclosure of the record clearly outweighs the harm to Webhelp or any Third Party as contemplated in paragraph 10.5.1.

10.7. **Notification to a Third Party**

10.7.1. The Information Officer shall within **twenty-one (21) days** upon receiving a request for information, inform any Third Party in a way of notice that a Requester seeks information relating to this Third Party.

10.7.1.1. The notice shall state:

- i. the name of the Requester,
- ii. the description of the provisions of PAIA that may be of relevance,
- iii. that the Third Party may within **twenty-one (21) days** after receipt of this notice:
 - a. make written or oral representation to the Information Officer stating the reasons why the access should be refused; or
 - b. grant written consent for the disclosure of the record to the Requester concerned.

The necessity of notification to a Third Party shall justify the extension of the **thirty (30) days** period, as stipulated in paragraph 10.3. In the event of an extension; the procedure described in paragraph 10.3 shall be followed.

10.8. **Decision**

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10.8.1. The Information Officer shall within **thirty (30) days** of informing a Third Party, decide whether access to information is to be granted or refused. The decision shall be communicated to the Requester and the Third Party by way of a notice.

10.8.2. If the access has been granted, the notice to the Third Party must state:

10.8.2.1. adequate reasons for granting the access, including the provisions of the Act relied upon;

10.8.2.2. that the Third Party may lodge a complaint to the Regulator or make an application with a court of competent jurisdiction against the decision of the Information Officer;

10.8.2.3. that the Requester will be given access to the record only after the expiry of the applicable period for lodging the application, unless the application is lodged within that period.

10.8.2.4. If the access has been refused the procedure as described in paragraph 10.9 should be followed.

10.9. Remedies upon refusal of access

10.9.1. A Requester or a Third Party dissatisfied with the decision of the Information Officer regarding granting or refusal of access or fees to be paid, may lodge a complaint with the Regulator or apply to a court of competent jurisdiction for appropriate relief.

10.9.2. The application to a court shall be lodged within **thirty (30) days** upon receipt of the relevant notice from the Information Officer.

10.10. Complaints to the Regulator

10.10.1. Complaints by a Requester

10.10.1.1. A Requester aggrieved by the decision of the Information Officer to refuse a request for access, or a decision taken on the extension of the period for making the decision, or fees to be paid or the form of access granted to the Requester, may submit a complaint to the Regulator.

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10.10.1.2. The complaint alleging that the decision was not compliant with the Act must be submitted to the Regulator within **one hundred and eighty days (180) days** of the decision.

10.10.2. **Complaints by a Third Party**

A Third Party aggrieved by a decision of the Information Officer in relation to a request for access to a record of Webhelp, may within **one hundred and eighty (180) days** of the decision, submit a complaint, alleging that the decision was not in compliance with the Act, to the Regulator.

10.10.3. **Manner and form of the complaint made to the Regulator**

10.10.3.1. A complaint to the Regulator must be made in writing.

10.10.3.2. The Regulator must give such reasonable assistance as is necessary in the circumstances to enable a person, who wishes to make a complaint to Regulator, to put the complaint in writing.

10.10.4. **Decision made by the Regulator**

The Regulator must, after the complaint is received:

10.10.4.1. investigate the complaint;

10.10.4.2. refer the complaint to the Enforcement Committee established in terms of section 50 of POPIA; or

10.10.4.3. decide, to take no action on the complaint or, as the case may be, require no further action in respect of the complaint.

11. **AVAILABILITY OF THIS MANUAL**

11.1. This Manual is available –

11.1.1. for inspection at the offices of Webhelp free of charge and copies may be obtained, subject to the payment of the prescribed fees, at the offices of Webhelp; and

11.1.2. on the website of Webhelp.

11.2. This Manual will be made available to the Regulator upon request.

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SCHEDULE 1

DESCRIPTION OF THE SUBJECTS OF WHICH WEBHELP HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT IN ACCORDANCE WITH SECTION 51(1)

1. Corporate Records
 - 1.1. Constitutional Documents
 - 1.2. Register of Directors
 - 1.3. Minutes of meetings and resolutions of the Board of Directors;
 - 1.4. Minutes of meetings and resolutions of Shareholders;
 - 1.5. Share certificates;
 - 1.6. Share Register and other statutory registers and/or records and/or documents;
 - 1.7. Records relating to the appointment of:
 - 1.7.1. Auditors;
 - 1.7.2. Directors;
 - 1.7.3. Public officers;
 - 1.7.4. Company secretary;

2. Financial Records –
 - 2.1. Accounting records;
 - 2.2. Annual financial statements;
 - 2.3. Annual Financial Reports;
 - 2.4. Assets Registers;
 - 2.5. Bank Statements;
 - 2.6. Banking details;
 - 2.7. Banking Records;
 - 2.8. Debtors and Creditors
 - 2.9. Debtors and Creditors statements and invoices; general ledgers and subsidiary ledgers; general reconciliations;
 - 2.10. Invoices;
 - 2.11. Policies and procedures;
 - 2.12. Rental agreements;
 - 2.13. Tax returns
 - 2.14. Income Tax Records
 - 2.14.1. PAYE records;
 - 2.14.2. Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees;
 - 2.14.3. All other statutory compliances records;
 - 2.14.4. VAT records;
 - 2.14.5. Regional services levies;
 - 2.14.6. Skills development levies;

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- 2.14.7. UIF;
- 2.14.8. Workmen's compensation;

3. Employee Records

- 3.1. Personal Documents;
- 3.2. Accident books and records;
- 3.3. Address lists;
- 3.4. Disciplinary code, grievances and disciplinary/performance records;
- 3.5. Employee benefits arrangements, rules and records;
- 3.6. Employment contracts;
- 3.7. Employment equity plan forms and applications;
- 3.8. Leave records;
- 3.9. Medical aid records;
- 3.10. Payroll reports/ wage register; pension fund records;
- 3.11. Safety, health and environmental records;
- 3.12. Remuneration records;
- 3.13. SETA records;
- 3.14. Standard letters and notices;
- 3.15. Training manuals;
- 3.16. Training records;
- 3.17. Workplace and union agreements and records;

4. Procurement Records

- 4.1. Standard terms and conditions for supply of services and products;
- 4.2. Supplier agreements;
- 4.3. Supplier company and business information;
- 4.4. List of suppliers, products, services, price and distribution records;
- 4.5. Supplier policies and procedures;
- 4.6. Webhelp supplier policies and procedures;

5. Sales Records

- 5.1. Customer details and company information;
- 5.2. Credit application information and credit ratings;
- 5.3. Customers of customers information;
- 5.4. Customer policies, procedures and systems records;
- 5.5. Information and records provided by a Third Party;

6. Marketing Records

- 6.1. Advertising and promotional material;
- 6.2. Employee and Third-Party imagery and comments;

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7. Risk Management and Audit Records
 - 7.1. Audit reports;
 - 7.2. Risk management frameworks;
 - 7.3. Risk management assessments and plans;

8. Health, Safety and Environmental Records
 - 8.1. Complete safety, health and environment risk assessment;
 - 8.2. Environmental management plans;
 - 8.3. Inquiries, inspections, examinations by environmental authorities;

9. IT Department Records
 - 9.1. Computer / mobile device usage policy documentation; disaster recovery plans;
 - 9.2. Hardware asset registers;
 - 9.3. Information security policies/standards/procedures;
 - 9.4. Information technology systems and user manuals information usage policy documentation;
 - 9.5. Project implementation plans;
 - 9.6. Software licensing;
 - 9.7. System documentation and manuals;

The above is not an exhaustive list and serves only as a reference to the records held by Webhelp. All information in possession of Webhelp has been classified and grouped into subject categories to facilitate access to the relevant records.

Unless any of the records have been available to the public in the manner as specified in paragraph 6, the request for access shall be made following the procedure as stipulated in paragraph 10.

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SCHEDULE 2
RECORDS HELD BY WEBHELP IN TERMS OF OTHER LEGISLATION

Webhelp holds records in terms of, but not limited to the following legislation –

1. Basic Conditions of Employment Act No. 75 of 1997;
2. Broad-Based Black Economic Empowerment Act, 2003;
3. Business Act No. 71 of 1991;
4. Companies Act No. 71 of 2008;
5. Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
6. Competition Act. No. 71 of 2008;
7. Consumer Protection Act No. 68 of 2008;
8. Copyright Act No. 98 of 1978;
9. Customs and Exercise Act No. 91 of 1964;
10. Electronic Communications Act No. 36 of 2005;
11. Electronic Communications and Transaction Act No. 25 of 2002;
12. Employment Equity Act No. 55 of 1998;
13. Income Tax Act No. 58 of 1962;
14. Financial Advisory and Intermediary Act No. 37 of 2002;
15. Financial Intelligence Centre Act No. 38 of 2001;
16. Labour Relations Act No. 66 of 1995;
17. Medical Schemes Act No. 131 of 1998;
18. National Credit Act No. 34 of 2005;
19. National Road Traffic Act 93 of 1996;
20. National Environmental Management Act No 107 of 1998;
21. Occupational Health and Safety Act No. 85 of 1993;
22. Pension Funds Act No. 24 of 1956;
23. Promotion of Access to Information Act No. 2 of 2000;
24. Protection of Personal Information Act No. 4 of 2013;
25. Road Transportation Act. No. 74 of 1977;
26. Skills Development Levies Act No. 9 of 1999;
27. Taxation Laws Amendment Act No. 7 of 2010;
28. Trademarks Act No. 194 of 1993;
29. Unemployment Contributions Act 63 of 2001;
30. Unemployment Insurance Act No. 30 of 1966;
31. Value Added Tax Act 89 of 1991;

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SCHEDULE 3

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF POPIA

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, 2018

[Regulation 2.]

Note:

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

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11 (1) (d) to (f) (Please provide detailed reasons for the objection)

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Signed at this day of 20
<i>SIGNATURE OF DATA SUBJECT/DESIGNATED PERSON</i>

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SCHEDULE 4

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF POPIA

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, 2018

[Regulation 3.]

Note:

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

Mark the appropriate box with an "x".

Request for:

<input type="checkbox"/>	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
<input type="checkbox"/>	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 THE DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

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Fax number/ E-mail address:			
C	INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED		
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN (<i>Please provide detailed reasons for the request</i>)		
Signed at	this	day of	20
<i>SIGNATURE OF DATA SUBJECT/DESIGNATED PERSON</i>			

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SCHEDULE 5
PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

[Regulation 10]

A. Particulars of private body
Webhelp SA Outsourcing (Pty) Ltd
Information Officer: James Allen
B. Particulars of a person requesting access to records
(a) The person making the request to access records must disclose their particulars below.
(b) The address and/or fax number in the Republic to which the information will be received upon authority must be given.
(c) An attachment with a proof of the Requester's capacity must accompany, if applicable.
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 a person on whose behalf a request is made
<i>This section must be completed ONLY if a request for information is made on behalf of another person.</i>
Full names and surname:
Identity number:
D. Particulars of record
(a) Provide the full particulars of the record to which access is requested, this includes 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:

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2. Reference number, if available:

3. 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 (if applicable):

F. Form of access to record

If you have any of the following disabilities: the inability 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
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2. If the 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 the 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 the record is held on computer or in an electronic or machine-readable form:

	printed copy of record*		printed copy of information derived from the record*		copy in computer-readable form* (stiffy or compact disc)
--	-------------------------	--	--	--	--

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

Postage is payable.

YES

NO

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:

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

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SCHEDULE 6
FEES

1. The fee for a copy of this Manual as contemplated in Regulation 9(2) (c) is R 1, 10 for every photocopy of an A-4 size page or part thereof.

2. **THE FEES FOR REPRODUCTION** are as follows:

	R
For every photocopy of an A4-size page or part thereof	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	0,75
For a copy in a computer-readable form on:	
- stifty disc	7,50
- compact disc	70,00
For a transcription of visual images, for an A-4 size page or part thereof	40,00
For a copy of visual images	60,00
A transcription of an audio record, for an A4-size page or part thereof	20,00
For a copy of an audio record	30,00

3. **THE REQUEST FEE** payable by a Requester, is R 50,00.

4. **THE ACCESS FEES** payable by a Requester are as follows:

	R
For every photocopy of an A4-size page or part thereof	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	0,75
For a copy in a computer-readable form on:	
- stifty disc	7,50
- compact disc	70,00
For a transcription of visual images, for an A-4 size page or part thereof	40,00
For a copy of visual images	60,00
A transcription of an audio record, for an A4-size page or part thereof	20,00
For a copy of an audio record	30,00
To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	30,00

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If the Information Officer is of opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, the Requester, other than personal Requester will be required to pay a deposit.	max. 1/3 of the above fees
Postage shall be payable when a copy of a record must be posted to a Requester.	

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

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