

CUBIX SOLUTIONS (PTY) LTD T/A Cubix

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:

Information Officer:	Jess Watts
Postal address:	P.O. Box 1498, Umhlanga Rocks, 4320
Physical address:	Talksure House, 62 Umhlanga Ridge Boulevard, Parkside, Umhlanga, KZN, 4051
Telephone number:	+27(0) 31 5828366/ 0860 33 33 43
Email address:	client.services@sa.co.za

Section 10 guide to the Act

An official guide will be or has been compiled which contains information to help a person

Wishing to exercise a right of access to information in terms of both PAIA and POPI.

The Information Regulator (established in terms of POPI) will make this guide available.

Copies of the updated guide are available from Information Regulator in the manner prescribed. The

Information Regulator's contact details are set out below.

The Information Regulator

Contact Details:

- Tel: +27 (12) 406 4818
- Fax: 086 500 3351
- Email: infoereg@justice.gov.za
- Website: <http://www.justice.gov.za/infoereg/>

Further, the PAIA Unit Research Documentation Department contact details are set out below.

Contact details:

The South African Human Rights Commission:

PAIA Unit Research and Documentation Department

- Tel: +27(11) 877 8600
- Fax: +27(11) 4840582
- Email: PAIA@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

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
 - c. Auditors reports
 - x. Books of account regarding information required by the Companies Acts 71, 2008;
 - xi. Supporting schedules of books of account and ancillary books of accounts;
 - b) Accounting records
 - i. Books of accounts including journals and ledgers
 - c) Taxation
 - i. Copies of all Income Tax Returns and other tax returns and documents
 - d) Agreements and Contracts
 - i. Acquisition or disposal documentation
 - xii. Contracts and agreements
 - xiii. Customer information

POPI Requirements for the processing of personal information

POPI outlines that data must be processed for a specified purpose. The purpose for which data is processed by Cubix 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 and the security and privacy requirements are outlined in Cubix's Privacy policy (available online).

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

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

Additionally, POPI stipulates that where the data subject is required to pay a fee for services provided to him/her, the Responsible Party 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.

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 hereto and submit it to the Information Officer at the postal, physical address or electronic mail address set out above.

A data subject may request for Cubix to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully;

or destroy or delete a record of personal information about the data subject that Cubix is no longer authorised to retain records in terms of POPI's retention and restriction of records provisions.

A data subject that 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 postal, physical address or electronic mail address set out above on the relevant form set out in the appendix 3.

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 certain limitations if the requested record falls within a certain category as specified within Part 3 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

In order to facilitate 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;
- Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requesters will be required to supply a copy of their identification document;
- Type or print in BLOCK LETTERS an answer to every question;
- 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, precede each answer with the applicable that 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, or the request requires a search for information held at premises other than those of Cubix 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 the privacy of a third party who is a natural person if its disclosure would involve the unreasonable disclosure of personal information;
- Mandatory protection of the commercial information of a third party if its disclosure contains trade secrets, financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party or information disclosed in confidence by a third party if the disclosure thereof could reasonably put that third party at a disadvantage in contractual 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
REQUESTFORM*

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE
BODY

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

2000 Regulation 10

A. Particulars of private body

Private body name: Cubix Solutions (Pty) Limited

Postal address: P.O. Box 1498, Umhlanga Rocks, 4320

Physical address: Talksure House, 62 Umhlanga Ridge Boulevard, Parkside,
Umhlanga, KZN, 4051

Phone number: 0860 33 33 43

E-Mail address: Client.Services@cubix sa.co.za

B. Particulars of Person requesting access to the record

- (a) *The particulars of the person who requests access to the records must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached*

Full name and surname:

Identity number:

Postal address:

Telephone number:

Fax 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 name and surname:

Identity number:

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

Description of the Record or relevant part of the record:

Reference number, if available:

Any further particulars of the record:

E. Fees:

- (a) *A request for access to a record, other than any 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 of the request fee.*
- (c) *The **fee payable for access** to a record depends on the form in which the 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 therefore.*

Reason for exemption of payment of the fee:

F. Form of Access to the 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) *Your indication as to the required form of access depends 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.*
- (d) *Prices below are stated inclusive of VAT*

1. If the record is in written or printed form:			
	Photocopy of record of an A4 size – R1,25 per page or part thereof		Inspection of record – Not available
2. If the record consists of visual images:			
(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the images Not available	Copy of the images of an A4 size –	Transcription of the images* of an A4 size – R45,60 per record transcription
3. If the record consists of recorded words or information which can be reproduced in sound:			
	Listen to the soundtrack (audio cassette) Not available		Transcription of soundtrack * (written or printed document) –Not available
4. If the record is held on computer or in an electronic or machine-readable form:			

Printed copy of record of an A4 size or part thereof – R0,85 per page	Printed copy of information derived from the record – R0,97 per A4 size print plus a cost of R34,20 per hour or part thereof where the documentation is required for such search and preparation*	Copy in computer readable form on a compact disc* –R90,97
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?		YES
A postal fee is payable.		NO

- * Deposit may be requested in terms of Section 54(2) of the Promotion of Access to Information Act, in which instance the following will apply:
- * A deposit will need to be paid within 8 business hours of the notification thereof; and
- * the deposit will be equal to 50% of the projected fee.

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

Indicate which right is to be exercised or protected:

Explain why the requested record is required for the exercising or protection of the aforementioned right:

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 thereof 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?

Signed at _____ this _____ day of _____ 20

Signature of requester or person on whose behalf request is made

APPENDIX 2– 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

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):	

Signed at _____ this _____ day of _____ 20

Signature of requester or person on whose behalf request is made

*APPENDIX 3– 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

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:

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 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):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ 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

Signature of requester or person on whose behalf request is made