

COR-POL-0083

Q LINK PAIA Manual



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COR-POL-0083 Q LINK PAIA Manual

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Document Information

DOCUMENT PURPOSE:

The purpose of this document is to establish a manual as prescribed in The Promotion Access to Information Act 2/2000.

SCOPE OF APPLICABILITY:

This policy is applicable to all Q LINK employees. Q LINK is a division of Q LINK Holdings (Pty) Ltd.

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1. INTRODUCTION

Q LINK provides products and services enabling payroll collection, bank collections and disbursements, management of emolument attachment orders and membership administration.

This Manual is intended to foster a culture of transparency and accountability, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights more fully.

To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of PAIA for them to exercise their rights in relation to public and private bodies. Section 9 of PAIA however recognizes that such right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- effective, efficient, and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. This manual serves as an Information Guide, which sets out the procedures to be followed, as well as the contact details and other relevant information, to allow requestors to give effect to their rights, in terms of PAIA and POPIA. This manual was developed in line with the PAIA guidelines as developed by the Information Regulator of South Africa.

2. APPLICABILITY AND AVAILABILITY OF THIS MANUAL

- 2.1 The Promotion of Access to Information Act, No. 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights.
- 2.2 The Act sets out the procedural requirements governing requests for information, the manner and format of requests and the grounds for refusing requests.
- 2.3 The Manual informs requesters what information Q LINK holds and the procedural and other requirements which a requester must comply with to request access to the information.
- 2.4 The Act recognizes that the right to access information must be balanced with other rights and is subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality. The balancing of other rights require that Q LINK considers if grounds for refusal of a request for access to information apply.
- 2.5 The Manual also addresses the rights of data subjects to access their personal information as governed by the Protection of Personal Information Act (POPIA).

3. Q LINK PAIA AND POPIA CONTACT DETAILS

FOR PAIA ENQUIRIES	
Compliance Officer:	Jan Nel
Postal address:	P O Box 73114, Lynwood Ridge, 0040
Street address:	Glenfield Office Park Block F, 375 Oberon Avenue, Faerie Glen, Pretoria
Telephone number:	012 443 6300
Fax number:	012 443 6373
E-mail address:	jan.nel@qlink.co.za

FOR POPIA ENQUIRIES	
Information Officer:	Jan Nel
Postal address:	P O Box 73114, Lynwood Ridge, 0040
Street address:	Glenfield Office Park Block F, 375 Oberon Avenue, Faerie Glen, Pretoria
Telephone number:	012 443 6300
Fax number:	012 443 6373
E-mail address:	jan.nel@qlink.co.za

4. ACCESS TO INFORMATION UNDER PAIA AND POPIA

- 4.1 You may request access to all records held by Q LINK.
- 4.2 In some instances, Q LINK will not be permitted to grant access to you and if, after consideration of your request, it refuses your request, Q LINK will notify you and provide you with the reasons for refusal of your request.
- 4.3 Where you request access to your personal information, it must always be provided to you in terms of your rights of access under POPIA. For your convenience, the manner of granting access to you in terms of requests under PAIA (sub-sections 5.6 and 5.7) and requests under POPIA (sub-sections 5.8 and 5.9) are distinguished.

Further guidance from the Information Regulator

- 4.4 If you would like further guidance on your right to access information under PAIA, you may contact the Information Regulator. The contact details of the Information Regulator are:
- Postal address: PO Box 31533, Braamfontein, Johannesburg, 2017
 - Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
 - Telephone number: 010 023 5200
 - Website: <https://www.justice.gov.za/infoereg/index.html>
 - General email: enquiries@infoeregulator.org.za
 - PAIA Compliance email: PAIAcompliance@infoeregulator.org.za

- PAIA Complaints email: PAIAcomplaints@inforegulator.org.za
- POPIA Compliance email: POPIAcompliance@inforegulator.org.za
- POPIA Complaints email: POPIAcomplaints@inforegulator.org.za

- 4.5 The Information Regulator has also published a Guide in each official language of South Africa on how to exercise rights under PAIA. The Guide (in English) is available on the Information Regulator's website at:

https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf

5. PAIA

- 5.1 The Information Officer's contact details are described in "02. Company Contact Details".
- 5.2 Details of how you request access to records held by Q LINK are described under the heading "09. Form of Request".

6. POPIA

- 6.1 Full contact details of the Information Officer, who deals with all matters relating to POPIA are provided under the heading "03. Company Contact Details".
- 6.2 Details of how you request access to your personal information held by Q LINK are provided under the heading "09. Form of Request".

7. SUMMARY: THE RECORDS Q LINK HOLDS

Records that are automatically available:

DEPARTMENTAL RECORDS	SUBJECT
Communications / Public Affairs Division	<ul style="list-style-type: none"> • Public Product Information • Public Corporate Records • Media Releases
Legal Department / Company Secretarial	<ul style="list-style-type: none"> • Trademarks
Marketing Division	<ul style="list-style-type: none"> • Public Customer Information
Business records	<ul style="list-style-type: none"> • Bank details • Brochures • Newsletters • Information on our website

Records that are subject to rights of refusal:

DEPARTMENTAL RECORDS	SUBJECT
Establishment	<ul style="list-style-type: none"> • Minutes of board or director meetings • Written resolutions. • Records relating to appointment of directors, auditor, secretary, public officer, or other officers.

	<ul style="list-style-type: none"> • Share register and other statutory registers. • Other statutory records
Communications / Public Affairs Division	<ul style="list-style-type: none"> • Community Trust Records • Internal newsletters and circulars • Information on the company published by third parties. • Books • Newsletters and journal articles • Magazines • Newspaper articles
Human Resources Division	<ul style="list-style-type: none"> • Staff Records • Employment Contracts • Employment applications and appointment letters • Policies and Procedures • Employment Equity Plan • Health & Safety records • Medical aid records • Pension and provident fund records • Salaries or wages of employees • Leave records. • Internal evaluations and performance records • Disciplinary records • Disciplinary codes • Training records • Operation manuals • Personal records provided by personnel. • Other statutory records • Related correspondence
Financial Division	<ul style="list-style-type: none"> • Financial Statements • Financial and Tax Records (Company & Employees) • Accounting records • Auditor reports • Asset Register • Management Accounts • Banking records • Bank statements • Electronic banking records • Paid cheques. • Invoices • Financial Agreements • Insurance policy we hold. • Records of insurance • Register of all immovable property owned by the company
Legal Department / Company Secretarial	<ul style="list-style-type: none"> • General Contract Documentation • Statutory Records

	<ul style="list-style-type: none"> • Internal policies and directives: relating to employees and the organization. • External policies and directives: relating to customers and other third parties. • Information technology systems and documents • Standard agreements • Contracts concluded with customers. • NDAs • Letters of intent, MOUs • Third party contracts (such as JV agreements, VAR agreements, etc.) • Office management contracts • Bond agreements • Rental agreements • Supplier or service contracts • Permits • Licenses • Authorities
Marketing Division	<ul style="list-style-type: none"> • Market Information • Product Brochures • Field Records • Performance Records • Product Sales Records • Marketing Strategies Customer Database
Sales	<ul style="list-style-type: none"> • Customer details • Contact details of individuals within customers • Communications with customers • Sales records • Transactional information
Quality	<ul style="list-style-type: none"> • Quality Records
Products	<ul style="list-style-type: none"> • Collection related detail • Disbursement related detail • Membership detail • Employment detail

7.1 Requests for any of the information listed will be considered by Q LINK's Information Officer. The Information Officer will determine whether Q LINK refuses to provide access to these records, subject to the grounds for refusal referred to in paragraph 11.

7.2 Personnel records include:

7.2.1 personal records (provided by personnel)

7.2.2 records provided by a third party relating to personnel.

7.2.3 conditions of employment and other personnel-related contractual and quasi-legal records.

7.2.4 internal evaluation and other internal records

7.2.5 correspondence relating to personnel; and

7.2.6 training schedules and material.

7.3 Access to records is subject to policies protecting the rights of employees and data subjects.

7.4 "Personnel" as referred to in 8 refers to any person who works for or provides services to or on behalf of Q LINK, and who receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting company business and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers or companies.

8. INFORMATION RETAINED BY Q LINK TO COMPLY WITH APPLICABLE LAW

8.1 Q LINK HOLDS RECORDS PRIMARILY IN TERMS OF THE FOLLOWING LAWS, AS AMENDED:

- 8.1.1 Arbitration Act, 1965 (Act No. 42 of 1965);
- 8.1.2 Basic Conditions of Employment Act 75 of 1997;
- 8.1.3 Broad Based Black Economic Empowerment Act No. 53 of 2003;
- 8.1.4 Companies Act 61 of 1973;
- 8.1.5 Companies Act 71 of 2008;
- 8.1.6 Compensation for Occupational Injuries and Disease Act 130 of 1993;
- 8.1.7 Competition Act 89 of 1998;
- 8.1.8 Consumer Protection Act 68 of 2008;
- 8.1.9 Copyright Act 98 of 1978;
- 8.1.10 Electronic Communications and Transactions Act 25 of 2002;
- 8.1.11 Employment Equity Act 55 of 1998;
- 8.1.12 Financial Advisory and Intermediary Services Act 37 of 2002
- 8.1.13 Financial Intelligence Centre Act 38 of 2001;
- 8.1.14 Financial Sector Regulations Act 9 of 2017
- 8.1.15 Film and Publications Act (Act 65 of 1996)
- 8.1.16 Income Tax Act 58 of 1962;
- 8.1.17 Insolvency Act 24 of 1936;
- 8.1.18 Insurance Act 18 of 2017;
- 8.1.19 Intellectual Property Laws Amendment Act 28 of 2013;

- 8.1.20 Labour Relations Act 66 of 1995;
- 8.1.21 Long Term Insurance Act, 1998 (Act no 52 of 1998) and Regulations
- 8.1.22 Magistrate Court Act 32 of 1944;
- 8.1.23 Maintenance Act 99 of 1998;
- 8.1.24 National Credit Act 34 of 2005;
- 8.1.25 National Payment System Act 78 of 1998;
- 8.1.26 Occupational Health and Safety Act 85 of 1993;
- 8.1.27 Information Act, No 2 of 2000;
- 8.1.28 Prescription Act 18 of 1943;
- 8.1.29 Prevention & Combating of Corrupt Activities Act 12 of 2004;
- 8.1.30 Prevention of Organized Crime Act 121 of 1998;
- 8.1.31 Promotion of Access to Act 26 of 2000;
- 8.1.32 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
- 8.1.33 Protected Disclosures Basic Conditions of Employment Act 75 of 1997;
- 8.1.34 Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004;
- 8.1.35 Protection of Personal Information Act 4 of 2013;
- 8.1.36 Public Finance Management Act, 1 of 1999;
- 8.1.37 Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002;
- 8.1.38 Regulation 26A of the Social Assistance Act 13 of 2004;
- 8.1.39 Social Assistance Act 13 of 2004;
- 8.1.40 Short Term insurance Act 53 of 1998;
- 8.1.41 Skills Development Act 97 of 1998;
- 8.1.42 Skills Development Levies Act 9 of 1999;
- 8.1.43 State Information Technology Act, 88 of 1998;
- 8.1.44 Tax Administration Act 28 of 2011;
- 8.1.45 Trademarks Act 194 of 1993;
- 8.1.46 Unemployment Insurance Act 63 of 2001; and
- 8.1.47 Unemployment Insurance Contributions Act 4 of 2002; and
- 8.1.48 Value Added Tax Act 89 of 1991.

9. FORM OF REQUEST

- 9.1 Q LINK has appointed an Information Officer to deal with all matters relating to PAIA and POPIA, who will assist you in requesting access to records held by it.
- 9.2 You may request access to:
- 9.2.1 records of your personal information processed by Q LINK (POPIA); or
 - 9.2.2 any records (including personal information of third parties) under the control of Q LINK (PAIA).
- 9.3 If you request records containing a third party's personal information, unless the grant of access is justified in terms of POPIA, QLINK must refuse your request or redact the personal information from the record, if possible.
- 9.4 To request access to a record you can:
- 9.4.1 Complete the prescribed form 2, available on:
 - 9.4.1.1 Q LINK's website [here](#); or
 - 9.4.1.2 the website of the Information Regulator (under PAIA forms) at: inforegulator.org.za
 - 9.4.2 If you make a request using form 2, please submit the completed form to Q LINK's Information Officer using the contact details we provide.
 - 9.4.3 Complete Q LINK's information request web-form (web-form) available here. The web-form allows you to make a request relating to request access to:
 - 9.4.3.1 Information or records under the control of Q LINK (PAIA); or
 - 9.4.3.2 Personal information processed by Q LINK (POPIA).
 - 9.4.3.3 If you make a request using the webform, please complete all required fields and click the 'submit' button at the bottom of the webform.
 - 9.4.4 If your request is in terms of PAIA and relates to records or information held by Q LINK, please ensure the completed form:
 - 9.4.4.1 has enough information for the information officer to identify you, the requested records, and the form of access you require;
 - 9.4.4.2 specifies your email address, postal address or fax number;
 - 9.4.4.3 describes the right you seek to exercise or protect;
 - 9.4.4.4 explains why you need the requested record to exercise or protect that right;
 - 9.4.4.5 provides any other way you would like to be informed of our decision other than in writing; and
 - 9.4.4.6 provides proof of the capacity in which you make the request if you make it on behalf of someone else (Q LINK will decide if this proof is satisfactory).

9.4.5 If your request relates to personal information processed by Q LINK in terms of POPIA, please ensure the completed webform:

9.4.5.1 has enough information for the information officer to identify you;

9.4.5.2 describes the personal information that relates to your request;

9.4.5.3 identifies type of request you are making;

9.4.5.4 specifies your email address, postal address or fax number; and

9.4.5.5 provides proof of the capacity in which you make the request if you make it on behalf of someone else (Q LINK will decide if this proof is satisfactory).

9.5 If you do not use form 2, Q LINK may:

9.5.1 reject the request due to lack of procedural compliance;

9.5.2 refuse it if you do not provide sufficient information; or

9.5.3 contact you to request further information.

10. PRESCRIBED FEES

10.1 The following fees apply to a request for access to records (other than for a request by a data subject for access to their personal information):

10.2 A requester is required to pay the prescribed fees before a request will be processed as required by law;

10.3 If the preparation of the record requested requires more than the prescribed six hours, a deposit must be paid (of not more than one third of the access fee which would be payable if the request were granted);

10.4 A requester may lodge an application with a court against the tender/payment of the request fee or deposit;

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

10.6 The fees for accessing records of public bodies are prescribed and can be found at paragraph 15.1 of the "Guide on how to use the Promotion of Access to Information Act 2 of 2000" published by the Information Regulator here (Guide on how to use the Promotion of Access to Information Act 2 of 2000 Section 15)

11. GROUNDS FOR REFUSAL

11.1 Q LINK MAY HAVE TO REFUSE YOU ACCESS TO CERTAIN RECORDS IN TERMS OF PAIA TO PROTECT:

11.1.1 someone else's privacy;

11.1.2 another company's commercial information;

11.1.3 someone else's confidential information;

- 11.1.4 the safety of individuals and property;
 - 11.1.5 records privileged from production in legal proceedings; or
 - 11.1.6 research information.
- 11.2 Q LINK will notify the requester, in writing, whether the request has been approved or denied within thirty calendar days after receipt by Q LINK of a properly completed request for access form and the payment of applicable fees.
- 11.3 If after diligent efforts have been made records requested do not exist or cannot be located, Q LINK will notify you. You will be provided with an affidavit deposed to by Q LINK's Information Officer (or persons delegated by the Information Officer to do so) confirming that it is not possible to provide access to the records requested as they cannot be located.

12. REMEDIES

- 12.1 If you are dissatisfied with Q LINK's Information Officer's:
- 12.1.1 decision to not provide you with access to any information requested; or
 - 12.1.2 request for a time extension to process your access request;
 - 12.1.3 you may, within 180 days, approach the Information Regulator by completing Form 5 published in the Regulations, available on the Information Regulator's website [here](#).
- 12.2 You may always approach a court (even if you have not first approached the Information Regulator) if you are dissatisfied with a decision of Q LINK's Information Officer.

13. HOW Q LINK PROCESSES AND PROTECTS PERSONAL INFORMATION

- 13.1 Q LINK processes various categories of personal information for the purposes described in 13.
- 13.1.1 Private Customer Information;
 - 13.1.2 Company Customer Information;
 - 13.1.3 Export Customer Information;
 - 13.1.4 Supplier Information; and
 - 13.1.5 Employee Information.

14. PURPOSES

- 14.1 Among the purposes that Q LINK processes personal information are to:
- 14.1.1 provide products and services;
 - 14.1.2 better understand data subjects' needs when doing so;
 - 14.1.3 keep data subject records up to date;



- 14.1.4 manage employees;
- 14.1.5 manage supplier contracts;
- 14.1.6 manage clients;
- 14.1.7 manage clients' credit;
- 14.1.8 market to companies in various countries;
- 14.1.9 enforce debts;
- 14.1.10 market goods and services to prospects;
- 14.1.11 action client requests or complaints;
- 14.1.12 gather information of unlawful activities to enforce Q LINK's rights;
- 14.1.13 use biometric information; and
- 14.1.14 any other lawful purpose of which the data subject has been notified prior to or as soon as reasonably possible after the collection of the personal information.

15. CATEGORIES OF PERSONAL INFORMATION

15.1 Q LINK processes many different categories of personal information, including without limitation:

- 15.1.1 contact details, such as phone numbers, physical and postal addresses, and email addresses;
- 15.1.2 personal details, such as names and ages;
- 15.1.3 demographic details, such as races and age groups;
- 15.1.4 health information;
- 15.1.5 biometric information;
- 15.1.6 account numbers;
- 15.1.7 background information;
- 15.1.8 contract information;
- 15.1.9 credit information;
- 15.1.10 market intelligence information;
- 15.1.11 learner information; and
- 15.1.12 debt and debtor information.

16. THIRD-PARTY DISCLOSURES

16.1 Q LINK in the ordinary course of business processes the following personal information to fulfil its obligations to customers or clients:

- 16.1.1 contractors, vendors, or suppliers;
- 16.1.2 agents, distributors, or other resellers;
- 16.1.3 operators, other responsible parties, or co-responsible parties; and
- 16.1.4 third party vendors (such as software developers) to help us maintain our services.

17. CROSS-BORDER TRANSFERS

In certain instances, Q LINK sends personal information outside of South Africa to various countries. Q LINK will only transfer data to other countries whose laws provide an equivalent level of protection to that required by POPIA, or recipients who can guarantee the protection of personal information to the same standard as Q LINK must protect it. Before personal information is transferred from South Africa, we will ensure that we do so to fulfil a lawful purpose that is justified by POPIA. If your consent is required, we will obtain your consent prior to the transfer.

18. SECURITY

- 18.1 Q LINK has applied the ISO 27001:2013 to establish an Information Security Management System and implement appropriate information security controls for the information it processes. It is certified against ISO 27001.
- 18.2 Q LINK continuously identifies reasonably foreseeable internal and external risks to personal information that it processes. Q LINK has established appropriate safeguards to secure information by maintaining appropriate, reasonable technical and organizational measures to protect personal information from loss, misuse, and unauthorized access, disclosure, alteration and destruction.

19. OTHER PRESCRIBED INFORMATION

The Minister of Justice and Constitutional Development has not made any regulations prescribing any other information that needs to appear in this manual.

20. AVAILABILITY OF THIS MANUAL

This manual is available in English and will be available on Q LINK's website, and at our company's registered office at Glenfield Office Park Block F, 375 Oberon Avenue Faerie Glen, Pretoria, Gauteng 0081. The manual is electronically available on Q LINK's [website](#) at: COR-POL-0083 Q LINK PAIA Manual.

21. UPDATES TO THIS MANUAL

This manual will be updated whenever Q LINK makes material changes to the current information.

** END OF POLICY**