

PAIA AND POPIA MANUAL

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to DEVONSHIRE HOUSE, Registration number: Victor Terblanche T/A Devonshire House

1. Purpose of the PAIA Manual

1.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within Devonshire House by giving 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.

1.2. In order to promote effective governance of non-governmental entities, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of PAIA.

1.3. PAIA recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

1.3.1. Limitations aimed at the reasonable protection of privacy;

1.3.2. Commercial confidentiality; and

1.3.3. 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.

1.4. This PAIA Manual complies with the requirements of the guide and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013 ("POPIA"), that the appointed Information Regulator will be responsible to regulate compliance with PAIA and its regulations by private and public bodies.

2. The Information Officer

All requests for information in terms of PAIA and / or POPIA must be addressed to the Information Officer.

Contact Details of the Information Officer

Information Officer: Victor Terblanche

Postal Address: P O Box 1091, Hilton, 3245

Telephone Number: 033 343 1130

Email: property@L2B.co.za

3. Subjects and Categories of Records Available only on Request to Access in Terms of PAIA

3.1. Records held by Devonshire House

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

This clause serves as a reference to the categories of information that Devonshire House holds. The information is classified and grouped according to records relating to the following subjects and categories:

SUBJECT CATEGORY

Companies Act and Statutory Records

- All trust deeds;
- Documents of Incorporation;
- Index of names of Directors,
- Memorandum of Incorporation;
- Minutes of meetings of the Board of Directors;
- Minutes of meetings of Shareholders;
- Minutes of Board and Statutory Committees;
- Minutes of Management Committees;
- Proxy forms;
- Register of debenture-holders;
- Register of directors' shareholdings;
- Share certificates;
- Share Register and other statutory registers and/or records and/or documents;
- Resolutions / Special resolutions passed by the Board of Directors and Shareholders at General and Class meetings;
- Records relating to the appointment of: Auditors, Directors, Prescribed Officer, Public Officer and Secretary;

- Statutory Registers;
- Annual Reports;
- Annual Returns;
- Intellectual Property: Trade Mark Certificates;
- Licences;
- Copyright and Designs;
- Health and Safety Records.

Financial Records

- Accounting Records;
- Annual Audited Financial Statements;
- Asset Registers;
- Bank Statements;
- Banking details and bank accounts;
- Banking Records;
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Invoices;
- Paid Cheques;
- Financial Policies and procedures;
- Instalment Purchase Agreements.

Tax Records

- PAYE Records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- VAT Returns;
- Regional Services Levies
- Skills Development Levies;
- UIF;
- Workmen's Compensation;
- Tax Returns.

Human Resources, Personnel Documents and Records

- IR Disciplinary Code and Records;
- Employee benefits, arrangements, rules and records;
- Employment Contracts;
- Employment Equity Plan Forms and Applications;
- Grievance Procedures and hearings including CCMA Records;
- HR Policies and Procedures;
- Leave Records;
- Medical Aid Records;
- Payroll reports/ Wage register;
- Rewards and Incentive Scheme Rules;
- Safety, Health and Environmental Records;
- Salary Records;
- SETA records
- Skills Development Plan and Report;
- Standard letters and notices;
- Training Manuals;
- Training Records;
- Wellness Programme;
- Workplace and Union agreements and negotiation records;
- Accident books and records;
- Address and contact detail Lists.

Retirement Fund

- Pension and Provident Fund Rules;

- Correspondence;
- Statutory Records and Returns;

Sales and Marketing

- Advertising and promotional material;
- Customer (including guest) records;
- Credit application information;
- Information and records provided by a third party;
- Marketing material and media releases: brochures, newsletters and general notices;
- Statements of Account;
- Terms and Conditions of Residence;
- Guest Registration Card;
- Loyalty Programme;
- Corporate Club;

Risk Management and Audit

- Audit reports;
- Risk management frameworks;
- Risk management plans;

Safety, Health and Environment

- Complete Safety, Health and Environment Risk Assessment Environmental Managements Plans;
- Inquiries, inspections, examinations by health, safety and environmental authorities;

Information Technology

- Disaster recovery plans;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals;
- Information technology user policy documentation;
- Project implementation plans;
- Software and licences;
- System documentation and manuals;
- Operating Systems;

Corporate Social Responsibility (CSR) and Enterprise Development

- CSR schedule of projects/record of organisations that receive funding, inclusive of donations and sponsorships;
- Reports, books, publications and general information related to CSR spend;
- Records and contracts of agreement with funded organisations;
- Bursary Trust;

Assets

- Land and Building Register;
- Fixed Asset Register;
- Title Deeds;
- Leases;

Procurement

- Standard Terms and Conditions for supply of services and products;
- Contractor, client and supplier agreements;
- Lists of suppliers, products, services and distribution;
- Policies and Procedures.

Insurance

- Insurance policies
- Claim Records

Operational Information

This information can be defined as information needed in the day-to-day running of the organisation. Examples of such information include, but are not limited to:

- Internal telephone lists,
- Address lists,
- Company policies,

- Company procedures,
- Human resources policies and procedures,
- Administration manual,
- Industry related statistical data,
- Guest database,
- Historical guest histories,
- Guest reservation data,
- Management information reports,
- Property development information such construction contracts and architectural drawings.

4. Description of the Records of the Body which are Available in Accordance with any other Legislation (Section 51(1) (d))

4.1. Where applicable to its operations, Devonshire House also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of PAIA; the below mentioned legislation and Devonshire House applicable internal policies and procedures, should such interested parties be entitled to such information.

A request to access must be done in accordance with the requirements of PAIA.

5. Protection of Personal Information that is processed by Devonshire House

5.1. Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be deviated from unless specific exclusions apply as outlined in POPIA.

5.2. Devonshire House needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by Devonshire House. Devonshire House is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

5.2.1. Is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Devonshire House, in the form of privacy or data collection notices.

Devonshire House must also have a legal basis (for example, consent) to process Personal Information;

5.2.2. Is processed only for the purposes for which it was collected;

5.2.3. Will not be processed for a further purpose unless that processing is compatible with the original purpose.

5.2.4. Is adequate, relevant and not excessive for the purposes for which it was collected;

5.2.5. Is accurate and kept up to date;

5.2.6. Will not be kept for longer than necessary;

5.2.7. Is processed in accordance with integrity and confidentiality principles;

5.2.8. Is safeguarded which includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by Devonshire House, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

5.2.9. Is processed in accordance with the rights of Data Subjects, where applicable.

5.3. Data Subjects have the right to:

5.3.1. Be notified that their Personal Information is being collected by Devonshire House. The Data Subject also has the right to be notified in the event of a data breach;

5.3.2. Know whether Devonshire House holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;

5.3.3. Request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;

5.3.4. Object to Devonshire House's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Devonshire House's record keeping requirements);

5.3.5. Object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and

5.3.6. Complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

5.4. Purpose of the Processing of Personal Information by the Company

As outlined above, Personal Information may only be processed for a specific purpose.

5.5. Categories of Data Subjects and Personal Information / Special Personal Information relating thereto

As per POPIA, a Data Subject may either be a natural or a juristic person and sets out the various categories of Data Subjects in terms of which Devonshire House Processes Personal Information and the types of Personal Information relating thereto.

5.6. Recipients of Personal Information

Outlines the recipients to whom Devonshire House may provide a Data Subject's Personal Information.

5.8. Description of information security measures to be implemented by Devonshire House

Sets out the types of security measures implemented by Devonshire House in order to ensure that Personal Information is respected and protected. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by Devonshire House may be conducted in order to ensure that the Personal Information that is processed by Devonshire House is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

5.9. Objection to the Processing of Personal Information by a Data Subject

Regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information.

5.10. Request for correction or deletion of Personal Information

Regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted.

PROCESSING OF PERSONAL INFORMATION IN ACCORDANCE WITH POPIA

For clients

- Making accommodation reservations for clients.
- Report to Immigration Services in accordance with Immigration Act.
- Performing duties in terms of any agreement with clients.
- Make, or assist in making, credit decisions about clients.
- Operate and manage clients' accounts and manage any application, agreement or correspondence clients may have with Devonshire House.
- Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about Devonshire House's products and services, promotions and competitions, unless clients indicate otherwise.
- To form a view of clients as individuals and to identify, develop or improve products that may be of interest to clients.
- Carrying out market research, business and statistical analysis.
- Performing other administrative and operational purposes including the testing of systems.
- Recovering any debt clients may owe to Devonshire House.
- Complying with Devonshire House's regulatory and other obligations inclusive of the Immigration Act, The Consumer Protection Act and the National Credit Act.
- Any other reasonably required purpose relating to the Devonshire House business.

For prospective clients

- Making accommodation reservations.
- Verifying and updating information.
- Pre-credit scoring.
- Direct marketing.
- Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about Devonshire House's products and services, promotions and competitions, unless clients indicate otherwise.
- Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the Devonshire House's business.

For employees

- The same purposes as for clients (above).
- Verification of applicant employees' information during recruitment process.
- General matters relating to employees:
 - Pension
 - Medical aid

- Payroll
- Disciplinary action
- Training
- Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors /suppliers /other businesses

- Verifying information and performing checks.
- Purposes relating to the agreement or business relationship or potential agreement or business relationships between the Parties.
- Payment of invoices.
- Complying with Devonshire House’s regulatory and other obligations; and
- Any other reasonably required purpose relating to the Devonshire House business.
- And in relation to the aforementioned any legitimate interest of Devonshire House as is detailed in Devonshire House’s Privacy

CATEGORIES OF DATA SUBJECTS AND CATEGORIES OF PERSONAL INFORMATION RELATING THERETO

Employees

- Name and contact details.
- Identity number and identity documents including passports.
- Employment history and references.
- Banking and financial details.
- Details of payments to third parties (deductions from salary).
- Employment contracts.
- Employment equity plans.
- Medical aid records.
- Pension Fund records.
- Remuneration/salary records.
- Performance appraisals.
- Disciplinary records.
- Leave records.
- Training records.

Clients and prospective clients (which may include employees and prospective employees)

- Postal and/or street address.
- Title and name.
- Contact numbers and/or e-mail address.
- Nationality.
- Identity document, birth certificate or passport.
- Financial information.
- Browsing habits and click patterns on Devonshire House websites as per the Devonshire House Privacy and Cookie Policy.
- Responses to Surveys, Competitions and Promotions
- Customer comments and service reviews

Vendors /suppliers / other businesses

- Name, address and contact details.
- Identity and legal entity details and applicable statutory information.
- Banking and financial information.
- Information about products or services.
- Browsing habits and click patterns on Devonshire House websites as per the Devonshire House Privacy and Cookie Policy.
- Other information not specified, reasonably required to be processed for business operations.

RECIPIENTS OF PERSONAL INFORMATION

- Any firm, organisation or person that Devonshire House uses to collect payments and recover debts or to provide a service on its behalf;
- Any firm, organisation or person that/who provides Devonshire House with products or services;
- Any payment system Devonshire House uses;

- Regulatory and governmental authorities or ombudsmen, or other authorities, including immigration and tax authorities, where Devonshire House has a duty to share information;
- Third parties to whom payments are made on behalf of employees;
- Financial institutions from whom payments are received on behalf of data subjects;
- Any other Operator not specified;
- Employees, contractors and temporary staff; and
- Agents.

DESCRIPTION OF INFORMATION SECURITY MEASURES

Devonshire House undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. Devonshire House may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons

Devonshire House shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

2. Data Media Control

Devonshire House undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by Devonshire House and containing personal data of Customers.

3. Access Control to Data

Devonshire House represents that the persons entitled to use Devonshire House's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

4. Transmission Control

Devonshire House shall be obliged to enable the verification and tracing of the locations/destinations to which the personal information is transferred by utilization of Devonshire House's data communication equipment/devices.

5. Transport Control

Devonshire House shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.

6. Organisation Control

Devonshire House shall maintain its internal organisation in a manner that meets the requirements of this Manual.

For any further information with respect to our privacy policy, please contact info@devonshirehouse.co.za