

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

Shapeshift Digital (Pty) Ltd

Registration number: 2017/482015/07

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1. **Background to the Promotion of Access to Information Act (PAIA) and Protection of Personal Information Act (POPIA)**

The Promotion of Access to Information Act, No. 2 of 2000 (the “PAIA Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

In terms of section 51 of the PAIA Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

The Protection of Personal Information Act, 2013 (Act 4 of 2013) (“POPIA”) gives effect to section 14 of the Constitution which provides that everyone has the right to privacy. The Act promotes the protection of personal information processed by public and private bodies and seeks to balance the right to privacy against other rights, such as access to information.

POPIA has been put into operation incrementally, with a number of sections of the Act having been implemented in April 2014. Some of these sections include those relating to the establishment of the Information Regulator. Sections 2 to 38; sections 55 to 109; section 111; and section 114 (1), (2) and (3) have commenced on 1 July 2020. Sections 110 and 114(4) shall commence on 30 June 2021. Section 114(1) is of particular importance as it states that all forms of processing of personal information must, within one year after the commencement of the section, be made to conform to the Act. This means that entities will have to ensure compliance with the Act by 1 July 2021.

The reason for the delay in relation to the commencement of sections 110 and 114(4) – which are to commence on 30 June 2021 - is that these sections pertain to the amendment of laws and the effective transfer of functions of the Promotion of Access to Information Act, 2000 (“PAIA”) from the South African Human Rights Commission to the Information Regulator. In this regard, the Commission must finalise or conclude its functions referred to in sections 83 and 84 of PAIA and all mechanisms must be in place for the Regulator to take over these functions.

Entities which process personal information must ensure that it is done in a lawful way. POPIA is fundamental in safeguarding persons’ personal information and thus protecting them against data breaches and theft of personal information.

2. Shapeshift Digital (Pty) Ltd

Shapeshift Digital is a Private entity, providing professional services to SMMEs, Entrepreneurs, and Individuals. Shapeshift is a full-service future-focused Digital agency, Who specialise in Customer Engagement Consulting, Process Optimization and Automation, Targeted Communication and Strategy.

Shapeshift Digital only has offices in Cape Town.

This PAIA Manual of Shapeshift Digital is available at its premises: 16 Nutans Avenue, Proteaville, Durbanville, 7551.

3. Purpose of the PAIA Manual

The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within Shapeshift Digital 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. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- 3.1.1. Limitations aimed at the reasonable protection of privacy;
- 3.1.2. Commercial confidentiality; and
- 3.1.3. 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. 3.4. This PAIA Manual complies with the requirements of guide mentioned in section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

4. Definitions

PAIA means the Promotion of Access to Information Act 2 of 2000

POPI means the Promotion of Personal Information Act 4 of 2013

Information Regulator means the Regulator established in terms of Section 39 of POPI.

Person means a natural person or a juristic person.

Private body means:

- a natural person who carries or has carried on any trade, business or profession, but only in such capacity.
- a partnership which carries or has carried on any trade, business or profession; or
- any former or existing juristic person, but excludes a public body.

Public body means:

- any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
 - any other functionary or institution when:
 - exercising a power or performing a duty in terms of the Constitution or a provincial constitution;
- or
- exercising a public power or performing a public function in terms of any legislation
- Head, in relation to, a private body means:
- in the case of a natural person, that natural person or any person duly authorised by that natural person;
 - in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;
 - in the case of a juristic person:
 - the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
 - the person who is acting as such or any person duly authorised by such acting person.

Information Officer means the head of a private body.

Deputy Information Officer means the person to whom any power or duty conferred or imposed on an Information Officer by POPI has been delegated.

Requester in relation to a private body, means any person, including, but not limited to public body or an official thereof, making a request for access to a record of the organisation or a person acting on behalf of such person.

Personal Requester means a requester seeking access to a record containing personal information about the requester.

Personal Information means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: 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; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or

other particular assignment to the person, the biometric information of the person; the personal opinions, views or preferences of the person; 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; the views or opinions of another individual about the person; and 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

Request for access means a request for access to a record of the organisation in terms of section 50 of PAIA.

Record means any recorded information regardless of the form or medium, in the possession or under the control of the organisation irrespective of whether or not it was created by the organisation.

Data Subject means the person to whom personal information relates.

Third Party in relation to a request for access to a record held by the organisation, means any person other than the requester.

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, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or making available in any other form, or merging, linking, as well as restriction, degradation, erasure or destruction of information.

5. The Information Officer [Section 51(1)(b)]

The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The head of a private body fulfils such a function in terms of section 51. Shapeshift Digital has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.

The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render Shapeshift Digital as accessible as

reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of this Act must be addressed to the Information Officer.

All employees who collect, process, or use personal information are accountable to the Information Officer for these activities.

Any employee who suspects that information is collected or used for purposes other than those allowed for in this policy may register a complaint with the Information Officer.

The Information Officer will investigate such complaints and inform the complainant of their findings and any corrective action taken.

If the complainant is dissatisfied with the findings of the Information Officer, they can submit an appeal to the Shapeshift Digital Governance Committee. The determination made by the Shapeshift Digital Governance Committee will be final.

The Information Officer has the following responsibilities:

- maintaining this policy
- reviewing the POPI Act and periodic updates to the Act as these are published.
- ensuring that the POPI Act induction training takes place for all staff.
- ensuring that periodic communication to create awareness on POPI Act responsibilities takes place.
- ensuring that privacy notices for internal and external purposes are developed and published.
- handling data subject access requests.
- ensuring that appropriate policies and controls are in place to comply with the information quality requirements of the POPI Act.
- ensuring that appropriate policies and controls are in place to comply with the security safeguards requirements of the POPI Act.
- handling all aspects of the relationship with the Information Regulator as set out in the POPI Act.

Shapeshift Digital will consider the reappointment or replacement of the Information Officer once a year, as well as the need for any deputy to assist the Information Officer.

Contact Details of the Information Officer

Physical Address:	16 Nutans Avenue, Proteaville, Durbanville, Cape Town
Telephone Number:	+27 21 979 2308
Email:	info@shapeshift.co.za

6. Guide of SA Human Rights Commission (Section 51(1) (b))

The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Contact Body:	The South African Human Rights Commission
Physical Address:	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton 2041
Telephone Number:	+27 11 877 3600
Email:	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

7. INFORMATION REGULATOR

The information regulator is established in terms of section 39 of the POPI Act.

Contact details:

Tel: 012 406 4818

Fax: 086 500 3351

Complaints email: complaints.IR@justice.gov.za

General enquiries email: infoereg@justice.gov.za

8. The Latest Notice in Terms of Section 52(2) (if any) [Section 51(1)(c)]

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

9. Subjects and Categories of Records Available only on Request to Access in Terms of the Act (Section 51(1) (e))

Records held by Shapeshift Digital

For the purposes of this clause 8.1, “Personnel” refers to any person who works for, or provides services to, or on behalf of Shapeshift Digital and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Shapeshift Digital. 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 Shapeshift Digital holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Companies Act Records	Documents of Incorporation; Memorandum of Incorporation; Minutes of meetings of Shareholders; Share certificates; Records relating to the appointment of: - Auditors; - Directors;
Personnel Documents and Records	Address Lists; Disciplinary Code and Records; Employee benefits arrangements rules and records; Employment Contracts; Forms and Applications; Leave Records; Medical Aid Records; Payroll reports/ Wage register; Safety, Health and Environmental records; Salary Records; Standard letters and notices Training Manuals; Training Records; Workplace agreements and records.
Accounts Department	Standard Terms and Conditions for supply of services; Contractor, client and supplier agreements; Lists of suppliers, products, services and distribution; and Policies and Procedures.
Risk Management and Independent Reviews	Internal audit reports; Independent review findings; Risk management frameworks; and Risk management plans.

Client sales and onboarding Department	Customer details Information and records provided by a third party
Marketing Department	Advertising and promotional material
IT Department	Computer / mobile device usage policy documentation; Disaster recovery plans; Hardware asset registers; Information security policies/standards/procedures; Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing.

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Shapeshift Digital will consider access.

10. Records Available without a Request to Access in terms of the Act

- 10.1.** Records of a public nature, typically those disclosed on the Shapeshift website, may be accessed without the need to submit a formal application.

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

- 11.1.** Where applicable to its operations, Shapeshift Digital 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 the Act; the below mentioned legislation and 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 prescriptions of the Act.
- a. Basic Conditions of Employment Act, No 75 of 1997;
 - b. Broad- Based Black Economic Empowerment Act, No 75 of 1997;
 - c. Business Act, No 71 of 1991;
 - d. Companies Act, No 71 of 2008;
 - e. Compensation for Occupational Injuries & Diseases Act, 130 of 1993;
 - f. Competition Act, No.71 of 2008;
 - g. Constitution of the Republic of South Africa 2008;
 - h. Copyright Act, No 98 of 1978;
 - i. Electronic Communications Act, No 36 of 2005;
 - j. Electronic Communications and Transactions Act, No 25 of 2002;

- k. Employment Equity Act, No 55 of 1998;
- l. Income Tax Act, No 58 of 1962;
- m. Intellectual Property Laws Amendment Act, No 38 of 1997;
- n. Labour Relations Act, No 66 of 1995;
- o. Occupational Health & Safety Act, No 85 of 1993;
- p. Promotion of Access to Information Act, No 2 of 2000;
- q. Protection of Personal Information Act, No. 4 of 2013;
- r. Revenue laws Second Amendment Act. No 61 of 2008;
- s. Skills Development Levies Act No. 9 of 1999;
- t. Tax Administration Act 28 of 2011;
- u. Unemployment Insurance Contributions Act 4 of 2002;
- v. Unemployment Insurance Act No. 30 of 1966;
- w. Value Added Tax Act 89 of 1991.

* Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

- 11.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

12. Detail to Facilitate a Request for Access to a Record of Shapeshift Digital (Section 51(1) (e))

- 12.1.** The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 12.2.** The requester must complete the prescribed form enclosed herewith, and submit the same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address or electronic mail address as noted in clause 5 above.
- 12.3.** The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:
 - a. the record or records requested; and
 - b. the identity of the requester.
- 12.4.** The requester should indicate which form of access is required and specify a postal address or fax number of the requester in the Republic;
- 12.5.** The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

- 12.6.** Shapeshift Digital will process the request within 30 (thirty) business days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 12.7.** The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 12.8.** If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
- 12.9.** If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 12.10.** The requester must pay the prescribed fee, before any further processing can take place.
- 12.11.** All information as listed in clause 11 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

13. Refusal of Access to Records

13.1. Grounds to Refuse Access

A private body such as Shapeshift Digital is entitled to refuse a request for information.

- 13.1.1.** The main grounds for Shapeshift Digital to refuse a request for information relates to the:
 - a. mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
 - b. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
 - c. mandatory protection of the commercial information of a third party (section 64) if the record contains:
 - i. trade secrets of the third party;
 - ii. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - d. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

- e. mandatory protection of the safety of individuals and the protection of property (section 66);
- f. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

13.1.2 The commercial activities (section 68) of a private body, such as Shapeshift Digital, which may include:

- a. trade secrets of Shapeshift Digital;
- b. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Shapeshift Digital;
- c. information which, if disclosed could put Shapeshift Digital at a disadvantage in negotiations or commercial competition;
- d. a computer program which is owned by Shapeshift Digital, and which is protected by copyright;
- e. the research information (section 69) of Shapeshift Digital or a third party, if its disclosure would disclose the identity of Shapeshift Digital, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

13.1.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

13.1.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

13.1.5 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

14. Remedies Available When Shapeshift Digital Refuses a Request

14.1. Internal Remedies

Shapeshift Digital does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

14.2. External Remedies

- 14.2.1. A requester that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.
- 14.2.2. A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

15. Access to Records Held by Shapeshift Digital

15.1. Prerequisites for Access by Personal/Other Requester

- 15.1.1. Records held by Shapeshift Digital may be accessed by requests only once the prerequisite requirements for access have been met.
- 15.1.2. A requester is any person making a request for access to a record of Shapeshift Digital. There are two types of requesters:

15.1.2.1. Personal Requester

- 15.1.2.1.1. A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 15.1.2.1.2. Shapeshift Digital will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

15.1.2.2. Other Requester

- 15.1.2.2.1. This requester (other than a personal requester) is entitled to request access to information on third parties.
- 15.1.2.2.2. In considering such a request, Shapeshift Digital will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

Shapeshift Digital is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

16. Prescribed Fees (Section 51 (1) (f))

16.1. Fees Provided by the Act

- 16.1.1. bThe Act provides for two types of fees, namely:
- 16.1.1.1. A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
 - 16.1.1.2. An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.
- 16.1.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).
- 16.1.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 16.1.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.
- 16.1.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 16.1.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.
- 16.1.7. The fee structure is available on the website of the SAHRC at www.sahrc.org.za.

17. Decision

17.1. Time Allowed to Institution

- 17.1.1. Shapeshift Digital will, within 30 (thirty) business days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 17.1.2. The 30 (thirty) business day period within which Shapeshift Digital has to decide whether to grant or refuse the request, may be extended for a further period of not more than (30) thirty business days if the request is for a large number of information, or the request requires a search for information held at another office of Shapeshift Digital and

the information cannot reasonably be obtained within the original 30 (thirty) business day period.

- 17.1.3. Shapeshift Digital will notify the requester in writing should an extension be sought.

18. Protection of Personal Information that is Processed by Shapeshift Digital

18.1. Chapter 3 of the Protection of Personal Information (“POPIA”) provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated unless specific exclusions apply as outlined in POPIA.

18.2. Shapeshift Digital 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 Shapeshift Digital. Shapeshift Digital is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- 18.2.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Shapeshift Digital, in the form of privacy or data collection notices. Shapeshift Digital must also have a legal basis (for example, consent) to process Personal Information;
- 18.2.2. is processed only for the purposes for which it was collected;
- 18.2.3. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
- 18.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
- 18.2.5. is accurate and kept up to date;
- 18.2.6. will not be kept for longer than necessary;
- 18.2.7. is processed in accordance with integrity and confidentiality principles; this 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 Shapeshift Digital, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- 18.2.8. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - 18.2.8.1. be notified that their Personal Information is being collected by Shapeshift Digital. The Data Subject also has the right to be notified in the event of a data breach;
 - 18.2.8.2. know whether Shapeshift Digital holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
 - 18.2.8.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;

- 18.2.8.4. object to Shapeshift Digital's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Shapeshift Digital's record keeping requirements);
- 18.2.8.5. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 18.2.8.6. complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

18.3. *Purpose of the Processing of Personal Information by the Company*

As outlined above, Personal Information may only be processed for a specific purpose. The purposes for which Shapeshift Digital processes or will process Personal Information is set out in Part 1 of Appendix 2.

18.4. *Categories of Data Subjects and Personal Information/special Personal Information relating thereto*

As per section 1 of POPI, a Data Subject may either be a natural or a juristic person. Part 2 of Appendix 2 sets out the various categories of Data Subjects that Shapeshift Digital Processes Personal Information on and the types of Personal Information relating thereto.

18.5. *Recipients of Personal Information*

Part 3 of Appendix 2 outlines the recipients to whom Shapeshift Digital may provide a Data Subjects Personal Information to.

18.6. *Cross-border flows of Personal Information*

- 18.6.1. Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the:
 - 18.6.1.1. the recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
 - 18.6.1.2. Data Subject consents to the transfer of their Personal Information; or
 - 18.6.1.3. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or

- 18.6.1.4. transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- 18.6.1.5. the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would in all likelihood provide such consent.
- 18.6.2. Part 4 of Appendix 2 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto.

18.7. *Description of information security measures to be implemented by Shapeshift Digital*

Part 5 of Appendix 2 sets out the types of security measures implemented by Shapeshift Digital 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 Shapeshift Digital may be conducted in order to ensure that the Personal Information that is processed by Shapeshift Digital is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

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

Section 11 (3) of POPI and 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 in the prescribed form attached to this manual as Appendix 3 subject to exceptions contained in POPIA.

18.9. *Request for correction or deletion of Personal Information*

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form attached as Appendix 4 to this Manual.

19. *Availability and Updating of the PAIA Manual*

19.1. Regulation Number R.187 of 15 February 2002

- 19.1.1. This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002.

Shapeshift Digital will update this PAIA Manual at such intervals as may be deemed necessary.

- 19.1.2. This PAIA Manual of Shapeshift Digital is available to view at its premises and on its website.

Appendix 1: Access Request Form

1. Link to access form: [REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY \(Section 53\(1\) of the Promotion of Access to Information Act, 2000 \(Act No. 2 of 2000\)\) \[Regulation 10\]](#)

Appendix 2: Part 1 - Processing of Personal Information in Accordance with POPIA

For clients:

- a. Performing duties in terms of any agreement with clients.
- b. Communicating (including direct marketing) with clients by email, SMS, letter, telephone or in any other way about Shapeshift's products and services, unless clients indicate otherwise.
- c. To form a view of clients as individuals and to identify, develop or improve products that may be of interest to clients.
- d. Carrying out market research, business and statistical analysis
- e. Performing other administrative and operational purposes including the testing of systems
- f. Recovering any debt clients may owe the Shapeshift Digital
- g. Complying with the Shapeshift Digital's regulatory and other obligations; and
- h. Any other reasonably required purpose relating to the Shapeshift Digital business.

For prospective clients:

- a. Verifying and updating information
- b. Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the Shapeshift Digital business

For employees:

- a. The same purposes as for clients (above)
- b. Verification of applicant employees' during recruitment process
- c. General matters relating to employees: i. Retirement fund
- d. Medical aid
- e. Payroll
- f. Disciplinary action
- g. Training
- h. Any other reasonably required purpose relating to the employment or possible employment relationship.

For vendors /suppliers /other businesses:

- a. Verifying information and performing checks;
- b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- c. Payment of invoices;
- d. Complying with the Shapeshift Digital's regulatory and other obligations; and
- e. Any other reasonably required purpose relating to Shapeshift Digital business.

Appendix 2: Part 2 - Categories of Data Subjects and Categories of Personal Information relating thereto

Employees

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Banking and financial details
- e. Details of payments to third parties (deductions from salary)
- f. Employment contracts
- g. Medical aid records
- h. Pension Fund records
- i. Remuneration/salary records
- j. Performance appraisals
- k. Disciplinary records
- l. Leave records
- m. Training records

Clients and prospective clients (which may include employees)

- a. Postal and/or street address
- b. Title and name
- c. Contact numbers and/or e-mail address
- d. Financial information
- e. Identity or passport number
- f. Browsing habits and click patterns on Shapeshift Digital websites.

Vendors /suppliers /other businesses:

- a. Name and contact details
- b. Identity and/or company information and directors' information
- c. Banking and financial information
- d. Information about products or services
- e. Other information not specified, reasonably required to be processed for business operations

Appendix 2: Part 3 - Recipients of Personal Information

- a. Any firm, organisation or person that Shapeshift Digital uses to collect payments and recover debts or to provide a service on its behalf;
- b. Any firm, organisation or person that/who provides Shapeshift Digital with products or services;
- c. Any payment system the Shapeshift Digital uses;
- d. Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Shapeshift Digital has a duty to share information;
- e. Third parties to whom payments are made on behalf of employees;

- f. Financial institutions from whom payments are received on behalf of data subjects;
- g. Any other operator not specified;
- h. Employees, contractors and temporary staff; and
- i. Agents.

Appendix 2: Part 4 Cross border transfers of Personal Information

Personal Information may be transmitted transborder to Shapeshift Digital's suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. Shapeshift Digital will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

Appendix 2: Part 5 Description of information security measures

Shapeshift Digital 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. Shapeshift Digital may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access Control of Persons

Shapeshift Digital 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

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

3. Data Memory Control

Shapeshift Digital undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User Control

Shapeshift Digital shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access Control to Data

Shapeshift Digital represents that the persons entitled to use Shapeshift Digital'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).

6. Transmission Control

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

7. Transport Control

Shapeshift Digital 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.

8. Organisation Control

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

Appendix 3: Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act, 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:	
Contact number(s):	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
E-mail address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at _____ on this _____ day of _____ 20__.

Signature of data subject/designated person

Appendix 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 the Protection of Personal Information Act, 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:

- 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 DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	

Contact number(s):	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
E-mail address:	
C	Reasons for Objection in Terms of Section 11(1)(D) to (F) (Please Provide Detailed Reasons for The Objection)

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. (Please Provide Detailed Reasons for the Request)