

SPYDERWEB DESIGN

PAIA & POPI MANUAL

(PRIVATE BODY)

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

COMPILED ON 23 MARCH 2021

1. Purpose of the Manual in terms of PAIA. The purpose of this Manual is to assist people wishing to access information in terms of the PAIA from SPYDERWEB DESIGN
2. Request for access to information In the event that a person or entity requires access to information as contemplated in the Act, the requester must contact TANYA GRAHAM In terms of section 25(2) states that: (2) If the request for access is granted, the notice in terms of subsection (1)(b) must state— (a) the access fee (if any) to be paid upon access; (b) the form in which access will be given; and (c) that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the form of access 15 granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be. (3) If the request for access is refused, the notice in terms of subsection (1)(b) must— (a) state adequate reasons for the refusal, including the provisions of this Act relied upon; (b) exclude, from such reasons, any reference to the content of the record; and (c) state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.
3. Terms used in this document [List and define terms used in this manual]
 - Terms defined in the act shall have the meaning set out therein;
 - Reference to sections shall be a reference to sections in the Act
4. Background of SPYDERWEB DESIGN

SPYDERWEB DESIGN IS A SMALL WEB DESIGN BUSINESS RUN BY TANYA GRAHAM THAT WAS STARTED IN 1999.

5. Organisation Details
 - Name
SPYDERWEB DESIGN
 - Physical address
33 KLEIN WASSENAAR ROAD, LAKESIDE, 7945
 - Postal address
33 KLEIN WASSENAAR ROAD, LAKESIDE, 7945
 - Contact details
083 986 2580

- <https://www.spyderweb.co.za>
6. Details of the information officer (nominated by your organisation)
TANYA GRAHAM
7. Section 51(1) (c) In terms of Section 52, a private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records which are automatically available without a person having to request access in terms of this Act. This includes records which are available:
- for inspection
 - for purchase or copying from the private body; and
 - from the private body free of charge)
8. Section 51(1) (d) The manual must describe those records which a private body must make available in terms of any other legislation. It is recommended that on completing this portion of the manual, information officers should consult with their Secretarial and Legal Services for input and guidance. In the process, it is recommended that the following legislation be considered. This list is by no means exhaustive, and is intended to serve as a guide only.
- Arbitration Act 42 of 1965
 - Attorneys Act 53 of 1979
 - Basic Conditions of Employment Act 75 of 1997
 - Compensation for Occupational Injuries and Diseases Act 130 of 1993
 - Competition Act 89 of 1998
 - Consumer Protection Act 68 of 2008
 - Copyright Act 61 of 1978
 - Electronic Communications and Transactions Act 25 of 2002
 - Employment Equity Act 55 of 1998
 - Financial Advisory and Intermediary Services Act no 37 of 2002
 - Financial Intelligence Centre Act 38 of 2001
 - Income Tax Act 58 of 1962
 - Insolvency Act 24 of 1936
 - Insurance Act 27 of 1943
 - Intellectual Property Laws Amendments Act 38 of 1997
 - Interception and Monitoring Prohibition Act 127 of 1992
 - Labour Relations Act 66 of 1995
 - Long Term Insurance Act 52 of 1998
 - Occupational Health and Safety Act 85 of 1993
 - Protection of Businesses Act 99 of 1978
 - Short Term Insurance Act 53 of 1998
 - Short-term Insurance Act no. 53 of 1998
 - Skills Development Act 97 of 1998
 - Skills Development Levies Act 9 of 1999
 - The National Credit Act 34 of 2005
 - Unemployment Insurance Act 63 of 2001
 - Unemployment Insurance Contributions Act 4 of 2002

- Value Added Tax Act 89 of 1991
9. Section 51(1) (e) This section of the manual must set out a description of the subjects on which your organisation holds record, and categories of records held on each subject. These include operational records of your organisation utilised in the day to day running and administration of its administration, such as (list all operational documents that are held by the organisation):
- Accounting records
 - Administrative information

10. Requesting Procedure

A person who wants access to the records must complete the necessary request form, as set out in Annexure 1, and the completed form must be sent to the email address (info@spyderweb.co.za) provided in this manual, and marked for the attention of the information officer.

The requester must indicate which form of access is required, and identify the right that is sought to be exercised or protected, and provide an explanation of which the requested record is required for the exercise or protection of that right. Proof of the capacity in which the requester is requesting the information

10.2 Availability of the Manual

Hard copies of this manual can be obtained from our office at a fee of R300.

10.2.1 This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our office (where it is available). Copies of the manual may be made available subject to the prescribed fees.

10.2.2 Copies may also be requested from the South African Human Rights Commission at the address indicated below.

10.3 Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee:

10.3.1 A fee will be required by the head (contact person) before further processing of the request in terms of S54 of the Act

10.3.2 A requester fee of R50 should be paid, this amount will be refunded should the request for access be refused

10.3.3 A portion of the access fee (not more than one third) may be required before the request is considered

10.3.4 The requester may lodge an application with a court against the payment of the

request fee in terms of S54(3)(b) of the Act

10.3.5 The head may withhold a record until the requester has paid the applicable fees

10.4 Details of the South African Human Rights Commission

Any queries with regard to this manual should be directed to:

The South African Human Rights Commission; PAIA Unit Research and Documentation
Department Private Bag 2700 Houghton 2041 Phone: 011 484 8300 Fax: 011 484 0582 Email:
PAIA@sahrc.org.za Website:www.sahrc.org.za

11. Protection of Personal Information that is Processed by Spyderweb Design

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

11.2. Spyderweb Design 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 Spyderweb Design. Spyderweb Design is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Spyderweb Design, in the form of privacy or data collection notices. Spyderweb Design must also have a legal basis (for example, consent) to process Personal Information;
- is processed only for the purposes for which it was collected;
- will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
- is adequate, relevant and not excessive for the purposes for which it was collected;
- is accurate and kept up to date;
- will not be kept for longer than necessary;
- 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 Spyderweb Design, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - be notified that their Personal Information is being collected by Spyderweb Design. The Data Subject also has the right to be notified in the event of a data breach;

- know whether Spyderweb Design 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;
- request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- object to Spyderweb Design's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Spyderweb Design's record keeping requirements);
- object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- 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 noncompliance with the protection of his, her or its personal information.

11.3. 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 Spyderweb Design processes or will process Personal Information is set out in Part 1 of Appendix 1.

11.4. 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 1 sets out the various categories of Data Subjects that Spyderweb Design Processes Personal Information on and the types of Personal Information relating thereto.

11.5. Recipients of Personal Information Part 3 of Appendix 1 outlines the recipients to whom Spyderweb Design may provide a Data Subjects Personal Information to.

11.6. Cross-border flows of Personal Information

- Section 72 of POPIA provides that Personal Information may only be transferred out of the Republic of South Africa if the: a. 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 b. Data Subject consents to the transfer of their Personal Information; or c. transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or d. 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 e. 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.
- Part 4 of Appendix 1 sets out the planned cross-border transfers of Personal Information and the condition from above that applies thereto. Description of information security measures to be implemented by Spyderweb Design Part 5 of Appendix 1 sets out the types of security measures to implemented by Spyderweb Design 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 Spyderweb Design may be conducted in

order to ensure that the Personal Information that is processed by Spyderweb Design is safeguarded and Processed in accordance with the Conditions for Lawful Processing.

11.8. 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 subject to exceptions contained in POPIA.

11.9. 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.

12. Availability and Updating of the PAIA Manual

12.1. 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. Spyderweb Design will update this PAIA Manual at such intervals as may be deemed necessary.

12.1.2. This PAIA Manual of Spyderweb Design is available to view at its premises.

Appendix 1: Part 1 - Processing of Personal Information in Accordance with POPI For consumers:

- Performing duties in terms of any agreement with consumers
- Make, or assist in making, credit decisions about consumers
- Operate and manage consumers' accounts and manage any application, agreement or correspondence consumers may have with Spyderweb Design
- Communicating (including direct marketing) with consumers by email, SMS, letter, telephone or in any other way about Spyderweb Design's products and services, unless consumers indicate otherwise
- To form a view of consumers as individuals and to identify, develop or improve products, that may be of interest to consumers
- Carrying out market research, business and statistical analysis
- Performing other administrative and operational purposes including the testing of systems
- Recovering any debt consumers may owe the Spyderweb Design
- Complying with the Spyderweb Design's regulatory and other obligations
- Any other reasonably required purpose relating to the Spyderweb Design business

For prospective consumers:

- Verifying and updating information
- Pre-scoring
- Direct marketing
- Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the Spyderweb Design's business.

For employees:

- The same purposes as for consumers (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 possible agreement or business relationships between the parties;
- Payment of invoices;
- Complying with the Spyderweb Design's regulatory and other obligations; and
- Any other reasonably required purpose relating to the Spyderweb Design business.

Appendix 1: Part 2 - 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

Consumers and prospective consumers (which may include employees)

- Postal and/or street address
- title and name
- contact numbers and/or e-mail address
- ethnic group
- employment history

- age
- gender
- marital status
- nationality
- language
- financial information
- identity or passport number
- browsing habits and click patterns on Spyderweb Design websites.

Vendors /suppliers /other businesses:

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

Appendix 1: Part 3 - Recipients of Personal Information

- Any firm, organisation or person that the Spyderweb Design uses to collect payments and recover debts or to provide a service on its behalf;
- Any firm, organisation or person that/who provides the Spyderweb Design with products or services;
- Any payment system the Spyderweb Design uses;
- Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Spyderweb Design 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.

Appendix 1: Part 4 – Cross border transfers of Personal Information

Personal Information may be transmitted transborder to Spyderweb Design'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. Spyderweb Design will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and Personal Information.

Appendix 1: Part 5 – Description of information security measures

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

- **Access Control of Persons**
Spyderweb Design shall implement suitable measures in order to prevent unauthorized

persons from gaining access to the data processing equipment where the data are processed.

- **Data Media Control**

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

- **Data Memory Control**

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

- **User Control**

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

- **Access Control to Data**

Spyderweb Design represents that the persons entitled to use Spyderweb Design'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).

- **Transmission Control**

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

- **Transport Control**

Spyderweb Design 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.

- **Organisation Control**

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