

**HERO TELECOMS (PTY) LIMITED**

**Manual prepared in terms of Section 51 of  
The Promotion of Access to Information Act 2 of 2000  
(As amended) and read with  
The Protection of Personal Information Act No 4 of 2013**

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## 1. INTRODUCTION

- 1.1. This Manual applies to Hero Telecoms (Pty) Limited (“Herotel”), company registration number 2013/014376/07 and its subsidiaries (collectively Herotel). Herotel is a telecommunication service provider business, in terms of the Electronic Communications Act.
- 1.2. The Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be published on our website and distributed in accordance with PAIA.
- 1.3. The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to PAIA.

## 2. DEFINITIONS

The following words or expressions will bear the following meaning in this Manual:

- |     |                                 |   |
|-----|---------------------------------|---|
| 2.1 | <b>Customer</b>                 | Means a natural or juristic person who or which receives services from Herotel.   |
| 2.2 | <b>Data subject</b>             | Means the person to whom personal information relates.  |
| 2.3 | <b>Electronic Communication</b> | Means any text, voice, sound, or image message sent over an electronic communications network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient. |
| 2.4 | <b>Employee</b>                 | Means any person who works for, or provides services to, or on behalf of Herotel and receives or is entitled to remuneration.   |
| 2.5 | <b>Information Officer</b>      | Means Herotel’s designated Information Officer described in <b>paragraph 4</b> of this manual.  |
| 2.6 | <b>Information Regulator</b>    | Shall bear the meaning ascribed to it in POPIA.   |
| 2.7 | <b>Manual</b>                   | Means this manual, together with all annexures thereto as amended and made available on Herotel’s website or at our offices from time to time.  |
| 2.8 | <b>PAIA</b>                     | Means the Promotion of Access to Information Act No 2 of 2000 together with any regulations published there under.  |
| 2.9 | <b>Person</b>                   | Means a natural or juristic person.   |

- 2.10 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:
- 2.10.1 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.
  - 2.10.2 Information relating to the education or the medical, financial, criminal, or employment history of the person.
  - 2.10.3 Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person.
  - 2.10.4 The biometric information of the person.
  - 2.10.5 The personal opinions, views, or preferences of the person.
  - 2.10.6 Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal information about the person.
- 2.11 POPIA** Means the Protections of Personal Information Act No 4 of 2013 together with the Regulations published thereunder.
- 2.12 Private Body** Shall assume the meaning ascribed to by PAIA.
- 2.13 Processing** Means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including:
- 2.13.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use.
  - 2.13.2 dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means or.
  - 2.13.3 merging, linking, blocking, degradation, erasure, or destruction for the purposes of this definition, "
- Process" has a corresponding meaning.
- 2.14 Public Body** Shall assume the meaning ascribed to by PAIA.
- 2.15 Record/s** Of, or in relation to Herotel, means any recorded information:
- 2.15.1 regardless of the form or medium.
  - 2.15.2 in the possession or under the control of Herotel; and whether or not it was created by Herotel.
- 2.16 Requester** Is any person, including, but not limited to a natural person, a public body or an official thereof (including a data subject), making a request for access to a record held by or under the control of Herotel, or a person acting on behalf of the person, public body or official thereof.

### 3. PURPOSE OF THIS PAIA MANUAL

This PAIA Manual is useful for the public to:

- 3.1 Check the categories of records held by Herotel which are available without a person having to submit a formal PAIA request.
- 3.2 Have a sufficient understanding of how to make a request for access to a record of Herotel, by providing a description of the subjects on which Herotel holds records and the categories of records held on each subject.
- 3.3 Know the description of the records of Herotel which are available in accordance with any other legislation.
- 3.4 Access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access.
- 3.5 Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 3.6 Know if Herotel will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto, as well as the process for the objection to, correction or deletion of personal information.
- 3.7 Know the description of the categories of data subjects and of the information or categories of information relating thereto.
- 3.8 Know the recipients or categories of recipients to whom the personal information may be supplied.
- 3.9 Know if Herotel has plans to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 Know whether Herotel has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 4. COMPANY CONTACT DETAILS

#### 4.1 CHIEF INFORMATION OFFICER

<b>Chief Information Officer:</b>	Imel Strydom Rautenbach
<b>Phone Number:</b>	+27 21 300 0142
<b>E-Mail Address:</b>	<a href="mailto:Imel@Herotel.com">Imel@Herotel.com</a>
<b>Information Regulator Reference:</b>	0018553/2023-2024-IRRT/PR

## 4.2 DEPUTY INFORMATION OFFICER

<b>Deputy Information Officer:</b>	Andre van Rooyen
<b>Phone Number:</b>	+27 21 300 0142
<b>E-Mail Address:</b>	<a href="mailto:Andre.vanRooyen@Herotel.com">Andre.vanRooyen@Herotel.com</a>
<b>Information Regulator Reference:</b>	0018553/2023-2024-IRRT/PR

## 4.3 CORRESPONDENCE

All correspondence regarding access to information can be sent to [privacy@herotel.com](mailto:privacy@herotel.com) alternatively it can be sent directly to the Information Officer indicated in **paragraph 4.1** hereof.

## 4.4 HEAD OFFICE CONTACT INFORMATION

<b>Postal Address:</b>	98 Dorp Street, Stellenbosch, 7600
<b>Street Address:</b>	98 Dorp Street, Stellenbosch, 7600
<b>Telephone Number:</b>	021 300 0142
<b>Email:</b>	<a href="mailto:privacy@herotel.com">privacy@herotel.com</a>
<b>Website:</b>	<a href="http://www.herotel.com">www.herotel.com</a>

## 5. THE ACTS

- 5.1. PAIA grants a requester access to records of a private body, including Herotel, 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.
- 5.2. The Protection of Personal Information Act, 4 of 2013 (Hereinafter POPIA) purpose is to promote the protection of personal information processed by responsible parties, including Herotel, and it amended certain provisions of PAIA, in order to balance the rights to access of information with the rights to the protection of personal information.
- 5.3. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided herein. The forms and tariff are dealt with in **paragraphs 14 and 17** of this Manual.

## 6. PAIA MANUAL

- 6.1. Herotel has compiled this information manual, in accordance with the Acts, which provides information regarding the types and categories of records and personal information held by it and describes the applicable procedure to be followed for requesting access to records, including personal information.
- 6.2. Herotel's PAIA manual is available:
  - 6.2.1. for public inspection during normal business hours at Herotel's principal place of business, which is located at the physical address listed in **paragraph 4**.
  - 6.2.2. on our website at [www.herotel.com](http://www.herotel.com);

- 6.2.3. to any person upon written request and upon the payment of a reasonable fee; and
- 6.2.4. to the Information Regulator upon request.

## 7. INFORMATION OFFICER

Herotel's Information Officer with the assistance of its Deputy Information Officers is responsible for the administration of, and compliance with, PAIA and POPI, and requests pertaining to PAIA and/or POPI should be directed to the Information Officer, whose details are contained in **paragraph 4**.

## 8. RIGHT OF ACCESS TO RECORDS (Section 50)

- 8.1. A Requester has a right to access records containing personal information about the Requester himself/herself, or about the Person on whose behalf the request is being made.
- 8.2. A public body is considered a juristic person and may make a request for access to records held by private bodies, only if the public body is:
  - 8.2.1. acting in the interests of the public, and
  - 8.2.2. if the records are required to fulfil or protect any rights other than those of the public body.
- 8.3. A Requester must be given access to any records (including records containing Personal Information) of a private body if:
  - 8.3.1. the record is needed for the exercise or protection of any rights.
  - 8.3.2. the Requester complies with the procedural requirements contained in PAIA relating to a request for access to a record, including the payment of a fee, where applicable; andaccess to the record is not refused in terms of any ground for refusal contemplated in PAIA.

## 9. THE ACCESS TO INFORMATION GUIDE (Section 51(1)(b)(i))

- 9.1 Requesters are referred to the guide on how to use PAIA in terms of **Section 10(1)** of PAIA, compiled by Human Rights Commission and amended, updated, and made available by the Information Regulator, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA. The guide will contain information for the purposes of exercising any right contemplated in the Acts.
- 9.2 The guide is available from the Information Regulator.

**Physical address:** JD House, 27 Stiemens Street  
Braamfontein  
Johannesburg  
2017

**Postal address:** P.O. Box 31533  
Braamfontein  
Johannesburg  
2017

**Website:** <https://infoeregulator.org.za/paia-guidelines/>

**Email:** [enquiries@infoeregulator.org.za](mailto:enquiries@infoeregulator.org.za)

9.3 Alternatively, you can submit a written request in the prescribed form, which is attached hereto as **Annexure 1**, to the Company's Chief Information Officer or Deputy Information Officer as set out in **paragraph 4** above to provide you with a copy of the Guide.

## 10. NOTICE IN TERMS OF SECTION 52(2) (Section 51(b)(ii))

Herotel is not obliged to and has not published a notice in terms of **Section 52(2)** of PAIA. Nevertheless, Herotel does make certain information freely available on its website [www.herotel.com](http://www.herotel.com). Reproduction fees will be charged for access to these records where reproductions are requested.

## 11. RECORDS HELD ACCORDANCE WITH APPLICABLE LEGISLATION (Section 51(1)(b)(iii))

Records kept in terms of the below-listed legislation may, in certain instances (insofar as the information contained therein is of a public nature) be available for inspection without a Requester having to request access thereto in terms of PAIA. This list is not an exhaustive list of legislation requiring Herotel to retain records.

No	Reference	Act
1.	No 46 of 1998	Administrative Adjudication of Road Traffic Offences Act
2.	No 75 of 1997	Basic Conditions of Employment Act
3.	No 46 of 2013	Broad Based Black Economic Empowerment Act
4.	No 71 of 2008	Companies Act
5.	No 98 of 1978	Copyright Act
6.	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
7.	No 89 of 1998	Competition Act
8.	No 108 of 1996	Constitution of the Republic of South Africa
9.	No 68 of 2008	Consumer Protection Act
10.	No 13 of 2009	Civil Aviation Act
11.	No 36 of 2005	Electronic Communications and Transactions Act
12.	No 55 of 1998	Employment Equity Act
13.	No 65 of 1996	Film and Publications Act
14.	No 38 of 2002	Financial Intelligence Centre Act
15.	No 58 of 1962	Income Tax Act
16.	No 13 of 2000	Independent Communications Authority of South Africa Act
17.	No 13 of 2002	Immigration Act
18.	No 66 of 1995	Labour Relations Act
19.	No 32 of 1944	Magistrates Act
20.	No 93 of 1996	National Road Traffic Act
21.	No 107 of 1998	National Environmental Management Act
22.	No 103 of 1977	National Building Regulations and Building Standards Act



23.	No 36 of 1998	National Water Act
24.	No 25 of 1999	National Heritage Resources Act
25.	No 9 of 2018	National Minimum Wage Act
26.	No 67 of 2008	National Qualifications Framework Act
27.	No 85 of 1993	Occupational Health and Safety Act
28.	No 57 of 1978	Patents Act
29.	No 2 of 2000	Promotion of Access of Information Act
30.	No 17 of 2011	Protection from Harassment Act
31.	No 26 of 2000	Protected Disclosures Act
32.	No 4 of 2013	Protection of Personal Information Act
33.	No 36 of 1994	Public Holidays Act
34.	No 70 of 2002	Regulation of Interception of Communications and Provision of Communication Related Information Act
35.	No 70 of 1970	Subdivision of Agricultural Land Act
36.	No 16 of 2012	Spatial Planning and Land Use Management Act (SPLUMA)
37.	No 9 of 1999	Skills Development Levies Act
38.	No 97 of 1998	Skills Development Act
39.	No 4 of 1999	The Broadcasting Act
40.	No 68 of 1969	The Prescription Act
41.	No 12 of 2004	The Prevention and Combating of Corrupt Activities Act
42.	No 40 of 2000	The Promotion of Equality and Prevention of Unfair Discrimination Act
43.	No 28 of 2011	The Tax Administration Act
44.	No 194 of 1993	Trademarks Act
45.	No 63 of 2001	Unemployment Insurance Act
46.	No 4 of 2002	Unemployment Insurance Contribution Act
47.	No 89 of 1991	Value Added Tax Act

## 12. DESCRIPTION OF SUBJECTS HEROTEL HOLD RECORDS ON AND CATEGORIES OF RECORDS (SECTION 51(1)(b)(iv))

Described below is the schedule of record types and categories of records which Herotel holds. (This list is not exhaustive.)

<b>Client Records</b>	<b>Availability</b>	<b>Employment Records</b>	<b>Availability</b>	
Customer Database	On request in terms of PAIA, subject to POPIA	Disciplinary code records	On request in terms of PAIA, subject to POPIA	
Client communications and correspondence including electronic communications		Disciplinary records		
Public customer information including product and services information, promotions, and offerings.		Documents issued to employees for income tax purposes		
Client records		Employment contracts and leave record		
Information clients have provided to Herotel		Employment Equity and Skills Development plan		
Payment transactions by or to clients		Employment law compliance records		
Records generated by Herotel relating to its clients, including transactional records		Employment records provided to Herotel by employees		
<b>Financial Records</b>	<b>Availability</b>	Organograms		On request in terms of PAIA, subject to POPIA
Annual Financial Statements	On request in terms of PAIA	PAYE Records		
Asset Register		Pay slips and financial records		
Banking Records/Bank Statements		Performance evaluation records		
Financial and Accounting Records and Reports		Records of payments made to SARS on behalf of employees		
Invoices		Records provided by third parties relating to employees, including references		
Tax Returns		Recruitment records, including job application resumes, and assessments		
<b>Corporate Records</b>		<b>Availability</b>	<b>Statutory and Regulatory Records</b>	
Documents of incorporation	On request in terms of PAIA	Prescribed Statutory and Regulatory compliance records that are required to be retained	On request in terms of PAIA	
Intellectual property records		Regulatory correspondence		
Internal Correspondence		Statutory licensing and registration records		
Legal Agreements with third parties and service providers				
Legal Records				

Memorandum and Articles of Association	
Minutes of Board of Directors meetings	
Operational records	
Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers	
Share Register and other statutory registers	
<b>Operational and Marketing Records</b>	<b>Availability</b>
Business models	On request in terms of PAIA
Disaster Recovery Plans	
Internal corporate policies and procedures	
Marketing Information and Strategies	
Risk Management Records	
Product and Service offering	Freely available on website
Publicly available company information	
Complaints management framework	
Customer Complaints Procedure	

### 13 PROTECTION OF PERSONAL INFORMATION ACT (Section 51(1)(c))

#### 13.1 PURPOSE OF PROCESSING AND CATEGORIES OF DATA SUBJECTS (SECTION 51(1)(C)(I) AND (II))

The table below contains the purpose of processing of Personal Information by Herotel, including categories of data subjects and information relating thereto (the lists are not exhaustive):

Categories of data subjects	Purpose of processing of Personal Information	Personal Information relating to data subjects that is processed	Law requiring/authorising processing of Personal Information
Directors	Business operations as an internet service provider	Names, ID numbers, physical address, postal address, fit and proper records	Independent Communications Authority of South Africa Act and Electronic Communications
Current and previous employees, next of kin, emergency contacts, job applicants and their referees	Recruitment, Employment, and matters related thereto	Names, ID numbers, date of birth, address, age, race, gender, employment history, job applications, qualifications, references, training records, employment contracts, remuneration records, leave records, performance evaluation records, disciplinary records, health information, next of kin details, emergency contacts, medical aid details, banking details, tax reference numbers, criminal and credit history records	Labour Relations Act; Basic Conditions of Employment Act, Employment Equity Act, Skills Development Act, Compensation for Occupational Injuries and Diseases Act, Health & Safety Act, Unemployment Insurance and Tax legislation
Customers and service providers	Provision of products and services and carrying our business activities	Names, ID numbers and identity documentation, address, banking details, email address, credit records where applicable, electronic correspondence	RICA, tax legislation, and related legislation and regulations

### **13.2 CATEGORIES OF RECIPIENTS TO WHOM PERSONAL INFORMATION MAY BE SUPPLIED. (SECTION 51(1)(C)(III))**

Personal Information may be supplied to the following categories of recipients, dependent on the nature of the data and the rights and authorities of the recipients:

- 13.2.1** Statutory oversight bodies, regulators, or judicial commissions of enquiry making a request for data.
- 13.2.2** Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or in terms of the applicable rules.
- 13.2.3** South African Revenue Services, or another similar authority.
- 13.2.4** A contracted third party who requires this information to provide a service to a policy holder or any beneficiaries nominated by the policyholder. Third parties with whom Herotel has a contractual relationship for the processing of such an employee payment processing and records destruction.
- 13.2.5** Auditing and accounting bodies.
- 13.2.6** Consultants and legal advisors.
- 13.2.7** Anyone making a successful application for access in terms of PAIA.
- 13.2.8** Credit bureaus and companies for risk mitigation and/or compliance.

### **13.3 TRANSBORDER FLOWS OF PERSONAL INFORMATION (SECTION 51(1)(C)(IV))**

Personal Information may at times be transferred to a foreign country or international companies. Where this is necessary for reasons including the provision and administration of services (including cloud services), and communication with data subjects (including where a data subject sends information to Herotel from an email service provider that hosts servers in foreign countries or with international companies), in which case the level of protection afforded to the Personal Information by that third country or international organisation will be maintained at the same level of security that Herotel is obliged to afford the data subject, in accordance with the provisions of POPIA.

### **13.4 INFORMATION SECURITY MEASURES (SECTION 51(1)(C)(V))**

- 13.4.1** The security and confidentiality of Personal Information is important to Herotel. We have implemented reasonable technical, administrative, and physical security measures to secure the integrity and confidentiality of Personal Information in its possession or under its control, to prevent loss of damage to or unauthorised destruction of Personal Information and unlawful access to or processing thereof. Herotel has established and maintains appropriate safeguards against identified risks relating to Personal Information.
- 13.4.2** We are committed to ensuring that our security measures which protect your Personal Information are continuously reviewed and updated where necessary.
- 13.4.3** In Processing any Personal Information, Herotel shall comply with the following minimum technical and organisational security requirements:

- 13.4.3.1 **Physical Access** – Access to Personal Information is restricted in our offices and only to those Employees who need the Personal Information to perform a specific job/task.
- 13.4.3.2 **Employee Training** – All Employees with access to Personal Information are kept up to date on our security and privacy practices. After a new policy is added, these Employees are notified and/or reminded about the importance we place on privacy, and what they can do to enhance protection for the Personal Information of all Data Subjects.
- 13.4.3.3 **Unique User Identification** – Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of Herotel’s password, Ethics and Code of Conduct policy.
- 13.4.3.4 **Passwords** – Herotel shall ensure that there are passwords required for any access to Personal Information in line with its password policy.
- 13.4.3.5 **Back-ups** – Herotel ensures that all Personal Information is backed up regularly, based on operational or legal requirements, and that backup testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, or damaged, or destroyed.
- 13.4.3.6 **Malware protection** – Herotel ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect Herotel from the most recent malware infections.
- 13.4.3.7 **Vulnerability scanning** – Herotel frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats.
- 13.4.3.8 **Network configuration** – Herotel continuously monitors all designated networks, employs intrusion detection systems and/or intrusion prevention systems, and records any security incidents.
- 13.4.3.9 **Systems Review** – Herotel conducts regular reviews of its technical and organisational security measure system in order to ensure that all of the above security measures are functioning effectively and applied consistently.

## 13.5 OBJECTION, CORRECTION, AND DELETION

### 13.5.1 OBJECTION

- 13.5.1.1 POPIA provides that a data subject may object, at any time, to the processing of personal information by Herotel on reasonable grounds relating to his/her situation, unless legislation provides for such processing.
- 13.5.1.2 The data subject must complete the prescribed form attached hereto as **Annexure 3 – Form 1 - Objection to the processing of personal information in terms of Section 11(3) of POPIA Regulations** relating to the protection of personal information, 2018 [Regulation 2] and submit it to the Information Officer at the postal or physical address or electronic mail address set out above.

### 13.5.2 CORRECTION AND DELETION

- 13.5.2.1 A data subject may also request Herotel to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Herotel is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 13.5.2.2 A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, or electronic mail address set out above on the form attached hereto as **Annexure 4 – Form 2** - Request for correction or deletion of personal information or destroying or deletion of record of personal information in terms of **Section 24(1)** of POPIA's as well as the Regulations relating to the protection of personal information, 2018 [Regulation 3]

### 13.5.3 PROOF OF IDENTITY

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

### 13.5.4 TIMELINES FOR THE CONSIDERATION OF A REQUEST

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

## 14. FORM AND PROCESS TO REQUEST TO ACCESS TO INFORMATION (Section 53)

- 14.1. To facilitate the processing of your request, kindly use the prescribed form provided in **Annexure 2 – Request for Access to Records of a Private Body (Section 53(1))**.
- 14.2. Address your request to the Information Officer at the details provided in **paragraph 4**.
- 14.3. The following requirements must be met in order for your request to be attended to:
- 14.3.1. The prescribed access request form must be fully completed. Where a question or comment is not applicable an explanation must be provided, or “n/a” must be inserted.
  - 14.3.2. Proof of identity (certified copy of identity document, passport, or driver's license) must be submitted with the request in order to authenticate the identity of the Requester.
  - 14.3.3. The access request form must be completed with enough detail for the Chief Information Officer to be able to identify.
  - 14.3.4. The record(s) requested. Enough information about the record to make it reasonably easy to identify must be provided. Where additional documents are used to detail the request each additional page must be signed and attached to the request form.

- 14.3.5. The Requester (and if an agent is lodging the request, proof of capacity).
- 14.3.6. The form of access required.
- 14.3.7. The postal address, fax number or email of the Requester in the Republic.
- 14.3.8. If the Requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- 14.3.9. The right which the Requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.
- 14.3.10. When a request is made on behalf of someone else, proof of the capacity in which the person making the request must be provided (known as the authorised person).

## **15. GROUNDS FOR REFUSING ACCESS TO INFORMATION (Section 55 and Chapter 4)**

The main grounds for refusal to provide access includes but are not limited to:

- 15.1 Records that cannot be found.
- 15.2 Protection of the privacy of a third party, particularly relating to the unreasonable disclosure of Personal Information of a natural person, including a deceased individual.
- 15.3 Protection of commercial information of a third party and Herotel, where releasing such information:
  - 15.3.1 including trade secrets,
  - 15.3.2 financial information,
  - 15.3.3 and information which has been supplied in confidence by the third party,  
may cause harm to the commercial or financial interest of the third party or Herotel.
- 15.4 Protection of confidential information where the release of the record will amount to a breach of confidentiality owed to a third party in terms of an agreement or contract.
- 15.5 Protection of the safety of individuals and property.
- 15.6 Protection of information in legal proceedings, and
- 15.7 Protection of commercial information of Herotel where the information contains, trade secrets, financial or commercial information, scientific or technical information or where the disclosure could put the private body at a disadvantage in negotiations or prejudice Herotel in commercial competition, or computer programs owned by Herotel.
- 15.8 Protection of research information.
- 15.9 Request for information that is clearly frivolous or vexatious, or which involves an unreasonable diversion of resources.



## **16. REMEDIES AVAILABLE WHEN HEROTEL REFUSED A REQUEST FOR INFORMATION (Section 77A)**

- 16.1. Herotel does not have internal appeal procedures as contemplated in terms of **Section 74** of PAIA. As such, the decision made by the Information Officer is final, and requestors 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.
- 16.2. A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 180 days of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator.
- 16.3. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, submit a complaint to the Information Regulator, or apply to a Court for relief, after exhausting the complaints procedure submitted to the Information Regulator. 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.

## **17. PRESCRIBED FEES**

### **17.1. REQUEST FEES**

- 17.1.1. A Requestor is required to pay the prescribed fees before a request is processed.
- 17.1.2. Requesters who are requesting access to their own Personal Information are exempt from paying the request fee, however, an access fee is payable.

### **17.2. ACCESS FEES**

- 17.2.1 Requesters are also required to pay fees for accessing records of Herotel. This fee covers the cost of searching for the record and copying it.
- 17.2.2 Postage fees must be paid by the Requester for the delivery of records.
- 17.2.3 If the preparation of the record requested requires more than the prescribed six (6) hours, a deposit shall be payable upon written request by the Information Officer of one third of the access fee, payable upfront.
- 17.2.4 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 17.2.5 Records may be withheld until the fees have been paid.
- 17.2.6 For the fee structure please refer to **Annexure 5**, hereto and the exemptions passed are available on the website of the South African Information Regulator at <https://info regulator.org.za/#>

### 7.3 DECISION ON REQUEST

- 7.3.1 After the Information Officer has decided on the request, the Requester will be notified using the prescribed form, attached hereto marked as **Annexure 6**.
- 7.3.2 If the request is granted, then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

### 18. VERSION DATE

<i>Description</i>	<i>Date</i>	<i>Revision Date</i>	<i>Version No</i>
PAIA Manual	01 July 2021	01 October 2023	2.0

**REQUEST FOR A COPY OF GUIDE  
IN TERMS OF SECTION 10  
[Regulations 3]**

**TO: The Information Officer HEROTEL (Pty) Ltd  
98 Dorp Street  
Stellenbosch  
7600**

I,

Full names:			
In my capacity as (mark with "x"):	Information officer		Deputy Information Officer
Name of *public/private body (If applicable)			
Postal Address:			
Street Address:			
E-mail Address:			
Facsimile:			
Contact numbers:	Tel.(B):		Cellular:

Hereby request the following copy (ies) of the Guide:

Language (mark with "X")	No of copies	Language (mark with "X")	No of copies
<input type="checkbox"/> Sepedi		<input type="checkbox"/> Sesotho	
<input type="checkbox"/> Setswana		<input type="checkbox"/> siSwati	
<input type="checkbox"/> Tshivenda		<input type="checkbox"/> Xitsonga	
<input type="checkbox"/> Afrikaans		<input type="checkbox"/> English	
<input type="checkbox"/> isiNdebele		<input type="checkbox"/> isiXhosa	
<input type="checkbox"/> isiZulu			

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 20. \_\_

\_\_\_\_\_  
Signature of Requester

**FORM 2  
REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY**

**(Section 53(1) of the Promotion of Access to Information Act, (No. 2 of 2000) NOTE:**

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

**Herotel (Pty) Limited**

Contact Person: The Information Officer  
 Postal Address: 98 Dorp Street, Stellenbosch, 7600  
 Physical Address: 98 Dorp Street, Stellenbosch, 7600  
 Telephone Number: 021 300 0142  
 Email: [privacy@herotel.com](mailto:privacy@herotel.com)  
 Website: [www.herotel.com](http://www.herotel.com)

**Mark with an "X"**

- Request made in my own name.  Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made <i>(when made on behalf of another person)</i>				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile:	
	Cellular:			
Full names of person on whose behalf request are made <i>(if applicable):</i>				
Identity Number				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			

**PARTICULARS OF RECORD REQUESTED**

*Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)*

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	

**TYPE OF RECORD**

*(Mark the applicable box with an "X")*

Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Record consists of recorded words or information which can be reproduced in sound.	
Record is held on a computer or in an electronic, or machine-readable form.	

**FORM OF ACCESS**

*(Mark the applicable box with an "X")*

Printed copy of record. (Including copies of any virtual images, transcriptions, and information held on computer or in an electronic or machine-readable form.)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server.	

### MANNER OF ACCESS

*(Mark the applicable box with an "X")*

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

### PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the provided space is inadequate, please continue on a separate page and attach it to this Form.*

*The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

### FEES

- a) A request fee must be paid before the request is considered.*
- b) You will be notified of the amount of the access fee to be paid.*
- c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption*

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of Requester / person on whose behalf request is made.

-----

**FOR OFFICIAL USE**

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name and Surname of the Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

\_\_\_\_\_  
Signature of Information Officer/  
Deputy Information Officer

FORM 1

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11 (3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 2]**

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 datasubject:		
Unique Identifier/IdentityNumber		
Residential, postal, or business address:		
	CODE:	
Contact number(s):		
Fax number / E- mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname/Registered name of responsible party:		
Residential, postal, or business address:		
	CODE:	
Contact number(s):		
Fax number/ E-mail address:		



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

Signed at \_\_\_\_\_ on this \_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of data subject/designated person

**FORM 2**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING  
 OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24 (1) OF  
 THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)  
 REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
 [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

Request for:	
<input type="checkbox"/>	Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
<input type="checkbox"/>	Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT	
Name(s) and surname/ registered name of data subject:		
Unique identifier/ Identity Number:		
Residential, postal, or business address:		
	Code	
Contact number(s):		
Fax number/Email address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name(s) and surname / registered name of responsible party:		
Residential, postal, or business address:		
	Code	
Contact number(s):		
Fax number/ Email address:		

C	INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED
D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24 (1) (b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN (Please provide detailed reasons for the request)

Signed at \_\_\_\_\_ on this \_\_\_ day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Signature of data subject/designated *person*

**FEES IN RESPECT OF PRIVATE BODIES**

Item	Description	R/C
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4 size page	R2.00 per page or part thereof.
3.	Printed copy of A4size page	R2.00 per page or part thereof.
4.	For a copy in a computer readable form on:	
	i. Flash drive (to be provided by requestor)	R 40.00
	ii. Compact disc	
	- If provided by the requestor - If provided to the requestor R60.00	R 40.00 R60.00
5.	For a transcription of visual images per A4 size page	Service to be outsourced. Will depend on quotation form service provider
6.	Service to be outsourced. Will depend on quotation from	
7.	Transcription of an audio record, per A4size page	R 24.00
8.	For a copy of the Audio Record on:	
	i. Flash drive (to be provided by requestor)	R 40.00
	ii. Compact disc	
	- If provided by the requestor - If provided to the requestor R60.00	R 40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R 145.00
	To not exceed a total cost of	R 435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, email, or any other electronic transfer	Actual expense if any

**FORM 3  
OUTCOME OF REQUEST AND OF FEES PAYABLE  
[Regulation 8]**

Note:

1. If your request is granted the—
  - a) amount of the deposit, (if any), is payable before your request is processed; and
  - b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: \_\_\_\_\_

TO: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Your request dated \_\_\_\_\_, refers.

A. YOU REQUESTED		
1.	i. Personal inspection of information at the registered address of Herotel <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i> is free of charge. ii. You are required to make an appointment for the inspection of the information and to bring this Form with you. iii. If you then require any form of reproduction of the information, you will be liable for the fees.	
2.	Printed copies of the information <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
3.	Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
4.	Transcription of soundtrack <i>(written or printed document)</i>	
5.	Copy of information on flash drive <i>(including virtual images and soundtracks)</i>	
6.	Copy of information on compact disc drive <i>(including virtual images and soundtracks)</i>	
7.	Copy of record saved on cloud storage server	

B. OUTCOME OF REQUEST	
1.	Approved
2.	Denied for the following reasons

C. TO BE SUBMITTED	
1.	Postal services to postal address
2.	Postal services to street address
3.	Courier service to street address
4.	Facsimile of information in written or printed format <i>(including transcriptions)</i>
5.	E-mail of information <i>(including soundtracks if possible)</i>
6.	Cloud share/file transfer
7.	Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>
8.	None of the above.

D. FEES PAYABLE WITH REGARDS TO YOUR REQUEST				
	Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
1.	Photocopy	R 2.00		
2.	Printed copy	R 2.00		
3.	For a copy in a computer-readable form on:			
	(i) Flash drive (To be provided by requestor)	R 40.00		
	(ii) Compact disc	R 40.00		
	• If provided by requestor • If provided to the requestor	R 60.00		
4.	For a transcription of visual images per A4-sizepage	Service to be outsourced. Will depend on quotation from		
5.	Copy of visual images			

6.	Transcription of an audio record, per A4-size	R 24.00		
7.	Copy of an Audio Record:			
	(i) Flash drive • To be provided by requestor	R 40.00		
	(ii) Compact disc • If provided by requestor	R 40.00		
	• If provided to the requestor	R 60.00		
8.	Postage, email, or any other electronic transfer	Actual expense, if any.		
Total:				

E. Deposit payable (if search exceeds six hours):			
YES		NO	
Hours of Search		Amount of deposit (Calculated on one third of total amount per request)	

BANKING DETAILS	
Name of Bank:	
Name of account holder:	
Type of account:	
Account number:	
Branch Code:	
Reference Nr:	
Submit proof of payment to:	

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Information officer/Deputy Information Officer