



PAIA MANUAL | PRIVATE BODY

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

The Qual Agency (Pty) Ltd, Market Research Agency

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TABLE OF CONTENTS

1. LIST OF ACRONYMS AND ABBREVIATIONS
2. PURPOSE OF PAIA MANUAL
3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION
4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE
5. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS
6. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION
7. SUBJECTS ON WHICH THE QUAL AGENCY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT
8. PROCESSING OF PERSONAL INFORMATION
9. AVAILABILITY OF THE MANUAL
10. UPDATING OF THE MANUAL
11. REQUESTING ACCESS TO RECORD (FORM 2 &3)
12. ISSUANCE AND AUTHORISATION

1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 "CEO" Chief Executive Officer
- 1.2 "DIO" Deputy Information Officer;
- 1.3 "IO" Information Officer;
- 1.4 "Minister" Minister of Justice and Correctional Services;
- 1.5 "PAIA" Promotion of Access to Information Act No. 2 of 2000(as Amended);
- 1.6 "POPIA" Protection of Personal Information Act No.4 of 2013;
- 1.7 "Regulator" Information Regulator; and
- 1.8 "Republic" Republic of South Africa

2. PURPOSE OF PAIA MANUAL

2.1 This PAIA Manual has been compiled by The Qual Agency (Pty) Ltd ("The Qual Agency") in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended) ("PAIA"), read together with the Protection of Personal Information Act 4 of 2013 ("POPIA").

2.2 This PAIA Manual is useful for the public to:

- 2.2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.2.4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

2.2.6 know if the body 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;

2.2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;

2.2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

2.2.9 know if the body has planned 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

2.2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

2.3 Introduction to The Qual Agency and The Thrive Crew:

2.3.1 **The Qual Agency (Pty) Ltd** is a small market research agency with one full time employee working remotely and executing research projects with preferred contractors or suppliers.

2.3.2 **The Thrive Crew** is The Qual Agency's proprietary consumer research panel, where panelists voluntarily opt into taking part in research surveys or apply to qualify in The Qual Agency's research projects as a participant. Panelists can opt-out at any time to stop receiving notifications or communication.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

3.1. Chief Information Officer

Name: Lara Faris

Tel: 0620065116

Email: Lara@theQual.agency

Fax number: n/a

3.2. Deputy Information Officer

Name: Lara Faris

Tel: 0620065116

Email: Lara@theQual.agency

Fax number: n/a

3.3 Access to information general contacts

General Email: Legal@theQual.agency

Website: www.thequal.agency

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10 of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("the Guide"), 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.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The Guide contains descriptions of, among others:

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17 of PAIA and section 56 of POPIA;

4.3.3. the manner and form of a request for

4.3.3.1. access to a record of a public body contemplated in section 11; and

4.3.3.2. access to a record of a private body contemplated in section 50;

4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;

4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:

4.3.6.1. an internal appeal;

4.3.6.2. a complaint to the Regulator; and

4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

- 4.3.7. the provisions of sections 145 and 516 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 157 and 528 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 229 and 5410 regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92 of PAIA.

4.4 Members of the public may inspect or obtain copies of the Guide at:

- 4.4.1 The offices of the Information Regulator during normal working hours;
- 4.4.2 The Qual Agency's head office, upon request to the Information Officer;
- 4.4.3 The Regulator's website: <https://inforegulator.org.za/paia/>

4.5 The Guide is also available in the following official languages at The Qual Agency's offices for public inspection during normal working hours:

- 4.5.1 English

4.6 A requester wishing to obtain access to a record held by The Qual Agency must submit a written request using the prescribed Form C (also referred to as Form 2), available from the Information Regulator's website at <https://inforegulator.org.za/paia/>.

4.6.1 The completed form must be directed to the Information Officer or Deputy Information Officer of The Qual Agency at the contact details set out in Section 3 of this Manual.

4.6.2 The Qual Agency is required to respond to a request within 30 days of receipt, which period may be extended by a further 30 days in the circumstances contemplated in section 57 of PAIA.

4.6.3 A request fee may be required before further processing of the request, as contemplated in section 54 of PAIA.

4.7 Should a requester be dissatisfied with The Qual Agency's decision regarding a request for access to records (including a refusal or deemed refusal), the following remedies are available:

- 4.7.1 Lodge a complaint with the Information Regulator at enquiries@inforegulator.org.za or PAIAComplaints@inforegulator.org.za; or
- 4.7.2 Apply to a court of competent jurisdiction for appropriate relief in terms of section 78 of PAIA.

5. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

In terms of section 52(1) of PAIA, The Qual Agency voluntarily makes available the following categories of records without requiring a formal PAIA request:

CATEGORY OF RECORDS	TYPES OF RECORD	AVAILABLE ON WEBSITE	AVAILABLE UPON REQUEST
Company Information	Company registration documents, B-BBEE certificate	NO	YES
PAIA Manual	This PAIA Manual	YES	YES
Service Offerings	Brochures, capability documents, service descriptions	YES	YES
Contact Information	General contact details	YES	YES
Privacy Policy / POPIA Notice	Data processing notices, Privacy Policy	YES	YES

6. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

A requestor may request information which is available in terms of the following legislation, provided that the requestor complies with the requirements set out in such legislation, this manual and PAIA:

CATEGORY OF RECORDS	TYPES OF RECORD
Memorandum of Incorporation / Company Registration	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Compliance Records	Protection of Personal Information Act 4 of 2013
Employee Records (contracts, payroll, leave)	Basic Conditions of Employment Act 75 of 1997; Labour Relations Act 66 of 1995
Tax Records and Financial Statements	Income Tax Act 58 of 1962; Value-Added Tax Act 89 of 1991; Companies Act 71 of 2008

Employment Equity Plan and Reports	Employment Equity Act 55 of 1998
Skills Development Records and WSP/ATR	Skills Development Act 97 of 1998
B-BBEE Verification Certificate	Broad-Based Black Economic Empowerment Act 53 of 2003
Occupational Health and Safety Records	Occupational Health and Safety Act 85 of 1993
VAT Registration and Returns	Value-Added Tax Act 89 of 1991

7. SUBJECTS ON WHICH THE QUAL AGENCY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

SUBJECTS	CATEGORIES OF RECORDS HELD
Corporate Governance & Legal	Memorandum of Incorporation, company registration documents, B-BBEE certificates, statutory registers
Finance & Accounting	Annual financial statements, management accounts, invoices, purchase orders, bank statements, tax returns, payroll records, budget documents, expense reports
Human Resources	Employment contracts, personal details, payslips, leave records, performance appraisals, disciplinary records, skills development plans, equity records, HR policies and procedures
Client & Business Development	Client contracts and agreements, proposals, SOWs, NDA agreements, CRM records, client correspondence
Operations & Project Management	Project plans, project records, timesheets, delivery reports, quality assurance documentation, process documentation.
Research & Insights Delivery	Research proposals, fieldwork data, data collection instruments, analysis files, research reports, presentations, debriefs
Information Technology & Systems	IT asset register, software licences, system access records, SharePoint content, data processing agreements, IT security policies
Compliance & Risk	PAIA Manual, POPIA compliance documentation, risk register, compliance reports, data breach records
Supplier & Contractor Management	Supplier contracts, freelance agreements, SLAs, vendor records, invoices

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

The Qual Agency processes personal information for the following purposes:

- 8.1.1 Recruiting, employing, and managing employees and contractors (including payroll, performance management, HR administration, and skills development);
- 8.1.2 Entering into, managing, and fulfilling client agreements and research project deliverables;
- 8.1.3 Engaging and managing service providers, suppliers, and freelance contractors;
- 8.1.4 Conducting market research, consumer insights studies, and fieldwork on behalf of clients (in which case respondent data is processed under contract in accordance with applicable data processing agreements);
- 8.1.5 Complying with statutory and regulatory requirements (tax, employment equity, UIF, skills development, B-BBEE, POPIA, etc.);
- 8.1.6 Managing financial transactions, invoicing, and accounting;
- 8.1.7 Maintaining IT and systems security and access controls;
- 8.1.8 Marketing and business development activities;
- 8.1.9 Direct communication with clients, prospects, and partners; and
- 8.1.10 Any other purpose incidental to or consistent with the above.

8.2. Categories of Data Subjects and Personal Information Processed

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION THAT MAY BE PROCESSED
Employees & Contractors	Full name, identity number, date of birth, gender, race, contact details, residential address, qualifications, employment history, next-of-kin details, bank account details, salary and remuneration, tax number, UIF number, leave and attendance records, performance data, disciplinary records

Clients & Client Contacts	Full name, business title, employer name, contact details (email, telephone, address), correspondence, contractual information, payment details
Research Respondents	Name, contact details, demographic information (as required per study design), bank account or mobile-payment details (participant incentive disbursement), survey responses, recorded data – processed under instruction from clients pursuant to data processing agreements
Service Providers & Suppliers	Company name, registration number, VAT number, contact person details, bank account details, tax compliance status
Prospective Employees	CV data including name, contact details, qualifications, employment history

8.3 The recipients or categories of recipients to whom the personal information may be supplied

The Qual Agency may share personal information with the following categories of recipients, only to the extent necessary and in compliance with POPIA:

CATEGORY OF PERSONAL INFORMATION	RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED
Employee identity and criminal records	South African Police Services (SAPS), accredited background screening providers
Employee qualifications	South African Qualifications Authority (SAQA), verification service providers
Employee tax and payroll data, UIF	South African Revenue Services (SARS), payroll administrators
Employment equity data	Department of Employment and Labour
Skills development data	Relevant Sector Education and Training Authority (SETA)
Client and financial data	Auditors, accountants, financial service providers, legal counsel
Research respondent data	Clients (in accordance with data processing agreements), fieldwork agencies (where applicable)

8.4 Planned transborder flows of personal information

8.4.1 The Qual Agency makes use of cloud-based systems, some of which may store or process personal information outside the Republic of South Africa.

8.4.2 The following describes The Qual Agency's known transborder information flows:

SYSTEM/ SERVICE	COUNTRY/ REGION	CATEGORIES OF PERSONAL INFORMATION
CRM, Project Management, Analytics	United States / India (regions)	Client contact data, employee records, project data
Microsoft SharePoint / Microsoft 365	European Union / United States (Microsoft Azure datacentres)	Business documents, employee information, correspondence, project records and documentation

8.4.3 The Qual Agency takes reasonable steps to ensure that any recipient of personal information outside the Republic is subject to a law, binding corporate rules, or a binding agreement that provides an adequate level of protection substantially similar to POPIA.

8.5 Information Security Measures

8.5.1 The Qual Agency implements reasonable technical and organisational measures to protect the confidentiality, integrity, and availability of personal information in its possession or under its control.

8.5.2 These measures include, but are not limited to:

- 8.5.2.1 Access controls and role-based permissions for all systems (Microsoft SharePoint);
- 8.5.2.2 Password policies and multi-factor authentication where supported;
- 8.5.2.3 Data encryption in transit and at rest (via cloud service provider infrastructure);
- 8.5.2.4 Regular system and software updates, patching, and antivirus / anti-malware controls;
- 8.5.2.5 Secure email practices and employee awareness;
- 8.5.2.6 Confidentiality clauses in employment contracts and supplier/contractor agreements;
- 8.5.2.7 Data processing agreements with third-party service providers;
- 8.5.2.8 Internal policies governing data access, retention, and disposal; and
- 8.5.2.9 Incident response procedures for managing data breaches in accordance with POPIA.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available:

9.1.1 on The Qual Agency web site at: www.thequal.agency;

9.1.2 head office of The Qual Agency for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request

9.2. A fee for reproduction or copying of this Manual or any other records, as contemplated in Annexure B of the PAIA Regulations, shall be payable per each A4-size photocopy made.

9.3. In addition, a request fee of R50.00 is payable before further processing of any formal PAIA request for access to records, with additional fees for search, preparation, and reproduction of records as prescribed in terms of section 54 of PAIA and the applicable Regulations.

9.4 The prescribed forms and fees for requests to private bodies, are available on the website of the Department of Justice and Constitutional Development: www.doj.gov.za; as well as the Information Regulators website: <https://www.justice.gov.za/infoereg/index.html>

10. UPDATING OF THE MANUAL

10.1 The Information Officer of The Qual Agency (Pty) Ltd will review and update this Manual on a regular basis (at minimum annually, or upon any material change to The Qual Agency's structure, operations, or applicable legislation).

10.2 All updated versions will be made available in the same manner as described in Section 9 above.

11. REQUESTING ACCESS TO RECORD (FORM 2 & 3)

11.1 FORM 2 | REQUEST FOR ACCESS TO RECORD (Regulation 7)

11.1.1 Link to Form 2: <https://infoeregulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

11.1.2 Purpose of Form 2: Form 2 is the prescribed PAIA request form used by any person who wishes to request access to a record held by a private body in terms of the Promotion of Access to Information Act, 2000 (PAIA). The form enables the requester to provide details of the record required, identify the right they seek to exercise or protect, and indicate the preferred method for receiving the information. Requests submitted under PAIA must be made using this form.

11.1.3 How to use Form 2: This form must be completed by any person requesting access to records held by The Qual Agency in terms of the Promotion of Access to Information Act, 2000 (PAIA). The requestor should download and complete Form 2 in full, ensuring that sufficient details are provided to identify the record requested. Submit the completed form together with any supporting documentation to The Qual Agency's Information Officer (as provided in Section 3 above); or by any other contact method specified in this PAIA Manual. Any prescribed request fee, where applicable, must be paid before the request will be processed.

11.2 FORM 3 | OUTCOME OF REQUEST AND OF FEES PAYABLE (Regulation 8)

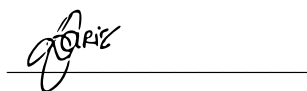
11.2.1 Link to Form 3: <https://infoeregulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>

11.2.2 Purpose of Form 3: Form 3 is the prescribed response form completed by the Company's Information Officer after a PAIA request has been considered. The form notifies the requester of the outcome of a PAIA request, whether access to the requested record has been granted, partially granted, or refused and provides details of any fees payable before access to the record is provided. It also outlines any available remedies where a request has been refused.

11.2.3 How to use Form 3: Form 3 is issued by The Qual Agency's Information Officer and does not need to be completed by the requester. Once a decision has been made regarding the request, the completed form will be sent to the requester via the contact details provided in Form 2. If access is granted, the requester must pay any applicable fees before the records are released.

12. ISSUANCE AND AUTHORISATION

Issued by



Lara Faris | Director | The Qual Agency

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