



## PoPI Manual

This manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act of 2000 to address the requirements of the Protection of Personal Information Act N<sup>o</sup> 4 of 2013.

This manual applies to Skypiom (Pty) Ltd  
Registration N<sup>o</sup> 2011/129576/07

A handwritten signature in black ink, reading 'THOMAS KRITZER', is written over a horizontal line.

Approved by: Thomas Kritzer, Managing Director  
Approval date: 20/06/2018  
Last amended on: 07/09/2020

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## 1. Version Control

Version	Date	Author	Description
0.1	18/06/2018	Thomas Kritzer	Draft policy
1.0	20/06/2018	Thomas Kritzer	Release version
1.1	08/05/2018	Thomas Kritzer	Contact details updated
1.2	07/09/2020	Sven Ragaller	Contact details updated

## **2. Introduction**

### **2.1. Purpose**

The promotion of the Access to Information Act of 2000 (the Act) gives third parties the right to approach private bodies (and the government) to request information held by them, which is required in the exercise or protection of any right.

On request, the private body – in this instance Skypiom – is obliged to release such information unless the Act expressly states that the records containing such information may not be released. This manual informs requestors of procedural and other requirements that a request must meet as prescribed by the Act and furthermore serves as a guide on how a requester of information may request access to that information held by Skypiom.

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to Skypiom in terms of the Act.

Skypiom makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Skypiom shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Skypiom or from any error therein.

All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Skypiom.

### **2.2. Availability of This Manual**

As provided for in terms of section 51(2), this manual will be updated on an as required basis. Once the amendments have been finalised the latest version will be made public through Skypiom's website ([www.skypiom.com](http://www.skypiom.com)).

Alternatively, a requester may contact Skypiom per the particulars outlined in section 3.5 of this manual and request to obtain an electronic copy of this manual. A hard copy including the form in Appendix will be made available at Skypiom's head office outlined in 3.5.

## **2.3. Guide to the South African Human Rights Commission**

A guide to the Act, as contemplated under Section 10 of the Act, is made available from the South African Human Rights Commission and contains information required by a person who wishes to exercise any right contemplated under the Act, which may be obtained from:

The South African Human Rights Commission (PAIA Unit)  
Private Bag 2700, Houghton, 2041  
Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
www.sahrc.org.za  
PAIA@sahrc.org.za

## **2.4. Nature of Business**

Skypiom is a software solutions company that develops and supplies a cloud-based learning and development platform termed the Knowledge Management System. The underlying functionality surrounds itself with granular measurability throughout the entire learning arena extending, inter alia, through to facilitators and learners alike.

Granular measurability can only exist when specific data is collected and to this end Skypiom is accountable for the lawful processing of the personal information it collects, stores and disposes of.

## **2.5. Contact Details of the Information Officer of Skypiom**

Name: Marcus Ragaller, Senior SaaS Alchemist  
Postal address: P.O. Box 820, Constantia, 7848, Cape Town, South Africa  
Physical address: 17 Leeukloof Drive, Tamboerskloof, 8001, Cape Town, South Africa  
Telephone: +27 21 012 5600  
Email: marcus.ragaller@skypiom.com

## **2.6. List of Applicable Legislation**

- i. Basic Conditions of Employment Act 57 of 1997
- ii. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- iii. Companies Act 71 of 2008
- iv. Electronic Communications and Transactions Act 25 of 2002
- v. Labour Relations Act 66 of 1995
- vi. Occupational Health and Safety Act 85 of 1993
- vii. Promotion of Access to Information Act 2 of 2000
- viii. Skills Development Levies Act No. 9 of 1999
- ix. Unemployment Insurance Contributions Act 4 of 2002
- x. Value Added Tax Act 89 of 1991

### **3. Access to Records Held by Skypiom**

#### **3.1. Access**

Records held by Skypiom may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of Skypiom and in this regard the Act distinguishes between two types of requesters:

- i. **Personal Requester:** a personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, Skypiom will 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 by Skypiom.
- ii. This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, Skypiom is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by Skypiom.

#### **3.2. Request Procedure**

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed in Appendix and submit same as well as payment of a request fee to the Information Officer at the postal or physical address or email address stated herein. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester. When completing a request on the prescribed form, the requester must also indicate and/or include:

- i. The record or records requested;
- ii. Proof of identity of the requester;
- iii. What form of access is required; and
- iv. The postal address or email address of the requester.

A requester must state that they require 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 also provide an explanation of why the requested record is required for the exercise or protection of that right.

Skypiom will process a request within 30 (thirty) days, unless the requestor has stated special reasons that would satisfy the Information Officer that circumstances dictate that this time period should not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any

other manner, they must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form due to illiteracy or disability, such a person may make the request orally to the Information Officer.

### **3.3. Decision**

Skypiom will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect. The 30 (thirty) day period within which Skypiom has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of information.

### **3.4. Grounds for Refusal**

Grounds for Skypiom to refuse a request for information may relate to:

- xi. The mandatory protection of privacy of a third party who is a natural person;
- xii. The mandatory protection of the commercial information of a third party;
- xiii. The mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- xiv. The mandatory protection of the safety of individuals and protection of property;
- xv. The mandatory protection of records which would be regarded as privileged in legal proceedings;
- xvi. The mandatory protection of the commercial activities of Skypiom;
- xvii. The research information of Skypiom or a third party, if its disclosure would disclose the identity of Skypiom, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- xviii. The requests for information that are clearly frivolous or which involve an unreasonable diversion of resources shall be refused.

### **3.5. Remedies if Request for Information is Refused**

#### **i. Internal Remedies**

Skypiom does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final and requestors will have to exercise such external remedies at their disposal if a request is refused and the requestor is not satisfied with the response provided by the Information Officer.

## ii. External Remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. Likewise, 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, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

### **3.6. Fees**

The Act provides for two types of fees, as contemplated by the Act, namely:

- i. A request fee, which will be a standard fee; and
- ii. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

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 (if any) before further processing of the request.

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 Act 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.

The Information Officer shall withhold a record until the requester has paid the required fees. A requester whose request for access to a record has been granted, must pay an access 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.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer must repay the deposit to the requester.

### **3.7. Record Keeping**

Personal requesters or requesters as defined in 4.1. retain the right to interact with Skypiom regarding personal information. Evidence of such interaction will be kept on record.

## **4. Records of Personal Information**

### **4.1. Records Held by Skypiom**

Chapter 3 of PoPI states that *“Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.”*

Skypiom collects and processes client’s personal information pertaining to client’s learning and development as well as personality by virtue of a HPCSA listed personality profiling tool, which includes but is not limited to the below (4.2. Table 1). The type of information will depend on the need for which it is collected and will be processed for that purpose only. Skypiom does not share personal information with a third party.

Skypiom follows a strict paperless business policy in line with the Electronic Communications and Transactions Act 25 of 2002. To this end all records are held in digital format and stored on secured networks. These networks are secured with 256-bit Advanced Encryption Standard that regularly undergo malware scanning. In addition, all sensitive information supplied is encrypted via Secure Socket Layer (SSL) technology.

Skypiom will notify affected people of any compromises to their personal information, including but not limited to loss, theft, unauthorised access or disclosure and hacking incidents.

## 4.2. Table 1: Types of Data Collected

Companies Act Records	Documents of incorporation, memorandum of incorporation, minutes of board of directors' meetings, records relating to the appointment of directors / auditor / secretary / public officer and other officers, share register and other statutory registers;
Financial Records	Tax returns, accounting records, banking records, rental agreements, tax returns, PAYE, UIF and SDL records, documents issued to employees for income tax purposes including payslips, VAT, workmen's compensation, all other statutory compliances;
Employee & Director Records	Educational information, employment history and criminal behaviour, Employment contracts including age, ID number, physical and postal address and contact details, disciplinary records, salary records, leave records, including sick leave, job evaluation results and scorecards and correspondence;
Clients & Public Users – Natural Person	Names, contact details, date of birth, ID number, race, gender, language, employee codes, educational information, employment title, training records, personality profiling records and correspondence;
Clients – Juristic Person	Names of contact persons, name of legal entity, physical and postal address, contact details, financial information; registration number; VAT number, authorised signatories, agreements and addendums;
Contracted Service	Names of contact persons, name of legal entity, physical and postal address, contact details, financial information; registration number; VAT number, authorised signatories, agreements and addendums and correspondence;
Contracted Service Providers	Names of contact persons, name of legal entity, physical and postal address, contact details, financial information; registration number; VAT number, authorised signatories, agreements and addendums and correspondence;

## 4.3. Personal Information Access

Skypiom shall secure the integrity of the personal information in its possession or under its control by:

- i. Taking appropriate, reasonable technical and organisational measures to prevent loss of, or damage to, or unauthorised destruction of the personal information or unlawful access to or processing of the personal information and which provide a level of security appropriate to the risk represented by the processing and the nature of the personal information to be protected;
- ii. Taking reasonable steps to ensure the reliability of any of its employees who have access to personal information;
- iii. Limiting access to the personal information only to those employees who need to know to enable Skypiom to achieve the purposes and objectives of any agreement in terms of which processing is required and ensure that employees used by it to process the personal information have undergone training in the care and handling of the personal information;

- iv. Providing the owner of the personal information with full co-operation and assistance in relation to any requests for access or correction or complaints made by data subjects;
- v. Permanently deleting personal information at the behest of a data subject, if permitted under law.

#### 4.4. Transborder Flow of Personal Information

Section 72 of PoPI deals with transfers of personal information outside South Africa or trans-border information flows. Skypiom may not transfer personal information about a data subject to a third party who is in a foreign country unless certain protections are in place. These include, but are not limited to, the following:

- i. The foreign country is subject to a law that provides an adequate level of protection;
- ii. There are binding corporate rules or binding agreements that provide adequate level of protection;
- iii. The data subject consents to their personal information being transferred; or
- iv. The transfer is necessary for Skypiom to perform in terms of a contract.

To this end Skypiom will ensure that one or more of the aforementioned actions have been taken and the applicable measures have been put in place to ensure compliance with PoPI in the event that it is required to participate in a transborder transfer of personal information.

#### 4.5. Retention of Records Held by Skypiom

	Retention Document Categories			
	Business Information	Administrative Information	Fiscal Information	Other Information
Physical Documents	As required	As required	As required	As required
Electronic files stored on drives	At least 5 years	At least 5 years	At least 5 years	At least 5 years
Electronic mail messages	At least 5 years	At least 5 years	At least 5 years	At least 5 years



**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**D. Particulars of record**

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

.....  
.....  
.....  
.....

2. Reference number, if available:

.....  
.....  
.....  
.....

3. Any further particulars of record:

.....  
.....  
.....  
.....

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (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 for exemption from payment of fees:

.....  
.....  
.....  
.....  
.....

**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*	transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)	

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form.  
**The requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at ..... this day..... of .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE