

OMT Group

PAIA and POPIA Manual

Revision	Approval Date	Name
Original 1.0	19 August 2021	Hendrik Bronkhorst
1.1	26 Nov 2022	Hendrik Bronkhorst
1.1	09 Oct 2023	Hendrik Bronkhorst
1.2	12 Aug 2024	Hendrik Bronkhorst
1.2	22 Oct 2024	Hendrik Bronkhorst
1.3	23 Jun 2025	Hendrik Bronkhorst

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1. Definitions

As per the context of the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act (PAIA), the following definitions are applicable:

"Complainant" means any person who lodges a complaint with the Information Regulator;

"Complaint" means-

(a) a matter reported to the Information Regulator in terms of section 74(1) and (2) of the Act;

(b) a complaint referred to in section 76(1)(e) and 92(1) of the Act; and

(c) a matter reported or referred to the Information Regulator in terms of other legislation that regulates the mandate of the Information Regulator.

"Data Subject" means the person to whom personal information relates.

"Day" means a calendar day, unless the last day of a specified period happens to fall on a Sunday or on any public holiday, in which case the time shall be calculated exclusive of that Sunday or public holiday in accordance with section 4 of the Interpretation Act, 1957 (Act No. 33 of 1957);

"Information Officer" means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the "head" of the Company by the Acts; The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the "head" of the Company in writing;

"Personal Information" means information about an identifiable individual, including, but not limited to-

- a. information relating to the race, gender, sex, pregnancy, national, ethnic or social origin, colour, age, physical or mental health, well-being, disability, language and birth of the individual;
- b. information relating to the education or employment history of the individual;
- c. any identifying number, symbol or other particular assigned to the individual;
- d. assessment information such as data on personality styles, values, abilities or competence;
- e. correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- f. the views or opinions of another individual about the individual;

"Personnel" means any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary, and part-time staff as well as contract workers and partners.

"Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including –

- a. The collection, receipt, recording, organisation, collation, storage, updating, or modification, retrieval, alteration, consultation, or use;
- b. Dissemination by means of transmission, distribution or making available in any other form; or
- c. Merging, linking, as well as restriction, degradation, erasure or destruction of information.

“Record” means any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, irrespective of whether it was created by the Company.

“Request” means a request for access to a record of the Company.

“Requestor” means any person, including a public body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person.

“Responsible Party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose and means for processing personal information.

“Unique Identifier” means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

“SAHRC” means the South African Human Rights Commission.

2. Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act (PAIA), 2 of 2000, and describes the type of records held by OMT Group and the procedures for data subjects to access that information.

As per Section 17 of the Protection of Personal Information Act (POPIA), 2013, a responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act.

The process of requesting information in terms of the Act is subjected to applicable legislative and/or regulatory requirements, and the applicable request forms are available as Annexures within this manual.

Enquiries regarding PAIA and POPIA, can be made via the following channels:

PAIA

The South African Human Rights Commission
PAIA Unit (the Research and Documentation Department)
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

POPIA

The Information Regulator (South Africa)
JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001
Website: www.justice.gov.za, www.inforegulator.org.za-
Email: inforeg@justice.gov.za, enquiries@inforegulator.org.za.

3. Company Detail

OMT is a Talent Management, assessment and development company that provides services to a range of industries.

Company Detail	
MD/CEO	Hendrik Bronkhorst
Contact Detail	0825524046 / hendrik@evalex.com
Information Security Officer	Hendrik Bronkhorst
Contact Detail	0825524046 / hendrik@evalex.com
Company Address	51 Wessels Road, Rivonia
Company Contact Detail	0118038703
Company Website	www.evalex.com

The latest copy of this manual is available on the company websites, www.evalex.com and can also be requested from the Information Security Officer at OMT Group. Above table lists the relevant contact detail.

4. Company Records

Categories of information held by OMT Group, are outlined in the following table:

Category	Records
Company Act	Company registration document
	Name & Appointment of Directors
	Share Certificates
	Board Meeting Minutes
	Share and statutory Registers
	Appointment of Auditors
Financial Records	Accounting Records
	Annual Financial Statements
	Bank Accounts and statements
	Asset Registers
	Debtors / Creditors statements and invoices
	General Ledgers
	Invoices
	Tax Returns
Income Tax	PAYE Records
	VAT records
	Skills Development Levies
	SARS records
	UIF
Personnel	CV's

	Address Lists
	Disciplinary codes and records
	Employment contracts
	Forms and applications
	Medical aid records
	Leave records
	Skills Development Records
Procurement	Supplier Agreements
	Supplier Lists
	Policies & Procedures
Sales	Customer and partner details
	Advertising and marketing material
Governance	Audit Reports
	Risk Management Framework
	Risk Register
	Safety, Health & Environment Documents
	Policies & Procedures
	Business Continuity Plan
	Information Security Management System
Information & Communication Technology	Asset Registers
	User Manuals
	Software Development
	Policies & Procedures
	Software Licensing
	Systems Documentation & Manuals
	Database systems
Client Information	Client or candidate records
	Consent Forms
	Candidate assessment information

5. Legal and Regulatory Environment

Information is retained in terms of the following legislations and is usually available only to the persons or entities specified in such legislation. Although we have used our best efforts to supply a list of applicable legislation, it is, however, possible that this list may be incomplete.

- a. Basic Conditions of Employment No. 75 of 1997
- b. Companies Act No. 61 of 1973

- c. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- d. Constitution of the Republic of South Africa 2008
- e. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- f. Copyright Act, No 98 of 1978;
- g. Debtor Collectors Act No. 114 of 1998
- h. Electronic Communications Act, No 36 of 2005;
- i. Employment Equity Act No. 55 of 1998
- j. Finance Act No. 35 of 2000
- k. Financial Services Board Act No. 97 of 1990
- l. Financial Relations Act No. 65 of 1976
- m. Harmful Business Practices Act No. 23 of 1999
- n. Health Professions Act 56 of 1974
- o. Income Tax Act No. 95 of 1967
- p. Insurance Act No 27 of 1943
- q. Intellectual Property Laws Amendments Act No. 38 of 1997
- r. Labour Relations Act No. 66 of 1995
- s. Medical Schemes Act No. 131 of 1998
- t. Occupational Health & Safety Act No. 85 of 1993
- u. Pension Funds Act No. 24 of 1956
- v. Short Term Insurance Act No. 53 of 1998
- w. Skills Development Levies Act No. 9 of 1999
- x. Unemployment Contributions Act No. 4 of 2002
- y. Unemployment Insurance Act No. 63 of 2001
- z. Value Added Tax Act No. 89 of 1991
- aa. Financial Intelligence Centre Act, no. 38 of 2001
- bb. Financial Advisory and Intermediary Services Act, no. 37 of 2002
- cc. Protection of Personal Information Act no 4 of 2013
- dd. General Data Protection Regulation (GDPR)

6. Protection of Personal Information

OMT Group is capturing, processing, storing, and communicating Personal Identifiable Information (PII) to perform its business functions. It is accountable and a responsible party in ensuring that the PII of a Data Subject:

- a. is processed lawfully, fairly, and transparently;
- b. is processed only for the purposes for which it was collected for;
- c. is accurate and kept up to date;
- d. will not be kept for longer than necessary;
- e. 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, processed, and communicated;
- f. is processed in accordance with the rights of Data Subjects, where applicable;

7. Rights of Data Subjects

Data subjects have the following rights:

- a. To be notified that their Personal Information is being collected.
- b. To be notified in the event of a data breach.
- c. To enquire whether OMT Group 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.
- d. To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
- e. To object to the use of their Personal Information and request the deletion of such PII. Deletion is, however, subject to the record keeping requirement of OMT Group as well as the national and international regulations and legislations to be adhered to.
- f. To object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
- g. To 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.

8. Information security measures

OMT Group is committed to protect the integrity and confidentiality of personal information in its possession and under its control, by the implementation of a security strategy that includes technical and organisational measures. These include a risk management framework to continuously guide and control the selection and implementation as well as assessing the effectiveness thereof. The security controls and strategies are implemented and monitored as part of the Information Security Management Systems, guided by the Information Security Charter that stipulates the Information Security Objectives of the organisation. The Information Security Policy directs the rules, policies and procedures to ensure data, systems, networks and users within the organisation meet the security requirements.

9. Request for Information

In terms of POPIA, a data subject may, upon providing proof of identity, request OMT Group to confirm the information being held about the data subject. The data subject may also request access to the information being held, including information about the identity of third parties who have or have had access to such information. The data subject is allowed at any time, to object to the processing of information by OMT Group, unless legislation provides for such processing.

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. In order to request the information, the prescribed form (see Form C attached to this document) must be completed, and the requester fee (if applicable) be paid to the Information Officer. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall serve a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

The request will be processed within a 30 (thirty) day period, and the outcome of the request will be communicated in writing. This period may be extended by an additional 30 days depending on the complexity of the request requirements.

The process to request information from the OMT Group is as follows:

- a. Documentation containing personal identifiable information such as application forms and identification documents must not be sent directly to the OMT Group via email. If required to communicate personal information, the Information Officer at the OMT Group should be contacted to obtain guidance on secure methods and process for submission.
- b. The OMT Group will require proof of identification of the data subject (requestor) or related third parties requesting information on behalf of the requestor for all requests.
- c. The relevant prescribed form must be used and completed in full to file a request for access to a record. In the event that an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The following forms are available as part of this manual:
- d. Form C: Request for Access to Record of a Private Body.
- e. Please note that an application for access to information can be refused in the event that the application does not comply with the requirements of PAIA. If access to a record or information is denied, the requestor will be notified, and adequate reasons for the refusal will be provided.
- f. Should the requester not be satisfied with the decision of the Information Officer, the requester may apply to the court for relief. In terms of PAIA, the said application must be made within 180 days after the decision has been made by the Information Officer.
- g. The successful completion and submission of the access request does not automatically allow the requestor access to the requested records.
- h. If access to a record/information is granted, the requestor will be notified, and an indication of the access fee (if any) will be provided.

10. Objection to the Processing of PII

Section 11(3) of POPIA and Regulation 2 of the POPIA Regulations provide that a Data Subject may, at any time, object to the processing of his/her/its personal information by following the process stipulated in this manual. A Data Subject who wishes to object must do so using a form substantially similar to Form 1, free of charge, and in a manner reasonably accessible to them—such as by hand, fax, post, email, SMS, WhatsApp, or any other expedient method.

11. Request for correction or deletion of PII

Section 24 of POPI and regulation 3 of the POPI Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form. To ensure the lawfulness and correctness of the data, the data subject may also request the OMT Group 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 the company is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

OMT Group stores and process the data we collect about assessment subjects, their assessments, clients and OMT Partners for as long as is necessary for the purposes for which we originally collected it and in accordance with relevant laws and regulations.

Psychometric and Psychological results are classified as Patient Records according to the South African National Health Act, 2003, Health Professions Act, 1974, and HPCSA Guidelines for Good Practice in the Healthcare Professions (Booklet 9). Therefore, the request for deletion or amendment to personal information is guided by these regulations.

12. Fees

Where OMT Group has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

PAIA provides for two types of fees, namely a request fee and an access fee:

- Request fee: This is a non-refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered. Where a requester submits a request for access to information held by OMT Group on a person other than the requester himself/herself, a request fee in the amount of R50-00 is payable up-front before OMT Group will further process the request received.
- Access fee: This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor. An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8)

OMT Group may withhold a record until the request fee has been paid.

Item for Reproduction and/or Access	Fee (ZAR)
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a Computer or in electronic or machine readable form	0.75
For a copy in computer-readable form on:	
- 3.5" magnetic disc	7.50
- Optical compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
For feedback on the results. Assessments results cannot be released without feedback being provided.	50% of corporate rates
Item for Access	Fee (ZAR)
To search for a record that must be disclosed	30.00

No-Fee Rights under POPIA and PAIA

OMT Group acknowledges that certain rights and requests related to personal information are to be exercised without any associated fees, in accordance with the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act (PAIA).

The following actions will not incur any fees:

- Objections to the processing of personal information submitted by data subjects in terms of Section 11(3)(a) of POPIA.
- General enquiries related to personal information and data protection.
- Complaints lodged with the Information Regulator regarding alleged non-compliance or breaches of POPIA or PAIA.

OMT Group is committed to facilitating these processes free of charge, ensuring accessibility and compliance with relevant legislation.

Deposits

Where OMT Group receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

13. Document Details

Document reference number	OMTISMS-047
Document Title	OMT Group PAIA and POPIA Manual
Classification	Internal and External
First release of document	19 Aug 2021
Issue date of document	12 Aug 2024
Next revision due	23 Jun 2026
Policy owner	MD OMT



J752

REPUBLIC OF SOUTH AFRICA

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
 (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
 [Regulation 10]

A. Particulars of private body

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
 (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Telephone number:

Fax number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

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 X .	
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.	

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

Additional forms:

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,
2021 [Regulation
2]***Note:*

1. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form.*
2. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
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:	
Postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(3)(a) (Please provide detailed reasons for the objection)

Signed at this day of20.....

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,
2021
[Regulation 3]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:☐

a) Correction or deletion of personal information about the data subject which is in possession or under the control of the responsible party.

☐

Please select applicable reasons for the selected request:

(a) Inaccurate

☐

(b) Irrelevant

☐

(c) Excessive

☐

(d) Out of Date

☐

(e) Incomplete

☐

(f) Misleading

☐

(g) Obtained unlawfully

☐

- b) Destruction ☐ or deletion ☐ of a record of personal information about the data subject which is in the possession or under the control of the responsible party 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:	
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:	
Postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	PERSONAL INFORMATION TO BE CORRECTED/DESTROYED/DELETED <i>(Please specify the personal information required to be corrected / destroyed / deleted)</i>
D	EXPLANATION FOR THE SELECTED REASON FOR A REQUEST <i>(Please provide detail explanation for the selected reasons for the request for correction or deletion of personal information which is in possession or under the control of the responsible party)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person