

MANUAL PREPARED IN ACCORDANCE WITH
SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT
(ACT NO. 2 OF 2000) (THE "ACT")

FOR

PEAK2PEAK ONLINE (RF) (PTY) LTD
(Registration number: 2010/020248/07)
TRADING AS PEAK2PEAK.CO.ZA
("PEAK2PEAK")

1. INTRODUCTION

Peak2Peak is a private body conducting business as online retailers.

This manual sets out the procedure to be followed by a requester when requesting access to information/documents including personal information from Peak2Peak as contemplated in terms of the Act read together with POPIA.

This manual may be amended from time to time and the latest version will be made public as soon as any amendments have been finalised.

Any requester is advised to contact Stephanie Sawyer (legal@Peak2Peak.com) should the requester require any assistance in respect of the utilisation of this manual and/or the requesting of documents/information including personal information from Peak2Peak.

In this manual, unless the context indicates otherwise:

"the Act"	shall mean the Promotion of Access to Information Act No. 2 of 2000 as amended, together with all relevant regulations published;
"Data Subject"	shall mean the person to whom personal information relates in terms of section 1 of POPIA;
"Information Regulator"	shall mean the Information Regulator established in terms of section 39 of POPIA;
"the/this manual"	shall mean this manual together with all annexures thereto as available from the offices or websites of Peak2Peak, or (as the case may be) and the Information Regulator from time to time;
"personal information"	shall mean that as defined under section 1 of POPIA namely, <u>information relating to an identifiable living, natural person, and</u>

where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- (a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, wellbeing, disability, religion, conscience, belief, culture, language and birth of the person.
- (b) information relating to the education or the medical, financial, criminal or employment history of the person.
- (c) any identifying number, symbol email address, physical address, telephone number, location information, online identifier, or other particular assignment to the person.
- (d) the biometric information of the person.
- (e) the personal opinions, views or preferences of the person.
- (1) Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- (g) the views or opinions of another individual about the person.
- (h) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.;

"POPIA"

shall mean the Protection of Personal Information Act No. 4 of 2013 as amended, together with all relevant regulations published.

"The Republic"

shall mean the Republic of South Africa.

"requester"

shall mean any person or entity requesting information/documents from Peak2Peak.

(as the case may be) as contemplated in terms of the Act and
POPIA; and

"SAHRC" shall mean the South African Human Rights Commission.

2. CONTACT DETAILS

(Section 51(1)(a) of the Act as amended by POPIA)

Name of body: **Peak2Peak Online (pty) Ltd, trading as peak2peak.coza**

Directors: Derek Bean
Stephanie Sawyer

**Appointed
Information
Officer** Stephanie Sawyer

Physical address: Unit 4
13 Killarney Avenue
Killarney Gardens
Cape Town
7441

Postal address: Unit 4
13 Killarney Avenue
Killarney Gardens
Cape Town
7441

Telephone: +27 83 272 9019

Fax: - -

Email: admin@Peak2Peak.com

3. DESCRIPTION OF THE GUIDE IN TERMS OF SECTION 10 OF THE ACT AND POPIA

(Section 51(1)(b)(i) of the Act as amended by POPIA)

The Act and POPIA grant a requester access to records of a private body, if the records are required for the exercise of protection of any rights. If the requester is a public body, it must lodge a request to access the records of a private body acting in the public interest.

Requests in terms of the Act and POPIA shall be made in accordance with the prescribed procedures. The request form and prescribed fees are set out in paragraphs 8 and 9 of this manual.

A guide has been compiled by the SAHRC which must be updated by the Information Regulator in terms of section 10 of the Act read together with POPIA. The updated guide is made available by the Information Regulator in terms of POPIA. The guide *inter alia* contains information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and POPIA. The guide is available in all of the official languages of the Republic.

The guide is available from the Information Regulator and the SAHRC.

The contact details of the Information Regulator:

Physical address	33 Hoofd Street, Forum 3, 3rd Floor Braampark, Braamfontein, 2017 P.O. Box 31533
Telephone:	[n/a]
Fax:	[n/a]
Website:	https://www.justice.gov.za/inforegiindex.html
Email:	inforegP@justice.gov.za

The contact details of the SAHRC:

Physical address	33 Hoofd Street, Forum 3, 3rd Floor Braampark, Braamfontein, 2017 Private Bag X2700, Houghton, 2041
Telephone:	011 877 3600
Fax:	<u>011 403 0668</u>

Website: <https://www.sahrc.org.za>

Email: rnnnyuswaPsahrc.org.za (Deputy Information Officer)

4. DESCRIPTION OF RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

(Section 51(1)(b)(iii) of the Act as amended by POPIA)

Peak2Peak keeps information/documents including personal information as required in accordance with the following legislation (Please note that this is not an exhaustive list):

- Basic Conditions of Employment Act No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- Customs and Excise Act No. 91 of 1964
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Liquor Act No. 59 of 2003
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Promotion of Access to Information Act No. 2 of 2000
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Trade Marks Act No. 194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value-Added Tax Act No. 89 of 1991
- Liquor Act No. 27 of 1989

5. REQUESTING ACCESS TO INFORMATION

(Section 51(1)(iv) of the Act as amended by POPIA)

A request for access to information must be made by the categories of subjects as described below:

- A customer of either Peak2Peak can request access to information through, and in accordance with, the respective Customer Privacy Policies available on the respective webpages.
- A marketplace seller or supplier of Peak2Peak can request access to information through the requisite seller or supplier portals.
- An employee of Peak2Peak can request access to information through Human Resources, by emailing admin@Peak2Peak.com.
- All other third parties (general public requests) can request access to information in the prescribed form (Form C) set out in Annexure A below, to the appointed information officer indicated in paragraph 2 above by emailing admin@peak2peak.com. The prescribed form is also available on the webpage of the Information Regulator at <https://www.iustice.gov.za>. All required text fields in "Form C" must be completed in full and in a legible form. The form (as well as any additional pages attached thereto) must be signed by the requester. Once Form C has been properly submitted, the appointed information officer will notify the requester of the prescribed fee (if any) payable before further processing the request.

All requesters must provide sufficient details to enable Peak2Peak to identify:

- The record(s) requested;
- The requester;
- If the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head
- The form of access required;
- The address and/or fax number of the requester in the Republic;
- The right the requester is seeking to exercise or protect and an explanation of why the requested record is required for the exercise or protection of that right; and
- If the requester wishes to be informed of the decision in any manner, (in addition to written) the manner and particulars thereof.

The categories of records are as described below:

Webpages

The webpages of Peak2Peak (www.Peak2Peak.co.za) is accessible to anyone with access to the internet, including but are not limited to the following categories of records:

- Company profile and information (including but not limited to, company strategy, history, executive management, teams, values, news, contact details, banking details and career opportunities).
- Online retail products (including but not limited to, product images, prices, information, descriptions, reviews and departments).
- Retail terms and policies (including but not limited to, terms and conditions for the use of the website, exchange and return policy, frequently asked questions and answers).
- Secured personal user account (including but not limited to, login page, personal details, order history, address book, credit cards, invoices, exchanges and returns).

Other

The documents/information listed herein below pertain to the day-to-day management of the business of Peak2Peak,

- Standard employment contracts
- Human resources policies and procedures
- List of trademarks and pending applications
- Insurance policies
- Other commercial contracts
- Marketing material
- Company policies
- Statutory records
- Financial records

It is recorded that any and all documents/information requested pertaining to the aforesaid shall always only be made available to a requestor subject to the provisions of the Act and POPIA.

6. PURPOSE OF PROCESSING YOUR INFORMATION

(section 51 (1)(c)(i) of the Act as amended by POPIA)

When processing personal information, Peak2Peak will ensure that

- the data subject consents to the processing;
- the processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is a party;
- the processing complies with an obligation imposed by law; or
- the processing protects a legitimate interest of the data subject or the responsible party.

7. CATEGORIES OF DATA SUBJECTS, INFORMATION AND RECIPIENTS

(Section 51(1)(ii) to (iii) of the Act as amended by POPIA)

- Customers of Peak2Peak, in terms of which the information processed and categories of recipients are set in the Customer Privacy Policies, available on the webpages.
- Marketplace sellers - in terms of which the information processed and categories of recipients are set out in the Seller Privacy Policy, available to sellers on the seller portal.
- Suppliers of Peak2Peak, in terms of which the categories of information include, but are not limited to, transactional documentation pursuant to the performance of contractual undertakings and correspondence.

8. TRANSBORDER FLOWS OF PERSONAL INFORMATION

(Section 51(iv) of the Act as amended by POPIA)

Peak2Peak may transfer certain personal information outside the geographic borders of South Africa to service providers for purposes of, *inter alia*, providing goods and services as well as for data storage and back-up purposes to ensure the integrity of our systems. When we transfer your personal information outside of the geographic borders of South Africa, Peak2Peak will ensure that all information/documents including personal information is subject to laws, binding corporate rules or binding agreements comparable to those under the Act and POPIA.

9. INFORMATION SECURITY MEASURES

(Section 51(v) of the Act as amended by POPIA)

A Compliance Framework has been adopted by Peak2Peak, as contemplated in regulation 4 (a) of GNR.1383 of 2018. Each staff member within each company is subjected to, *inter alia*, a Group Privacy Policy, Information Security Policy, Data Breach Policy and Retention Policy. The implementation of these policies are monitored by the Information Officer and a Group Privacy Steering Committee.

10. AVAILABILITY OF THE MANUAL

(Section 51, Section 53 and Section 54 of the Act)

This manual is available for inspection at the offices of Peak2Peak, free of charge.

The manual can also be accessed on the websites of Peak2Peak (www.peak2peak.com.za).

Copies of the manual may be obtained, subject to prescribed fees, at the offices of Peak2Peak.

The request forms are accessible on the website of the Department of Justice and Constitutional Development (www.justice.gov).

The prescribed fees can be obtained on the Department of Justice and Constitutional Development and SAHRC websites (www.justice.gov.za and www.sahrc.org.za).

The prescribed request fee payable by a requester referred to in section 54(1) of the Act, is R50.

The prescribed request fee payable by a requester made in terms of POPIA is subject to the prescribed fee published by the Minister of the Department of Justice and Constitutional Development in terms of section 111 of POPIA.

The prescribed fee for reproduction referred to in section 52(3) of the Act and access fees payable by a requester referred to in section 54(7) of the Act, unless exempted under section 54(8) of the Act, are as follows:

	<u>Rand amount</u>
(a) <u>For every photocopy of an A4-size page or part thereof</u>	<u>1- 10</u>
(b) 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
(c) For a copy in a computer-readable form on• i) stiffy disc ii) compact disc	NA 70.00
(d) i) for a transcription of visual images, for an A4-size page or part thereof ii) for a copy of visual images	40.00 60.00
(e) i) for a transcription of an audio record, for an A4-size page or part thereof ii) For a copy of an audio record	20.00 30.00
(f) To search for the record for disclosure for each hour or part of an hour reasonably required for such search	30.00

For purposes of section 54(2) of the Act, the following applies:

- (a) six hours as the hours to be exceeded before a deposit is payable; and
- (b) one third of the access fee is payable as a deposit by the requester.

The actual postage is payable when a copy of a record must be posted to a requester.

FORM C

REQUEST FOR ACCESS TO RECORD OF A 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 recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone 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:

D. PARTICULAR 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 applicable:

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 requested 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.*

Reason for exemption from payment of fees:

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 Ito 4 hereunder, 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 on 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 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 * (i.e.
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?

Yes No

A postal fee is payable

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 requested record is required for the exercising or protection of the aforementioned right:

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 thereof 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 _____ of 20_____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE