

This document is set out in terms of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) regulations relating to the protection of personal information, 2018 [Regulation 4]

Introduction

The promotion of Access to Information Act, 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 and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

This manual can be found on the company website www.exclusivebooks.co.za

Nature of Business

Exclusive Books Group (Pty) Ltd. and its subsidiary companies; Airport Bookshops (Pty) Ltd., Exclusive Books Botswana (Pty) Ltd., Exclusive Books Namibia (Pty) Ltd., Exclusive Books Enterprise (Pty) Ltd. and Exclusive Books Women’s Investment (Pty) Ltd., all trading as Exclusive Books, are a general trade book retailing group.

Name of Company	Exclusive Books Group (Pty) Ltd.
Head of Company	Alan Grattan Kirk
Information Officer	Alan Grattan Kirk
Deputy Information Officers	Stefanus Ignatius Marnewick Nazeem Zaynul Aberdeen
Physical Address	3 rd Floor Killarney Mall Office Towers 60 Riviera Road Killarney Johannesburg 2193 South Africa
Postal Address	P.O. Box 605 Rivonia 2128 South Africa
Telephone Number	087 365 4612
Email Address	info@exclusivebooks.co.za
Web Address	www.exclusivebooks.co.za

3rd Floor, Killarney Mall, Office Towers, 60 Riviera Road, Killarney, Johannesburg, 2193
Tel +27 11 798 0000 • www.exclusivebooks.co.za
Exclusive Books Group (Pty) Ltd trading as Exclusive Books | Reg No 2013/14271307 | Vat No 4710263858

South African Legislative Documents pertaining to this document:

- The Constitution of South Africa (1996) and its Amendments
- The Protection of Personal Information Act , 2013 (Act no. 4 of 2013) and its Regulations
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000) and its Regulations

Access to Records held by Exclusive Books

Records held by Exclusive Books 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 Exclusive Books and in this regard, the Act distinguishes between two types of requesters:

- **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 POPI Act and applicable law, Exclusive Books will provide the requested information, or give access to any record about the requester's personal information.

- **Other Requester**

An Other Requester is a party requesting access to information pertaining to third parties.

Exclusive Books is not obliged to grant access unless the Other Requester fulfills the requirements for access in terms of the POPI Act.

Request Procedure

A requester must comply with all the procedural requirements contained in the POPI Act relating to a request for access to a record. A requester must complete the request form enclosed herewith in [Appendix 1](#) and submit it, as well as the payment of a request fee, if applicable, to the Deputy Information Officer at the physical address, or electronic mail address as stated herein. The request form must be filled in with enough information to at least enable the Deputy Information Officer to identify:

The record or records requested

- The identity of the requester
- What form of access is required?
- The postal address or email address of the requester.

A requester must state that he or she requires the information 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.

Exclusive Books will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this period 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, he or she must state the way it is

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 because of illiteracy or disability, such a person may make the request orally to the information officer.

Decision

Exclusive Books will decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30 day period within which Exclusive Books has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information that has been backed up and stored offsite and the information cannot reasonably be obtained within the original 30 day period. The Deputy Information Officer will notify the requester in writing should an extension be necessary.

Grounds for Refusal of Access to Records in Terms of POPIA

The following are the grounds on which Exclusive Books may, refuse a Request for Access

1. The Personal Requester cannot prove they are the actual person whose information they require
2. Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.
3. Mandatory protection of the commercial information of a third party, if the Records contain:
 - a. Trade secrets of that third party
 - b. Financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - c. Information disclosed in confidence by a third party to TJ, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition
4. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
5. Mandatory protection of the safety of individuals and the protection of property.
6. Mandatory protection of Records that would be regarded as privileged in legal proceedings.
7. Protection of the commercial information of Exclusive Books, which may include:
 - a. Trade secrets
 - b. Financial/commercial, scientific, or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of TJ.
 - c. Information which, if disclosed, could put TJ at a disadvantage in contractual or other negotiations or prejudice TJ in commercial competition; and/or
 - d. Computer programs which are owned by JT, and which are protected by copyright and intellectual property laws.
8. Research information of TJ or a third party, if such disclosure would place the research or the researcher at a serious disadvantage, and
9. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

Remedies Available to the Requester upon Refusal of a Request for Access

10. Internal remedies

- a. Exclusive Books does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

11. External remedies

- a. In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

Categories of Records Held By Exclusive Books

Companies Act Records

- Company Incorporation
- Names of Directors
- Salaries of Directors
- Minutes of Board Meetings
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers

Financial Records

- Financial Statements
- Documents relating to taxation of the company
- Accounting Records
- Financial Agreements

Agreements or Contract Records

- Standard Agreements
- Contracts concluded with Companies
- Contracts concluded with Customers
- Third Party Contracts (such as Service Level Agreements etc.)
- Suppliers' Contracts

Employees

- List of Employees
- Personal Information of Employees
- Employee Contracts of Employment
- Salaries of Employees
- Leave Records
- Employee Qualifications
- Employee Performance and Disciplinary information
- Employee training

Company Policies and Directives

- Internal, relating to employees and the company
- External relating to clients and other third parties

Regulatory

- Licenses
- Statutory Information

Customer Information

- Customer Personal Information [Names, Birth dates, contact details, Id Number, purchase history and spend, transactional details]
- Communications with Customers

Supplier /Vendor Information

- Company details [VAT number, Company registration number, contact details,]
- Transactional Details
- Financial records
- Product / service offerings
- Contractual information
- Pricing and Discount information

Systems, Solutions, and Information Technology

- Intellectual property pertaining to solutions, systems and products developed.
- Usage of solutions and products

Reference Materials

- Newsletters and Journal Articles
- Magazines
- Newspaper Articles
- Blogs
- Social Media
- Advertising material
- Training material

Security of the Information held by Exclusive Books

- Exclusive Books staff have all signed a memorandum stating they understand their responsibilities as per the POPI Act and have committed to ensuring they uphold the POPI Act as well as comply with the Company Policies and procedures relating to the protection of Information of all employees, visitors, vendors, suppliers and customers of Exclusive Books as well as the information on Exclusive Books itself.
- All personal information in the custody of Exclusive Books is accessible only to Exclusive Books Staff.
- Personal Information contained in hardcopy is kept in staff access only areas and in most instances under lock and key. Hardcopy Personal Information is only kept on Exclusive Books premises for limited periods of time and then is archived
- Archived Hardcopy files are deleted as per statutory requirements
- All Personal Information kept as soft copy is accessible only by designated staff members with defined Usernames and passwords. The information itself resides in secure servers.

Breach of Security Protocols

Exclusive Books has to date not had a security breach of its systems. However we cannot assure you that our systems are one hundred percent secure.

In the case of a security breach, the following protocols have been put in place:

1. *Data Breach is identified by alerts and notifications*
2. *The affected environment needs to be assessed and will be removed off the EB network in order to contain the breach.*
3. *The breach will be investigated in order to identify:*
 - a. *Extent of the breach*
 - b. *What personal information of individuals may have been compromised*
4. *The POPI Regulator will be notified of the breach, its extent, and the information that had been compromised*
5. *We will place a notice of the breach on our website (To all or Members only)*
6. *We will email and/or sms affected customers/staff of the breach in order that they can take precautionary measures*
7. *Once the breach has been intercepted and resolved, the root cause of the breach will be analyzed and updated security protocols will be enforced.*

Appendix

FORM 1: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

This form is set out in 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 data subject:	
Unique Identifier/ Identity Number	
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:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at _____

On this the _____ day of _____ 20_____

Signature of data subject/designated person

FORM 2: REQUEST FOR DELETION OR CORRECTION OF PERSONAL INFORMATION

This form is set out 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.*

Mark the appropriate box with an "x".

Request for:

☐

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

☐

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 DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	<div>Code ()</div>
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:	

C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED (Please provide detailed reasons for the objection)

D	<p>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</p> <p>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.</p> <p>(Please provide detailed reasons for the request)</p>

Signed at _____

On this the _____ day of _____ 20_____

Signature of data subject/designated person

FORM 3: REQUEST TO KNOW WHAT PERSONAL INFORMATION IS BEING HELD BY THE COMPANY

This form is set out in 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:

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

A	DETAILS OF 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 / 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:	

C	REASONS FOR REQUESTING DETAILS OF PERSONAL INFORMATION IN TERMS OF SECTION 11(1)(d) to (f)

Signed at _____

On this the _____ day of _____ 20_____

Signature of data subject

PART B

I, _____ (full names of data subject)
hereby:

☐

Give my consent

To receive direct marketing of goods or services to be marketed by means of electronic communication.

SPECIFY GOODS or SERVICES: _____

SPECIFY METHOD OF COMMUNICATION: (Please tick the appropriate box(s))

☐

FAX

☐

E - MAIL:

☐

SMS:

☐

OTHERS – SPECIFY: _____

Signed at _____

On this the _____ day of _____ 20_____

Signature of data subject

B	DETAILS OF PERSON WHO COMPLETES THIS FORM
Name(s) and surname of person completing this form:	
Capacity in body:	
Does the person completing this Form have the authorisation of the body he/she represents to lodge this application? (Attach authorisation)	
Business address (if different from body's address):	Code ()
Contact number(s):	
Fax number/ E-mail address:	

C	REASONS FOR APPLICATION FOR INFORMATION REGULATOR TO ISSUE A CODE OF CONDUCT (Please provide detailed reasons for the request and supporting documentation)

Signed at _____ On this the _____ day of _____ 20 _____

Signature of person completing this form