



Customer Management Solutions Proprietary Limited

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 (**"the Act"**) and to address requirements of the Protection of Personal Information Act, 2013 (**"POPIA"**)

Date of Issue: 22 February 2026
Date of Next Review: 21 February 2027

TABLE OF CONTENTS

1.	Interpretation to this Manual	3
2.	Introduction	3
3.	Purpose of the Manual	4
4.	Contact Details in terms of Section 51(1)(a)	5
5.	Section 10 Guide the Act in terms of Section 51(a)(b)	6
6.	Records Available Without Request	7
7.	Records Available Under Legislation in terms of Section 51(1)(d)	7
8.	Records Held by CMS in terms of Section 51(1)(e)	8
9.	Basis and Purpose of Processing Personal Information	10
10.	Recipients of Personal Information	11
11.	Conditions for Lawful Processing of Personal Information	13
12.	Transborder Flows of Personal Information	15
13.	Information Security Measures Implemented	16
14.	Data Subject Rights and Request Procedures	17
15.	Availability of this Manual	20
16.	Third Party Notification and Representation	20
17.	Grounds for Refusal of Access to Records	21
18.	Records that Cannot Be Found	22
19.	Remedies Available to Requesters and Third Parties	22
20.	Updating of Manual	23
21.	Annexure A: Information Regulator Forms	23
	Annexure B: Prescribed Fee Schedule – S51(1)(f)	

1. INTERPRETATION TO THIS MANUAL

Customer Management Solutions is defined as a private body in terms of the Act.

In this manual, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them hereunder and cognate words and expressions shall bear corresponding meanings:

Acronyms and Abbreviations	Description
CMS	Customer Management Solutions Proprietary Limited Registration Number: 2013/ 088068/ 07
Deputy Information Officer (DIO)	The person delegated by the IO to assist with PAIA and POPIA compliance.
Information Officer (IO)	The person designated as the Information Officer in terms of PAIA and POPIA.
Minister	Minister of Justice and Correctional Services
PAIA	The Promotion of Access to Information Act, Act No. 2 of 2000 as amended, and its Regulations
POPIA	Protection of Personal Information Act, Act No. 4 of 2013
Regulator	The Information Regulator established in terms of POPIA.
Regulations	Regulations relating to both PAIA and POPIA as published by the Information Regulator
Republic	Republic of South Africa
Requester	Any person who requests access to a record held by CMS

2. INTRODUCTION

Your privacy is very important to us, and CMS is committed to protecting your right to privacy, as well as your right to access information that we hold about you.

This Access to Information Manual (“**Manual**”) has been prepared in accordance with the Promotion of Access to Information Act, 2 of 2000 (“**PAIA**”) and the Protection of Personal Information Act, 4 of 2013 (“**POPIA**”). In terms of these laws, every person has the right to access their personal information that is held or processed by a private body, responsible party, or appointed operator such as CMS.

The purpose of this Manual is to provide Requesters with a quick and simple mechanism for accessing records to which they are lawfully entitled.

PAIA gives effect to the constitutional right, as set out in section 32 of the Constitution of the

Republic of South Africa, to access information held by the state or by another person or private body, where that information is required for the exercise or protection of any rights. When a valid request for access is made, CMS is legally obliged to grant access, unless a valid ground for refusal applies in terms of PAIA.

It is important to note that PAIA recognises certain justifiable limitations to the right of access to information, which include:

- The reasonable protection of privacy;
- Commercial confidentiality; and
- The promotion of effective, efficient, and good governance.

These limitations are designed to ensure that the right of access is balanced with other rights and interests protected by law.

POPIA's primary objective is to promote the protection of personal information that is processed by public and private bodies. POPIA also introduced amendments to PAIA to ensure a balance between the right of access to information and the right to privacy through the lawful processing of personal information.

This manual has been compiled in fulfilment of the requirements of section 51(1) of the Act.

3. PURPOSE OF THE MANUAL

In terms of the PAIA, all public and private bodies in South Africa are required to compile a manual to inform the public about the procedures for accessing records held by that body.

This Manual serves the following purposes:

- To provide a description of the categories of records that CMS holds, which are available without a Requester having to submit a formal PAIA request.
- To explain how to submit a formal request for access to a record held by CMS, by providing a description of the subjects on which CMS holds records and the categories of records under each subject.
- To provide a description of the records of CMS that are available in terms of other applicable legislation.
- To provide the contact details of the Information Officer (IO) and Deputy Information

Officer (DIO) who are responsible for assisting the public with access to information.

- To describe the guide on how to use PAIA, as published by the Information Regulator, and how it can be accessed.
- To confirm whether CMS processes personal information, and if so, to explain the purpose for such processing and the categories of data subjects and personal information processed.
- To provide a description of the recipients or categories of recipients to whom personal information may be supplied.
- To indicate whether CMS transfers or processes personal information outside the borders of the Republic of South Africa, and the recipients or categories of recipients to whom such information may be supplied.
- To confirm whether CMS has implemented appropriate security safeguards to ensure the confidentiality, integrity, and availability of personal information being processed.

4. CONTACT DETAILS IN TERMS OF SECTION 51(1)(a)

4.1 Company Details

Registered Name	Customer Management Solutions (Pty) Ltd
Physical Address	Unit 4, Cambridge Office Park, 5 Bauhinia Street, Highveld Techno Park, Centurion, 0159
Postal Address	Unit 4, Cambridge Office Park, 5 Bauhinia Street, Highveld Techno Park, Centurion, 0159
Telephone	0861 999 609
Website	www.cmssystems.co.za

4.2 Information Officer

Name	LEON KEMP
Email	leon@cmssystems.co.za
Telephone	0861 999 609

4.3 Deputy Information Officer

Name	FRANCOIS KEMP
Email	francois@cmssystems.co.za
Telephone	0861 999 609

The Deputy Information Officer assists the Information Officer in ensuring compliance with PAIA and POPIA and may handle requests and operational privacy matters as delegated.

5. SECTION 10 GUIDE THE ACT IN TERMS OF SECTION 51(1)(b)

In accordance with section 10(1) of the PAIA, as amended, the Information Regulator has published an updated Guide on How to Use PAIA (“**the Guide**”). The purpose of the Guide is to assist individuals who wish to exercise any rights contained in PAIA or the POPIA.

The Guide issued by the Information Regulator is available at:

Website: <http://www.inforegulator.org.za/>

Email: inforeg@justice.gov.za / enquiries@inforegulator.org.za

5.1 The Guide contains the following information:

- The objectives and key provisions of PAIA and POPIA.
- Instructions on how to request access to records held by a private body, as contemplated in section 50 of PAIA.
- The assistance available from the Information Regulator in terms of PAIA and POPIA.
- Legal remedies available to individuals for acts or failures to act in terms of PAIA or POPIA, including:
 - Lodging an internal appeal (where applicable).
 - Submitting a complaint to the Information Regulator.
 - Approaching a court to review decisions made by:
 - An Information Officer of a public body,
 - A decision on internal appeal,
 - The Information Regulator, or
 - The head of a private body.
- The provisions of sections 14 and 51 of PAIA, which require public and private bodies, respectively, to compile an Access to Information Manual, and how to obtain such a manual.
- The provisions of sections 15 and 52 of PAIA relating to the voluntary disclosure of categories of records by public and private bodies.

- The notices issued in terms of sections 22 and 54 of PAIA relating to fees payable for access to records.
- The regulations issued in terms of section 92 of PAIA.

5.2 Where to Access the Guide

Members of the public may inspect or obtain a copy of the Guide from the following sources:

- The offices of public and private bodies, including the office of the Information Regulator, during normal working hours.
- Upon request to the Information Officer of CMS.
- From the Information Regulator's website: <https://infoeregulator.org.za/paia-guidelines/>

6. RECORDS AVAILABLE WITHOUT REQUEST

Category	Description
Public Website Information	CMS product and service information
Marketing Material	Brochures and public announcements
Published Policies	Where made publicly available
Privacy/information	Access to information manual (PAIA Manual)

7. RECORDS AVAILABLE UNDER LEGISLATION IN TERMS OF SECTION 51(1)(d))

In addition to the process outlined under PAIA, a Requester may also request access to information that is available in terms of other applicable legislation. These requests may fall outside the formal PAIA process, depending on the nature of the records and the governing law.

CMS holds records that may be accessed in accordance with the following legislation, subject to the conditions and procedures prescribed therein:

Legislation	Records Maintained
Companies Act 71 of 2008	MOI, incorporation docs, registers, minutes, financial statements
Tax Administration Act 28 of 2011	Tax returns, supporting schedules

Legislation	Records Maintained
VAT Act 89 of 1991	VAT returns, invoices
Employment Equity Act 55 of 1998	Workforce records, EE plans & reports
Labour Relations Act 66 of 1995	Employment contracts, disciplinary records
Basic Conditions of Employment Act 75 of 1997	Payroll & working hours records
Occupational Health & Safety Act 85 of 1993	Incident & safety committee records
POPIA 4 of 2013	Processing records, consent logs
Electronic Communications and Transactions Act 25 of 2002 (ECTA)	electronic contracts, system logs, electronic communications, authentication records, transaction records

* The above is not an exhaustive list of legislation that may require CMS to keep records.

8. SCHEDULE OF RECORDS HELD BY CMS IN TERMS OF SECTION 51(1)(e))

8.1 Corporate Governance and Legal Records

Category	Description of Records
Company registration records	MOI, incorporation documents, statutory registers
Governance records	Board and management minutes and resolutions
Compliance documentation	Policies, procedures, regulatory correspondence
Legal correspondence	Contracts, legal opinions, dispute records

8.2. Commercial and Client Records

Category	Description of Records
Client agreements	Service contracts, SLAs, onboarding documentation
Proposals & quotations	Commercial offers and pricing documents
Client communications	Emails, support communications, correspondence
System configuration	Client-specific platform settings and change requests
Billing instructions	Client invoicing and payment arrangements

8.3. Financial and Tax Records

Category	Description of Records
Accounting records	General ledger, journals, financial reports
Invoices & payments	Billing records, receipts, transaction histories
Tax compliance	VAT returns, income tax records, audit files
Financial statements	Annual financial statements

8.4. Human Resources Records

Category	Description of Records
Employment documentation	Contracts, appointment letters
Payroll & benefits	Salary records, deductions, benefits information
Leave & attendance	Leave applications, time records
Performance records	Appraisals, training records
Disciplinary records	Grievances, disciplinary proceedings
Recruitment	CVs, interview notes, hiring documentation

8.5. Information Technology and Security Records

Category	Description of Records
System access records	User accounts, authentication logs
Infrastructure records	Server configurations, network documentation
Backups	Data backup and recovery records
Security incidents	Breach logs, incident reports
Change management	System updates and maintenance records

8.6 Operations and Support Records

Category	Description of Records
Support tickets	Client support requests and resolutions
Call records	Service calls and communications
Service performance	Operational reports and metrics

8.7 Sales and Marketing Records

Category	Description of Records
Leads & prospects	Contact and enquiry records
Marketing campaigns	Campaign materials and performance data
Consent records	Marketing permissions and preferences
Website enquiries	Contact form submissions

8.8 Software Platform and End-User Data (Processed on behalf of clients)

Category	Description of Records
Customer profiles	Names, contact details, CRM data
Lead information	Enquiry and follow-up data
Sales transactions	Sales and service records
Service histories	Booking and repair records
Reporting data	Client-configured analytics outputs

8.9. Compliance and Regulatory Records

Category	Description of Records
PAIA requests	Access request logs and responses
POPIA requests	Data subject rights requests
Complaints	Privacy complaints and outcomes
Breach records	Security incident notifications
Training records	Compliance training documentation

* The above is not an exhaustive list of records that is kept by CMS.

9. BASIS AND PURPOSE OF PROCESSING PERSONAL INFORMATION

CMS processes personal information and, where applicable, special personal information for purposes including but not limited to:

- developing, maintaining, monitoring and improving its systems, operations and service delivery
- communicating with clients, customers, employees, service providers and other stakeholders
- maintaining accurate and up-to-date records and contact information
- responding to enquiries, complaints and support matters
- performing contractual obligations and delivering services
- complying with applicable legal, regulatory and contractual requirements
- enforcing CMS's rights and protecting its legitimate business interests
- enabling Dealer Management System integrations for invoicing and accounting
- facilitating finance application submissions via F&I platforms
- transmitting limited customer data to OEM reporting systems

CMS does not intentionally process special personal information unless required by law or with appropriate consent.

CMS does not retain customer affordability or financial assessment data and processes only information necessary for its operational role.

* Below is a list of data subjects and a non-exhaustive list of personal information that may CMS process:

9.1 Processing where CMS acts as Responsible Party

Purpose of Processing	Categories of Personal Information
Employment administration	Employee personal details, ID numbers, payroll, benefits, performance records
Financial management	Billing details, bank details, tax records
Client relationship management	Client contact details, communications
Customer support	Support tickets, correspondence, call logs
Marketing & business development	Contact details, consent records
Legal & regulatory compliance	Statutory records, audit documentation
Information technology & security	User credentials, system logs, audit trails, incident records

9.2 Processing where CMS acts as Operator on behalf of clients

CMS processes personal information strictly on the documented instructions of its clients for purposes including:

Client-determined Purpose	Categories of Personal Information
Lead management	Names, contact details, enquiry information
Customer relationship management	Customer profiles, communications
Sales administration	Transaction data, vehicle/service records
Service & workshop management	Booking details, service histories
Reporting & analytics	Aggregated customer data (as configured by clients)

Processing is undertaken on lawful bases including contractual necessity, legal obligations, legitimate interests, and where applicable, data subject consent in accordance with POPIA.

10. RECIPIENTS OF PERSONAL INFORMATION

10.1 Where CMS acts as Responsible Party

Purpose Area	Categories of Recipients
Employment administration	Payroll providers, benefits administrators, statutory bodies (SARS, UIF, DoL)
Financial management	Banks, auditors, tax authorities
Client relationship management	Internal sales & support teams
Legal & compliance	Legal advisors, regulators
Marketing	Email/SMS service providers (where applicable)

10.2 Where CMS acts as Operator on behalf of clients

Client Processing Activity	Recipients
CRM & customer data	CMS client (dealership/OEM), Dealer Management System providers (where integrated), authorised hosting providers
Sales & service records	CMS client, Dealer Management System providers (where integrated)
Vehicle finance application processing (F&I integrations)	CMS client, Finance & Insurance application platforms, downstream finance institutions
Reporting & analytics (OEM reporting integrations)	CMS client (configured access), OEM-prescribed dashboards and reporting system providers
System hosting & technical support	Cloud hosting providers, IT service providers and authorised support personnel

All recipients process personal information strictly on documented client instructions and subject to POPIA-compliant confidentiality, security safeguards and contractual data protection obligations.

10.3 IT and Operational Support (if applicable)

Category	Examples
Hosting/infrastructure	Internal IT / hosting provider
Maintenance	Third-party IT support (if used)
Communications	Email platforms
Security	Security monitoring providers

A current list of third-party tools and processors is maintained internally by CMS and is available from the Information Officer upon request.

11. CONDITIONS FOR LAWFUL PROCESSING OF PERSONAL INFORMATION

CMS commits to processing personal information lawfully, reasonably and in a manner that respects the privacy of data subjects, in accordance with Chapter 3 of POPIA:

11.1. “Accountability”, as referred to in Section 8:

CMS takes responsibility for ensuring compliance with POPIA by:

- appointing an Information Officer and Deputy Information Officer
- implementing appropriate policies and controls
- maintaining processing records
- ensuring operator agreements are in place where required

11.2. “Processing Limitation”, as referred to in Sections 9 -12:

Personal information is:

- processed lawfully and reasonably
- collected for specific, explicit purposes
- limited to what is necessary

Processing occurs on lawful grounds including:

- contract performance
- legal obligation
- legitimate interest
- consent (where required)

11.3. “Purpose Specification”, as referred to in Sections 13-14:

Personal information is collected and retained only for:

- clearly defined business purposes
- statutory compliance
- client-determined purposes (where CMS acts as operator)

Retention aligns with legal requirements and CMS’s retention schedule.

11.4. “Further Processing Limitation”, as referred to in Section 15:

Further processing is:

- compatible with the original purpose of collection
- subject to safeguards where required by law

11.5 “Information Quality”, as referred to in Section 16:

CMS takes reasonable steps to ensure that personal information is:

- accurate
- complete
- up to date
- not misleading

11.6. “Openness”, as referred to in Sections 17-18:

CMS maintains:

- this PAIA/POPIA Manual
- appropriate privacy notices
- clear communication with data subjects regarding processing activities

11.7 “Security Safeguards”, as referred to in Sections 19-22:

CMS applies:

- technical security measures
- organisational controls
- access restrictions
- incident response procedures

to prevent loss, damage, unauthorised access, or unlawful processing.

11.8. “Data Subject Participation”, as referred to in Sections 23-25:

Data subjects may:

- access their personal information

- request correction or deletion
- object to processing
- withdraw consent where applicable

through the Information Officer.

12. TRANSBORDER FLOWS OF PERSONAL INFORMATION

12.1 CMS processes and transmits certain categories of personal information through integrated third-party platforms in order to provide its services to dealership clients, finance originators, and Original Equipment Manufacturers (“**OEMs**”). These integrations include:

- (a) Dealer Management Systems utilised for invoicing and accounting;
- (b) Finance and Insurance (“**F&I**”) platforms for vehicle finance application processing; and
- (c) OEM-prescribed dashboards and reporting systems used for statistical and operational reporting.

12.2 Through these integrations, CMS may transmit personal information to third-party systems and service providers that are hosted outside South Africa and/or accessed from jurisdictions outside South Africa, including where remote support, system administration, or cloud hosting is performed by third-party service providers.

12.3 The categories of personal information that may be transmitted through such integrations, where operationally required, include:

- customer contact details;
- identification numbers; and
- physical address information.

CMS applies data minimisation principles and, where reasonably practicable, excludes identification numbers and physical address information from OEM reporting payloads.

12.4 Any transborder transfer of personal information is conducted in compliance with section 72 of the Protection of Personal Information Act 4 of 2013 (“**POPIA**”) and is subject to one or more of the following safeguards, as applicable:

- (a) the recipient being subject to data protection laws, binding corporate rules, or contractual obligations that provide an adequate level of protection substantially similar to that required under POPIA;
- (b) the transfer being necessary for the performance of a contract between the data subject and the responsible party, or for the implementation of pre-contractual measures taken in response to the data subject's request;
- (c) the transfer being necessary for the conclusion or performance of a contract concluded in the interest of the data subject; and/or
- (d) the data subject having provided consent to the transfer where required by law.

CMS remains accountable for the protection of personal information processed on its behalf in accordance with section 8 of POPIA.

12.5 CMS implements appropriate technical and organisational measures to safeguard personal information during transborder transmissions in order to maintain its confidentiality, integrity, and availability.

13. INFORMATION SECURITY MEASURES IMPLEMENTED

13.1 CMS implements appropriate and reasonable technical and organisational measures to safeguard personal information in its possession or under its control, in order to maintain the confidentiality, integrity and availability of such information and to prevent unauthorised access, unlawful processing, accidental loss, destruction or damage.

13.2 Personal information is stored and processed within secure environments, including protected information systems, secured devices and controlled physical filing systems, with security technologies such as access controls and encryption applied where appropriate.

13.3 A layered approach to information security is adopted, incorporating physical, technical and organisational safeguards, which include but are not limited to:

- identity and access management controls to limit system access to authorised users only;
- internal information security and privacy policies applicable to employees and contracted service providers;
- mandatory privacy and information security awareness training for employees;

- ongoing monitoring, auditing and periodic review of security controls and compliance practices; and
- incident detection, response and breach management procedures to address any suspected or actual compromise of personal information.
- POPIA-compliant operator/data processing agreements with third parties
- vendor security assessments and due diligence
- data minimisation controls for integrations
- contractual breach notification obligations

CMS maintains procedures for identifying, investigating and notifying security compromises in accordance with section 22 of POPIA.

13.4 Data Retention and Destruction

CMS retains personal information only for as long as is necessary to achieve the purposes for which it was collected, or as required in terms of applicable legal, regulatory and contractual obligations.

Retention periods are determined in accordance with CMS's internal records retention schedule and applicable legislative requirements.

Once personal information is no longer required, it is securely destroyed or de-identified using appropriate physical and electronic methods designed to prevent unauthorised access, recovery, disclosure or use, in accordance with CMS's records management and destruction procedures.

14. DATA SUBJECT RIGHTS AND REQUEST PROCEDURES

Data subjects have rights in terms of the POPIA, including the right to request access to personal information held by CMS, to request the correction, deletion or destruction of personal information, to object to the processing of personal information where applicable, and to lodge complaints with the Information Regulator.

Requests for access to records are processed in accordance with the PAIA. Requests for correction, deletion or objection are processed in accordance with POPIA.

The prescribed PAIA and POPIA request and complaint forms are contained in **Annexure A** to this Manual.

The prescribed fees applicable to access requests in terms of PAIA are set out in **Annexure B**.

ACCESS PROCEDURE

14.1 General Requirements

All requests for access to records held by CMS are centrally managed by the Information Officer or their delegated representative.

Requests are recorded, securely tracked and acknowledged in a manner that facilitates communication with the requester and ensures proper handling in accordance with PAIA and POPIA.

14.2 Prescribed Channels for Submitting Requests

A requester may submit a request in writing through any of the following channels:

(a) Email

Requests sent to the Information Officer's official email address.

(b) Physical delivery

Hand-delivered or mailed to the Information Officer's physical or postal address set out in this Manual.

(c) WhatsApp or similar electronic messaging

Requests submitted via WhatsApp or similar platforms, provided sufficient particulars are included and the requester's identity can be verified. Such requests will be captured in CMS's central PAIA/POPIA request management system. No personal records will be disclosed via WhatsApp. It is used solely for logging requests.

(d) Other written electronic means

Any written electronic communication directed to the Information Officer containing the required information.

14.3 Required Contents of a Request

A request must include sufficient detail to enable the Information Officer to:

1. Identify the record(s) or personal information requested;
2. Verify the identity of the requester;
3. Determine the form of access required (e.g. electronic copy, physical copy, inspection);
4. Obtain contact details of the requester;
5. Confirm authority where acting on behalf of another person; and
6. Identify the right being exercised where applicable.

Requests should ordinarily be submitted using the prescribed forms in **Annexure A** but will not be invalid solely because another written format is used, provided sufficient particulars are supplied.

14.4 Assistance to Requesters

Where a requester is unable to complete a prescribed form due to illiteracy, disability or other reasonable cause, CMS will provide reasonable assistance to ensure the request is reduced to writing and processed.

14.5 Verification and Acknowledgement

Upon receipt of a request, the Information Officer will:

- verify the identity of the requester;
- acknowledge receipt in writing (including by electronic means where appropriate); and
- inform the requester of any applicable fees under PAIA.

14.5 Fees and Deposits

Prescribed fees and deposits may apply to PAIA access requests in accordance with **Annexure B**.

No fees apply to POPIA requests for correction, deletion or objection.

14.6 Decision and Timeframes

CMS will respond within statutory timeframes and notify the requester whether access is granted or refused and in what form.

15. AVAILABILITY OF THIS MANUAL

A copy of this Manual is available:

- On the CMS website: www.cmssystems.co.za
- At the head office of CMS, for public inspection during normal business hours.
- Upon request by any person, subject to the payment of a reasonable prescribed fee.
- To the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in **Annexure B** of the PAIA Regulations, will be payable per A4-size photocopy made.

16. THIRD-PARTY NOTIFICATION AND REPRESENTATION

In accordance with PAIA, CMS will take all reasonable steps to notify any third party to whom a requested record relates where disclosure of such record may involve:

- the personal or special personal information of the third party;
- trade secrets or intellectual property of the third party;
- financial, commercial, scientific or technical information of the third party, where disclosure could reasonably be expected to cause harm to the commercial or financial interests of the third party;
- information supplied in confidence by the third party, where disclosure could reasonably be expected to place the third party at a disadvantage in contractual or commercial competition; or
- research information belonging to or conducted by or on behalf of a third party, where disclosure could reasonably be expected to expose the third party, the researcher or the subject matter of the research to serious disadvantage.

CMS will also notify a third party where disclosure of a record may constitute a breach of a duty of confidentiality owed to that third party or prejudice the third party in terms of commercial competition.

The third party will be notified as soon as reasonably possible and within the timeframes prescribed by PAIA and will be afforded an opportunity to:

- make written or oral representations explaining why access to the record should be refused; or
- provide written consent for the disclosure of the record to the requester.

After considering any representations received, CMS will notify the third party of its decision and, where access is granted, provide reasons for such decision.

A third party may exercise the external remedies available in law, including lodging a complaint with the Information Regulator or applying to court within the prescribed timeframes.

17. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

CMS may refuse access to a record, in whole or in part, on any of the grounds provided for in PAIA, including but not limited to the following:

17.1 Protection of Third-Party Information

CMS must refuse access where disclosure would result in the unlawful or unreasonable infringement of the privacy of a third party, including personal or special personal information.

CMS must further refuse access to:

- trade secrets or intellectual property of a third party;
- financial, commercial, scientific or technical information of a third party where disclosure could reasonably be expected to cause harm to the commercial or financial interests of that party;
- information supplied in confidence by a third party where disclosure could reasonably be expected to place that party at a disadvantage in contractual negotiations or commercial competition; and
- confidential information protected by legislation or contractual obligations.

17.2 Protection of Safety, Legal Privilege and Property

CMS may refuse access to records where disclosure could reasonably be expected to:

- endanger the life or physical safety of any person;
- prejudice the protection of property; or
- reveal records that are legally privileged and protected from production in legal proceedings.

17.3 Protection of CMS's Commercial Interests

CMS may refuse access to records containing its own commercial information, including:

- trade secrets, intellectual property and proprietary business information;
- financial or commercial information where disclosure could place CMS at a disadvantage in negotiations or commercial competition; and
- computer programs, proprietary software and source code owned by CMS and protected under PAIA and applicable intellectual property law.

17.4 Protection of Research Information

CMS may refuse access to research information belonging to CMS or a third party where disclosure could reasonably be expected to:

- expose the identity of the researcher, institution or subject matter of the research; or
- place the research at a serious disadvantage.

17.5 Administrative Grounds

CMS may refuse a request where the request is manifestly frivolous, vexatious, or would involve an unreasonable diversion of resources.

17.6 Severability

Where only part of a record is subject to refusal, CMS will grant access to any portion of the record that can reasonably be severed and disclosed in accordance with PAIA.

18. RECORDS THAT CANNOT BE FOUND

If, after taking all reasonable steps to locate a requested record, CMS is unable to find the record for reasons justifiable in terms of PAIA, the Information Officer shall provide the requester with a sworn affidavit or affirmation stating that the record cannot be found.

Should the record subsequently be located, CMS will notify the requester and provide access subject to the provisions of PAIA, payment of applicable fees, and this Manual.

19. REMEDIES AVAILABLE TO REQUESTERS AND THIRD PARTIES

CMS does not provide internal appeal procedures. Accordingly, the decision of the Information Officer constitutes the final internal decision, subject to the external remedies available in law.

A requester or third party who is dissatisfied with a decision may:

19.1 Lodge a complaint with the Information Regulator:

- Email: <mailto:complaints.IR@inforegulator.org.za>
- Website: <https://inforegulator.org.za>

A Requester or third party may submit a complaint to the Information Regulator within the timeframes prescribed by applicable legislation and the Information Regulator's rules.

The Information Regulator may:

- take no further action;
- attempt conciliation;
- refer the matter to the Enforcement Committee; or
- issue an enforcement notice confirming, amending or setting aside the decision, together with reasons.

19.2 Apply to the High Court for appropriate relief under section 78 of PAIA.

20. UPDATING OF THE MANUAL

The Information Officer of CMS will review and update this Manual on a regular basis to ensure ongoing compliance with PAIA, POPIA and any applicable regulatory developments.

21. ANNEXURES

Annexure A: Information Regulator Forms

Annexure B: Prescribed Fee Schedule.

ANNEXURE A: INFORMATION REGULATOR FORMS

The prescribed PAIA and POPIA forms for access to records, data subject rights requests, objections, corrections, and complaints are available from the Information Regulator's website at:

<https://inforegulator.org.za/popia-forms/>

Requesters who are unable to access the forms electronically may request copies from the Information Officer, who will provide them in an accessible format.

ANNEXURE B: PRESCRIBED FEE SCHEDULE – S51(1)(f)

RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is only the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, inexpensively and effortlessly as reasonably possible."

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

1. REQUEST FEE (OTHER THAN PERSONAL REQUESTS)

- 1.1 A requester, other than a personal requester, is required to pay the prescribed request fee of R50.00 before a request will be processed.
- 1.2 If the preparation of the record requested requires more than six (6) hours, a deposit shall be payable, not exceeding one third of the total access fee payable if the request were to be granted.
- 1.3 A requester may lodge an application with a court against the tender or payment of the request fee and/or deposit.
- 1.4 Records may be withheld until the prescribed fees have been paid.
- 1.5 People who earn less than R 14.712 per annum (if single) and R27.192 per annum (if married or have a life partner), are also exempt from paying the request fees.

1. REPRODUCTION FEES FOR RECORDS HELD BY CMS

3.1 Paper and electronic copies

Description	Fee
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in computer-readable form on compact disc (CD)	R70.00

3.2 Visual and audio records

Description	Fee
For a transcription of visual images (per A4-size page or part thereof)	R20.00
For a copy of visual images	R60.00
For a transcription of an audio record (per A4-size page or part thereof)	R20.00
For a copy of an audio record	R30.00

3.3 Search and preparation time

Description	Fee
To search for and prepare the record for disclosure	R30.00 per hour or part thereof

4. DEPOSIT REQUIREMENTS

For purposes of section 54(2) of PAIA:

- 6 (Six) hours is the threshold before a deposit becomes payable
- The deposit may not exceed one third of the access fee

5. POSTAGE

Where a copy of a record must be posted to a requester, actual postage costs will be payable in addition to the prescribed fees.

5. PERSONAL REQUESTERS

Personal requesters (requesting access to their own personal information) are not required to pay the request fee but may be required to pay reproduction and search fees where applicable.

The above fees are prescribed in terms of the PAIA Regulations and may be amended by the Minister from time to time.

CMS reserves the right to apply the current prescribed fees in force at the time of the request.