



International Institute of Construction Arbitrators (Pty) Ltd
(IICArb)

(Registration Number: 2017/280966/07)

MANUAL

Published in terms of section 51 of the

Promotion of Access to Information Act 2 of 2000

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1 Introduction

- 1.1. This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information it holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA Act”). In addition, it explains how to **access**, or **object to**, personal information held by the International Institute of Construction Arbitrators (Pry) Ltd (IICArb), or **request correction** of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 (“POPI Act”).
- 1.2. The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector or public bodies, if the record or personal information is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 1.3. Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 5.

2. Availability of this PAIA Manual

- 2.1. This manual is published on www.iicarb.com, alternatively, a copy can be requested from the President of IICArb.

3. Availability of guides to the PAIA and POPI Acts

3.1. Guides to the PAIA and POPI Acts can be obtained, and queries directed to:

PAIA Act	POPI Act
<p>South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 Houghton Johannesburg 2041</p> <p>29 Princess of Wales Terrace Corner York and St Andrews Street Parktown Johannesburg 2193</p> <p>Telephone number: (011) 484 8300 Fax number:(011) 4847146/7</p> <p>Website : www.sahrc.org.za E-mail : PAIA@sahrc.org.za</p>	<p>Information Regulator (details available on Information Regulator Website).</p>

4. International Institute of Construction Arbitrators (Pty) Ltd (IICarb) contact details (in terms of section 51 of PAIA)

Address: 2 Quintin Brand Street, Persequor Technopark, Lynnwood

Website: www.iicarb.com

Contact Number: +27 76 676 5354

Duly authorized persons:

Information Officer	Data Privacy Protection Responsible (DPPR)
Name & Surname:	Zanda Roloff
Telephone:	+27 79 875 0767
E-mail:	zanda@iicarb.com

5. Records held by International Institute of Construction Arbitrators (Pty) Ltd (IICArb)

5.1. The table below contains the types of records held by the International Institute of Construction Arbitrators (IICArb) in regard to each subject category. Records are not automatically available and a request for same has to be made in terms of PAIA which shall be considered on a case by case basis.

Subject Category	Records
Statutory/ Corporate Governance / Internal records of IICArb	<ul style="list-style-type: none"> • Incorporation documents • Memorandum of Incorporation • Shareholders Agreement • Shareholder Loan Agreement • Shareholder and Board resolutions • Minutes of Meetings • Financials • Intellectual Property • Internal policies and procedures • Information technology • Marketing records • Operational records • Internal correspondences
Employee records / Service providers	<ul style="list-style-type: none"> • Employment / service provider contracts • Leave records • Training records • Personnel documents/records • Any employee information / records provided by clients
Customer records	<ul style="list-style-type: none"> • Incorporation documents – MOI, Shareholder agreements and shareholder loan agreements

	<ul style="list-style-type: none"> • Policies and procedures • Contracts with third parties • Director/ Shareholder information and records • Financials • Correspondences between customer and a third party • Intellectual property • Indemnities • Guarantees & warranties • Legal process • Minutes of meetings • Site daily diaries • Programmes • Certificates • Shareholder and Board Resolutions • Any other records and information • Marketing records • Health & Safety records • Environmental records • Contact and address details • Banking details • Curriculum Vitae's
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6. Processing of personal information

The International Institute of Construction Arbitrators (Pty) Ltd (IICArb) takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and

deletion) will be applied to any personal information processed by the International Institute of Construction Arbitrators (Pty) Ltd (IICArb).

6.1. The purpose of processing of personal information

6.1.1. We process personal information for a variety of purposes, including but not limited to the following:

- (a) to provide or manage any information, products and/or services requested by data subjects;
- (b) to help us identify data subjects when they contact the International Institute of Construction Arbitrators (Pty) Ltd (IICArb);
- (c) to maintain customer/client records;
- (d) for recruitment purposes;
- (e) for employment purposes;
- (f) for apprenticeship and training purposes;
- (g) for travel purposes;
- (h) for general administration, financial and tax purposes;
- (i) for legal or contractual purposes;
- (ii) for health and safety purposes;
- (iii) to monitor access, secure and manage our premises and facilities;
- (iv) to transact with our suppliers and business partners, and affiliates;
- (v) to help us improve the quality of our products and services;
- (vi) to help us detect and prevent fraud and money laundering;
- (vii) to help us recover debts;
- (viii) to carry out analysis and customer profiling; and
- (ix) to identify other products and services which might be of interest to data

subjects and to inform them about our products and services.

6.2. Recipients or categories of recipients with whom personal information is shared

6.2.1. We may share the personal information of our data subjects for any of the purposes outlined in Section 4.1, with: the following:

- (a) our other group or subsidiary group in South Africa and in other countries;
- (b) our carefully selected business partners who provide products and services under one of our brands; and
- (c) our service providers and agents who perform services on our behalf.

6.2.2. We do not share the personal information of our data subjects with any third parties, except if:

- (a) we are obliged to provide such information for legal or regulatory purposes;
- (b) we are required to do so for purposes of existing or future legal proceedings,
- (c) we are selling one or more of our businesses to someone to whom we may transfer our rights under any customer agreement we have with you;
- (d) we are involved in the prevention of fraud, loss, bribery or corruption;
- (e) they perform services and process personal information on our behalf;
- (f) this is required to provide or manage any information, products and/or

services to data subjects; or

(g) needed to help us improve the quality of our products and services.

6.2.3. We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them.

6.2.4. We will only disclose personal information to government authorities if we are required to do so by law.

6.2.5. Our employees, our agencies and our suppliers, are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

6.3. Information security measures to protect personal information

6.3.1. Reasonable technical and organisational measures have been implemented for the protection of personal information processed by the International Institute of Construction Arbitrators (Pty) Ltd (IICArb) and its operators. In terms of the POPI Act, operators are third parties that process personal information on behalf of the International Institute of Construction Arbitrators (Pty) Ltd (IICArb).

6.3.2. We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or willful manipulation, loss or destruction.

6.3.3. We will take steps to ensure that operators that process personal information on behalf of International Institute of Construction Arbitrators (Pty) Ltd (IICArb) apply adequate safeguards as outlined above.

6.4. Trans-border flows of personal information

6.4.1. We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.

6.4.2. We will take steps to ensure that operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information, in terms of the POPI Act.

6.4.3. The International Institute of Construction Arbitrators (Pty) Ltd (IICArb) will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section of the act.

6.5. Personal information received from third parties

6.5.1. When we receive personal information from a third party on behalf of a data

subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the International Institute of Construction Arbitrators (Pty) Ltd (IICArb) Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

7. Prescribed request forms and fees

- 7.1. The Act provides for two types of fees, namely:
 - 7.1.1. A request fee, which will be a standard fee. The fee that the requester must pay to a private body is R50; and
 - 7.1.2. An access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.
- 7.2. The requester may lodge an application to the court against the tender or payment of the request fee or access fee. [Section 54(3) (b)].
 - 7.2.1. The requester must pay the prescribed request fee, before any further processing can take place. When the Designated Information Officer receives the request, such officer shall by notice require the requester, other than a *personal requester*, to pay the prescribed request fee (**if any**), before further processing of the request. [Section 54(1)].
- 7.3. The notice must also set out the procedure for lodging the application [Section 54(3) (c)].

- 7.4. A requester, who seeks access to a record containing personal information about that requester, **is not required to pay the request fee**. Every other requester, who is not a personal requester, must pay the prescribed required request fee.
- 7.5. If the search for and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed, the Designated Information Officer shall notify the requester to pay as a deposit the prescribed portion (being no more than one third) of the access fee which would be payable if the request is granted. [(Section 54(2)).
- 7.6. If a deposit has been paid and the request for access refused, the deposit referred to above must be repaid to the requester.
- 7.7. The designated information officer may withhold a record until the requester has paid the applicable fees as indicated in Annexure B.
- 7.8. A requester, whose request for access to a record has been granted, must pay an access fee for reproduction, search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the requested form [Section 54(5)].
- 7.9. In terms of the Act [Section 54(7)], the access fee prescribed for the purposes referred to above must:
- 7.9.1. provide for the costs of making the record, or a transcription of a record; and if applicable a postal fee; and
- 7.9.2. the time reason

8. Remedies

The International Institute of Construction Arbitrators (Pty) Ltd (IICarb) does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorized persons in section 2, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.