

**PAIA MANUAL OF
CREATIVE BRANDS PROMOTIONS
("PAIA MANUAL")**

Prepared in accordance with Section 51 of the Promotion of Access to
Information Act 2 of 2000 (as amended")

Table of Contents

1. Introduction
2. Purpose of PAIA manual
3. Key contact details for access to information of CBP
4. Records available without a person having to request access in terms of the Act
5. Records which are available in accordance with other Legislation
6. Description of the subjects on which CBP holds records
7. Request procedures
8. Fees levied for a request for information or records
9. Refusal of request
10. Lodgement of compliant
11. Decision
12. Availability of the manual
13. Updating manual
14. PAIA Forms

1. Introduction

The Promotion Of Access to Information (PAIA) gives effect to Section 32 of the Constitution of the Republic of South Africa. Thus granting everyone the right to access any information held by the state and any information held by private bodies where such information is required for the exercise or protection of any right.

All natural and/or juristic person have the right to access to records held by either a Private or Public body, subject to certain limitations. This including POPI as it grants Data Subjects the right to request access to information or records, in accordance with the provisions of PAIA from any responsible party.

CBP conducts its operations in compliance with all legal and regulatory requirements. This manual ensures that CBP complies with Section 51 of the Promotion of Access to Information (PAIA) Act 2 of 2000.

2. Purpose of PAIA manual

This PAIA manual is useful for the Public to;

- 2.1 check the categories of records held by CBP which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record or information held by CBP;
- 2.3 know the description of the records held by CBP which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA and POPIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the CBP will process personal information, the purpose of process of personal information and the description of the categories of data subjects and of the information or categories of information relating thereof;
- 2.7 know the description of the categories of data subjects and of the information of categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to who the personal information may be supplied;
- 2.9 know if the CBP has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories or recipients to whom the personal information may be supplied; and
- 2.10 know whether CBP has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Key contact details for access to information of CBP

Information Officer

Name: Andre Van Den Ende
Telephone Number: +2721 788 3712 / +21 83 487 3901
Email Address: andre@bnmsa.co.za

Deputy Information Officer

Name: Leondre October
Telephone Number: +2721 788 3712 / +27 72 638 6986
Email Address: leondre@bnmsa.co.za

Access to information general contacts

Email Address: popi@tccc.africa

Head Office

Physical Address: Unit 3, Lakeside Park, Lakeside Place, Capricorn Business Park,
Muizenberg, Cape Town 7945
Postal Address: P O Box 39253, Capricorn Square, Muizenberg, Cape Town
7948
Telephone: +2721 461 0366
Website: www.creativebrands.co.za

4. Records available with a person having to request access in term of the Act

Certain records held by CBP are available without a person having to request access by completing Form 2. These request may be downloaded from CBP's website www.creativebrands.co.za or by sending an email to the Deputy Information Officer or our general contacts.

5. Records which are available in accordance with other Legislation

- a. Basic conditions of Employment Act No. 75 of 1997, as amended.
- b. Broad Based Black Economic Empowerment Act No. 53 of 2003 (BBBEE), as amended.
- c. Companies Act No. 71 of 2008, as amended.
- d. Compensation for Occupational Injuries and Health Disease Act No. 130 of 1993, as amended.
- e. Consumer Protection Act No.68 of 2008, as amended
- f. Labour Relations Act No. 66 of 1995, as amended.
- g. Electronic Communications and Transactions Act No. 25 of 2002, as amended
- h. Occupational Health and Safety Act No. 85 of 1993, as amended.
- i. Prevention and Combating of Corruption Activities Act No. 12 of 2004, as amended.
- j. Skills Development Act No. 97 of 1998, as amended.
- k. Skills Development Levies Act No. 9 of 1999, as amended
- l. Unemployment Insurance Act No. 30 of 1996.
- m. Value Added Tax Act 89 of 1991.

6. Description of the subject on which CBP holds records and categories of records held on each subject by CBP

A person may only request information from a private body if the requested information is required for the exercise or protection of a right. Further POPIA provides that a Data Subject may, upon proof of identity, request the Responsible Person to confirm, free of charge, all the information it holds about the Data Subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

The following records are held by CBP and an application for access to a record may be subject to certain limitations. The ground for refusal are set out in section 9 of the manual.

6.1 Personal Records

Refer to any person who works for, or provides services to or on behalf of CBP, and receives or is entitled to receive remuneration or any other person who assist in carrying out or conducting the business of CBP. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time employees staff, as well as contract workers.

- Personal records provided by the employee.
- Records provided by a third party relating to employee/s.
- Condition of employment and other employee related contractual and quasi legal records.
- Internal pricing records and other internal records.
- Correspondence relating to personnel.
- Training schedules and material
- Employment Equity Plan

6.2 Customer Related Records

Refers to any natural or juristic entity that receives services from CBP.

- Records provided by a client to a third party acting for or on behalf of CBP
- Records provided by a third party
- Records generated by CBP relating to its customers, including transactional records.
- Records provided by CBP to a client.

6.3 Private Body Records

- Financial records
- Operational records
- Databases
- Information technology
- Marketing records
- Personal records

6.4 Internal Correspondence

- Product records
- Statutory records
- Internal policies and procedures
- Records held by officials

The records include, but are not limited to, the records which pertain to CBP's own affairs.

7. Request Procedure

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

- 7.1 postal address, or electronic mail as noted in section 3.
- 7.2 The prescribe form must be filed in full to enable the Information Officer to identify
 - The record or records requested, and
 - The identity of the requester with a copy of identification.
- 7.3 The requester should indicate which form of access is required and specify a postal address or email address of the requester in the Republic
- 7.4 The requester must state that he/she requires the information in order 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 clearly specify why the record is necessary to exercise or protect such a right (section 53 (2) (d)).
- 7.5 CBP will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Deputy Information Officer that circumstances dictate that the above time periods not be complied with.
- 7.6 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decisions in any other manner, the requester will be obliged to state which manner and the particulars required.
- 7.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer (section 53(2)(f)).
- 7.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9 All information as listed herein should be provided and failing to adhere will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

8. Fees Levied for a Request for Information or Records

Under section 54 of PAIA, CBP will not charge any levies for the request of information or records.

9. Refusal of Request

Grounds to Refuse Access

9.1 A Private Body such as CBP is entitled to refuse a request for information.

9.2 The main grounds for CBP to refuse a request for information related to the:

- 9.2.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic , as included in the Protection of Personal Information Act of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person.
- 9.2.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- 9.2.3 mandatory protection of the commercial information of a third party (section 64), if the record contains:
 - trade secrets of the third party;
 - financial, commercial, or technical information which disclosure would likely cause harm to the financial or commercial interest of that third party;
 - information disclosed in confidence by a third party to CBP, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 9.2.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- 9.2.5 mandatory protection of the safety of individuals and the protection of property (section 66);
- 9.2.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).
- 9.2.7 The commercial activities (section 68) or a Private Body, such as CBP, which may include:
 - trade secrets of CBP
 - financial, commercial, or technical information which disclosure could likely cause harm to the financial or commercial interest of CBP;
 - information which, if disclosed could put CBP at a disadvantage in negotiations or commercial competition;
- 9.2.8 a computer program which is owned by CBP, and which is protected by copyright;
- 9.2.9 the research information (section 69) of CBP or a third party, if its disclosure would disclose the identity of CBP, the researcher or the subject matter of the research and would place the research at a serious disadvantage
- 9.2.10 request for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 9.2.11 All request for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 9.2.12 If a requested record cannot be founds or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the

requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found. The requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

10. Lodgement of Compliant

10.1 Internal Remedies

As a Private body, CBP does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

10.2 External Remedies

10.2.1 A requestor that is dissatisfied with the Information Officers refusal to disclose information may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

10.2.2 A third party dissatisfied with the Information Officers decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.

11. Decision timeframe to institutions

11.1 CBP will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

11.2 The 30 (thirty) day period within which CBP has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of information, or the request requires a search for information held at a third-party archiving storage facility and the information cannot reasonably be obtained within the original 30 (thirty) day period.

11.3 CBP will notify the requester in writing should an extension be sought.

12. Availability of the Manual

A copy of the manual is available;

12.1 Free of charge to the public at www.creativebrands.co.za

12.2 Head office of CBP for public inspection during normal business hours;

12.3 To any person upon request

12.4 To the Information Regulator upon request.

13. Updating of the Manual

The head of CBP will on a regular basis update this manual.

Issued by



Andre Van Den Ende
Information Officer
03/09/2025