

Promotion of Access to Information Act (PAIA) manual

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

This manual applies to:

Cars on the Internet Proprietary Limited

T/A Cars.co.za

Registration Number: 2016 / 041496 / 07

1. Introduction

This manual is published in terms of the Promotion of Access to Information Act, No. 2 of 2000 (the "Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

Where a request is made in terms of the Act, Cars.co.za is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may or must not be released.

2. Cars.co.za

Cars.co.za is a digital Automotive marketplace for new and used cars, bringing together sellers and buyers. To help make the buying process easier, Cars.co.za publishes the latest news and reviews; and connects buyers to beneficial secondary services.

This PAIA Manual of Cars.co.za is available at its head office, address following, and on the website: <https://www.cars.co.za/>.

Suite 1a, 2nd Floor, Bedford Square

Cnr Smith & Van der Linde Rd, Bedfordview, Germiston

2007

3. Purpose of the PAIA Manual

Cars.co.za drafted this manual in line with Section 51 of the Act with the intention of:

- Providing a description of the records held by Cars.co.za;
- Setting out the conditions in which records can be accessed; and
- Outlining the procedure and the associated fees when requesting access to records.

4. Contact details of the Information Officer

Information Officer contact details:

Physical address: Suite 1a, 2nd Floor, Bedford Square
Cnr Smith & Van der Linde Rd, Bedfordview, Germiston
2007

Telephone number: 011 450 2450

Email address: informationofficer@cars.co.za

5. Guide of South Africa Human Rights Commission

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The guide is available on the [South African Human Rights Commission website](http://www.sahrc.org.za) at www.sahrc.org.za.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Any query relating to the guide and the administration of PAIA must be directed to the South African Human Rights Commission.

The contact details of the South African Human Rights Commission are as below:

The South African Human Rights Commission: The PAIA Unit

Name The PAIA Unit: Information

Postal address	PO Box 31533, Braamfontein
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Telephone number	011 484 8300
Fax number	011 484 1360
Website	www.sahrc.org.za

6. Records of Cars.co.za

Cars.co.za broadly classifies and groups records according to the following subjects and categories:

Personnel records:

- Personal records that personnel provide;
- Records that a third party (external company or person) provides relating to personnel;
- Conditions of employment and other personnel-related contracts and quasi-legal records;

- Internal performance records and other internal records;
- Letters and documents relating to personnel; and
- Training schedules and material.

User-related records:

- Users of the website personal information, namely, name and contact details;
- Customer information;
- Customer database; and
- Customer contracts.

Cars.co.za internal records:

These records include, but are not limited to, the records which affect Cars.co.za's own affairs:

- Company Act records;
- Financial records;
- Strategic records;
- Product records;
- Operational records;
- Intellectual property;
- Market research records;
- Information technology policies and procedures; and
- Other internal policies and procedures.

Marketing records:

- Product sales records;

- Product information;
- Advertising and promotional material;
- Media releases; and
- Marketing strategies.

Other party records:

Cars.co.za may possess records affecting other parties including, but not limited to, contractors, suppliers, and service providers. These other parties can have records that belong to Cars.co.za such as:

- Personnel, client, or private body records which another party holds, as opposed to being held by Cars.co.za;
- Records held by Cars.co.za relating to other parties, including without limitation, financial records, correspondence, contractual records, records the other party provides, and records third parties provide about contractors, suppliers or clients.

Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honored. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. Cars.co.za reserves the right of refusal to access certain records, the conditions under which this applicable are set out in Section 8 of this Manual.

The request will be processed within 30 days, unless otherwise agreed to by the Information Officer.

Digital channels will be used to inform the requester if their request has been granted or denied. Should the requester wish to be informed of the decision on the request in any other manner, the requester is required to state that manner and the necessary particulars.

If a request is made on behalf of another person, then the person requesting access to the information must submit proof of the capacity in which the requester is making the request and detail why they are acting on their behalf, to the reasonable satisfaction of the Information Officer.

Requests for records can only be processed for records that exist at the time of receiving the request. Also, these requested records must be in Cars.co.za's possession or under our control for in order to be provided. If this is not the case, requests must be made to the person or organisation who currently hold or control the record.

If an individual cannot complete the prescribed form because of illiteracy or disability, they may make the request orally. The requester must pay the prescribed fee before the request will be processed.

7. Access to records held by Cars.co.za

Records held by Cars.co.za may be accessed by requests only once the prerequisite requirements for access have been met.

There are 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.

Cars.co.za will willingly provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

- *Other Requester*

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Cars.co.za does not have to grant access without a valid legal reason for doing so. The requester must meet the procedural requirements for access in terms of the Act, including paying a request and access fee.

8. Grounds for refusal to access records

The main grounds on which Cars.co.za may refuse access to records relate to:

- The privacy of a third party who is a natural person;
- The commercial information of a third party;
- Confidential information of a third party;
- The safety of individuals and property;
- Legally privileged records; and
- Commercial information of Nedbank, which may include without limitation –
 - Trade secrets;
 - Financial, commercial, scientific or technical information, the disclosure of which would likely harm the financial or commercial interests of Cars.co.za;
 - Information that, if disclosed, could put Cars.co.za at a disadvantage in negotiations or commercial competition;
 - Information technology software that are owned by Cars.co.za and that are protected by copyright; and

- Research information compiled by Cars.co.za or a third party, if disclosure would expose the third party, researcher or subject matter of the research and therefore seriously disadvantage Cars.co.za.

Requests submitted in terms of the Protection of Personal Information Act, 4 of 2013, may be refused on the same grounds set out above.

9. Request procedure

To facilitate the processing of your request:

- The requester must complete the request form (Annexure A), submit it to the Information Officer by email to informationofficer@cars.co.za and pay the request fee, if there is one.
- The form must:
 - Provide sufficient particulars to enable the Information Officer to identify the record/s requested;
 - Provide sufficient particulars to enable the Information Officer to identify the requester;
 - Specify an email address of the requester;
 - Specify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right; and
 - If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and supply the necessary particulars.

10. Decision

Requests will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is needed.

If an extension is necessary, the requester will be notified with reasons for the extension.

11. Remedies available when Cars.co.za refuses a request for information

The decision made by the Information Officer is final.

A requester or a third party who is not satisfied with the Information Officer's refusal to disclose information, may within 30 days of being notified of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

12. Fees

The Act provides for two types of fees (refer to Annexure B):

- A request fee, which is a standard fee; and
- An access fee, which we calculate by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

The Information Officer has the right to withhold the records until the requester has paid the necessary fees.

13. Reproduction fees

If Cars.co.za has given the Minister a list of categories of records that will be automatically available to any person requesting access, the only charge possible for obtaining such records will be a fee for reproducing the record.

Annexure A: Prescribed form for the requester to complete

Form C – Request for access to records Cars.co.za holds

In terms of Section 53(1) of the Promotion of Information Act 2 of 2000

Cars.co.za details:

The Information Officer

Cars.co.za

Address: Suite 1a, 2nd Floor, Bedford Square, Cnr Smith & Van der Linde Rd, Bedfordview, Germiston
2007

Email address: informationofficer@cars.co.za

Details of the person requesting information:

Full name and surname: _____

Note:

1. *Please fill in the details of the person who is requesting access to the records.*
2. *If you are requesting records on behalf of someone else, please state in what capacity you do so (for example, lawyer or family member).*
3. *Please fill in an email address for us to send the information to.*

Identity number: _____

Telephone number: _____

Email address: _____

Details of the person on whose behalf you are making the request (please complete this section only if you are requesting information on behalf of someone else):

Full name and surname: _____

Identity number: _____

In what capacity you're making this request: _____

Details about the record (the requester must sign all the pages that make up the request):

- Provide details of the record to which access is necessary, including a reference number, if possible.
- If there is not enough space, please continue on a separate page and attach it to this form.

Description of the record or relevant part of the record:

Reference number, if applicable: _____

Any further details about the record:

Fees:

- We'll only process a request for access to a record, other than a record containing personal information about yourself, after payment of a request fee.
- The fee depends on the reasonable time necessary to search for and prepare a record.
- If you qualify to not pay the fee, please state the reason.

Reason for the exemption from paying the prescribed fee:

Form of access

If you have a disability and cannot access the record by reading, viewing or listening to it, state the disability and indicate how you would like to receive the record:

Disability	
Form to receive the record (for example, in Braille)	
Tick the appropriate box Note: - Your preferred access method depends on the way in which the record is available. Cars.co.za sends all records by email. - Access in the manner requested may be refused under certain circumstances. In such instances, we'll inform you if you'll receive access in another form. - The fee to access the record, if any, will be determined in part by the form in which you want to receive the record.	
If the record is written or printed ☐ Copy of record ☐ View record	
If the record consists of visual images (such as photographs, slides, video recordings, computer generated images, sketches) ☐ View the images ☐ Copy of the images ☐ Transcription of the images	
If the record consists of recorded words or information which can be reproduced in sound ☐ Listen to the soundtrack (voice recording) ☐ Transcription of soundtrack (written or printed document)	
If the record consists of recorded words or information which can be reproduced in writing ☐ Printed copy of record ☐ Printed copy of information derived from the record ☐ Copy in computer-readable form (stiffy or compact disc)	

If there isn't enough space, please continue on a separate page and attach it to this request. The requester must sign all the additional pages.

You'll receive a notification in writing whether we approve or decline your request.

Details of the right to be exercised or protected

Explain which right is to be exercised or protected:

Explain why the requested record is required for the exercising or protection of this right:

Notice of the decision concerning the request for access

How you would like us to inform you of the decision regarding your request for access to the record:

Signed at _____ this _____ day of _____ 20 _____

Signature of the data subject/designated person

Annexure B: Fees

Please note the fees set out here are in the line with the Act.

Reproduction fee:

Type of record	Fees
Every photocopy of an A4 page	R1.10
Every printed copy of an A4 page from a computer or in electronic or computer-readable form	R0.75
For a copy in a computer-readable form on: • Stiffy disc • Compact disc	R7.50 R70.00
A transcript of visual images for an A4 page	R40.00
A copy of visual images	R60.00
A transcript of an audio record, for an A4 page	R20.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for searching)	R30.00 an hour
If a copy or a record needs to be posted, the requester has to pay the actual postal fee.	

Request fees:

If a requester submits a legitimate request for access to information from Cars.co.za about someone other than the requester, they have to pay a request fee of R50.00 upfront.

Access fees:

An access fee applies in all instances where we grant a request for access to information, except in those instances where payment of an access fee is specifically excluded in terms of the Act or the Minister determines an exclusion in terms of Section 54(8) of the Act.

The applicable access fees are:

Type of record	Fees
Every photocopy of an A4 page	R1.10
Every printed copy of an A4 page from a computer or in electronic or computer-readable form	R0.75
For a copy in a computer-readable form on: • Stiffy disc • Compact disc	R7.50 R70.00
A transcript of visual images for an A4 page	R40.00
A copy of visual images	R60.00
A transcript of an audio record, for an A4 page	R20.00
To search for a record that must be disclosed (per hour or part of an hour reasonably required for searching)	R30.00 an hour
If a copy or a record needs to be posted, the requester has to pay the actual postal fee.	

Annexure C: Form for objecting to the processing of personal information

Form 1: Objection to the processing of personal information

In terms of Section 11(3) of the Protection of Personal Information Act 4 of 2013 and Regulations relating to the protection of personal information, 2018

[Regulation 2]

Note:

1. You may attach affidavits or other documentary evidence to support the objection.
2. If the space provided in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete what applies to you.

Details of data subject:

Name(s) and surname/registered name of data subject: _____

Identity number: _____

Residential, postal or business address: _____

Code: _____

Contact number(s): _____

Email address: _____

Details of the responsible party:

Name(s) and surname/registered name of data subject: _____

Identity number: _____

Residential, postal or business address: _____

Code: _____

Contact number(s): _____

Email address: _____

Reasons for objection in terms of Section 11(1)(d) to (f):

(Please provide detailed reasons for the objection)

Signed at _____ this _____ day of _____ 20 _____

Signature of the data subject/designated person

Annexure D: Form for correcting or deleting personal information and deleting or destroying records of personal information

Form 2: Request for correction or deletion of personal information or destroying or deletion of record of personal information

*In terms of Section 24(1) of the Protection of Personal Information Act 4 of 2013 and Regulations relating to the protection of personal information, 2018
[Regulation 3]*

Note:

1. You may attach affidavits or other documentary evidence to support the objection.
2. If the space provided in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Complete what applies to you.

Request for:

Tick the appropriate box

- ☐ Correction or deletion of the personal information about the data subject that the responsible party possesses or controls.
- ☐ Destroying or deletion of a record of personal information about the data subject that the responsible party possesses or controls and the responsible party is no longer authorised to retain the record of information.

Details of data subject:

Name(s) and surname/registered name of data subject: _____

Identity number: _____

Residential, postal or business address: _____

Code: _____

Contact number(s): _____

Email address: _____

Details of the responsible party:

Name(s) and surname/registered name of data subject: _____

Identity number: _____

Residential, postal or business address: _____

Code: _____

Contact number(s): _____

Email address: _____

Information to be corrected/deleted/destructed/destroyed:

Reasons for correcting or deleting the personal information about the data subject in terms of Section 24(1)(a) that the responsible party possesses and controls, and/or

Reasons for destroying or deleting a record of personal information about the data subject in terms of Section 24(1)(b) that the responsible party is no longer authorised to retain:
(Please provide detailed reasons for the request)

Signed at _____ this _____ day of _____ 20 _____

Signature of the data subject/designated person

Start typing here...