

# PAIA Manual

EgonZehnder

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# 1 Introduction

- 1.1 The Promotion of Access to Information Act, 2000 (referred to as “PAIA”), became effective on 9 March 2001. PAIA's primary objective is to uphold the Constitutional right to access any information held by the State or other entities. This access is necessary for the safeguarding or exercise of various rights.
- 1.2 Both individuals and legal entities are granted the privilege of accessing records held by public or private entities. However, this right is subject to specific limitations aimed at facilitating the exercise and protection of these rights. In cases where a request for information is made to a private entity under the provisions of PAIA, the private entity is required to disclose the requested information if the requester can demonstrate that the information is needed to protect or exercise certain rights. This disclosure is permitted if none of the refusal grounds outlined in PAIA are applicable.
- 1.3 The legislation further outlines the procedures and processes related to information requests.
- 1.4 Under Section 51 of PAIA, private entities are mandated to create a manual that outlines how individuals can access information held by that entity. This manual must meet certain minimum requirements as specified in the legislation.
- 1.5 This document serves as Egon Zehnder’s (referred to as “**EZ**”) PAIA manual. It has been formulated in compliance with Section 51 of PAIA, as amended by the Protection of Personal Information Act, 2013 (referred to as “**POPIA**”).
- 1.6 POPIA is designed to uphold every individual's Constitutional right to privacy. It emphasises the protection of personal information handled by both public and private entities. This involves establishing specific conditions that set the baseline for the handling of personal information. POPIA introduces changes to certain provisions of PAIA, striking a balance between ensuring access to information and safeguarding personal data. This balance is achieved through the creation of an Information Regulator, tasked with exercising specific powers and duties outlined in both POPIA and PAIA. Additionally, POPIA introduces mechanisms such as codes of conduct and grants rights to individuals concerning unsolicited electronic communications and automated decision-making. These mechanisms work together to regulate the flow of personal information and address related matters. In addition to its primary focus, this PAIA manual also covers information regarding the submission of objections to the processing of personal information and requests for the deletion or destruction of personal information or associated records, all in accordance with the stipulations of POPIA.

## 2 Purpose of the PAIA manual

2.1 This PAIA Manual is useful for the public to:

- 2.1.1 Check the categories of records held by EZ which are available without a person having to submit a formal PAIA request;
- 2.1.2 Have a sufficient understanding of how to make a request for access to a record of EZ, by providing a description of the subjects on which EZ holds records and the categories of records held on each subject;
- 2.1.3 Know the description of the records of EZ which are available in accordance with any other legislation;
- 2.1.4 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;
- 2.1.5 Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.1.6 Know if EZ will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.1.7 Know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.1.8 Know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.1.9 Know if EZ has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.1.10 Know whether EZ has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### 3 About EZ

- 3.1 EZ is a global organizational consulting and leadership advisory firm to many of the world's leading businesses. EZ operates in 64 offices in 36 countries.
- 3.2 Our office in Johannesburg was established in 2012 and serves as EZ's headquarters for Sub-Saharan Africa. With a strong presence in the region, we have partnered with 60 percent of the foremost listed companies in Sub-Saharan Africa and take pride in our deep, long-lasting relationships with private enterprises, family-owned businesses, and emerging start-ups.
- 3.3 We serve clients across all industries, corporate functions, and ownership structures, going beyond executive search to include a full suite of leadership advisory services. Our professional team of 12 reflect the cosmopolitan diversity found in the next generation of African leaders in Sub-Saharan Africa. With work spanning a range of locations including Johannesburg, Lagos, Cape Town, Accra and Nairobi, we have one objective in mind: finding a bespoke solution for your talent needs. Our services range from CEO succession and executive and board appointments to transformational leadership work to board effectiveness consultation and executive assessment and development, including our own Executive Breakthrough Program, a truly innovative program for developing CEOs in an ever-changing world. We also work with local talent to develop them for executive and board-level positions.

## 4 Guide on how to use PAIA and how to obtain access to the guide

- 4.1 The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2 The Guide is available in English.
- 4.3 The aforesaid Guide contains the description of
  - 4.3.1 The objects of PAIA and POPIA;
  - 4.3.2 The postal and street address, phone, and fax number and, if available, electronic mail address of:
    - 4.3.2.1 The Information Officer of every public body and
    - 4.3.2.2 Every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA 1 and section 56 of POPIA;
  - 4.3.3 The manner and form of a request for:
    - 4.3.3.1 Access to a record of a public body contemplated in section 11 (3); and
    - 4.3.3.2 Access to a record of a private body contemplated in section 50 (4);
  - 4.3.4 The assistance available from the Information Officer (“IO”) of a public body in terms of PAIA and POPIA;
  - 4.3.5 The assistance available from the Regulator in terms of PAIA and POPIA;
  - 4.3.6 All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
    - 4.3.6.1 An internal appeal;
    - 4.3.6.2 A complaint to the Regulator; and
    - 4.3.6.3 An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
  - 4.3.7 The provisions of sections 14(5) and 51(6) requiring a public body and private body, respectively, to compile a manual and how to obtain access to a manual;
  - 4.3.8 The provisions of sections 15(7) and 52(8) providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 4.3.9 The notices issued in terms of sections 22(9) and 54(10) regarding fees to be paid in relation to requests for access; and
  - 4.3.10 The regulations made in terms of section 92(11).

4.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5 The Guide can also be obtained:

4.5.1 Upon request to the Information Officer;

4.5.2 From the website of the Regulator ([https://info regulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English\\_20210905.pdf](https://info regulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf)); and

4.5.3 The Information Regulator upon request.

4.6 A fee for a copy of the Manual, as contemplated in annexure B of the PAIA Regulations, shall be payable per each A4-size photocopy made.

4.7 A copy of the Guide is also available in English, for public inspection during normal office hours:

## 5 Categories of records of EZ which are available without a person having to request access

Category of records	Types of records	Available on website	Available upon request
<b>Company information</b>	What Makes Us Unique	<a href="https://www.egonzehnder.com/office/sub-saharan-africa">https://www.egonzehnder.com/office/sub-saharan-africa</a>	X
	What We Offer	<a href="https://www.egonzehnder.com/office/sub-saharan-africa">https://www.egonzehnder.com/office/sub-saharan-africa</a>	
	What we offer job seekers	<a href="https://www.egonzehnder.com/office/sub-saharan-africa/contact">https://www.egonzehnder.com/office/sub-saharan-africa/contact</a>	
	Job seekers registration form	<a href="https://www.egonzehnder.com/privacy-policy">https://www.egonzehnder.com/privacy-policy</a>	
	Terms & Conditions	<a href="https://www.egonzehnder.com/cookie-policy">https://www.egonzehnder.com/cookie-policy</a>	
	Privacy Policy	<a href="https://www.egonzehnder.com/office/sub-saharan-africa">https://www.egonzehnder.com/office/sub-saharan-africa</a>	
	Cookie Policy		
	PAIA Manual		
	Contact Information		X in progress
<b>Publication</b>	Advertising	<a href="https://www.egonzehnder.com/insights">https://www.egonzehnder.com/insights</a>	
	Press releases		
	Social media	<a href="https://www.egonzehnder.com/insights">https://www.egonzehnder.com/insights</a>	
		<b>Instagram,</b> <a href="https://twitter.com/EgonZehnder?ref_src=twsrc%5Egoogle%7Ctwcam%5Eserp%7Ctwgr%5Eauthor">https://twitter.com/EgonZehnder?ref_src=twsrc%5Egoogle%7Ctwcam%5Eserp%7Ctwgr%5Eauthor</a>	



## 6 Description of the records of EZ which are available in accordance with any other legislation

6.1 The records reflected in the table below are available, in accordance with legislation.

Category of records	Applicable legislation
Company information	<ul style="list-style-type: none"><li>• Companies Act 71 of 2008</li></ul>
Communications information	<ul style="list-style-type: none"><li>• Electronic Communications Act 36 of 2005</li><li>• Electronic Communications and Transactions Act 25 of 2002</li><li>• Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002</li></ul>
Competition information	<ul style="list-style-type: none"><li>• Competition Act 89 of 1998</li></ul>
Copyright information	<ul style="list-style-type: none"><li>• Copyright Act 98 of 1978</li><li>• Trade Marks Act 194 of 1993</li></ul>
Credit information	<ul style="list-style-type: none"><li>• Credit Rating Services Act 24 of 2012</li><li>• National Credit Act 34 of 2005</li></ul>
Employment information	<ul style="list-style-type: none"><li>• Basic Conditions of Employment Act 75 of 1997</li><li>• Broad-Based Black Economic Empowerment Act 53 of 2003</li><li>• Employment Equity Act 55 of 1998</li><li>• Labour Relations Act 66 of 1995</li><li>• Skills Development Act 97 of 1998</li><li>• Unemployment Insurance Act 63 of 2001</li><li>• Arbitration Act 42 of 1965</li><li>• Pension Funds Act 24 of 1956</li></ul>
Security information	<ul style="list-style-type: none"><li>• Promotion of Access to Information Act 2 of 2000</li><li>• Protected Disclosures Act 26 of 2000</li><li>• Protection of Personal Information Act 4 of 2013</li></ul>
Tax information	<ul style="list-style-type: none"><li>• Value-Added Tax Act 89 of 1991</li></ul>

## 7 Description of the subjects on which EZ holds records and categories of records held on each subject by EZ

- 7.1 The information presented in the table below can be formally requested according to the PAIA. However, certain portions or the entirety of the information might be subject to the criteria for denying access to records.
- 7.2 Please consult the Information Regulator’s Guide on how to use PAIA for more information.<sup>1</sup>
- 7.3 EZ maintains the right to decline access to records if processing the information would significantly and unreasonably drain its resources.
- 7.4 EZ retains the authority to withhold access to records connected with the obligatory safeguarding of:
- 7.4.1 The privacy of a third party, who is an individual and revealing their personal information unreasonably.
  - 7.4.2 Commercial data of a third party, encompassing trade secrets, financial, commercial, or technical data that, if disclosed, could harm the financial or commercial interests of the third party. Additionally, it includes information disclosed by a third party to EZ in confidence, where disclosure could disadvantage the third party.
  - 7.4.3 Confidential information of a third party, if it's protected by an agreement or legislation.
  - 7.4.4 The safety of individuals and property.
  - 7.4.5 Information considered privileged in legal proceedings.
  - 7.4.6 Records categorised as personal information under the POPIA (Protection of Personal Information Act).
  - 7.4.7 EZ commercial activities, including trade secrets, financial, commercial, or technical data and software platforms or programs exclusively developed for EZ.
- 7.5 Access requests that are frivolous and/or vexatious will be declined by EZ.
- 7.6 The IO or Deputy Information Officer (“**DIO**”) holds the authority to grant access to a record if its disclosure would expose evidence of a significant violation or failure to comply with the law. In such cases, the public interest in revealing the record must outweigh the harm outlined in the relevant grounds for refusing access to records.

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<sup>1</sup> [https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English\\_20210905.pdf](https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Guide-English_20210905.pdf)

Subject in which EZ holds records	Categories of records
Company records	<ul style="list-style-type: none"> <li>• Guidelines and Protocols</li> <li>• Incorporation Papers</li> <li>• Legal Compliance Records</li> <li>• Policies and Procedures</li> </ul>
Accounting and finance records	<ul style="list-style-type: none"> <li>• Accounting records</li> <li>• Annual financial statements</li> <li>• Asset register</li> <li>• Audit reports</li> <li>• Bank reports</li> <li>• Financial administration records</li> <li>• Financial forecasting reports</li> <li>• Intellectual property</li> <li>• Invoices and credit notes</li> <li>• Service agreements</li> <li>• Supporting schedules and documents</li> </ul>
Tax records	<ul style="list-style-type: none"> <li>• Pay As You Earn (PAYE)</li> <li>• Skills Development</li> <li>• Levies (SDL) Tax related correspondence Tax returns as filed with the South African Revenue Services Unemployment Insurance Fund (UIF) levies</li> <li>• Value Added Tax (VAT)</li> </ul>
Legal records	<ul style="list-style-type: none"> <li>• Agreements, contracts, and schedules</li> <li>• General legal correspondence</li> <li>• Licences, permits, authorisations and consents</li> </ul>
Employee records	<ul style="list-style-type: none"> <li>• Code of conduct</li> <li>• Confidentiality agreements</li> <li>• Disciplinary records and internal evaluations</li> <li>• Documents provided by employees</li> <li>• Documents provided by third parties Employee personal details</li> </ul>

Subject in which EZ holds records	Categories of records
	<ul style="list-style-type: none"> <li>• Employment conditions and policies</li> <li>• Employment contracts</li> <li>• Employment equity plan</li> <li>• Employment policies and procedures</li> <li>• Income tax (PAYE/SDL/UIF) submissions for employees</li> <li>• Internal correspondence</li> <li>• Leave</li> <li>• Operating manuals</li> <li>• Performance records</li> <li>• Remuneration and benefits</li> <li>• Restraint of trade agreements</li> <li>• Training schedules and material</li> <li>• Verification reports (credit, criminal, employment, identity, qualification)</li> </ul>
Job Seeker records	<ul style="list-style-type: none"> <li>• Job Seeker agreements and forms</li> <li>• Job Seeker database</li> <li>• Job Seeker documents and information</li> <li>• Job Seeker queries/requests</li> <li>• Transactions and supporting information</li> <li>• Verification reports (credit, criminal, employment, identity, qualification)</li> </ul>
Client records	<ul style="list-style-type: none"> <li>• Client agreements and forms</li> <li>• Client database</li> <li>• Client documents and information</li> <li>• Client queries/requests Transactions and supporting information</li> </ul>
Service provider and third-party records	<ul style="list-style-type: none"> <li>• Service level agreements and/or third-party agreements/contracts Service provider and third party database</li> <li>• Terms and conditions for dealing with suppliers Transactions and supporting information</li> </ul>

Subject in which EZ holds records	Categories of records
Information technology	<ul style="list-style-type: none"> <li>• Back-ups</li> <li>• Custodian information</li> <li>• Operations information</li> <li>• Service level agreements</li> <li>• Service requests</li> <li>• System event logs</li> <li>• System development life cycle documents</li> <li>• System performance logs</li> </ul>
Publications	<ul style="list-style-type: none"> <li>• Marketing material</li> <li>• Newsletters</li> <li>• Presentations</li> <li>• Press releases</li> <li>• Social media</li> <li>• Videos</li> <li>• Websites and content</li> </ul>
Strategic planning records	<ul style="list-style-type: none"> <li>• Operational and strategic plans</li> <li>• Research information</li> </ul>

## 8 Processing of personal information

8.1 EZ processes personal information for the following purposes:

- 8.1.1 Administering its services.
- 8.1.2 Administering employees and potential employees.
- 8.1.3 Executing and/or fulfilling its statutory obligations in terms of the PAIA and/or the POPIA
- 8.1.4 Executing and/or fulfilling its statutory obligations in terms of other applicable legislation
- 8.1.5 Executing and/or fulfilling its contractual obligations.
- 8.1.6 To support the operation of the Service, such as for billing, account maintenance, and record-keeping purposes.
- 8.1.7 To distribute communications relevant to the use of the Service.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of data subject	Personal information that may be processed
Clients	Full names of contact persons; contact details (contact numbers; email addresses); registered, and trade, names of entities; physical addresses; postal addresses; unique identifier; identity/registration numbers; confidential correspondence; order information (job specifications); banking details; tax related information; company information; testimonials; service/performance reviews; information required in terms of the FAIS Act and the FICA (and other relevant legislation)
Candidates	Full names; contact details (contact numbers; email addresses); gender; race; age; language; education information (qualifications); employment history; identity/passport numbers; physical addresses; postal addresses; credit record; criminal record; nationality; health; disability; biometric information; professional affiliation; references; CVs/resumes; motivational letters; stories; testimonials; service/performance reviews; confidential correspondence; order information (jobs applied for); banking details; tax related information; information required in terms of the FAIS Act and the FICA (and other relevant legislation)
Partners	Full names of contact persons; full names of directors; registered and trade names of entities; physical addresses; postal addresses; contact details (contact numbers, email

Categories of data subject	Personal information that may be processed
Service Providers; Customers	addresses); confidential correspondence; financial information; registration numbers; tax related information; authorised signatories' information; broad-based black economic empowerment (B-BBEE) status; associated entities; business strategies; information required in terms of the FAIS Act and the FICA (and other relevant information)
Employees	Full names; contact details (contact numbers; email addresses); gender; marital status; race; age; language; education information (qualifications); employment history; identity/passport numbers; physical addresses; postal addresses; banking details; tax related information; credit record; criminal record; well-being and family members; nationality; health; disability; biometric information; professional affiliation; references; CVs/resumes; motivational letters; stories; testimonials; service/performance reviews; confidential correspondence; information required in terms of the FAIS Act and the FICA (and other relevant legislation)

8.3 The recipients or categories of recipients to whom the personal information may be supplied:

8.3.1 EZ may supply the personal information of data subjects to third-party service providers, who provide the following services:

- 8.3.1.1 Administration;
- 8.3.1.2 Accounting;
- 8.3.1.3 Capturing, and organising, personal information;
- 8.3.1.4 Compliance;
- 8.3.1.5 Due diligence reviews;
- 8.3.1.6 Information and communication technologies;
- 8.3.1.7 Storing of personal information; and
- 8.3.1.8 Verification checks (for example, credit (and payment history), criminal, employment history, FAIS related, financial sanctions, identity, qualifications, terrorism).

- 8.3.2 EZ may supply the personal information of data subjects to:
- 8.3.2.1 Courts, in terms of a court order directing EZ to do so, or otherwise required by law;
  - 8.3.2.2 Enforcement agencies, for criminal investigation (for example, National Prosecuting Authority, South African Police Service);
  - 8.3.2.3 People against whom complaints have been lodged;
  - 8.3.2.4 Regulators, ombuds, or tribunals, in terms of matters that fall under their jurisdiction.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity/passport/registration numbers, dates of birth, dates of incorporation, names	Clients; Candidates; Department of Labour; Financial Intelligence Centre; South African Police Services; Verification providers
Qualifications	Clients; Verification providers
Credit and payment history	Clients; Verification providers
Tax information	South African Revenue Service

8.4 Planned transborder flows of personal information:

- 8.4.1 EZ will ensure that the person (both legal and natural) to whom the personal information will be transferred is subject to a law, binding company rules, and/or binding agreements, which provide a suitable level of protection, and the third party agrees to treat the personal information with the same level of protection as EZ required to provide, in terms of the POPIA.
- 8.4.2 The cross border transfer of personal information will be done under the terms presented on EZ's standard privacy protection policies and as it is not reasonably practicable to obtain the data subject's consent, EZ will transfer the personal information if it will be for the data subject's benefit, and the data subject would have provided consent, if it had been reasonably practicable to obtain the consent.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information.



- 8.5.1 EZ has established, and maintains, suitable technical, and operational, measures to prevent loss of, damage to, or unauthorised destruction of, personal information, and unlawful access to, or processing of, personal information.
- 8.5.2 The suitable measures that EZ has taken includes, but is not limited to:
  - 8.5.2.1 Access control
  - 8.5.2.2 Agreements with operators, to ensure that they implement, and maintain suitable security controls.
  - 8.5.2.3 Anti-virus software
  - 8.5.2.4 Anti-malware software
  - 8.5.2.5 Awareness training and vigilance of users
  - 8.5.2.6 Data back-ups
  - 8.5.2.7 Data encryption
  - 8.5.2.8 Defensive measures
- 8.5.3 The suitable measures are in place to ensure that EZ:
  - 8.5.3.1 Identifies the risks (both internal and external) to the personal information that is in its possession and/or under its control.
  - 8.5.3.2 Establishes, and maintains, suitable safeguards against the risks identified.
  - 8.5.3.3 Regularly verifies that the safeguards are effectively implemented.
  - 8.5.3.4 Updates the safeguards when new risks are identified, and when existing safeguards are found to be deficient.

## 9 Section 26 of the companies Act

- 9.1 As per Companies Regulation 24(1), any right of access of any person to any information contemplated in section 26 of the Companies Act must be exercised in accordance with the provisions of PAIA.
- 9.2 Requests in terms of section 26 of the Companies Act as read with Regulation 24 of the Companies Regulations, 2011 must be made using the prescribed COR 24 Form, a copy of which can be found attached to this manual.
- 9.3 The fully completed COR 24 Form must be submitted to EZ either in hard copy at the company's physical address set out in this manual, or electronically to the following email address: [johannesburg@egonzehnder.com](mailto:johannesburg@egonzehnder.com)

## 10 Document Control

### Key Document Summary

<b>Date of approval</b>	February, 2024
<b>Next review date</b>	TBD
<b>Owner</b>	Office Manager at Egon Zehnder Johannesburg

### Document Review History

<b>Version</b>	<b>Date</b>	<b>Actions / Amendment details</b>	<b>Status</b>
1	February, 2024	New policy	Published

**Companies and Intellectual Property Commission  
Republic of South Africa**

**Form CoR 24**

**About this Form**

- This form is issued in terms of section 26 of the Companies Act, 2008, and Regulation 24 of the Companies Regulations, 2011.
- Any right of access to company records is subject to section 26 or to the Promotion of access to Information Act, 2000.
- This form must be completed and submitted to the company before a right of access may be exercised.

**Contacting the  
Commission**

The Companies and Intellectual  
Property Commission of South  
Africa

**Postal Address**

PO Box 429  
Pretoria  
0001  
Republic of South Africa  
Tel: 086 100 2472

[www.cipc.co.za](http://www.cipc.co.za)

**Request for Access to Company Information**

**Date:** \_\_\_\_\_ **Customer Code:** \_\_\_\_\_

**From:** \_\_\_\_\_ *(insert name of person seeking access)*

**To:**

*(Name and Registration Number of Company)*

*Name:* \_\_\_\_\_

*Registration No:* \_\_\_\_\_

The person named above claims a right of access to the following records of the above named company:


The person named above claims a right of access on the grounds of being -

a holder of beneficial interest in securities of the company, or a member of a non profit company, as the case may be, as contemplated in section 26 (1).

a person other than a person contemplated in section 26 (1).

The person named above may be contacted about this request at:

*(Insert contact details)*
