MUNSOFT
municipal financial software

Munsoft Proprietary Limited

Registration number: 2001/024674/07

Manual in terms of the Promotion of Access to Information Act, 2000 and the Protection of Personal Information Act, 2013

Content

1. Definitions

1.1 "Client" refers to any natural or juristic person that received or receives services from Munsoft;

1.2 "Data Subject" has the meaning ascribed thereto in section 1 of POPIA;

1.3 "Information Officer" means the Munsoft Chief Operating Officer;

1.4 "Manual" means this manual prepared in accordance with section 51 of PAIA and regulation 4(1)(d) of the POPIA Regulations;

1.5 "PAIA" means the Promotion of Access to Information Act, 2000;

1.6 "Personal Information" has the meaning ascribed thereto in section 1 of POPIA;

1.7 "POPIA" means the Protection of Personal Information Act, 2013;

1.8 "POPIA Regulations" mean the regulations promulgated in terms of section 112(2) of POPIA;

1.9 "Private Body" has the meaning ascribed thereto in sections 1 of both PAIA and POPIA;

1.10 "Processing" has the meaning ascribed thereto in section 1 of POPIA;

1.11 "Responsible Party" has the meaning ascribed thereto in section 1 of POPIA;

1.12 "Record" has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;

1.13 "Requester" has the meaning ascribed thereto in section 1 of PAIA;

1.14 "SAHRC" means the South African Human Rights Commission.

2. Purpose of this manual

This Manual:

2.1 for the purposes of PAIA, details the procedure to be followed by a Requester and the way a Request for Access will be facilitated; and

2.2 for the purposes of POPIA, amongst other things, details the purpose for which Personal Information may be processed; a description of the categories of Data Subjects for whom Munsoft Processes Personal Information as well as the categories of Personal Information relating to such Data Subjects; and the recipients to whom Personal Information may be supplied.

3. PAIA and Section 10 Guide

3.1 PAIA grants the requested access to Records of a Private Body, if the Record 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.

3.2 Requests in terms of PAIA will be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in sections 18 and 22 of PAIA.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

3.4 The contact details of the Commission are:
Postal address: Private Bag 2700, Houghton, 2041
Telephone number: 011 877 3600
Fax number: 011 403 0625
Website address: sahrc.org.za

4. Contact details

4.1 Office bearers:
Johannes Gysbertus Marthinus Richter (Chief Executive Officer)
Rudolph Philippus de Bruyn (Chief Operating Officer and Information Officer)
Ndiafhi Rerani (Director)
Lodewikus Ernest Burger (Chief Financial Officer)
Mariska Munnik (Company Secretary)

4.2 Physical addresses

4.2.1 Centurion Office:
5 Bauhinia Street
Building 6
Cambridge Office Park
Highveld Techno Park
Centurion
0169

4.2.2 Roodepoort Office:
Constantia Office Park
Cycad House, Building 17
Corner 14th Avenue and Hendrik Potgieter Streets
Weltevredenpark
Roodepoort
1709

4.2.3 Polokwane Office
Office 10
The Office Park
Polokwane CBD
Polokwane
Limpopo
0700

4.3 Fax number: 011 215 9018

4.4 Telephone number:011 215 8000

4.5 Website address: www.Munsoft.co.za

4.6 E-mail address: info-request@munsoft.co.za

5. Protection of Personal Information

5.1 Chapter 3 of POPIA provides for the minimum conditions for lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

5.2 Munsoft needs Personal Information relating to both individual and juristic persons to carry out its business and organisational functions. The way this information is Processed and the purpose for which it is Processed is determined by Munsoft. Munsoft is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

5.2.1   is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Munsoft, in the form of privacy or data collection notices. Munsoft must also have a legal basis (for example, consent) to process Personal Information;

5.2.2   is processed only for the purposes for which it was collected;

5.2.3   will not be processed for a secondary purpose unless that processing is compatible with the original purpose.

5.2.4   is adequate, relevant and not excessive for the purposes for which it was collected;

5.2.5   is accurate and kept up to date;

5.2.6   will not be kept for longer than necessary;

5.2.7   is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by Munsoft, to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

5.2.8   is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:

5.2.8.1   be notified that their Personal Information is being collected by Munsoft. The Data Subject also has the right to be notified in the event of a data breach;

5.2.8.2   know whether Munsoft holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;

5.2.8.3   request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;

5.2.8.4   object to Munsoft's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to Munsoft's record keeping requirements);

5.2.8.5   object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and

5.2.8.6   complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

5.3   Purpose of the Processing of Personal Information by Munsoft

Purpose of Processing of Personal Information	Type of Processing
1. For the purposes of recruitment and management of employees. 2. To provide services to the Client in accordance with terms agreed to by the Client; 3. To manage third party and service provider relationships; 4. To manage engagements with statutory and other authorities; 5. To manage engagements with the media and the general public;	Collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.

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6. To undertake activities related to the provision of services and transactions, including:

    a. to verify the identity of Client and third party representatives;
    b. for risk assessment, information security management, statistical, trend analysis and planning purposes;
    c. to monitor and record calls and electronic communications with the Client and third party representatives for quality, training, investigation and fraud prevention purposes;
    d. for crime detection, prevention, investigation and prosecution;
    e. to enforce or defend Munsoft's rights; and
    f. to manage Munsoft's relationship with its Clients and third parties.
7. The purposes related to any authorised disclosure made in terms of agreement, law or regulation;
8. Any additional purposes expressly authorised by the Client or relevant third party; and
9. Any additional purposes as may be notified to the Client, relevant third parties or Data Subjects in any notice provided by Munsoft
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5.4   Categories of Data Subjects and Personal Information relating thereto

Categories of Data Subjects and Personal Information relating thereto	Data Subject
Employees: Name; ID number; business contact details (address/telephone number/email address), bank details; medical aid details; emergency contact details	Natural persons
Service providers:	Natural persons and juristic persons

Name; ID/registration number; business contact details (address/telephone number/email address), bank details	
Clients: Personal information relating to a Data Subject received by or on behalf of Munsoft from the Client, Client affiliates and their respective representatives and related parties while providing services to the Client or in connection with a transaction or services. Client personal information may include names, contact details, identification and verification information, nationality and residency information, taxpayer identification numbers, account numbers, voiceprints, PBX recordings, bank account and transactional information (where legally permissible), to the extent that these amount to personal information under POPIA.	Natural persons and juristic persons

5.5   Possible recipients of Personal Information
       The following groups may receive Personal Information from Munsoft:

5.5.1   National and Provincial Treasuries, Auditor General and other statutory authorities;
5.5.2   clients;
5.5.3   professional advisers to Munsoft;
5.5.4   industry bodies;
5.5.5   law enforcement agencies;
5.5.6   service providers.

5.6   Planned transborder flows of Personal Information
       Transborder flow of information will only occur for purposes of cloud storage of such information and then only in compliance with section 72 of the Protection of Personal Information Act, 4 of 2013.

5.7   Security measures to protect Personal Information
5.7.1   Physical security measures
5.7.1.1   access controls;
5.7.1.2   employee home and mobile measures;
5.7.1.3   internal security measures;
5.7.1.4   encryption of backup data in motion;
5.7.1.5   encryption of backup data at rest;
5.7.2   cyber and information security measures;
5.7.2.1   anti-spam measures;
5.7.2.2   anti-virus measures;
5.7.2.3   firewalls;

5.7.2.4   password control;
5.7.2.5   virtual private networks (VPN);
5.7.2.6   credential vaults.
5.7.3   Training and policies in information security.
5.7.4   Audits of information security systems and procedures.

5.8   Requests for access to Personal Information

5.9   A Data Subject may request access to his/her/its Personal Information from Munsoft at any time, by sending an email to info-request@munsoft.co.za.

5.10   Objection to the Processing of Personal Information by a Data Subject
Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its Personal Information in the prescribed form, subject to exceptions contained in POPIA.

5.11   Request for correction or deletion of Personal Information
Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form.

6.   Applicable legislation

Number	Reference	Act
1	108 of 1996	Constitution of the Republic of South Africa
2	71 of 2008	Companies Act
3	98 of 1978	Copyright Act
4	55 of 1998	Employment Equity Act
5	4 of 2000	Promotion of Equality and Prevention of Unfair Discrimination Act
6	95 of 1967	Income Tax Act
7	66 of 1995	Labour Relations Act
8	89 of 1991	Value Added Tax Act
9	97 of 1998	Skills Development Act
10	9 of 1999	Skills Development Levy Act
11	53 of 2003	Broad based black economic empowerment Act
12	75 of 1997	Basic Conditions of Employment Act
13	85 of 1993	Occupational Health and Safety Act
14	130 of 1993	Compensation for Occupational Injuries and Diseases Act
15	69 of 1984	Close Corporations Act
16	25 of 2002	Electronic Communications and Transactions Act
17	2 of 2000	Promotion of Access of Information Act

18	26 of 2000	Protected Disclosures Act
19	30 of 1996	Unemployment Insurance Act
20	2 of 2013	Protection of Personal Information Act
21	117 of 1998	Municipal Structures Act
22	5 of 2000	Preferential Procurement Policy Framework Act
23	27 of 1998	Municipal Demarcation Act
24	32 of 2000	Municipal Systems Act
25	56 of 2003	Municipal Finance Management Act
26	6 of 2004	Municipal Property Rates Act
27	12 of 2007	Municipal Fiscal Powers and Functions Act
28	12 of 2004	Prevention and combating of corrupt activities Act
29	3 of 2000	Promotion of administrative justice Act
30	89 of 1998	Competition Act
31	38 of 2001	Financial intelligence centre Act
32	68 of 2008	Consumer Protection Act

7.   Schedule of Records

The subjects on which Munsoft holds Records and the categories on each subject in terms of Section 51 are as listed below. Please note that a Requester is not automatically allowed access to these Records and that access to them may be refused in accordance with Sections 62 to 69 of PAIA:

Records	Availability
Public affairs	Freely available on www.munsoft.co.za and www.cipc.co.za
Clients	Request in terms of PAIA
Financial	Request in terms of PAIA
Human Resources	Request in terms of PAIA
Information Technology	Request in terms of PAIA
Corporate	Request in terms of PAIA
Sales and marketing	Limited information available on website Request in terms of PAIA
Operational	Request in terms of PAIA

8. Form of request

8.1   To facilitate the processing of your request, kindly use the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za.

8.2   Address your request to the Munsoft Information Officer and send via email to info-request@munsoft.co.za.

8.3   Please provide enough details to enable Munsoft to identify:

8.3.1   the Record/s requested;

8.3.2   the Requester (proof of capacity is required where and agent lodges a request);

8.3.3   the form of access required;

8.3.4   the South African postal- and email address of the Requester;

8.3.5   details of the way the Requester would like to be informed of the outcome of his/her/its request;

8.3.6   the right which the Requester is seeking to exercise or to protect, with an explanation of the reason the Record is required to exercise or protect the right.

9. Copyright

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