

## PAIA and POPIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

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### 1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 CEO: Chief Executive Officer
- 1.2 DIO: Deputy Information Officer;
- 1.3 IO: Information Officer;
- 1.4 "Minister" Minister of Justice and Correctional Services;
- 1.5 PAIA: Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- 1.6 POPIA: Protection of Personal Information Act No.4 of 2013;
- 1.7 "Regulator" Information Regulator; and
- 1.8 "Republic" Republic of South Africa

### 2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body 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 of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body 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, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body 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;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body 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
- 2.10 know whether the body 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 ESSILOR SOUTH AFRICA (PTY) LTD**

#### **3.1 Chief Information Officer**

Name: Nicolaas Francois Coetzee  
Tel: 087 365 2077  
Email: coetzeen@essilor.co.za

#### **3.2 Deputy Information Officer**

Name: Brendan John Hampton  
Tel: 087 365 2077  
Email: hamptonb@essilor.co.za

Name: Cindy Earle  
Tel: 087 365 2077  
Email: earlec@essilor.co.za

#### **3.3 Access to information general contacts**

Email: dutoitt@essilor.co.za

#### **3.4 National or Head Office**

Postal Address: P.O. Box 5011, Meadowdale, 1614  
Physical Address: 137 Kuschke street, Meadowdale, Gauteng  
Telephone: 087 365 2077

Email: dutoitt@essilor.co.za  
Website: www.essilor.com/za-en/

#### **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 and their regulations.
- 4.2 This Guide is available from the Information Regulator, with contact details as follows:

Physical address: JD House, 27 Stiemens street, Braamfontein, Johannesburg  
Postal address: P.O. Box 31533, Braamfontein, Johannesburg, 2017  
General enquiry e-mail: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)  
Complaints e-mail: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

#### **5. CATEGORIES OF RECORDS HELD BY ESSILOR SOUTH AFRICA (PTY) LTD WHICH ARE AVAILABLE WITHOUT HAVING TO REQUEST ACCESS**

Records of a public nature which may typically be obtained through our website and are not deemed confidential on the part of a third party, may be accessed without the need to submit a formal application.

These records may include brochures, publications and various other marketing and promotional material.

#### **6. RECORDS HELD BY ESSILOR SOUTH AFRICA (PTY) LTD WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

APPLICABLE LEGISLATION
Companies Act 71 of 2008
Promotion of Access to Information Act 2 of 2000
Protection of Personal Information Act 4 of 2013
Basic Conditions of Employment Act 75 of 1997
Electronic Communications and Transactions Act 25 of 2002
Financial Intelligence Centre Act No 38 of 2001
Consumer Protection Act No 68 of 2008
Copyright Act No 98 of 1978
Electronic Communications and Transactions Act No 25 of 2002
Employment Equity Act No 55 of 1998
Income Tax Act No 58 of 1962
Labour Relations Act No 66 of 1995
Medical Schemes Act No 131 of 1998

National Credit Act No 34 of 2005
National Health Act 61 of 2003 as amended
Occupational Health and Safety Act No 85 of 1993
Pension Funds Act No 24 of 1956
Protection of Personal Information Act No 4 of 2013
Regulation of Interception of Communications and Provision of Communication-Related Information Act No 70 of 2002
Skills Development Act No 97 of 1998
Skills Development Levies Act No 9 of 1999
Unemployment Insurance Act No 63 of 2001
B-BBEE Act No 53 of 2003
Value Added Tax Act No 89 of 1991

Where any information contained in any records retained by Essilor South Africa in terms of the above legislation is of a public nature, such records may be available for inspection without a person having to request access thereto in terms of PAIA

**7. DESCRIPTION OF THE SUBJECTS ON WHICH ESSILOR SOUTH AFRICA HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY ESSILOR SOUTH AFRICA**

SUBJECT OF THE RECORDS	CATEGORIES OF RECORDS
Human Resources	Employee information including personal information, employment history and health records
	Disciplinary records
	Employment Equity Plan
	Records of Pension and Provident Funds
	Training and Development Information
	General files containing information on employee benefits and employee recruitment and selection information
	List of Employees
	Employment contracts
	Tax records
	Training records
	Payroll
	Applicable internal policies and procedures
	FICA records
Customer related records	Customer information including personal information
	Correspondence
Property	Lease Agreements
	Insurance records
	Asset Register
Operations	Function records and related costing
	Stock / Inventory information
	List of suppliers and agreements

Information technology	Licence agreements
	Records relating to systems
	Domain information
	Equipment details
	Costings of hardware and software
Company Information	Essilor South Africa secretarial records
	Incorporation documents, including Memorandum and Articles of Association
Financial/Accounting records	Accounting records
	Annual Financial statements
	Tax returns
	Creditors and Debtors
	Invoice, Credit Notes
	Salary Information
	Banking records
	Bank Account details
	Asset register
	Audit Reports
	Fidelity Fund certificates
Marketing Information	Brochures and publications
	Documents relating to public relations events
	Media Releases

## 8. PROCESS FOR REQUESTS TO INFORMATION

- 8.1 Any requests for access to records of Essilor South Africa are subject to PAIA and, in respect of personal information, POPI.
- 8.2 In terms of PAIA, a request for access is to be made on the prescribed form accessible at [https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf) with a copy being set out in Annexure A to this Manual. The request is to be made to the Information Officer addressed to the contact details set out above (section 53(1) of PAIA).
- 8.3 The requester must provide sufficient details on the form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address in the Republic or an email address. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed (section 53(2)(a) and (b) and (c) and (e) of PAIA).
- 8.4 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (section 53(2)(d) of PAIA).
- 8.5 In circumstances where the request for access is being made on behalf of another person,

the requestor is obliged to prove the capacity in which the request is being made, with any submissions in support thereof being subject to the satisfaction of Essilor South Africa (section 53(2)(f) of PAIA). Section 71 of PAIA makes provision for a request for information or records about a third party. In considering such a request, Essilor South Africa will adhere to the provisions of sections 71 to 74 of PAIA. The requestor is to note the provisions of Chapter 5 of Part 3 of PAIA in terms of which Essilor South Africa is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of PAIA entitle third parties to dispute the decisions of Essilor South Africa by referring the matter to the High Court.

- 8.6 The Information Officer will decide on whether or not to grant the request as soon as is reasonably possible (but in any event within thirty days of the request having been submitted) and notify the requester accordingly.
- 8.7 The Information Officer may decide to extend the period of thirty days for another period of not more than thirty days if:
- 8.7.1 the request is for a large number of records;
  - 8.7.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of Essilor South Africa;
  - 8.7.3 consultation among divisions or departments; as the case may be, of Essilor South Africa is required;
  - 8.7.4 the requester consents to such an extension in writing; or
  - 8.7.5 the parties agree in any other manner to such an extension.
- Should Essilor South Africa require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 8.8 If the Information Officer fails to respond (or extend the period within which to respond) within thirty days after a request has been received, it will, in terms of PAIA, be deemed to have refused the request (section 58 read together with section 56(1) of PAIA).
- 8.9 Where access is granted:
- 8.9.1 the Information Officer will advise the requester of:
    - the access fee to be paid for the information (in accordance with paragraph 6 of this Manual below) prior to Essilor South Africa being able to process the request and grant the access (section 54(1) of PAIA);
    - the format in which access will be given;
    - the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted (section 56(2) of PAIA); and
  - 8.9.2 access to the record requested will be given as soon as reasonably possible.
- 8.10 The following access and reproduction fees apply:

- 8.10.1 the request fee payable by a requester, other than a personal requester (being a requester who seeks access to a record containing personal information about that requester) is R50,00. The requester may lodge an application to the court against the tender or payment of the request fee (section 54(3)(b) of PAIA); and
- 8.10.2 where the Information Officer is of the opinion that the number of hours required to search, reproduce and/or prepare the information requested will exceed 6 hours, it may require that a deposit be paid, calculated in accordance with PAIA.

- 8.11 If the request for access is refused, the Information Officer shall advise the requester in writing of the refusal, including adequate reasons for the refusal and that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (section 56(3) of PAIA).
- 8.12 Upon the refusal by the Information Officer, any deposit paid by the requester will be refunded.
- 8.13 The requester may lodge an appeal with a court of competent jurisdiction against any process set out in this paragraph.

## **9. RECORDS NOT FOUND**

- 9.1 If a record cannot be found or if the records do not exist, the Information Officer shall notify the requester (providing full details of steps taken to find the record or determine its existence) that it is not possible to give access to the requested record.
- 9.2 If the record in question should later be found, the requester shall be given access to the record unless access is refused by Essilor South Africa.

## **10. REFUSAL OF ACCESS**

- 10.1 Essilor South Africa may refuse to grant access on certain grounds, including the following (Part 3, Chapter 4 of the PAIA):
- 10.1.1 that the record constitutes privileged information for the purposes of legal proceedings or is subject to professional privilege;
- 10.1.2 to protect the commercial information or the confidential information of a third party or Essilor South Africa;
- 10.1.3 that it is necessary to protect the safety of individuals or property;
- 10.1.4 that it is necessary to protect the research information of a third party or Essilor South Africa; or
- 10.1.5 that granting access would result in the unreasonable disclosure of personal information about a third party.

## **11. PROTECTION OF PERSONAL INFORMATION**

## 11.1 Introduction

11.1.1 Chapter 3 of POPI provides for the minimum conditions for lawful "processing" of "personal information" by a "responsible party" (as such terms are defined under POPI). These conditions may not be derogated from unless specific exclusions apply as outlined in POPI.

11.1.2 Essilor South Africa requires personal information relating to both natural and legal persons in order to carry out its business and organizational functions.

The manner in which this information is processed and the purpose for which it is processed is determined by Essilor South Africa. Accordingly, Essilor South Africa is a responsible party for the purposes of POPI and will ensure that the personal information of a "data subject" (as defined in POPI), amongst other things as prescribed by POPI:

- is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data is collected by Essilor South Africa, in the form of privacy or data collection notices. Essilor South Africa must also have a legal basis (for example, but not limited to, consent) to process personal information;
- is processed only for the purposes for which it was collected;
- will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- is adequate, relevant and not excessive for the purposes for which it was collected;
- is accurate and kept up to date;
- will not be kept for longer than necessary;
- is processed in accordance with integrity and confidentiality principles – this includes physical and organizational measures to ensure that personal information, in both physical and electronic form, is subject to an appropriate level of security when stored, used and communicated by Essilor South Africa, in order to protect against access and acquisition by unauthorized persons and accidental loss, destruction or damage; and
- is processed in accordance with the rights of data subjects, where applicable.

## 11.2 Data Subject Rights

11.2.1 Data Subjects have the right to:

- be notified that their personal information is being collected by Essilor South Africa. The data subject also has the right to be notified in the event of a data breach;
- know whether Essilor South Africa holds personal information about them and to access that information. Any request for information must be handled in accordance with the provisions of this PAIA Manual;



- request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- object to Essilor South Africa's use of their personal information and request the deletion of such personal information (deletion would be subject to Essilor South Africa's record keeping requirements);
- object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
- complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

### 11.3 Purpose of the Processing of Personal Information by Essilor South Africa

As noted above, personal information held by Essilor South Africa can only be processed for a specific purpose. The purpose for which Essilor South Africa processes or will process personal information includes but is not limited to:

- manufacture of custom ophthalmic lenses for patients
- rendering of services to our customers;
- employee administration;
- transacting with our suppliers and third-party service providers;
- maintaining records;
- recruitment;
- general administration;
- financial requirements;
- compliance with legal and regulatory requirements; and
- facilities management.

### 11.4 Categories of Data Subjects and Personal Information relating thereto

In terms of section 1 of POPI, a data subject may either be a natural or a juristic person. The various categories of Data Subjects that Essilor South Africa processes personal information in respect of and the types of personal information relating thereto includes but is not limited to those detailed in section B of Annexure B to this Manual.

<b>Data Subject</b>	<b>Personal Information processed</b>
Employees	ID number, contact details, physical and postal address, date of birth, age, marital status, race, employment history, criminal/background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information (including medical aid, pension/ provident fund information), details related to employee performance, disciplinary procedures, employee disability information, employee pension and provident fund information, employee contracts, employee performance

	records, payroll records, electronic access records, physical access records, CCTV records, health and safety records, training records, employment history, time and attendance records
Clients	<b>Natural persons:</b> ID number, information required for FICA compliance, contact details, physical and postal address <b>Legal persons:</b> Entity name, registration number, VAT number, contact details for representative persons, FICA documentation
Suppliers and service providers	Entity name, registration number, income tax number, tax information, contact details for representative persons, FICA documentation, B-BBEE certificates, invoices, agreements
Directors and shareholders	Name, surname, ID numbers, other information as required for reporting purposes
Patient Information	Name, prescription details as provided by a Health Care Professional in terms of the National Health Act 61 of 2013
Visitors	Physical access records, electronic access records and CCTV records

## 11.5 Sharing of Personal Information

Essilor South Africa may share personal information with:

- other companies forming part of EssilorLuxottica group of companies located outside of South Africa;
- service providers who perform services on behalf of Essilor South Africa; and
- third-party suppliers.

## 11.6 Cross-border flows of Personal Information

11.6.1 Section 72 of POPI provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
- data subjects' consent to the transfer of their personal information; or
- transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party; or
- transfer is necessary for the performance of a contractual obligation between the responsible party and a third party, in the interests of the data subject; or
- the transfer is for the benefit of the data subject, and it is not reasonably practicable to obtain the consent of the data subject, and if it were, the data subject would in all likelihood provide such consent.

11.6.2 Essilor South Africa may from time to time need to transfer personal information to its group companies, service providers and/or other third parties located in a country outside of South Africa, including for the purposes of rendering services to

customers or for Essilor South Africa administration purposes (including employee administration).

Where personal information is transferred outside of South Africa, Essilor South Africa will take steps to ensure that such transfer is subject to 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 POPI

#### 11.7 Description of information security measures to be implemented by Essilor South Africa

Essilor South Africa implements and maintains reasonable technical and organizational measures to protect personal information, including by way of the implementation of policies, procedures and controls aimed at preventing any unauthorized access to, loss or destruction of personal information. Essilor South Africa has a wide range of security measures designed to mitigate data security breaches, accidental loss or destruction of, or damage to, personal information.

Essilor South Africa has and will continue to take steps to ensure that third party providers who process personal information on behalf of Essilor South Africa apply appropriate safeguards in compliance with POPI.

This is not an exhaustive list and is subject to change. A preliminary assessment of the suitability of the information security measures implemented or to be implemented by Essilor South Africa may be conducted in order to ensure that the personal information that is processed by Essilor South Africa is safeguarded and processed in accordance with the Conditions for Lawful Processing under POPI.

## 12. AVAILABILITY OF THE MANUAL

### 12.1 A copy of the Manual is available -

- at [www.essilor.com/za-en/](http://www.essilor.com/za-en/) ;
- at the head office of Essilor South Africa (Pty) Ltd for public inspection during normal business hours;
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

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

## 13. UPDATING OF THE MANUAL

The head of Essilor South Africa (Pty) Ltd will on a regular basis update this manual.

Issued by

*Document signed 21 August 2023*

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Nicolaas Francois Coetzee - Chief Executive Officer