Auction Marketplaces (Pty) Ltd – T/A AuctionBids

Access to Information Manual



We respect your right of access to information.

This manual has been prepared in terms of the section 51 of the Promotion of Access to Information Act 2 of 2000 and to address the requirements of the Protection of Personal Information Act 4 of 2014.

**Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.**

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Date compiled: 16 October 2023

# Introduction

We are Auction Marketplaces (Pty) Ltd T/A AuctionBids, we conduct business as an online auction marketplace, and this is our ‘Access to Information Manual’. Its purpose is to help you access our information and any other information that we have.

For the purpose of POPI and PAIA, Auction Marketplaces (Pty) Ltd is defined as a private body. In accordance with the company’s obligations in terms of POPI and PAIA, Auction Marketplaces (Pty) Ltd has produced this manual.

This manual sets out all information required by both PAIA and POPI and also deals with how requests are to be made in terms of PAIA.

This manual also establishes how compliance with POPI is to be achieved.

PAIA requires us to make it available to you so that you:

* know what types of information we have; and
* can request access to it.

**This manual exists to tell you what information we have and help you get access to it.**

# Our details

Our details are as follows:

* **Company name**: Auction Marketplaces (Pty) Ltd
* **Registration number**: 2020/688165/07
* **Postal address**: P.O Box 6574, Pretoria, 0001
* **Physical address**: 1312 Pretorius Street, Hatfield, Pretoria
* **Phone number**: (021) 342 3840
* **Fax number**: 086 768 6921
* **Information officer**: Felix Peter Ian Erken
* **Information officer email**: [popi@auctionmarketplaces.co.za](mailto:popi@auctionmarketplaces.co.za)
* **Contact email**: [info@auctionbids.co.za](mailto:info@auctionbids.co.za)
* **Website**: https://[www.auctionbids.co.za](http://www.auctionbids.co.za)

**These are all our details, but please rather contact us by email at** [popi@junkmail.co.za](mailto:popi@junkmail.co.za) **whenever possible.**

# Guide of the Information Regulator

A guide to PAIA and how to access information in terms of PAIA has been published pursuant to section 10 of PAIA.

The guide contains information required by an individual who may wish to exercise their rights in terms of PAIA.

Should you wish to access the guide you may request a copy from the Information Officer by submitting **ANNEXURE A,** attached hereto, to the details specified above.

You may also inspect the guide at Auction Marketplaces’ offices during ordinary working hours.

You may also request a copy of the guide from Information Regulator at the following details:

**Information Regulator:**

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone: (010) 023 5200

Website: www.justice.gov.za

Email: [PAIACompliance.IR@justice.gov.za](mailto:PAIACompliance.IR@justice.gov.za)

**For further guidance on how you can get access to information, please visit:**

[**https://inforegulator.org.za/**](https://inforegulator.org.za/)

# Latest Notices in Terms of Section 52(2) of PAIA

At this stage no Notice(s) has / have been published on the categories of records that are available without having to request access to them in terms of PAIA.

# Records we hold

We hold the following subjects and categories of records:

## Company records;

## Business records;

## Financial records;

## Insurance records;

* **Personnel records**;
* **Policies and directives**;
* **Agreements or contracts**;
* **Regulatory documents**;
* **Published information**;
* **Customer information**; and
* **Reference materials**.

Please note that records that are ‘not automatically available,’ must be requested using the process outlined in the ‘How to request access’ section of this manual.

**We hold various subjects and categories of records in electronic or physical form that are available automatically or in other ways.**

**Company records**

Company records are all our records related to the incorporation and administration of our company. Some of them are available from the Companies and Intellectual Property Commission (CIPC).

**Memorandum of incorporation** Automatically available from CIPC

**Directors’ names** Automatically available

from CIPC

**Documents of incorporation** Automatically available from CIPC

**Minutes of board of directors meetings** Not automatically available

**Written resolutions** Not automatically available

**Records relating to appointment of directors, auditor, secretary, public officer, or other officers**

Not automatically available

**Share register and other statutory registers** Not automatically available

**Other statutory records** Not automatically available

**Share Certificates** Not automatically available

**Tradename Registrations** Not automatically available

**Secretarial Records** Not automatically available

**Company records include our memorandum of incorporation and directors’ names.**

**Business records**

Business records include any documents that have economic value to the business.

**Operational records** Not automatically available

**Databases** Not automatically available

**Published works** Not automatically available

**Internal correspondence** Not automatically available

**Product records** Not automatically available

**Power of Attorneys** Not automatically available

**Financial records**

Financial records are all our records related to our finances.

**Financial statements** Not automatically available (NDA required)

**Tax returns** Not automatically available

**Other documents relating to taxation of the company** Not automatically available

**Accounting records** Not automatically available

**Banking records** Not automatically available

**Banking details** Automatically available on request

**Bank statements** Not automatically available

**Electronic banking records** Not automatically available

**Paid cheques** Not automatically available

**Asset register** Not automatically available

**Rental agreements** Not automatically available

**Invoices** Not automatically available

**Financial agreements** Not automatically available

**Financial records include our financial statements and banking details.**

## Insurance records

Insurance records are all our records related to our insurable assets.

**Insurance policies held by the company** Not automatically available

**Register of all immovable property owned by the company** Not automatically available

**Title Deeds** Not automatically available

## Income tax records

Income tax records are all our records related to our income tax obligations.

**PAYE Records** Not automatically available

**Corporate tax records** Not automatically available

**Customs tax** Not automatically available

**Documents issued to employees for income tax purposes** Not automatically available **Records of payments made to SARS on behalf of employees** Not automatically available **VAT records** Not automatically available

**Regional Services Levies** Not automatically available

**Skills Development Levies** Not automatically available

**UIF** Not automatically available

**Workmen’s Compensation** Not automatically available

## Personnel records

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors, and other personnel.

**List of employees** Not automatically available

**Employee personal information** Not automatically available

**Employee employment contracts** Not automatically available

**Employment policies and procedures** Not automatically available

**Employment Equity Plan** Not automatically available

**Medical aid records** Not automatically available

**Pension and provident fund records** Not automatically available

**Salaries of employees** Not automatically available

**Leave records** Not automatically available

**Internal evaluations** Not automatically available

**Disciplinary records** Not automatically available

**Disciplinary codes** Not automatically available

**Training records** Not automatically available

**Operating manuals** Not automatically available

**Personal records provided by personnel** Not automatically available

**Other statutory records** Not automatically available

**Related correspondence** Not automatically available

**Personnel records include records about our employees and contractors.**

## Policies and directives

Policies and directives include both internal and external documents.

**Internal relating to employees and the company** Not automatically available

**External relating to clients and other third parties** Not automatically available

**Information technology systems and documents** Not automatically available

## Agreements or contracts

Agreements or contracts include the documents themselves and all related documents.

**Standard Agreements** Not automatically available

**Contracts concluded with customers** Not automatically available

**NDAs** Not automatically available

**Letters of Intent, MOUs** Not automatically available

**Third party contracts (such as JV agreements, VAR Agreements, etc.)**

Not automatically available

**Office management contracts** Not automatically available

**Supplier contracts** Not automatically available

## Regulatory documents

Regulatory documents include any documents required to comply with any laws.

**Permits** Not automatically available

**Licences** Not automatically available

**Authorities** Not automatically available

## Published information

Published information includes any document that we prepare and produce.

**External newsletters and circulars** Automatically available

**Internal newsletters and circulars** Not automatically available

**Information on the company published by third parties** Not automatically available

## Customer information

Customer information includes any information about anyone that we provide goods or services to, including our customers, leads, or prospects.

**Customer details** Not automatically available

**Contact details of individuals within customers** Not automatically available

**Communications with customers** Not automatically available

**Sales records** Not automatically available

**Transactional information** Not automatically available

**Marketing records** Not automatically available

## Reference materials

Reference materials include any sources of information that we contribute to.

**Books** Not automatically available

**Newsletters and journals articles** Not automatically available

**Magazines** Not automatically available

**Newspaper articles** Not automatically available

# Information we hold to comply with the law

We hold records for the purposes of PAIA in terms of the following main laws, among others:

* Basic Conditions of Employment Act 75 of 1997;
* Broad Based Black Economic Empowerment Act 53 of 2003;
* Companies Act 61 of 1973;
* Companies Act 71 of 2008;
* Compensation for Occupational Injuries and Disease Act 130 of 1993;
* Competition Act 89 of 1998;
* Consumer Protection Act 68 of 2008;
* Copyright Act 98 of 1978;
* Electronic Communications Act 36 of 2005
* Electronic Communications and Transactions Act 25 of 2002;
* Employment Equity Act 55 of 1998;
* Financial Intelligence Centre Act 38 of 2001;
* Income Tax Act 58 of 1962;
* Intellectual Property Laws Amendment Act, No 38 of 1997;
* Intellectual Property Laws Amendment Act, No 28 of 2013;
* Labour Relations Act 66 of 1995;
* National Credit Act 34 of 2005;
* Occupational Health and Safety Act 85 of 1993;
* Prescription Act 18 of 1943;
* Prevention & Combating of Corrupt Activities Act 12 of 2004;
* Prevention of Constitutional Democracy Against Terrorist & Related Activities Act 33 of 2004;
* Prevention of Organised Crime Act 121 of 1998;
* Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
* Protected Disclosures Act 26 of 2000;
* Promotion of Access to Information Act, No 2 of 2000;
* Protection of Personal Information Act 4 of 2013;
* Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002;
* Skills Development Act 97 of 1998;
* Skills Development Levies Act 9 of 1999;
* Trade Marks Act 194 of 1993;
* Unemployment Insurance Act 63 of 2001;
* Unemployment Insurance Contributions Act 4 of 2002; and
* Value Added Tax Act 89 of 1991.

# How to request access

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA. To request access to a record, please complete Form B which is available in this manual.

Please submit the completed form to our information officer together with the relevant request fee at our information officer’s email address, our physical address, or by fax in terms of our details provided above. Please ensure that the completed form:

* has enough information for the information officer to identify you, the requested records, and which form of access you require;
* specifies your email address, postal address, or fax number;
* describes the right that you seek to exercise or protect;
* explains why you need the requested record to exercise or protect that right;
* provides any other way you would like to be informed of our decision other than in writing; and
* provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form we may:

* reject the request due to lack of procedural compliance;
* refuse it if you do not provide sufficient information; or
* delay it.

The request for access will be dealt with within 30 days from date of receipt, unless the requestor has set out special grounds that satisfies the Information Officer that the request be dealt with sooner.

The period of 30 days may be extended by not more than 30 additional days, if the request is for a large quantity of information, or the request requires a search for information held at another office of Junk Mail Publishing (Pty) Ltd and the information cannot be reasonably obtained within 30 days. The information officer will notify the requestor in writing should an extension be necessary.

The requestor will be informed in writing whether access to the records have been granted or denied. If the requestor requires a reason for the decision the request must be expressed in the prescribed form, the requestor must be further stated what particulars of the reasoning the requestor requires.

If a requestor has requested the records on another individual’s behalf, the requestor must submit proof of the capacity the requestor submits the request in, to the satisfaction of the information officer.

Should the requestor have any difficulty with the form or the process laid out herein, the requestor should contact the Information Officer for assistance.

An oral request can be made to the Information Officer should the requestor be unable to complete the form due to illiteracy or a disability. The Information Officer will complete the form on behalf of the requestor and provide a copy of the form to the requestor.

**You may request information by completing a request for access form and submitting it to our information officer together with a request fee.**

# Grounds for refusal

The following are grounds upon which Auction Marketplaces (Pty) Ltd may, subject to the exceptions in Chapter 4 of PAIA, refuse a request for access in accordance with Chapter 4 of PAIA:

* + 1. Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable
    2. Mandatory protection of the commercial information of a third party, if the Records contain:

1. Trade secrets of that third party;
2. Financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
3. Information disclosed in confidence by a third party to the company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
   * 1. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
     2. Mandatory protection of the safety of individuals and the protection of property;
     3. Mandatory protection of Records that would be regarded as privileged in legal proceedings;
     4. Protection of the commercial information of the company, which may include:
4. Trade secrets;
5. Financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the company;
6. Information which, if disclosed, could put Auction Marketplaces (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice the company in commercial competition; and/or
7. Computer programs which are owned by Auction Marketplaces (Pty) Ltd, and which are protected by copyright and intellectual property laws;
   * 1. Research information of the company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
     2. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

# Remedies should a request be refused

Auction Marketplaces (Pty) Ltd does not have an internal appeal procedure in light of a denial of a request, decisions made by the information officer is final;

The requestor may in accordance with sections 56(3) (c) and 78 of PAIA, apply to a court for relief within 180 days of notification of the decision for appropriate relief.

**We may have to refuse you access to a record to protect others.**

# How we will give you access

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you – unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

# How much it will cost you

You must pay us a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out in the Fee Schedule which is available below. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

|  |  |
| --- | --- |
| Request fee  (payable on every request) | **R140.00** |
| Photocopy of an A4 page or part thereof | **R2.00** |
| Printed copy of an A4 page or part thereof | **R2.00** |
| Hard copy on flash drive  (flash drive to be provided by requestor) | **R40.00** |
| Hard copy on a compact disc  (compact disc to be provided by requestor) | **R40.00** |
| Hard copy on a compact disc  (compact disc to be provided by the company) | **R60.00** |
| Transcription of visual images per A4 page | **As per quotation of service provider** |
| Copy of visual images | **As per quotation of service provider** |
| Transcription of an audio record per A4 page | **R24.00** |
| Copy of an audio record on flash drive  (flash drive to be provided by requestor) | **R40.00** |
| Copy of an audio on a compact disc  (compact disc to be provided by requestor) | **R40.00** |
| Copy of an audio on a compact disc  (compact disc to be provided by the company) | **R60.00** |
| To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation | **R145.00** |
| To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation  (cannot exceed total cost) | **R435.00** |
| Postage, email or any other electronic transfer | **Actual expense, if any.** |

# How we process and protect personal information

POPI has eight conditions for lawful processing and includes:

* Accountability
* Processing limitation
* Purpose specification
* Further processing limitation
* Information quality
* Openness
* Security safeguards
* Data subject participation

Auction Marketplaces (Pty) Ltd is involved in the following types of processing:

* Collection
* Recording
* Organization
* Structuring
* Storage
* adaptation or alteration
* retrieval
* consultation
* use
* disclosure by transmission
* dissemination or otherwise making available
* alignment or combination
* restriction
* erasure
* destruction

Auction Marketplaces processes information for the following purposes:

* to fulfil agreements in relation to its employees;
* to provide services to its Clients in accordance with terms agreed to by the Clients;
* to undertake activities related to the provision of services, such as:

1. to fulfil domestic legal, regulatory and compliance requirements;
2. to verify the identity of Customer representatives who contact the company or may be contacted by Auction Marketplaces (Pty) Ltd;
3. for risk assessment, information security management, statistical, trend analysis and planning purposes;
4. to monitor and record calls and electronic communications with the Client for quality, training, investigation and fraud prevention purposes;
5. to enforce or defend the company or the company affiliates’ rights;
6. to manage the company’s relationship with its clients, which may include providing information to its clients and its clients affiliates about the company’s and the company affiliates’ products and services;
7. the purposes related to any authorised disclosure made in terms of agreement, law or regulation;
8. any additional purposes expressly authorised by the Auction Marketplaces (Pty) Ltd’s client;
9. any additional purposes as may be notified to the Client or Data Subjects in any notice provided by the company.

Auction Marketplaces (Pty) Ltd processes personal information the following categories of Data Subjects:

* Juristic persons –

1. Corporate clients
2. Suppliers

* Natural persons –

1. Individuals
2. Staff
3. Clients
4. Suppliers

Auction Marketplaces (Pty) Ltd process the following categories personal information:

* + - Client profile information;
    - Bank account details;
    - Payment information;
    - Client representatives;
    - Names;
    - Email Addresses;
    - Telephone numbers;
    - Facsimile numbers;
    - Physical addresses;
    - Tax numbers;
    - Identity Numbers;
    - Passport Numbers;

Recipients of Personal Information:

* + - The company, the company’s affiliates, their respective representatives

When making authorised disclosures or transfers of personal information in terms of Section 72 of POPI, personal information may not be disclosed to recipients in countries that do not have the same level of protection for personal information as South Africa does.

The following Security measures are implemented by the company:

* + - The company implements numerous security measures to protect personal information that is stored electronically and physically.
    - The company ensures that appropriate security measures are taken and updates these measures on a regular basis.
    - The company have also implemented various policies for additional security for personal information stored both physically and electronically.
    - The personal information that is stored physically is protected as follows:
      1. Where physical records of the data exist, such records will be stored in a secure area that can be ‘locked-away’ as to avoid a breach of the personal information.
      2. Such physical data records will be ‘locked-away’ and secured when not in use.
    - The company may share personal information with third parties and in certain instances this may result in cross border flow of the personal information. The personal information will always be subject to protection, not less than the protection it is afforded under the Protection of Personal Information Act No.4 of 2013.
    - Objection to the processing of personal information by a data subject:

1. Section 11(3) of POPI and regulation 2 of the POPI regulations provides that a data subject may, at any time object to the processing of their personal information in the prescribed form attached to this manual as **“Annexure “B”.**
   * + Request for correction or deletion of personal information:
     1. Section 24 of POPI and regulation 3 of the POPI regulations provides that a data subject may request for their personal information to be corrected and/or deleted in the prescribed form attached hereto as **ANNEXURE “C”.**

**We do our best to keep all data in our possession secure and up-to-date.**

# Remedies

If your request for access is denied, you may:

* apply to a court with appropriate jurisdiction, or
* lodge a complaint with the Information Regulator, for the necessary relief.

# Availability of this Manual

This manual is available in English and will be available on our website, and at our company offices. The manual is also electronically available on our website at: https://[www.auctionbids.co.za/PAIA-manual.pdf](http://www.auctionbids.co.za/PAIA-manual.pdf)

# Updates to this Manual

This manual will be updated whenever we make material changes to the current information.

# Signature of Information Officer

**SIGNATURE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# ANNEXURE A



# ANNEXURE B

Graphical user interface, application, Word

Description automatically generated

Table

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Table

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Table

Description automatically generated

# ANNEXURE C





# ANNEXURE D



A close-up of a form

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