



**SOUTHERN AFRICAN MUSIC RIGHTS ORGANISATION  
NPC**

**Registration No. 1961/002506/08**

**MANUAL**

Published in terms of section 51 of the

**Promotion of Access to Information Act 2 of 2000**

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## 1 Introduction

SAMRO's primary role is to administer Performing Rights on behalf of our members. We do so by licensing music users (such as television and radio broadcasters, live music venues, retailers, restaurants, promoters and shopping centres), through the collection of licence fees which are then distributed as royalties.

This Promotion of Access to Information Manual ("Manual") provides an outline of the type of records and the personal information it holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 ("PAIA Act"). In addition, it explains how to **access**, or **object to**, personal information held by the Company, or **request correction** of the personal information, in terms of paragraphs 23 and 24 of the Protection of Personal Information Act 4 of 2013 ("POPI Act").

The PAIA and POPI Acts give effect to everyone's constitutional right of access to information held by private sector or public bodies, if the record or personal information 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.

Requests shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in section 5.

### 1.1 Availability of this PAIA Manual

This manual can be requested from the Company Secretary General Manager: Legal Services and Compliance (see contact details in section 2).

### 1.2 Availability of guides to the PAIA and POPI Acts

Guides to the PAIA and POPI Acts can be obtained and queries directed to:

PAIA Act	POPI Act
South African Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 Houghton Johannesburg 2041	Information Regulator (details still to be published).
29 Princess of Wales Terrace Corner York and St Andrews Street Parktown Johannesburg 2193	
Telephone number: (011) 484 8300 Fax number: (011) 484 7146/7 Website : <a href="http://www.sahrc.org.za">www.sahrc.org.za</a> E-mail : <a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>	

## 2 Company contact details

Company contact details in terms of PAIA section 51:

SAMRO NPC  
P.O. Box 31627  
Braamfontein  
Gauteng  
2017  
20 De Korte  
Braamfontein  
Johannesburg  
2001

Telephone: +27 11 712 8000  
Fascimile: +27 (0) 86 674 4391  
Website : [www.SAMRO.co.za](http://www.SAMRO.co.za)

Duly authorised person:

Information Officer

Alpha Mampane

E-mail: [alpha.mampane@samro.org.za](mailto:alpha.mampane@samro.org.za)

Telephone number: (011) 712 8000

### 3 Company records

#### 3.1 Company records availability

Departmental records	Subject	Classification No.
<b>Communications and Marketing Department</b>	Current Product Information	1,4
	Public Corporate Records	1
	Launches and Events Records	4,5
	Journalist records	4,5
	Media Releases	1
<b>Health and Safety Department</b>	Health and Safety Records (Employees, Contractors)	
<b>Human Resources Department</b>	Employee Records	4,5,9
	Employment Contracts	4,5
	Personnel Guidelines, Policies and Procedures	12
	Employee Medical Records	4,5,8
	Employee Disability Insurance Records	4,5
	Employee Pension and Provident Fund Records	4,5
	Payroll Records	4,5
	Recruitment Records	4,5
<b>Financial Department</b>	Audited Financial Statements	12
	Tax Records (Company & Employees)	4,12

<b>Departmental records</b>	<b>Subject</b>	<b>Classification No.</b>
	Asset Register	12
	Supplier Records	4,5
	Management Accounts	12
	Fleet Insurance Records	4,5
<b>Legal Services Department</b>	General Contract Documentation	6,12
	Company Guidelines, Policies and Procedures	12
	Intellectual Property Records	3
	Employee, customer and supplier information	10
	Immovable Property Records	12
	Statutory Records	12
Rights Holder Services	Customer Records	4, 5
IT Department	Processing, Testing and Development Records	4, 5
Facilities Management Department	Physical Security Records (Visitors, Suppliers, Contractors, Employees)	4,5
	Electronic Access & Identity Management Records (Employees, Contractors)	4, 5
	Time and Attendance Records	4, 5
Risk Control Centre	Complaints and Investigations Records	4, 5
Mail Room	Mail Register	4, 5

### 3.2 Company record classification key

Classification No.	Access	Classification [PAIA section]
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information [s61]
5	May not be Disclosed	Unreasonable disclosure of personal information or of Natural person [s63(1)] or Juristic Person [POPI]
6	May not be Disclosed	Likely to harm the commercial or financial interests of third party [s64(a)(b)]
7	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(c)]
8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be Disclosed	Legally privileged document [s67]
11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be Disclosed	Commercial information of Private Body [s68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be Refused	Disclosure in public interest [s70]

## **4 Processing of personal information**

SAMRO takes the privacy and protection of personal information very seriously and will only process personal information in accordance with the current South African privacy. Accordingly, the relevant personal information privacy principles relating to the processing thereof (including, but not limited to, the collection, handling, transfer, sharing, correction, storage, archiving and deletion) will be applied to any personal information processed by SAMRO.

### **4.1 The purpose of processing of personal information by SAMRO**

We process personal information for a variety of purposes, including but not limited to the following:

- to provide or manage any information and/or services requested by data subjects;
- to help us identify data subjects when they contact SAMRO;
- to maintain customer records;
- for recruitment purposes;
- for employment purposes;
- for travel purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to monitor access, secure and manage our premises and facilities;
- to transact with our suppliers and business partners;
- to help us improve the quality of our services;
- to help us detect and prevent fraud and corruption;
- to help us recover debts;
- to carry out analysis and customer profiling; and
- to identify other services which might be of interest to data subjects and to inform them about our services.

### **4.2 Categories of data subjects and personal information processed by SAMRO**

Categories of data subjects and personal information processed by SAMRO include the following:



Categories of Data Subjects	Personal Information processed
Customers and potential customers	Customer personal information
Suppliers	Supplier personal information
	Personal information of supplier representatives
Employees	Employee personal information
	Employee medical information
	Employee Disability information
	Employee pension/retirement fund information
	Employee Contracts
	Payroll Records
	Physical access records
	Employment history
	Training records
	Health and Safety records
	Employee performance records
Job applicants	CVs
	Criminal and Background Checks
Visitors	Physical and electronic Access Records
	Surveillance records

#### 4.3 Recipients or categories of recipients with whom personal information is shared

We may share the personal information of our data subjects for any of the purposes outlined in Section 4.1, with: the following:

- other SAMRO Group Companies;
- our service providers and agents who perform services on our behalf.

We do not share the personal information of our data subjects with any third parties, except if:

- we are obliged to provide such information for legal or regulatory purposes;
- we are required to do so for purposes of existing or future legal proceedings,
- we are involved in the prevention of fraud, loss, bribery or corruption;
- they perform services and process personal information on our behalf;
- this is required to provide or manage any information and/or services to data subjects; or

- needed to help us improve the quality of our services.

We will send our data subjects notifications or communications if we are obliged by law, or in terms of our contractual relationship with them.

We will only disclose personal information to government authorities if we are required to do so by law.

Our employees, our agencies and our suppliers, are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

#### **4.4 Information security measures to protect personal information**

Reasonable technical and organisational measures have been implemented for the protection of personal information processed by SAMRO and its operators. In terms of the PoPI Act, operators are third parties that process personal information on behalf of SAMRO.

We continuously implement and monitor technical and organisational security measures to protect the personal information we hold, against unauthorised access, as well as accidental or wilful manipulation, loss or destruction.

We will take steps to ensure that operators that process personal information on behalf of SAMRO apply adequate safeguards as outlined above.

#### **4.5 Trans-border flows of personal information**

We will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements; or if the data subject consents to transfer of their personal information to third parties in foreign countries.

We will take steps to ensure that operators are bound by 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 the PoPI Act.

We will take steps to ensure that operators that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 4.4.

#### **4.6 Personal information received from third parties**

When we receive personal information from a third party on behalf of a data subject, we require confirmation that they have written consent from the data subject that they are aware of the contents of this PAIA manual and the SAMRO Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

### **5 Prescribed request forms and fees**

#### **5.1 Form of request**

To facilitate the processing of your request, kindly:

- i. Use the prescribed form to be obtained from the office of the Company Secretary.
- ii. Address your request to the office of the Company Secretary.
- iii. Provide sufficient detail to enable the Company to identify:
  - a. The record(s) requested.
  - b. The requestor (and, if an agent is lodging the request, proof of capacity).
  - c. The South African postal address, email address or fax number of the requestor.
  - d. The form of access required.
  - e. The South African postal address, email address or fax number of the requestor.
  - f. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
  - g. The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

#### **5.2 Prescribed fees**

The following applies to requests (other than personal requests):

- i. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.

- ii. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- iii. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- iv. Records may be withheld until the fees have been paid.
- v. The detailed Fee Structure is available on request

## **6 Remedies**

The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorised persons in section 2, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.