



## PAIA Manual

Shiftly FX (Pty) Ltd trading as "Shiftly"  
Reg. No. 2019/338591/07  
FSP 51806

Last update: 28 November 2023

## SHIFTLY PAIA MANUAL

PREPARED IN TERMS OF SECTION 51 OF THE *PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED)* AND THE *PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (AS AMENDED)*

### 1. INTRODUCTION

Shiftly understands the importance of transparency and the Constitutional right of access to information and will do our utmost best to ensure that anyone who requires access to any record to fully exercise and protect their rights has access to the PAIA Guide prepared by the Regulator as well as assistance from Shiftly in undertaking the request process. Shiftly takes extreme care to ensure all the records we hold are protected from unlawful access and are processed in accordance with South African law. To this end, Shiftly has prepared this PAIA manual in accordance with the requirements of section 51 of PAIA to assist anyone where they seek to request access to information held by Shiftly under PAIA.

### 2. DEFINITIONS AND INTERPRETATION

In this Agreement, unless otherwise indicated by context, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings:

- 2.1. "CEO" means the Chief Executive Officer;
- 2.2. "DIO" means the Deputy Information Officer;
- 2.3. "IO" means Information Officer;
- 2.4. "PAIA" means the *Promotion of Access to Information Act, 2 of 2000*, as amended;
- 2.5. "POPI" means the *Protection of Personal Information Act, 4 of 2013*, as amended;
- 2.6. "Regulator" means the Information Regulator established in terms of section 39 of POPI;
- 2.7. "Regulations" means the regulations published in terms of section 92 of PAIA; and
- 2.8. "South Africa" means the Republic of South Africa.

### 3. PURPOSE OF SHIFTLY PAIA MANUAL

The purpose of this PAIA manual is to assist anyone to:

- 3.1. review the categories of records held by Shiftly which are available without having to submit a formal PAIA request;
- 3.2. understand how to make a request for access to a record of Shiftly, by providing a description of the subjects on which we hold records and the categories of records held under each subject;
- 3.3. review the types of records of Shiftly which are available in accordance with any other legislation;
- 3.4. access all the relevant contact details of the IO and DIO of Shiftly who will assist with the records anyone intends to access;
- 3.5. understand how to access the guide on how to use PAIA, as updated by the Regulator;

- 3.6. understand whether Shiftly will process personal information, the purposes for which we process personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7. distinguish the categories of data subjects and of the information or categories of information relating thereto;
- 3.8. identify the third parties to whom personal information may be supplied by Shiftly;
- 3.9. identify if Shiftly has planned to transfer or process personal information outside of South Africa and the parties to whom the personal information may be transferred; and
- 3.10. understand the appropriate security measures which Shiftly employs to ensure the confidentiality, integrity and availability of the personal information we process.

#### **4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide on how to use PAIA (“**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 POPI.
- 4.2. The Regulator has made the PAIA Guide available in each of the official languages of South Africa and in braille.
- 4.3. The PAIA Guide contains the following:
  - 4.3.1. The objects of PAIA as well as POPI;
  - 4.3.2. How to access the postal address, telephone number and email address of every registered IO and DIO (for both public and private bodies);
  - 4.3.3. The manner and form of request for:
    - 4.3.3.1. access to a record of a public body contemplated in section 11 of PAIA; and
    - 4.3.3.2. access to a record of a private body contemplated in section 50 of PAIA.
  - 4.3.4. the assistance available from the IO of a body in terms of PAIA and POPI;
  - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPI;
  - 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 POPI, 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 IO 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 and 51 of PAIA 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 and 52 of PAIA 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 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
  - 4.3.10. the Regulations.

- 4.4. Anyone can inspect or make copies of the PAIA Guide from Shiftly's offices as well as the office of the Regulator, during normal working hours.
- 4.5. The PAIA Guide can also be obtained -
  - 4.5.1. upon request to Shiftly's IO or DIO;
  - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- 4.6. A copy of the PAIA Guide is also available in the following two official languages, for public inspection during normal office hours-
  - 4.6.1. English; and
  - 4.6.2. Afrikaans.

## **5. SHIFTLY CONTACT DETAILS FOR ACCESS TO INFORMATION**

### **5.1. CEO**

Name: Carel De Villiers

Telephone: 063 143 3964

Email: [carel@shiftly.co.za](mailto:carel@shiftly.co.za)

### **5.2. DEPUTY INFORMATION OFFICER**

Name: Lourens Coetzee

Telephone: 063 143 3964

Email: [lourens@shiftly.co.za](mailto:lourens@shiftly.co.za)

### **5.3. GENERAL CONTACT:**

Email: [support@shiftly.co.za](mailto:support@shiftly.co.za)

### **5.4. SHIFTLY HEAD OFFICE**

Physical Address: S8, 2nd Floor, The Sanctuary, % De Beers Ave & Broadway Blvd, Somerset West, 7130

Postal Address: same as above

Telephone number: 063 143 3964

Website: <https://shiftly.co.za/>

## **6. PROCEDURE TO REQUEST ACCESS TO INFORMATION**

- 6.1. A request for access to information for a record held by Shiftly must be made on a form which corresponds substantially to that of Form 2 of the Regulations (attached hereto as Annexure A) along with proof of payment of the prescribed fee to Shiftly's CEO or DIO at the details listed above.
- 6.2. When completing Form 2 or a form substantially similar, a requester must provide clear and accurate information and clearly state the right which the requestor seeks to exercise or protect, the record which they are seeking to access and an explanation as to how such record will assist them to exercise or protect their rights.
- 6.3. Shiftly has 30 (thirty) days within which to respond to any request received. Once a decision has been made, Shiftly's CEO or DIO will inform a requester of their decision whether to grant or refuse a request and any fees payable on a form that corresponds substantially to that of Form 3 of the Regulations.

- 6.4. Shiftly may refuse a request for access to a record on any of the grounds listed in Chapter 4 of PAIA (which are listed in the PAIA Guide).
- 6.5. A requestor is required to pay the request fee before a request will be processed. The request fee is listed in Annexure B to the Regulations. The current request fee payable is **R140.00 (one hundred and forty Rand) per request**.
- 6.6. The request fee must be paid into Shiftly's nominated bank account, which details are available from our CEO or DIO on request.

**7. REMEDIES**

- 7.1. If a requestor is unhappy with a decision made by Shiftly they may submit a complaint to the Regulator.
- 7.2. A complaint to the Regulator must be made on a form which corresponds substantially to that of Form 5 of the Regulations, which is attached hereto as Annexure B. A complaint to the Regulator must be lodged within 180 (one hundred and eighty) days of receipt of the decision from Shiftly.
- 7.3. The complaint will then follow the dispute resolution process described in the Regulations as well as the PAIA Guide.

**8. SHIFTLY RECORDS WHICH ARE AVAILABLE WITHOUT REQUEST**

- 8.1. The following records are made freely available by Shiftly and do not require any request to access:

Category of records	Types of the Record	Where Available
Terms of Service	Website Terms of Service and Use	On Website
Shiftly Policies	Privacy policy	On Website
	Cookie Policy	On Website
	Risk Disclosure Policy	On Website
	KYC and AML Policy	On Website

**9. SHIFTLY RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**

- 9.1. The following records are freely available to the public in accordance with legislation –

Category of Records	Applicable Legislation
Shiftly Memorandum of Incorporation	Companies Act 71 of 2008
Shiftly PAIA Manual	Promotion of Access to Information Act 2 of 2000
Shiftly Privacy Policy	Protection of Personal Information Act 4 of 2013

**10. SUBJECTS AND CATEGORIES OF RECORDS HELD BY SHIFTLY**

- 10.1. Shiftly holds records on the following subjects:

Subject of Records	Categories of Records
Company Secretarial	Memorandum of Incorporation; share certificates, resolutions, director registrations, minutes of meetings, share register
Human Resources	HR policies and procedures; available employment opportunities; employee records
Finance	Banking/bank account records; contractual agreements, accounting records, financial statements and reports, invoices
Insurance	Insurance policy documents
Intellectual Property	Trademarks, copyright, knowhow, and contractual agreements

Subject of Records	Categories of Records
Tax	Income tax records, contractual agreements
Commercial Agreements	Service level agreements; intermediary agreements, contractor agreements
KYC and AML	Policies; service level agreements; client records
Property	Lease agreements
Information Technology	Software licenses, data protection measures, data retention formulae, breach recovery processes

## 11. PROCESSING OF PERSONAL INFORMATION

### 11.1. Purpose of Processing

11.1.1. Shiftly processes personal information for legitimate business purposes and as a necessary function of a client's engagement with Shiftly's services with such client's express consent. Shiftly therefore processes personal information in the following circumstances:

- 11.1.1.1. to provide our services to a client;
- 11.1.1.2. for internal record keeping of responsible party third parties and the development of metrics of third-party searches;
- 11.1.1.3. to perform Shiftly KYC/AML verification checks against clients;
- 11.1.1.4. to contact a client regarding current or new Shiftly services or any other product offered by us or any of our divisions and/or partners;
- 11.1.1.5. to inform clients of any new features, special offers and/or promotional competitions offered by Shiftly or any of our divisions and/or partners;
- 11.1.1.6. to receive and accept services from independent contractors;
- 11.1.1.7. to allow clients to participate in any online engagement with Shiftly such as webinars, video calls or workshops;
- 11.1.1.8. to provide it to authorised third party service providers who need personal information to provide services to Shiftly and/or their own related services to client's directly;
- 11.1.1.9. to provide it to mandated government authorities when instructed to do so for legal compliance only (such as the Income Tax Act, FICA, Exchange Control Regulations etc.);
- 11.1.1.10. to improve Shiftly's product selection and user experiences on Shiftly's website through analytical data.

### 11.2. Data Subjects and Information Processed

As a responsible party, Shiftly processes the following information from the following list of data subjects –

Data Subjects	Personal Information that may be processed
Clients	Information from client on-boarding which includes personal information; contact details; employer information; bank account information; identity documentation; photograph; proof of address; references.
Service Providers	Company information such as name, registration number, VAT information, registered address, FICA documentation. Information obtained from service level agreements such as, trade secrets confidential information and banking information.
Intermediaries	Company information such as name, registration number, VAT information, registered address, FICA documentation, information

Data Subjects	Personal Information that may be processed
	obtained from contractual agreements such as confidential information, banking information and/or tax information.
Employees / Directors / Shareholders	Full name, identify documentation, address, contact information, educational qualifications (including curriculum vitae), gender, race, banking information, tax information and medical information.
Consultants / Independent Contractors	Company information such as name, registration number, VAT information, registered address, and/or personal information such as full name, address, identity number, contact information, FICA documentation and information obtained from contractual agreements such as confidential information, banking information and/or tax information.

### 11.3. Third Part Recipients to whom Shiftly shares personal information

In accordance with our operational requirements, Shiftly shares personal information with the following third parties –

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Personal information for KYC and AML checking	DocFox
Banking and finance information for purposes of managing client bank accounts	Bidvest Bank, Mercantile Bank, Access Bank, Sasfin Bank, Investec Bank
Personal and contractual information to provide document signature services	ZohoSign
Financial information to provide financial intermediary services	Block loan (Pty) Ltd

### 11.4. International Transfers

11.4.1. Shiftly may transfer personal information outside of South Africa in the following circumstances:

11.4.1.1. personal information which is stored in the secure Google Drive cloud servers which are predominantly based in the USA.

11.4.2. Whenever Shiftly transfers any personal information outside of South Africa, we always ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards are implemented:

11.4.2.1. there are contracts in place with all such third parties, providing warranties that they will process the personal information at standards equal to or better than those applied by Shiftly; and

11.4.2.2. Shiftly will only transfer personal information to countries that have been deemed to provide an adequate level of protection for personal information by the Regulator.

### 11.5. Data Security

11.5.1. To prevent the personal information Shiftly processes from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed, Shiftly stores all its information on the secure Google Drive cloud servers. All information processed is also restricted to only those individuals who need access.

## **12. AVAILABILITY OF PAIA MANUAL**

- 12.1. A copy of this PAIA Manual is available-
  - 12.1.1. on our website, at <https://shiftly.co.za/>;
  - 12.1.2. at our offices during ordinary business hours;
  - 12.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
  - 12.1.4. to the Information Regulator upon request.
- 12.2. The fee for a copy of this PAIA Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## **13. UPDATE TO THIS PAIA MANUAL**

- 13.1. This PAIA Manual will be regularly updated by Shiftly's CEO and/or DIO.
- 13.2. The last updated date of this PAIA Manual can be seen on the cover page of this document.