



**INFORMATION PAIA MANUAL (“PAIA MANUAL or MANUAL”)**

**OF**

**HCL TECHNOLOGIES (PTY) LTD**

**(Registration No. 2009/003046/07)**

**(“HCL”)**

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000 (AS AMENDED)**

## 1. Background

1.1 The Promotion of Access to Information Act, No. 2 of 2000 ("**PAIA**") was enacted on 3 February 2000. PAIA seeks to give effect to the constitutional right of access to information and advance the values of transparency and accountability.

1.2 PAIA establishes several statutory rights of the requester (the "**Requester**") to access a records(s) of HCL Technologies (PTY) LTD hereinafter referred to as 'HCL' if the Requester is able to show that the record is required for the exercise or protection of any rights, provided that no grounds of refusal contained in PAIA and the Requester complies with all of the procedural requirements.

1.3 Section 51 of PAIA obliges all private bodies to compile a manual giving information to the public regarding the procedure to be followed in requesting information from such bodies for the purpose of exercising or protecting rights. HCL is a privacy body as defined in PAIA.

1.4 This Manual is compiled in accordance with Section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("**POPIA**"), which gives effect to everyone's Constitutional right to privacy. This Manual includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

1.5 This Manual is available to view at HCL premises and on its website: [IT Technology Consulting in South Africa | HCL Technologies](#)

## 2. PURPOSE OF PAIA MANUAL

2.1 This PAIA Manual is useful for the public and the Requester to:

- 2.1.1 check the categories of records held by HCL which are available without a person having to submit a formal PAIA request;

- 2.1.2 have a sufficient understanding of how to make a request for access to a record of HCL, by providing a description of the subjects on which HCL holds records and the categories of records held on each subject;
- 2.1.3 know the description of the records of HCL which are available in accordance with any other legislation;
- 2.1.4 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;
- 2.1.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.1.6 know if HCL 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;
- 2.1.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.1.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.1.9 know if HCL 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
- 2.1.10 know whether HCL has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

**Note:** *This Manual does not comprehensively deal with every procedure provided for in PAIA. Requestors of information are advised to familiarise themselves with the provisions of the PAIA before making any requests to HCL in terms of PAIA.*

### **3. CONTACT DETAILS OF HCL TECHNOLOGIES (PTY) LTD**

#### **3.1. HCL Technologies (Pty) Ltd**

Postal Address: 4th Floor, Greenpark Corner, 3 Lower Road,  
Sandton, 2196, South Africa

Physical Address: 4th Floor, Greenpark Corner, 3 Lower Road,  
Sandton, 2196, South Africa

Telephone: +27 11 063 8500  
Email: Reception-JSA@hcl.com  
Website: <https://www.hcltech.com/>

### 3.2. Information Officer

Name: Satish Nrusimhadevara  
Tel: +27646546457  
Email: satish-nr@hcl.com

### 3.3. Deputy Information Officer

Name: Amit Kumar  
Tel: +27110638528  
Email: k\_amit@hcl.com

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

- 4.1. Section 10 of PAIA requires the South African Human Rights Commission (SAHRC), the previous authority enforcing and implementing data subject access rights to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA.
- 4.2. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the 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.
- 4.3. The aforesaid Guide contains the description of:
- 4.3.1. the objects of PAIA and POPIA;
  - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:
    - 4.3.2.1. the Information Officer of every public body, and
    - 4.3.2.2. every Deputy Information Officer of every private and public body;
  - 4.3.3. the manner and form of a request for access to a record of a private body;
  - 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
  - 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

- 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 POPIA, 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 information officer 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 fees to be paid in relation to requests for access and the regulations made in terms of PAIA.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained:
  - 4.5.1. upon request to the Information Officer;
  - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6. A copy of the Guide is available for inspection at the offices of SAHRC situated at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Gauteng, South Africa and on the website at [www.sahrc.org.za](http://www.sahrc.org.za).

Contact details are as follows:

Post: South African Human Rights Commission Promotions of Access to Information Act Unit Research and Documentation Department Private Bag X2700 Houghton 2041

Telephone: 0118773600

Fax: 0114030668

Website: [www.sahrc.org.za](http://www.sahrc.org.za) or [www.section51.paia@sahrc.org.za](mailto:www.section51.paia@sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **5. CATEGORIES OF RECORDS HELD BY HCL WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

- 5.1. These categories of information relate to publicly available information i.e. internally and externally. Such information need not be requested in terms of PAIA. For example, the following recorded information can be obtained automatically without a formal PAIA request procedure:

- Annual reports
- HCL printed publications (Newsletters, Booklets etc.)
- Other information published on HCL internet website

**6. RECORDS HELD BY HCL WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION AS CONTEMPLATED UNDER SECTION 51(1)(D) OF THE PAIA**

6.1. Certain records held by HCL are available in terms of legislation other than the PAIA. The specific records which are available in terms of such legislation are set out in that legislation and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

<b>Applicable Legislation</b>
Companies Act 71 of 2008
Promotion of Access to Information Act 2 of 2000
Pension Funds Act 24 of 1956
Income Tax Act 58 of 1962
Value Added Tax Act 89 of 1991
Occupational Health and Safety Act 85 of 1993
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Labour Relations Act 66 of 1995
Tax on Retirement Funds Act 38 of 1996
Basic Conditions of Employment Act 75 of 1997
Employment Equity Act 55 of 1998
Medical Schemes Act, No. 131 of 1998
Unemployment Contributions Act 4 of 2002
Unemployment Insurance Act 30 of 1966
Broad-based Black Economic Empowerment act, 2003

Skills Development Act 97 of 1998

**Note:** Whilst all reasonable endeavours have been made to provide a complete list of applicable legislation above, it is possible that the above list may be incomplete. Wherever it comes to the HCL’s attention that existing or new legislation allows a requester access on a basis other than that set out in the PAIA, the above list will be updated.

**7. RECORDS, CATEGORIES AND SUBJECTS WHICH HCL HOLDS (available only on request to access in terms of PAIA section 51(1)(e))**

7.1 The information contained in this section is intended to identify the main categories of records held by HCL and to help the Requester to gain a better understanding of the main business activities of HCL.

7.2 Records to which access will be provided in accordance with the PAIA (subject to the restrictions and right of refusal to access provided for in the PAIA) are available in respect of the following (non- exhaustive) aspects of HCL’s businesses and operations:

Subjects on which HCL holds records	Categories of records
Company records	Documents of incorporation; Memorandum and Articles of Association or Memorandum of Incorporation (as applicable); Records relating to the appointment of directors/ auditor / secretary; Public officer and other officers; Share Register and other statutory registers; Minutes of meetings of the Board of Directors; Share certificates; Special resolutions/Resolutions
Financial Records	Annual Financial Statements; Tax Returns; Accounting Records; Banking Records; Bank Statements; Electronic banking records; Asset Register;

Subjects on which HCL holds records	Categories of records
	Invoices; Banking details and bank accounts; Debtors/Creditors statements and invoices; General ledgers and subsidiary ledgers; General reconciliation; Policies and procedures
Personnel / Employees Documents and Records	Employment contracts; Employment Equity Plan; Medical Aid records; Pension Fund records; Disciplinary records; Salary records; SETA records; Disciplinary code; Leave records; Training records; Training Manuals; Employee benefits arrangements rules and records; Employment Equity Plan Forms and Applications Grievance Procedures; Workplace and Union agreements and records.
Sales	Customer details; Information and records provided by a third party
Marketing	Advertising and promotional material
Risk Management and Compliance	Audit reports; Risk management frameworks; Risk management plans; Disaster recovery plans; Risk Management Certificates Quality Management plan/documents/certificats
IT Department	Computer/mobile device usage policy documentation;



<b>Subjects on which HCL holds records</b>	<b>Categories of records</b>
	Hardware asset registers; Information security policies / standards / procedures; Information technology systems and user manuals Information usage policy documentation; Project implementation plans; Software licensing; System documentation and manuals

7.3 The accessibility of the records may be subject to the grounds of refusal set out in this Manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before HCL will consider access.

## **8. PROCESSING OF PERSONAL INFORMATION**

### **8.1 Purpose of Processing Personal Information**

The purpose for which personal information is processed by HCL will depend on the nature of the personal information and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the personal information is collected.

In general, personal information is processed for purposes of, inter alia, on-boarding clients and suppliers, sending marketing information, staff administration, service or product delivery, record management, security, employment, giving effect to professional instructions received and related matters.

### **8.2 Description of the categories of Data Subjects**

HCL holds information and records on the following categories of data subjects and may include but not limited to:

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
HCL Customers / Clients	name, address, registration numbers or identity numbers, employment status, bank details, etc
Service Providers / Contractors / Suppliers	names, registration number, address and bank details, etc
Employees	CVs, education history, address, qualifications, gender and race, etc

### **8.3 The recipients or categories of recipients to whom the personal information may be supplied**

Depending on the nature of the Personal Information, HCL may supply information or records to the following categories of recipients:

- i. service provider;
- ii. auditing and accounting bodies (internal and external);
- iii. statutory oversight bodies, regulators or judicial commissions of enquiry making a request for Personal Information;
- iv. any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for Personal Information or discovery in terms of the applicable rules;
- v. South African Revenue Services, or another similar authority; and
- vi. anyone making a successful application for access in terms of PAIA or POPIA.

### **8.4 Planned transborder flows of personal information**

8.4.1 POPIA 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 subject consents 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.

8.4.2 HCL envisage that it may transfer personal information to third parties or other HCL affiliates, who are situated in a foreign country and such transfers would be subject to the relevant provisions of the POPI act HCL may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable South African data protection legislation comprising POPIA and PAIA.

8.4.3 In addition, personal information may be transmitted transborder to HCL's suppliers in other countries, and personal information may be stored in data servers hosted outside South Africa. HCL will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure said data and personal information.

## **8.5 General description of Information Security Measures to be implemented by HCL to ensure the confidentiality, integrity and availability of the information**

8.5.1 HCL takes appropriate information security measures to ensure the confidentiality, integrity and availability of personal information in HCL's possession. HCL takes appropriate technical and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## **9. REQUEST PROCEDURE IN TERMS OF THE PAIA**

- 9.1** A request for access to records held by HCL in terms of section 50 of the PAIA must be made on the form contained in the Regulations Regarding the Promotion of Access to Information (Form C). A copy of the form is attached as Annexure A to this Manual. The request must be made to HCL at the address or email address, specified in Section 3 above.
- 9.2** A requester must provide sufficient detail on the prescribed form to allow HCL to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to HCL. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 9.3** The requester is required to identify the right that he, she or it is seeking to exercise by accessing records held by HCL and to explain why the particular record or records requested is or are required for the exercise or protection of that right.
- 9.4** HCL may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of the PAIA. These grounds for refusal include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of HCL itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, or that it is necessary to protect the research information of a third party or HCL itself.
- 9.5** HCL is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of HCL decision in another manner as well, this must be set out in the request and the relevant details included, allowing HCL to inform the requester in the preferred manner.
- 9.6** HCL will make a decision in relation to a request for records within 30 days of receiving it, unless third parties are required to be notified or the 30 day period is extended as provided for in the PAIA, and will notify the requester accordingly.
- 9.7** Where a request is refused, a requester may apply to court within 30 days of being informed of the refusal of the request, for an order compelling the record or records requested to be made available to the requester or for another appropriate order. The court will determine whether the records should be made available or not.

**10. FEES PAYABLE**

- 10.1** A Requester has to pay a request fee of R50.00, other than where the Requester is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on HCL behalf may notify the requester to pay the request fee before processing the request any further.
- 10.2** A Requester whose request for access to a record or records held by HCL is granted is also required to pay an access fee for the reproduction of the record(s), and for the search for and the preparation of the records for disclosure.
- 10.3** HCL is entitled to withhold a record until the required access fees have been paid.
- 10.4** The access fees which are payable are as follows:

	<b>Action taken</b>	<b>Fee</b>
1	Photocopy of an A4-size page or part thereof	R1.10
2	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
3	For a copy in a computer-readable form on – Stiffy disc Compact disc	R7.50- 70.00
4	Transcription of visual images, for an A4-size page or part thereof	R40.00
5	Copy of visual images	R60.00
6	Transcription of an audio record, for an A4-size page or part thereof	R20.00

- 10.5** In addition, if the search for and preparation of the record or records requested takes more than six hours, HCL may charge R30.00 for each hour or part thereof which is required for the search for and preparation of the records.
- 10.6** If HCL is of the opinion that the search for and the preparation of the records requested will require more than six hours, HCL is entitled to ask for a deposit of one third of the access fees which will be payable in respect of the records requested by the Requester. The Requester may make an application to Court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the records requested is subsequently refused, the deposit will be repaid to the Requester.
- 10.7** Where any information is requested that relates to a third party, HCL is required to notify the third party of the request. The third party has an opportunity to grant his,

her or its consent to the disclosure of the record or to make representations as to why the requested record should not be disclosed to the requester. If HCL decides to grant access to the record, it will notify the affected third party again. The third party is entitled to apply to court in relation to that decision. The court will then determine whether the record should be disclosed by HCL or not.

## **11. AVAILABILITY OF THE MANUAL**

**11.1** A copy of the Manual is available:

- 11.1.1 on [IT Technology Consulting in South Africa | HCL Technologies](#), if any;
- 11.1.2 head office of the HCL for public inspection during normal business hours;
- 11.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 11.1.4 to the Information Regulator upon request.

**11.2** A fee for a copy of the Manual, as contemplated in this Manual, shall be payable per each A4-size photocopy made.

## **12. UPDATING OF THE MANUAL**

The head of HCL TECHNOLOGIES (PTY) LTD will on a regular basis update this Manual.

***Issued by***

***Satish Nrusimhadevara***

***Chief Executive Officer***

**ANNEXURE A**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)) [Regulation 10]**

**Particulars of private body**

<b>The Head:</b>
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**Particulars of person requesting access to the record**

- a. The particulars of the person who requests access to the record must be given below.
- b. The address and/or fax number in the Republic to which the information is to be sent must be given.
- c. Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:
Identity number:
Postal address:
Fax number:
Telephone number:
E-mail address:
Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made:**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:
Identity number:

**D. Particulars of record:** (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be

located. (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.
Description of record or relevant part of the record:
Reference number, if available:
Any further particulars of record:

**E. Fees**

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required; and

(d) the reasonable time required to search for and prepare a record.

(e) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:
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**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an X

**NOTES:**

(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.



(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

Copy of record*	Inspection of record
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2. If record consists of visual images - (this includes photographs, slides, video recordings, computer generated images, sketches, etc.):

View of image	Copy of image*	Transcription of the images
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3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette)	Transcription of soundtrack (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

Printed copy of record*	Printed copy of information derived from the record*	Copy in computer readable form* (stiffy or compact disk)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  <b><u>Postage is payable</u></b>	Yes	No
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**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

Indicate which right is to be exercised or protected:

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Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE