

**SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS**

**ASSOCIATION NPC**

**COMPANY REGISTRATION NUMBER:**

**2000/028009/08**

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**MANUAL OF SOUTH AFRICAN MUSIC PERFORMANCE RIGHTS ASSOCIATION NPC  
("the Company")**

**REGISTRATION NUMBER: 2000/028009/08**

**Prepared in accordance with Section 51 of the Promotion of Access to Information  
Act, No. 2 of 2000 ("the Act")**

**1. INTRODUCTION**

This manual serves as the information manual for the Company and provides reference to the records held by the Company and the process to request access to such records.

This manual may be amended from time to time and as soon as any amendments have been finalized, the latest version of the manual will be made public.

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person is able to assess the right which the requestor is seeking to protect.

The Company is a "**private body**" as defined in the Act and the manual has been compiled in accordance with the requirements of the Act.

**2. SCOPE OF THE MANUAL**

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

Nature of Business: collective management organisation of copyright owners of and performers in sound recordings.

The scope of the manual is limited to the records held by the Company.

**3. AVAILABILITY OF THE MANUAL**

A copy of this manual is available to the public for inspection during office hours at the offices of the Company, and on the Company's website at [www.sampra.org.za](http://www.sampra.org.za) as well as on request from the designated contact person referred to in this manual.

**4. CONTACT DETAILS**

The Chief Executive Officer of the Company, Mr Pfanani Lishivha, is the Information Officer. The contact details of Information Officer and the Deputy Information Officer is listed below:

Contact details of the Information Officer:

Name: Mr Pfanani Lishivha  
Postal Address: P.O. Box 31600, Braamfontein, 2017  
Physical Address: 20 De Korte Street, Braamfontein, Johannesburg, 2001  
Phone Number: (011) 561 9660/(011) 789 5784  
E-mail: companysecretary@sampra.org.za

Contact details of the Deputy Information Officer:

Name: Adv Ntsietso Mokitimi-Makhofola  
Postal Address: P.O. Box 31600, Braamfontein, 2017  
Physical Address: 20 De Korte Street, Braamfontein, Johannesburg, 2001  
Phone Number: (011) 561 9660/(011) 789 5784  
E-mail: companysecretary@sampra.org.za

## **5. GUIDANCE ON PAIA REQUESTS**

In order to assist those who are not familiar with PAIA requests, Section 10 of PAIA has instructed the Information Regulator to update and make available the existing Guide that has been compiled by the South African Human Rights Commission. This Guide contains information to assist you in understanding how to exercise your rights under PAIA. It is available in all the South African official languages.

If you have any queries, or need a copy of this Guide, please contact the Information Regulator directly at:

The Information Regulator (South Africa)  
33 Hoofd Street,  
Forum III, 3rd Floor Braampark  
Braamfontein  
Johannesburg  
P.O Box 31533  
Website: [www.justice.gov.za/inforeg/](http://www.justice.gov.za/inforeg/)  
Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

## **6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION**

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1997;

- Broad Based Black Economic Empowerment Act, No. 52 of 2002;
- Companies Act No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Consumer Protection Act, 68 of 2008;
- Currency and Exchanges Act No. 9 of 1933;
- Customs and Excise Act No 91 of 1964;
- Electronic Communication and Transactions Act, No. 2 of 2000;
- Employment Equity Act, No. 55 of 1988;
- Income Tax Act, No. 58 of 1962;
- Labour Relations Act, No. 66 of 1995;
- Occupational Health and safety Act, No. 85 of 1993;
- Promotion of Access to Information Act, No. 2 of 2000;
- Protection of Personal Information Act, No. 4 of 2013;
- Skills Development Levy Act, No. 9 of 1999;
- Unemployment Insurance Contributions Act, 4 of 2002;
- Unemployment Insurance Act, No. 63 of 2001; and
- Value-added Tax Act, No. 89 of 1991.

## **7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC**

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act.

In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

The following records are available without the need for a PAIA request:

- Any information available on our website [www.sampra.org.za](http://www.sampra.org.za);
- Any documents, brochures, pamphlets, or booklets that we produce for public consumption.

## **8. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD IN TERMS OF THE ACT**

The requester of any record listed below is not automatically allowed access to the records and access may or must be refused in accordance with the Act.

- Employment Contracts;
- Internal disciplinary and review records;
- Directors information;
- Domain Name registrations;
- Trademark registrations;
- Trade Name registrations;

- Company documentation;
- Agreements With third parties;
- Corporate Sales Agreements;
- Members records;
- Members database;
- Customer agreements;
- Data Bases of customers;
- Clients records;
- Corporate governance;
- Compliance reports;
- Marketing & communication;
- Minutes of Board of Directors meetings and records;
- Finance and administration.

## **9. ACCESS REQUEST PROCEDURE**

A requester must complete the necessary request form that is attached to this manual. The request form is also available from the Information Regulator's website <https://www.justice.gov.za/infoereg/>. The completed request form must be sent to the address provided in this manual, and marked for the attention of the Information Officer.

It is important that you provide sufficient details to enable the Company to identify:

- The record(s) requested;
- The requester (and if an agent is lodging the request, proof of capacity);
- The form of access required;
- The postal address and email address of the requester in the Republic;
- If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

If you do not use the prescribed Form C, your request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.

The Information Officer, will, as soon as reasonably possible and within thirty (30) days after the request has been received, decide whether to grant the request or not.

You will receive a notification on whether your request was rejected or accepted. If your request was accepted, we will advise you on the access fee to be paid and the format in which it will be given. If you are not happy with the access fee, you

may lodge a complaint with the Information Regulator or an appeal with the High Court.

If your request was rejected, the Information Officer will give you written reasons. If you are not happy with the refusal, you may lodge a complaint with the Information Regulator and lodge an appeal with the High Court against the refusal of the request.

If we fail to respond to you within thirty (30) days after a request has been received, it is deemed, that the request has been refused.

In certain instances, we may request an extension. For example, if you request a large number of records or if the search for the records is to be conducted at premises not situated in the same town or city as our head office or if you provide us with consent to an extension.

## **10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

We may refuse a request for information based on one or more of the following grounds:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party; and
  - Information disclosed in confidence by a third party to SAMPRA if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The Commercial Activities of SAMPRA which may include:
  - Trade secrets of SAMPRA;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of SAMPRA.

## **11. FEES**

Please note that you will also be required to pay the prescribed fees. The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is set out under Annexure B below.

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).

You may lodge an application with a court against the tender/payment of the request fee and/or deposit.

Records may be withheld until the fees have been paid.

The fee structure is also available on the website of the Information Regulator.

## **12. THE PROTECTION OF PERSONAL INFORMATION ACT**

The Protection of Personal Information Act, 4 of 2013 (“**POPIA**”) requires us to provide you with certain information relating to how personal information that we process is, amongst others, used, disclosed and destroyed. We have set out the required information below.

Requests for personal information under POPIA must be made in accordance with the provisions of PAIA. This process is outlined in section 9 above.

If we provide you with your personal information, you have the right to request the correction, deletion or destruction of your personal information, in the prescribed form. We have attached the form as Annexure C. You may also object to the processing of your personal information in the prescribed form. We have attached the form to this manual as Annexure D.

We will give you a written estimate of the fee for providing you with your personal information, before providing you with the services. We may also require you to provide us with a deposit for all or part of the fee prior to giving you the requested personal information.

Purpose of processing:

- POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe your (the data subject’s) privacy.
- The type of personal information that we process will depend on the purpose for which it is collected. We will disclose to you why the personal information is being collected and will process the personal information for that purpose only.



**13. TYPES OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY**

<b>Category of Data Subject</b>	Category of Personal Information
Members of SAMPRA - Natural Persons	names; contact details; date of birth; physical and postal addresses; date of birth; id number; nationality; gender; confidential correspondence; beneficiaries; next of kin; ownership of sound recordings, financial information.
Non-members of SAMPRA for the purposes of royalty payments – Natural Persons	names; contact details; date of birth; physical and postal addresses; date of birth; id number; nationality; gender; confidential correspondence; beneficiaries; next of kin; ownership of sound recordings, financial information.
Record Companies / Juristic Persons / Entities	names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; ownership of sound recordings, beneficiaries; details of ultimate beneficial owners.
Contracted Service Providers	names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Intermediary / Advisor	names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors / Potential personnel / Employees' family members / Temporary Staff	gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; id number; next of kin; children's name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour

	and/or criminal records; well-being; trade union membership; external commercial interests; medical information, access to SAMPRA’s digital platforms, biometrics.
Website end-users / Application end-users	names, electronic identification data: ip address; log-in data, cookies, electronic localization data; cell phone details, gps data.

**14. CATEGORIES OF RECIPIENTS FOR THE PURPOSES OF PROCESSING PERSONAL INFORMATION**

We may supply personal Information to these potential recipients:

- Management;
- Employees;
- Temporary Staff;
- Contracted and sub-contracted Operators; and
- Other recipients in international collective management organisations.

We may disclose personal information of our members to any international collective management organisation for the purposes of collecting royalties on their behalf. If you are not a member, we will not disclose your information to any other person or entity apart from service providers with whom we engage in business or whose services or products we elect to use.

We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

We may disclose personal information we collected to our third-party service providers such as our cloud services providers which hosts data in international jurisdictions.

**15. SECURITY MEASURES**

The Company employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to, or unauthorised destruction of personal information and unlawful access to or processing of personal information. These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- Secure setup of hardware and software making up our information technology infrastructure.

**ANNEXURE A – FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**  
**(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]**

**A. Particulars of private body**

The Head: .....

**B. 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: .....

Telephone number: (.....) .....

Fax 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.

1. Description of record or relevant part of the record:

.....

.....  
.....  
.....

2. Reference number, if available:

.....  
.....  
.....  
.....

3. 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 the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....  
.....

## **ANNEXURE B – FEES**

### **FEES IN RESPECT OF PRIVATE BODIES IN TERMS OF PAIA**

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) of PAIA is R1,10 is for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) of PAIA are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R 1, 10.
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0, 75.
  - (c) For a copy in a computer-readable form on –
    - (i) stiffy disc R7, 50;
    - (ii) compact disc R70,00.
  - (d)
    - (i) For a transcription of visual images, for an A4-s1ze page or part thereof R40,00;
    - (ii) For a copy of visual images R60,00.
  - (e)
    - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00;
    - (ii) For a copy of an audio record R30,00.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) of PAIA is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) of PAIA are as follows:
  - (1)
    - (a) For every photocopy of an A4-size page or part thereof R1, 10.
    - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75.
    - (c) For a copy in a computer-readable form on –
      - (i) stiffy disc R7,50;
      - (ii) compact disc R70,00.
    - (d)
      - (i) For a transcription of visual images, for an A4-size page or part thereof R40,00;
      - (ii) For a copy of visual images R60,00.
    - (e)
      - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00;

- (ii) For a copy of an audio record R30,00.
  - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and reparation.
- (2) For purposes of section 54(2) of PAIA, the following applies:
- (a) six hours as the hours to be exceeded before a deposit is payable;  
and
  - (b) one third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

## ANNEXURE C - POPIA REQUEST FORM FOR CORRECTION / DELETION

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**  
[Regulation 3]

*Note:*

- 1 *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
- 2 *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3 *Complete as is applicable.*

Mark the appropriate box with an "x".

**Request for:**

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	

C	<b>INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED</b>
D	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY; and or REASONS OR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN.</b> <i>(Please provide detailed reasons for the request)</i>

Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*



## ANNEXURE D - POPIA FORM FOR OBJECTION

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

*Note:*

- 1 *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
- 2 *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
- 3 *Complete as is applicable.*

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address	
	Code (    )
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>


Signed at ..... this ..... day of .....20.....

.....  
*Signature of data subject/ designated person*