

Bain & Company South Africa Inc.  
(Registration Number: 1996/000558/10)

MANUAL

Published in terms of section 51 of the  
Promotion of Access to Information Act 2 of 2000

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## 1. Introduction

Bain & Company South Africa Inc. opened its Johannesburg office in 1997, serving a broad range of clients across the continent’s largest, most rapidly changing sectors. Our Johannesburg office operates as Bain & Company Africa South Africa Inc.

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.

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

PAIA promotes the right of access to information. Bain and co South Africa wish to foster a culture of transparency and accountability by giving the right of access to information.

Section 9 of the act however recognizes that the right to access information is not unlimited and should be subject to certain justifiable limitations, such as:

- Limitations aimed at reasonable protection of privacy
- Commercial confidentiality
- Effective and efficient good governance

And in a manner that balances the access right, with other constitutional rights

### 1.1 Availability of this PAIA Manual

This manual is published on the Company website at [www.bain.co.za](http://www.bain.co.za) or alternatively, a copy can be requested from the Information Officer: 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	<b>The Information Regulator (South Africa)</b> JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 P.O Box 31533, Braamfontein, Johannesburg, 2017

PAIA Act	POPI Act
29 Princess of Wales Terrace Corner York and St Andrews Street Parktown Johannesburg 2193	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001 P.O Box 31533, Braamfontein, Johannesburg, 2017
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>	inforeg@justice.gov.za

**2. Company contact details**

Company contact details in terms of PAIA section 51:

Bain & Company South Africa, Inc.  
10 The High Street  
Melrose Arch  
Johannesburg  
2076  
South Africa

Postnet Suite 221  
Private Bag X1  
Melrose Arch  
2076

**Duly authorized persons:**

Information Officer	Deputy Information Officer
Julien Vermersch E-mail: <a href="mailto:Julien.Vermersch@bain.com">Julien.Vermersch@bain.com</a>	Michele De Kock Telephone number: (011) 012 9100 Fax number: (011) 012 9101 E-mail: <a href="mailto:Michele.DeKock@bain.com">Michele.DeKock@bain.com</a>

**3. Company records**

**3.1 Records available only on request to access in terms of the Act (Section 51 (1) (d))**

**Records held by Bain & Company South Africa Inc.**

This clause serves as a reference to the categories of information that Bain & Company South Africa Inc. holds. The information is classified and relates to the following subjects and categories:

## **Human Resources**

1. Personal information provided by employees
2. Health and Safety information (Employees, Contractors)
3. Human Resources Employee information
4. Employment Contracts
5. Employee Guidelines, Policies and Procedures
6. Employee Medical information
7. Employee Disability Insurance information
8. Employee Pension and Provident Fund information
9. Payroll information
10. Recruitment information
11. In-and-Ex-patriates' information
12. AA Insurance information

## **Finance**

1. Audited Financial Statements
2. Tax information (Company & Employees)
3. Asset Register
4. Supplier Records
5. Management Accounts
6. General Contract Documentation
7. Company Guidelines,
8. Policies and Procedures
9. Intellectual Property Records
10. Employee, customer and supplier information
11. Immovable Property Records

## **TSG**

1. Processing and personal information (Company & Employees)

## **Office Services**

2. Physical Security information (Visitors, Suppliers, Contractors, Employees)
3. Electronic Access & Identity Management information (Employees, Contractors)
4. Time and Attendance information.

### **3.2 Company record classification key – Access Classification [PAIA section]**

#### **Conditions of disclosure:**

1. Personal Information of natural persons that belongs to the requester of that Bain & Company South Africa Inc.
2. Unreasonable disclosure of personal information or of Natural person [s63(1)] or Juristic Person [POPI]
3. Information that is likely to harm the commercial or financial interests of third party [s64(a)(b)]
4. Information that is likely to harm the Company or third party in contract or other negotiations [s64©]
5. Information that would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
6. Information that would likely to compromise the safety of individuals or protection of property [s66]

7. Information that is Legally privileged [s67]
8. Commercial information of Private Body [s68]
9. Information that that is likely to prejudice research and development information of the Company or a third party [s69]

## **4. Processing of personal information**

Bain & Company South Africa Inc. 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 Bain & Company South Africa Inc.

### **4.1 The purpose of processing of personal information by Bain & Company South Africa Inc.**

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

- to provide or manage any information, services requested by data subjects;
- to help us identify data subjects when they contact Bain & Company South Africa Inc.
- to maintain client records;
- for recruitment purposes;
- for employment purposes;
- for ACI 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, including Bain & Company Inc.;
- to help us improve the quality of our services; and
- to carry out analysis and client reporting.

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

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

- our other Bain & Company offices in other countries;
- our carefully selected business partners who provide products and services to Bain & Company Inc.;
- our service providers who perform services on our behalf.

We do not share the personal information of our employees 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,
- companies perform services and process personal information on our behalf;
- this is required to provide or manage any information, products and/or services to our employees;

We will send our employees notifications or communications if we are obliged by law, or in terms of our contractual relationship with them to disclose their information. We will only disclose personal information to government authorities if we are required to do so by law. Our employees, authorized Bain & Company

South Africa Inc. contractors and our suppliers, are required to adhere to data privacy and confidentiality principles and to attend data privacy training.

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

Reasonable technical and organizational measures have been implemented for the protection of personal information processed by Bain & Company South Africa Inc. In terms of the POPI Act, third parties that process personal information on behalf of Bain & Company South Africa Inc. must continuously implement and monitor technical and organizational security measures to protect the personal information we hold, against unauthorized access, as well as accidental or willful manipulation, loss or destruction. We will take steps to ensure that third parties that process personal information on behalf of Bain & Company South Africa Inc. apply adequate safeguards as outlined above.

### **4.4 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 third parties 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 service providers that process personal information in jurisdictions outside of South Africa, apply adequate safeguards as outlined in Section 4.4.

### **4.5 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 to forward us the information and that they are aware of the contents of this PAIA manual and the Bain & Company South Africa Inc. Privacy Policy, and do not have any objection to our processing their information in accordance with this policy.

## **5 Prescribed requests**

### **5.1 Form of request**

To facilitate the processing of your request, kindly:

- a. Use the prescribed form on the Company website.
- b. Address your request to the Information Officer.
- c. Provide sufficient detail to enable the Company to identify:
  - i. The record(s) requested.
  - ii. The requestor
  - iii. The South African postal address, email address or fax number of the requestor.
  - iv. The form of access required.
  - v. If the requester wishes to be informed of the decision in any manner, please outline the manner and particulars thereof.
  - vi. 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 the website of the Company, at the following address: [www.bain.co.za](http://www.bain.co.za)

## 5.3 Access to prescribed forms and fees

Prescribed forms and fees are published on the Company website or, alternatively, copies can be requested from the Legal Services. Prescribed forms and fees can be found on the Company website as follows: Forms: [www.bain.co.za](http://www.bain.co.za)

## 6 Remedies

The company does not have internal appeal procedures regarding PAIA and POPI Act requests. As such, the decision made by the duly authorized 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, for relief.

### Refusal of Access to Records

A private body such as Bain and Co is entitled to refuse a request for information so long as there is justifiable and objective reasons.

Reasons for refusal should be:

- a) Mandatory protection of a Third party who is a natural (deceased or alive) or juristic person, which disclosure would involve unreasonable disclosure of personal information of that natural or juristic person
- b) Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of Protection of Personal information act
- c) Mandatory protection of the commercial information of a third party if it relates to trade secrets of the third party, financial, commercial scientific or technical information which disclosure could cause harm, information disclosed to Bain and Co in confidence by a third party if the information would put that third party at a disadvantage in negotiations or commercial competition.
- d) Mandatory protection of confidential information of third Parties if it is protected in terms of any agreement such as an agreement with a client
- e) Mandatory protection of the safety of individuals and property
- f) Mandatory protection of record that could be regarded as privileged in legal proceedings

Each request for access to information will be considered on its own merits and based on legal principles and legislation.

If the records requested cannot be located, or does not exist, the information officer shall by way of affidavit or affirmation, advise the requester that it is not possible to give access, explaining the reasons for denying the request.

**Time Frames**

Bain and Co will within **15 working** days of receipt of a request decide whether the information will be supplied or give notice that the request is denied. A denial will give reasons for the refusal only if required.