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PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2
of 2000 (as amended)**

MERCHA APPAREL PROPRIETARY LIMITED

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Document Administration

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Document Approvals

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|----------------|---|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | Mercha | Mercha Apparel Proprietary Limited; |
| 1.3 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000(as Amended; |
| 1.4 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |

2. INTRODUCTION

Your privacy is very important to us, and Mercha Apparel (Proprietary) Limited is committed to protecting your right to privacy as well as your right to access any information that Mercha Apparel (Pty) Ltd has on you. This Access to Information Manual ('Manual') is prepared in compliance with the Promotion of Access to Information Act 2 of 2000 ('PAIA') and the Protection of Personal Information Act 4 of 2013 ('POPIA'). In terms of this legislation, everyone has the right to access their personal information that is processed by a private body or responsible party, such as Mercha Apparel (Pty) Ltd. The purpose of this Manual is to enable requesters to get access to the records to which they are entitled in a quick, easy, and accessible manner. This Manual applies only to Mercha Apparel (Pty) Ltd.

3. PURPOSE OF PAIA MANUAL

PAIA aims to give effect to everyone in South Africa's constitutional right to access their information held by the state or a private body. This information can be accessed for the purpose of exercising or protecting any right contained in the Bill of Rights.

When such a request is made, Mercha Apparel (Pty) Ltd is obliged to give access to the requested information, except where the law expressly provides that the information must not be released.

It is important to note that PAIA recognises certain limitations to the right of access to information, which includes:

- Limitations aimed at the reasonable protection of the right to privacy.
- Commercial confidentiality; and
- Effective, efficient, and good governance.

The limitation should be in a manner that balances that right of access to information with any other rights.

The main objective of POPIA is to promote the protection of personal information processed by public and private bodies. POPIA amended certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MERCHA APPAREL (PTY) LTD

4.1. Information Officer

Name: Kyle Gavin Brown
Tel: +27 61 641 4805
Email: kyle@mercha.co.za

4.2. Deputy Information Officer

Name: Zanda Isaacs
Tel: +27 60 321 2552
Email: zanda@mercha.co.za

4.3. Business Address

Physical Address: 6 Meryl Place
Northcliff, Johannesburg
Gauteng, 2195, South Africa
Telephone: +27 61 641 4805
Email: admin@mercha.co.za
Website: www.mercha.co.za

4.4. The South African Information Regulator's Contact Details

Postal Address: The Information Regulator (South Africa)
PO box 31533
Braamfontein
2017
Physical Address: JD House
27 Stiemens Street
Braamfontein, Johannesburg
Telephone: +27 10 023 5207
Fax: +27 11 403 0668
PAIA Complaints Email: PAIAComplaints@inforegulator.org.za
POPIA Complaints Email: POPIAComplaints@inforegulator.org.za
General enquiries email: enquiries@inforegulator.org.za

5. ACCESS TO THE MERCHA APPAREL (PTY) LTD INFORMATION GUIDE

In line with the legislative requirements, this Manual serves as Mercha's Information Manual and provides information on the types and categories of records held by Mercha Apparel (Pty) Ltd.

This includes the following:

- A description of the records held by Mercha
- Procedures to be followed to access records
- Any fees payable when requesting access to any records

The manual is available for public inspection as follows:

- At Mercha's physical address
- On the Mercha website (www.mercha.co.za)
- From the designated Information Officer
- On request by any person and upon payment of a reasonable prescribed fee. A fee for a copy of the Manual shall be payable per each A4-size page photocopy made.

The Information Regulator has published a guide on its website on how to use the Promotion of Access to Information of Access to Information Act 2 of 2000, as amended.

See: https://www.justice.gov.za/infocreg/docs/misc/PAIA-Guide-English_20210905.pdf

6. CATEGORIES OF RECORDS OF MERCHA APPAREL (PTY) LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Mercha has made available a description of categories of records that are automatically available without a person having to request access in terms of this Manual. The below records are automatically available:

- Product Brochures
- News and other Marketing Information

Category of Records	Types of the Record	Available on Website	Available upon request
Client (Mercha User) related records	<ul style="list-style-type: none"> • Name and surname • Email address • Physical address • Billing address • Bank details • Gender • Mobile phone number • Online identifiers • Date of birth • Identification number 	X	X

Client (Artist) related records	<ul style="list-style-type: none"> • Name • ID number • Physical Address • Bank Details • Email Address • Cellphone Number • Contract (Artist/Mercha) • Profit Share Tracking • Sales Tracking 	X	X
Third Party Contractor (Designer) related records	<ul style="list-style-type: none"> • Name • ID number • Physical Address • Bank Details • Email Address • Cellphone Number • Service Order (Designer/ Mercha) • Portfolio of work 	X	X

6. DESCRIPTION OF THE RECORDS OF MERCHA APPAREL (PTY) LTD WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
CIPC Certificate	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Privacy Policy	Personal Information Act 4 of 2013 ("POPIA").

7. SUBJECT CATEGORIES OF RECORDS

Mercha retains records in the subjects and categories mentioned below.

Employee Records

“Employee” refers to any person who works for or provides services to or on behalf of Mercha and receives remuneration or is entitled to receiving remuneration. It also refers to any other person who assists in carrying out or conducting the business of Mercha. It includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Personal records provided by employees include the following:

- Records provided by a third party relating to Mercha employees
- Conditions of employment as well as other employee-related contractual and legally binding records, including job applications
- Internal evaluation records and other internal records
- Correspondence relating to, or emanating from, employees (both internal and external to the organisation)
- Payment records (and beneficiary payments), including banking details

Client-Related Records

“Client” refers to any natural or juristic person who receives services or procures products from Mercha. “Client” includes prospective clients who submit applications to Mercha, but who ultimately do not become Mercha clients.

Client-related records include the following:

- Transactional records
- Recorded call centre calls
- Correspondence with a client that is implicitly or explicitly of a private or confidential nature

Company Records

These records include, but are not limited to, the records that pertain to Mercha’s own affairs. These include the following:

- Financial records
- Operational records
- Information technology

-
- Communication
 - Administrative records, such as contracts and service-level agreements
 - Product records
 - Internal policies and procedures
 - Human resources records

Third Party Records

Mercha may hold records pertaining to other parties.

- These include, without limitation, financial records, correspondence, contractual records, records provided by the other party (for example third party beneficiaries or employees of a client), and records that third parties have provided about Mercha's contractors or suppliers.
- Mercha may possess records pertaining to other parties. This includes, but is not limited to, contractors, suppliers and service providers.

8. PROCESSING OF PERSONAL INFORMATION

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed by Mercha will depend on the nature of the data and the data subject. This purpose is disclosed, explicitly or implicitly, at the time the data is collected.

a) Purpose of Processing Personal Information

Client Records

We process the Personal Information we collect and receive to:

- identify you;
- verify your identity;
- create a user account for you; and/or
- enter into a contract with you.

As a registered user, we also process your Personal Information in order to:

- fulfill our contractual obligations to you when you have ordered goods in order for us to deliver those goods and process returns.
- provide you with information, products or services you request from us.
- communicate with you regarding our Platforms and provide you with information, products or services, including billing, customer support, resolving complaints and quality control.
- notify you about changes to our Platforms, services and products, terms and conditions, privacy policy or notices, and any other changes that impact our Platforms, services and products.

- send you information about competitions, products or services that may interest you (unless you have opted out of receiving such information).
- get feedback from you which we need to develop our products and services and grow our business.
- comply with any legal or regulatory obligations such as tax or financial laws.
- undertake research and statistical purposes. The research and statistics we get from this process do not include your Personal Information and cannot be linked to you, nor can you be identified from these statistics.

Employee Records

Mercha processes personnel data for business administration purposes, such as for payroll purposes. Employee data is also processed to the extent required by legislation and regulation. For example, Mercha discloses employees' financial information to the Commissioner for the South African Revenue Service in terms of the Income Tax Act 58 of 1962 and employees' special personal information in terms of the Employment Equity Act 55 of 1998.

Third Party Records

Mercha processes records of other parties for business administration purposes, such as to make a payment to contractors and suppliers. In performing these various tasks, Mercha may, among other things, collect, collate, process, store and disclose personal information. This includes the following information:

- Personnel, client, or private body records that are held by another party, as opposed to the records held by Mercha itself
- Records held by Mercha pertaining to other parties, including, without limitation, financial records, correspondence, contractual records, records provided by the other party, and records that third parties have provided about the contractors or suppliers. Discovery may keep records pertaining to other parties, including, without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint-venture companies, and service providers.

b) Description of the Categories of Data Subjects

Category of Records	Types of the Record
Client (Mercha User) related records	<ul style="list-style-type: none"> ● Name and surname ● Email address ● Physical address ● Billing address ● Bank details ● Gender ● Mobile phone number

	<ul style="list-style-type: none"> • Online identifiers • Date of birth • Identification number
Client (Artist) related records	<ul style="list-style-type: none"> • Name • ID number • Physical Address • Bank Details • Email Address • Cellphone Number • Contract (Artist/Mercha) • Profit Share Tracking • Sales Tracking
Third Party Contractor (Designer) related records	<ul style="list-style-type: none"> • Name • ID number • Physical Address • Bank Details • Email Address • Cellphone Number • Service Order (Designer/ Mercha) • Portfolio of work
Business Partners	<ul style="list-style-type: none"> • Name • Registration Number • Contact Details • Bank Details
Employees	<ul style="list-style-type: none"> • Name • ID number • Physical Address • Disability Information • Bank Details • Email Address • Cellphone Number • Employee benefit information • Tax number • Letter of appointment • Vehicle registration • Performance records • Payslips • Training records • CV • Record of qualifications • Psychometric assessment results • Credit check results • Criminal record check results

c) The recipients or categories of recipients to whom personal information may be supplied

We do not sell personal information to third parties for their marketing or any other purposes.

We may provide or make your Personal Information available to:

- our employees, the staff of the companies in third party service providers in order to enable them to assist us to interact with you via our Platforms for the marketing, ordering or delivery of goods;
- law enforcement, government officials, fraud detection agencies or other third parties when the disclosure of Personal Information is necessary or appropriate in connection with an investigation of fraud, intellectual property infringements, or other activity that is illegal or may expose us to legal liability or financial loss, to report or support the investigation into suspected illegal activity;
- third parties (such as a potential purchaser and its professional advisors) in the event of any reorganisation, merger, consolation, sale, joint venture, or other disposition of any or all of our assets;
- our service providers (under contract with us) who help with parts of our business operations (payments, shipping, fraud prevention, marketing, public relations, technology services etc). However, our contracts dictate that these service providers may only use your Personal Information in connection with the services they perform for us and not for their own benefit or any other purpose, and must treat such information as confidential information;
- our suppliers in order for them to liaise directly with you regarding any goods you have purchased or for any other purpose which may require their involvement.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Name, Bank Details	Peach Payment
Name, Physical Address, Email and Cellphone	2Ship

d) Planned transborder flows of personal information

We may transfer certain Personal Information outside the geographic borders of South Africa to service providers for purposes set out above (Why we process your Personal Information?), including for data storage and back-up purposes to ensure the integrity of our systems.

When we transfer your Personal Information outside of the geographic borders of South Africa, we will ensure that we do so in accordance with the requirements for lawful transfer outside of South Africa as set out in POPI.

By accessing and using our Platforms, you consent to us transferring your Personal Information outside of South Africa as set out in POPI.

e) General Description of Information Security Measures

We secure the integrity, confidentiality and availability of your Personal Information in our possession or under our control by taking 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. Technically we have a Google SSL Certificate.

In order to implement and maintain such measures, we have in place policies, controls and related processes, which are reviewed and updated on a regular basis. Our policies, controls and procedures cover for example:

- physical, technical and network security;
- access controls and monitoring of access;
- secure storage, destruction and encryption of records of Personal Information;
- Personal Information breach reporting and remediation; and
- by way of written agreements, imposition of security and confidentiality obligations on third parties (based within or outside the borders of South Africa) who process Personal Information as part of rendering services.

Should you disclose your Personal Information to any third party other than Mercha, Mercha shall not be liable for any loss or damage arising or suffered by you as a result of the disclosure of such Personal Information to any third party. This is because we do not regulate or control how that third party uses your Personal Information. You should always ensure that you read the privacy policy of any third party.

9. UPDATING OF THE MANUAL

The Information Officer of Mercha Apparel (Pty) Ltd will on a regular basis ensure that this manual is updated.

Issued by

Kyle Gavin Brown

Director

Zanda Isaacs

Director