

SPANLY

PAIA Manual

Promotion of Access to Information Act 2 of 2000
Protection of Personal Information Act 4 of 2013
Version 2.0 | 16 June 2026

This manual has been prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 and to address the requirements of the Protection of Personal Information Act 4 of 2013.

Spanly is a division of Flink South Africa (Pty)Ltd

1. DEFINITIONS

Client	any natural or juristic person that received or receives services from Spanly
Conditions for Lawful Processing	the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPI and in paragraph 12 of this Manual
Data Subject	the person to whom personal information relates
EOR Services	the Employer of Record services provided by Spanly, whereby Spanly employs Talent in South Africa on behalf of the Client, managing payroll, taxes, benefits and compliance with Labour Legislation
Information Officer	the individual who is identified in paragraph 3 of this Manual
Labour Legislation	all applicable employment and labour statutes in force in South Africa, including but not limited to the LRA, BCEA, Employment Equity Act 55 of 1998, and Occupational Health and Safety Act 85 of 1993
Manual	this Manual
PAIA	the Promotion of Access to Information Act 2 of 2000, as amended
Personal Information	means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to: information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person; information relating to the education or the medical, financial, criminal or employment history of the person; any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; the biometric information of the person; the personal opinions, views or preferences of the person; and the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person
Personnel	any person who works for, or provides services to or on behalf of Spanly, and receives or is entitled to receive remuneration, including without

	limitation directors, all permanent, temporary and part-time staff as well as contract workers
POPI	the Protection of Personal Information Act 4 of 2013, as amended
POPI Regulations	the regulations promulgated in terms of section 112(2) of POPI
Private Body	means a natural person who carries or has carried on any trade, business or profession; a partnership which carries or has carried on any trade, business or profession; or any former or existing juristic person, but excludes a public body
Processing	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including collection, receipt, recording, organisation, collation, storage, updating, retrieval, alteration, consultation or use; dissemination by means of transmission, distribution or making available in any other form; or merging, linking, restriction, degradation, erasure or destruction of information
SAHRC	the South African Human Rights Commission
Talent	a person employed by Spanly as Employer of Record for the purpose of rendering employment services to the Client

Any other terms not described herein will have the meaning as ascribed to it in terms of PAIA or POPI.

2. INTRODUCTION TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- PAIA was enacted to give effect to the constitutional right to access any information held by the state or any other person which is required for the exercise or protection of any right. If a public body lodges a request in terms of PAIA, it must be acting in the public interest.
- POPI, on the other hand, was enacted to protect the privacy of individuals and corporates.
- For the purpose of POPI and PAIA, Spanly is defined as a private body. In accordance with Spanly's obligations in terms of POPI and PAIA, Spanly has produced this Manual.
- This Manual sets out all information required by both PAIA and POPI.
- This Manual also deals with how requests are to be made in terms of PAIA. It describes the types of records that Spanly holds, explains the procedure to submit a request for access to the records in terms of PAIA and provides for the fees and relevant forms required to submit such a request.
- While PAIA envisions access, transparency and accountability in respect of information, section 9 of the Act also recognises that the right to access information cannot be unlimited. Limitations include:
 - Limitations relating to reasonable protection of privacy;
 - Information that is commercially confidential; and
 - Information limited to effective, efficient and good governance.
- Any PAIA request in terms of this Manual will therefore be subject to such limitations.
- This Manual also establishes how compliance with POPI is to be achieved. Where relevant, this Manual must be read together with Spanly's Privacy Policy, which further sets out how Spanly intends to comply with its POPI obligations.

3. AVAILABILITY OF THIS MANUAL AND THE RELEVANT CONTACT DETAILS

- This Manual is published on Spanly's website and is available on request from the Information Officer, the details of which are:

Business Name:	Spanly – a division of Flink South Africa (PTY) LTD
Registration Number:	2020/878547/07
Registered Office:	199 Bryanston Drive, Sandton
Postal Address:	2191
Contact Number:	+27 69 067 9664
Information Officer:	Telisha van der Merwe
Email address:	telisha@spanly-hire.co.za

- Background information of Spanly can be found at [INSERT WEBSITE].

4. GUIDE OF SAHRC

- A guide to PAIA and how to access information in terms of PAIA has been published by the SAHRC pursuant to section 10 of PAIA.
- The guide contains information required by an individual who may wish to exercise their rights in terms of PAIA.
- Should you wish to access the guide, you may request a copy from the Information Officer by submitting ANNEXURE A to the details specified above.
- You may also inspect the guide at Spanly's offices during ordinary working hours.
- You may also request a copy of the guide from the Information Regulator at the following details:

Information Regulator:	
Postal Address:	P.O. Box 31533, Braamfontein, Johannesburg, 2017
Telephone:	(010) 023 5200
Website:	www.justice.gov.za
Email:	PAIACompliance.IR@justice.gov.za

5. LATEST NOTICES IN TERMS OF SECTION 52(2) OF PAIA

- At this stage no Notices have been published on the categories of records that are available without having to request access to them in terms of PAIA.

6. AVAILABILITY OF CERTAIN RECORDS IN TERMS OF PAIA

- General information held by Spanly, which is public in nature, may be accessed on Spanly's website without a formal request as contemplated in this Manual.

- Spanly holds the following records for the purposes of PAIA, which may be requested from Spanly.
- However, it should be noted that there is no guarantee that the request will be honoured. Spanly is entitled to refuse access to the information in terms of sections 62 to 69 of PAIA. Each request will be evaluated in terms of PAIA and any other applicable legislation at the time.

Products and/or Services

- Information relating to Spanly's products and/or services are available on Spanly's website as set out above.

Human Resources

- Employment Contracts
- Employee benefits
- Personnel records and correspondence
- Training records
- Internal policies
- Information pertaining to share options, share incentives, bonus or profit sharing agreements of each employee
- Pension and provident fund records
- Other payroll records
- Recruitment records
- Employer of Record service agreements and Talent engagement records

Legal Services and Compliance

- Agreements with Clients
- Service Level Agreements and Engagement Schedules
- Agreement with Suppliers
- Shareholder agreements
- Partnership agreements
- Licences and Permits
- Intellectual Property records
- Power of Attorneys
- Sale agreements
- Immovable property records
- Lease agreements
- Statutory and regulatory compliance records
- Labour Legislation compliance records

Company Secretarial and Corporate Governance

- Memorandum of Incorporation and other constitutional documents
- Secretarial records
- Tradename registrations
- Trademark registrations
- Company registration documents
- Statutory registers
- Minutes of Shareholder's meetings

- Minutes of Director's meetings
- Register of Directors
- Share Certificates
- Resolutions of the Board of Directors
- Resolutions of the Shareholders
- Corporate governance policies, procedures and strategies

Financial

- Accounting records
- Annual reports
- Interim reports
- Auditor details and reports
- Tax returns
- Insurance records
- Banking details
- Financial policies and procedures
- Asset registers
- Supplier records
- Management accounts
- Payroll records for Talent employed under EOR arrangements

Client

- Client database, including prospective clients
- Correspondence with Clients
- Documentation prepared for Clients
- Invoices, receipts, credit and debit notes
- Visitor's records
- Interested party records, including members and personnel of Spanly's clients

Marketing

- Published Marketing material
- Marketing strategies
- Public communication records

Health and Safety Records

- Health and safety records (employees and contractors)

Operational Records

- Production records
- Logistics records
- Internal operational records
- EOR service delivery records and Talent performance records

Miscellaneous

- Internal Correspondence
- Information technology records
- Trade secrets
- Domain name registrations

- Website information
- Title deeds

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

- Spanly may be in possession of records in terms of the following legislation as and when applicable:
- Basic Conditions of Employment Act, No. 75 of 1997
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Constitution of the Republic of South Africa Act, No. 108 of 1996
- Credit Agreement Act, No. 75 of 1980
- The Criminal Procedure Act, No. 51 of 1977
- Debt Collectors Act, No. 114 of 1998
- Deed Registries Act, No. 47 of 1937
- Employment Equity Act, No. 55 of 1998
- Financial Intelligence Centre Act, No. 38 of 2001
- Identification Act, No. 68 of 1997
- National Credit Act, No. 34 of 2005
- Insolvency Act, No. 24 of 1936
- Inspection of Financial Institutions Act, No. 18 of 1998
- The Labour Relations Act, No. 66 of 1995
- The Long Term Insurance Act, No. 52 of 1998
- Pension Funds Act, No. 24 of 1956
- Short Term Insurance Act, No. 53 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 89 of 1991
- Electronic Communication and Transactions Act, No. 25 of 2002
- Financial Advisory and Intermediary Service Act, No. 37 of 2002
- Patents, Designs and Copyright Merchandise Marks Act, No. 17 of 1941
- Income Tax Act, No. 58 of 1962
- Occupational Health and Safety Act No. 85 of 1993
- Co-operatives Act No. 14 of 2005
- Skills Development Act, No. 97 of 1998
- Customs and Excise Act No. 91 of 1964
- Prevention of Organised Crime Act No. 121 of 1998
- National Payment Systems Act No. 78 of 1998
- National Water Act No. 36 of 1998
- Prescription Act No. 68 of 1969
- Trademark Act No. 194 of 1993
- Intellectual Property Laws Amendment Act No. 38 of 1997
- Financial Markets Act No. 19 of 2012

8. REQUEST PROCESS

- An individual who wishes to place a request must comply with all the procedures laid down in this Manual and PAIA.
- The requester must complete ANNEXURE B, which is attached hereto and submit it to the Information Officer at the details specified above.
- The prescribed form (ANNEXURE B) must be submitted as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail as stated herein.
- The prescribed form must be completed with enough particularity to enable the Information Officer to determine:
 - The record(s) requested;
 - The identity of the requestor;
 - What form of access is required; and
 - The postal address or fax number of the requestor.
- The requestor must state that the records are required for the requestor to exercise or protect a right, and clearly state what the nature of the right is to be exercised or protected and provide an explanation of why the records requested are required to exercise or protect the right.
- The request for access will be dealt with within 30 days from date of receipt, unless the requestor has set out special grounds that satisfies the Information Officer that the request be dealt with sooner.
- The period of 30 days may be extended by not more than 30 additional days, if the request is for a large quantity of information, or the request requires a search for information held at another office of Spanly and the information cannot be reasonably obtained within 30 days. The Information Officer will notify the requestor in writing should an extension be necessary.
- The requestor will be informed in writing whether access to the records has been granted or denied. If the requestor requires a reason for the decision, the request for reasons must be expressed in the prescribed form.
- If a requestor has requested the records on another individual's behalf, the requestor must submit proof of the capacity in which the requestor submits the request, to the satisfaction of the Information Officer.
- Should the requestor have any difficulty with the form or the process laid out herein, the requestor should contact the Information Officer for assistance.
- An oral request can be made to the Information Officer should the requestor be unable to complete the form due to illiteracy or a disability. The Information Officer will complete the form on behalf of the requestor and provide a copy of the form to the requestor.

9. GROUNDS FOR REFUSAL

- The following are grounds upon which Spanly may, subject to the exceptions in Chapter 4 of PAIA, refuse a request for access:
 - Mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable, in terms of section 63(2) of PAIA as well as POPI.
 - Mandatory protection of the commercial information of a third party, in terms of section 64(1)(a) and (b) of PAIA, if the records contain trade secrets, financial or commercial information the disclosure of which could harm that third party, or information disclosed in confidence.
 - Mandatory protection of confidential information of third parties if it is protected in terms of any agreement, as contemplated by sections 64(1)(c) and 65 of PAIA.

- Mandatory protection of the safety of individuals and the protection of property, as contemplated in section 67 of PAIA.
- Mandatory protection of Records that would be regarded as privileged in legal proceedings, as contemplated by section 68 of PAIA.
- Protection of the commercial information of Spanly, including trade secrets; financial or commercial information the disclosure of which could harm Spanly; and computer programs which are owned by Spanly and protected by copyright.
- Research information of Spanly or a third party, if such disclosure would place the research or the researcher at a serious disadvantage, as contemplated by section 69 of PAIA.
- Requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.
- Information relating to a request after the commencement of criminal or civil proceedings, as contemplated by section 7 of PAIA.
- The following information may not be refused, in terms of PAIA:
 - Environmental testing or information which reveals public safety or environmental risks, as contemplated by sections 64(2) and 68(2) of PAIA.
 - Disclosure of information which is in the public interest, as contemplated by section 70 of PAIA.

10. REMEDIES SHOULD A REQUEST BE REFUSED

- Spanly does not have an internal appeal procedure in the event that the Information Officer denies a request in terms of this Manual and PAIA. Therefore, a decision made by the Information Officer is final. The requestor may use the external appeal procedures set out below.
- The requestor may, in accordance with sections 56(3)(c) and 78 of PAIA, apply to a court for relief within 180 days of notification of the decision for appropriate relief.

11. FEES

- The following fees shall be payable upon request by a requestor:

Description	Amount
Request fee (payable on every request)	R140.00
Photocopy of an A4 page or part thereof	R2.00
Printed copy of an A4 page or part thereof	R2.00
Hard copy on flash drive (flash drive to be provided by requestor)	R40.00
Hard copy on a compact disc (compact disc to be provided by requestor)	R40.00
Hard copy on a compact disc (compact disc to be provided by Spanly)	R60.00
Transcription of visual images per A4 page	As per quotation
Copy of visual images	As per quotation
Transcription of an audio record per A4 page	R24.00
Copy of an audio record on flash drive (flash drive to be provided by requestor)	R40.00

Copy of an audio on a compact disc (compact disc to be provided by requestor)	R40.00
Copy of an audio on a compact disc (compact disc to be provided by Spanly)	R60.00
To search for and prepare the record for disclosure for each hour or part of an hour (excluding the first hour)	R145.00
Maximum search and preparation fee (cannot exceed total cost)	R435.00
Postage, email or any other electronic transfer	Actual expense, if any

12. PROCESSING OF PERSONAL INFORMATION

- Spanly processes Personal Information in order to provide, maintain and improve the performance of its services. This includes collecting information to:
 - Establish and verify your identity and business operations, including those processes which may be required from us by law or good industry practice;
 - Perform the Services that you request of us, including EOR Services;
 - Accomplish any further purpose that is related to providing our Services;
 - Communicate with you in the manner in which you prefer, including via email, post, SMS or telephonically;
 - Develop an online User profile;
 - Maintain and update our database of Users, Talent and Clients;
 - Update and inform you about our Services and any changes to our Services or Website;
 - Respond to any queries, concerns or requests that you may lodge with us or any Authority;
 - Conduct market or client satisfaction research or for statistical analysis;
 - Comply with auditing or record keeping purposes;
 - Fulfil any contractual or legal obligation that we may have to you or a third party;
 - Comply with any law or regulation or legal request from a recognised Authority;
 - Comply with any software, security-related or administrative purpose; and
 - Any other activity which may be lawful, reasonable and necessary to our business activities, including the administration of Talent employment in accordance with Labour Legislation.
- The further details about Spanly's practices relating to the processing of Personal Information are set out in Spanly's Privacy Policy, which may be accessed on our website.

13. CATEGORIES OF DATA SUBJECTS

- The following categories of data subjects will be processed by Spanly:
 - Clients and potential clients
 - Talent (persons employed by Spanly as Employer of Record for the benefit of Clients)
 - Members of clients, and other interested parties relating to Spanly's clients
 - Employees and contractors of Spanly
 - Directors and Prescribed officers

- Suppliers
- Job applicants
- Visitors
- Statutory and regulatory bodies and government authorities
- Financial institutions

14. CATEGORIES OF PERSONAL INFORMATION PROCESSED BY SPANLY

- The following information shall be processed by Spanly.

From an Employee, Talent or other Personnel:

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- Information relating to the education or the medical, financial, criminal or employment history of the person;
- The biometric information of the person;
- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- The personal opinions, views or preferences of the person;
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature; and
- Information mandated by law, set out in various sections of the BCEA, LRA, Unemployment Insurance Contributions Act 4 of 2002, Income Tax Act, Employment Equity Act 55 of 1998, Skills Development Act 97 of 1998, and Occupational Health and Safety Act 85 of 1993.

From a Client:

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- Information relating to the education or the medical, financial, criminal or employment history of the person;
- The biometric information of the person;
- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- The personal opinions, views or preferences of the person; and
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature.

From Candidates and Talent who wish to be engaged by one of Spanly's Clients:

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;

- Information relating to the education or the medical, financial, criminal or employment history of the person;
- The biometric information of the person;
- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- The personal opinions, views or preferences of the person; and
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature.

15. RECIPIENTS OR CATEGORIES OF RECIPIENTS WITH WHOM THE PERSONAL INFORMATION IS SHARED

- Spanly will not disclose your personal information unless it is for purposes as set out in this Manual and Spanly's Privacy Policy, or if we have received your permission to do so. We will disclose your personal information:
 - To our employees, contractors and agents to the extent that these parties need your personal information in order for us to provide Services to you;
 - To our affiliates, including Flink SA (Pty) Ltd, where relevant to the provision of Services;
 - To Clients, in connection with the employment and management of Talent under EOR arrangements;
 - To payroll service providers, pension administrators, tax authorities and other third parties necessary to fulfil our EOR obligations;
 - To authorities or governmental agencies in order to comply with any law, regulation or legal process; or
 - In order to protect our rights, property or safety or those of our employees, contractors, agents, clients or any other third party.

16. INFORMATION SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Spanly takes care to ensure that Personal Information is adequately protected against unauthorised access and use and remains secure.
- Spanly may store Personal Information at a physical location or by electronic means, including on a cloud-based system. Spanly will take reasonable, appropriate and generally accepted measures to ensure that the Personal Information is protected against unauthorised and unlawful processing, accidental loss, destruction or damage.
- However, we cannot guarantee that the processing and transmission of Personal Information, particularly when transmitted electronically, is absolutely secure.
- In order to protect Personal Information, Spanly undertakes to regularly review our security controls and implement appropriate and generally accepted technical and organisational measures to ensure such protection as far as reasonably possible.
- Spanly further imposes necessary security, privacy and confidentiality obligations on those third parties that we have a contractual relationship with to ensure, as far as reasonably possible, that Personal Information remains secure.

17. TRANSBORDER FLOWS OF PERSONAL INFORMATION

- Spanly does not routinely transfer Personal Information across South African borders. However, given the nature of EOR Services which may involve Clients located outside South Africa, where transborder processing is required for relevant business transactions, such processing will be in line with South Africa's legislative requirements and the GDPR minimum standards where applicable.

18. OBJECTIONS

- Section 11(3) of POPI and regulation 2 of the POPI Regulations provide that a Data Subject may, at any time, object to the processing of their Personal Information in the prescribed form.
- Section 24 of POPI and regulation 3 of the POPI Regulations provide that a Data Subject may request for their Personal Information to be corrected and/or deleted in the prescribed form attached hereto as ANNEXURE "C".

ANNEXURE A

Request for Guide from South African Human Rights Commission
[Attach SAHRC prescribed form]

ANNEXURE B

Form C: Request for Access to Record of Private Body
[Attach PAIA prescribed Form C as required under PAIA]

ANNEXURE C

Objection to Processing / Correction or Deletion Request Form
[Attach POPI prescribed Form 1 / Form 2 as required under POPI Regulations]