



BluWave Access to Information Manual



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1. Introduction

BluWave Software respects your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA).

1.1 How to Contact Us

Company Name	BluWave Software CC
Company Registration Number	2010/073825/23
Address	18 Curzon Rd, Bryanston, 2191
Tel No	+2711 462 6871
Web Address	www.bluwave.co.za
Download this manual from this link	
Download Our Privacy Statement from this link	
Download our Software License Terms & Conditions from this link	

1.2 How to Contact the Information Regulator

If you would like assistance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission (SAHRC). They have a guide in each official language of South Africa on how to exercise any right under PAIA. In terms of the Section 110 of the Protection of Personal Information Act 4 of 2013 the functions of the Human Rights Commission have been transferred to the Information Regulator.

Their contact details are as follows:

- **Phone number:** 010 023 5200 or 010 023 5207
- **Fax number:** 011 403 0668
- **Postal address:** P.O Box 3153, Braamfontein, Johannesburg, 2017
- **Physical address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

- Website: <https://www.justice.gov.za/inforeg/index.html> and <http://www.sahrc.org.za/index.php/understanding-paia>
- General e-mail: inforeg@justice.gov.za
- Complaints email: complaints.IR@justice.gov.za

2. What Information do we Collect?

- 2.1 Supplier Information eg supplier details, transactional information, quotations
- 2.2 Lead, Prospect and Customer Information eg company information, contact people, records of interactions, business transactions, signed agreements
- 2.3 Dealer & Reseller Information– company information, contact people, records of interactions, business transactions, signed agreements
- 2.4 Employee Information eg contact details, employee history, payroll information
- 2.5 Accounting and Financial Information eg accounting documents, financial statements
- 2.6 Market Information eg market research, product feedback.
- 2.7 Marketing Information eg published documents, newsletters, social media blogs, advertising materials.
- 2.8 Insurance Information eg policy documents, transactional information.
- 2.9 Contracts and Agreements eg for software licensing, resellers, suppliers.
- 2.10 Banking Information eg transactional histories.
- 2.11 Research Information eg product research, economic research, market research.
- 2.12 Technical References eg publications and white papers.
- 2.13 Product Information eg version histories, specifications, training manuals.
- 2.14 Operations information eg support and implementation jobs in progress.

3. Purpose for which the information is being collected

3.1 We use your personal information as follows:

- a) To offer the BluWave Services and products to customers.
- b) To send product update notices re the BluWave Software Services to customers.
- c) If processing is necessary for us to comply with a relevant legal obligations.
- d) If processing is necessary for our legitimate interests and your interests and fundamental rights do not override those interests.
- e) To manage the payroll, finances and accounting for BluWave Software.
- f) We may also use your personal information in the following situations:
 - i Where we need to protect your interests (or someone else’s interests).
 - ii Where it is needed in the public interest or for official purposes.

3.2 We only collect Personal Information for the specific, explicitly defined and lawful purpose of conducting our business.

3.3 Direct Marketing

We may use your personal information to periodically send you direct marketing communications about products or our related services that we think may be of interest to you. This will be in the form of email, SMS or targeted online advertisements. We limit direct marketing to a reasonable and proportionate level, based on the information we have about you.

Where opt-in consent is required, we will ask for your consent.

You have a right to stop receiving direct marketing at any time - you can do this by following the opt-out or unsubscribe links located in the electronic communications (such as emails) you receive from us, by contacting us, or by emailing us.

Note that if you are a user of our software systems our Terms and Conditions for use of the software require all users to accept product update notifications about our software.

4. Is the supply of the information voluntary or mandatory?

Supplying of certain types of information is mandatory in terms of legislation and regulations. For example, in terms of the Consumer Protection Act, a supplier of goods or services must provide a written record of each transaction to the consumer to whom any goods or services are supplied. In terms of the Basic Conditions of Employment Act we need to process certain Personal Information from our employees.

4.1 Any particular law authorising or requiring the collection of the information.

If your Personal Information is collected in terms of a particular law authorising or requiring the collection of the information, we will take steps to ensure that you are aware of that.

4.2 Failure to provide the requested information

This personal information is required to enter into a contract with (such as to provide services at your request), and failure to provide any information may result in our inability to provide you the requested services or products.

4.3 Transfer the information to a third country

If your Personal Information is transferred outside the Republic of South Africa to third party service providers, we will take steps to ensure that your Personal Information receives the same level of protection as if it remained within the Republic.

5. Recipients or category of recipients of the information

Your Personal Information will be treated as prescribed by the 8 Conditions for the Lawful Processing of Personal Information in the POPIA Act. We may share your Personal Information with:

1. **Partners & Affiliated Companies** - Any partner or affiliated company.
2. **Service Providers** - We may disclose the information we collect from you to third party contractors, technology and other service providers or agents who perform functions on our behalf, or are engaged

with us. These service providers are allowed to access and use the information we make available to them only as needed to perform their functions and for no other purposes, subject to appropriate contractual restrictions and security measures.

3. **In Response to Legal Process** - We may disclose the information we collect from you in order to comply with the law, a legal proceeding, court order, or other legal process, such as in response to a court order or a subpoena.
4. **Third Parties** –
 - 4.1.1. third parties used to facilitate payment transactions, for example clearing houses, clearing systems, financial institutions, and transaction beneficiaries.
 - 4.1.2. third parties where you have a relationship with that third party, and you have consented to us sending information;
 - 4.1.3. third parties for marketing purposes (e.g., our partners and other third parties with whom we work and whose products or services we think will interest you in the operation of your business activities. For example, financial services organisations (such as banks, insurers, finance providers), payment solutions providers, software and services providers that provide business solutions);
5. **To Protect Us and Others** - We also may disclose the information we collect from you where we believe it is necessary to investigate, prevent, or take action regarding illegal activities, suspected fraud, situations involving potential threats to the safety of any person, violations of this Privacy Notification, or as evidence in litigation in which we are involved.
6. **Government** - Government bodies, regulators and any other third party necessary to meet our legal and regulatory obligations.
7. **Professional Advisors** - our own professional advisors and auditors for the purpose of seeking professional advice or to meet our audit responsibilities.

6. Your Rights as a Data Subject.

As a Data Subject in terms of the POPIA Act, you do have the following rights:

1. Right to be Notified:

The right to be notified that -

- (i) Personal Information about you is being collected – our Section 18 Privacy Notification; and
- (ii) your Personal Information has been accessed or acquired by an unauthorised person;

2. Right of Access:

The right to establish whether we hold Personal Information of you and to request access to your Personal Information use **Form C Request for Access to Record of Private Body** from the SAHRC website at <http://www.sahrc.org.za>

3. Right to Correction, Destruction or Deletion:

The right to request, where necessary, the correction, destruction or deletion of your Personal Information – use our **Form 1 Request Correction Deletion Personal Information** from the SAHRC website at <http://www.sahrc.org.za>

4. Right to Objection:

The right to object –

- a) on reasonable grounds relating to your particular situation to the processing of your Personal Information;
 - b) to the processing of your Personal Information -
 - (i) at any time for purposes of direct marketing; or
 - (ii) for purposes of direct marketing by means of unsolicited electronic communications
- use our form ***B Objection to the Processing of Personal Information***. <https://www.sahrc.org.za>

5. Right with regards to Automated Processing:

The right not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of your Personal Information intended to provide a profile of you.

6. Right to Complain:

The right to –

- a) submit a complaint to the Regulator regarding the alleged interference with the protection of the Personal Information of any Data Subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator as; and
- b) to institute civil proceedings regarding the alleged interference with the protection of your Personal Information.

7. Complaint's Process:

If you believe that this office has not replied to your access request or has not handled your Personal Information in a reasonable manner, please address your concerns first with our Information Officer. You may also choose to make a complaint to the Information Regulator.

END