



Registration no: 749760

C/O Monaghan and Company
Units 5 & 6
Bluebell Woods, Oranmore
Galway, Ireland

ACCESS TO INFORMATION MANUAL

held by

COGNADEV

Compiled in terms of Section 14 of the Promotion of Access to Information Act, No 2 of 2000 (as amended), the Protection of Personal Information Act No 4 of 2013 (as amended) and the General Data Protection Regulation (Regulation (EU) 2016/679).

Updated: January 2024

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	COGNADEV'S BUSINESS	3
3.	COGNADEV STRUCTURE	4
4.	INFORMATION OFFICER FOR COGNADEV	4
5.	PROCESSING OF PERSONAL INFORMATION	5
6.	HOW INFORMATION HELD BY COGNADEV IS USED	6
7.	REQUEST PROCEDURE	7
8.	REQUEST CONSIDERATIONS	7
9.	REQUEST DECISIONS	8
10.	RIGHT TO REQUEST DECISION APPEAL	8
11.	AVAILABILITY OF THE MANUAL	8
12.	UPDATING THE MANUAL	9
13.	ANNEXURE A	10

1. INTRODUCTION

- 1.1. Cognadev has compiled this manual in terms of the Promotion of Access to Information Act, No 2 of 2000 (hereinafter referred to as “the Act”) and the Protection of Personal Information Act No 4 of 2013 (hereinafter referred to as “POPIA”) as well as the General Data Protection Regulation (Regulation (EU) 2016/679) (hereinafter referred to as “GDPR”)
- 1.2. The Act gives effect to the constitutional right of access to information contained in section 32 of the Constitution of the Republic of South Africa.
- 1.3. The GDPR enshrines the fundamental right to access personal data as outlined in Article 15 of the EU Regulation.
- 1.4. In terms of the above acts, public and private bodies are required to compile a manual as a guide to requesters of information. This manual further serves to indicate the categories of records held by Cognadev, and the availability of such records from Cognadev, as a private body.

2. COGNADEV'S BUSINESS

- 2.1. Cognadev was founded in 1994 to address an expressed need in the market for a fair and valid way to assess the psychological functioning and cognitive potential of individuals (adults) within the work and tertiary educational contexts.
- 2.2. Cognadev provides a broad spectrum of Human Capital solutions. Although our focus is on people assessment and development offerings, we assist organisations to leverage their people performance through valid and reliable data. Our offerings are digitised to provide clients with the capability of self-service, while our consultants provide key account and product advisory services.
- 2.3. Cognadev aims to lead the field in developing and providing innovative and sophisticated psychological assessment and development methodologies to empower Human Capital professionals, consultants, and individuals in the work environment to understand and optimise talent through using their tools in the following areas:
 - 2.3.1. Assessments: Innovative, valid, online systems measuring psychological constructs such as cognition, values, consciousness / awareness, motivation, personality, and job-related competencies. Cognadev's online assessments are automated and used for purposes of recruitment, selection, people development, succession, team building, organisational development, and company audits of potential and values.
 - 2.3.2. Development: Training for individuals and teams to facilitate the development of cognitive, emotional, and contextual awareness and energy.
 - 2.3.3. Training: We provide product - related training for HR practitioners and professional users. Introducing professionals to powerful theoretical models to optimise their understanding of psychology and the impact of people on business.
 - 2.3.4. Consulting: We leverage assessment and development solutions to actualise human and organisational potential.

3. COGNADEV STRUCTURE

Companies: the Cognadev Group consists of businesses in the United Kingdom, Ireland, Belgium and South Africa.

Employees & Roles:

- Management: by CEO, CFO, COO, CIO
- Financial: Accountants, Bookkeepers and Auditors in various jurisdictions
- IT: an outsourced ICT service provider / technology partner provides expert development, support and data security staff and services
- Consulting: professionally accredited / chartered Psychologists and Psychometrists deliver assessment solutions and support customers as account managers
- R&D: Ongoing research and analysis is conducted by experts in the fields of Psychology and Statistics
- Business Development: a BDO plus all staff members support marketing and sales activities
- Administration: support staff deal with office coordination, client requests, maintenance, security, housekeeping functions

4. INFORMATION OFFICER FOR COGNADEV

- 4.1. The Managing Director of Cognadev, Dr Maretha Prinsloo, is the designated Information Officer for Cognadev. The contact details are outlined below:

Name	Contact Number	E-Mail Address
Dr Maretha Prinsloo	+27 11 884 0878	mprinsloo@cognadev.com

- 4.2. The Information Officer has, in terms of Section 17 of the Act, delegated her powers under PAIA, and in terms of Section 56 of POPIA, to the following Deputy Information Officer:

Name	Contact Number	E-Mail Address
Ms Elmien Toerien	+27 11 884 0878	info@cognadev.com

- 4.3. The Information Officer and Deputy Information Officer share the same physical and postal address as below:

C/O BKK, Block 2 Heritage Business Park, Bessboro Road, Blackrock, Cork, Ireland.

18 B Balmoral Avenue, Clynton, Hurlingham, Sandton, 2196, South Africa.

- 4.4. The Cognadev website is www.cognadev.com

- 4.5. Requests for information and access to records not readily available, may be made by contacting the Deputy Information Officer.
info@cognadev.com

5. PROCESSING OF PERSONAL INFORMATION

- 5.1. Cognadev must collect and use information, including personal information as defined in POPIA (Section 2), and GDPR (Article 6) to the extent that it is necessary to perform functions, obligations and duties.
- 5.2. Personal records and information held by Cognadev are generated through the administration of its core functions, which include assessment administration, feedback, and training. These records include:
 - 5.2.1. Personal Information:
 - Name
 - Surname
 - E-Mail Address
 - Contact Number
 - Identification/Passport Number
 - IP Address
 - Date of Birth
 - Gender
 - 5.2.2. Country of Birth (Optional to Complete)
 - Region
 - Ethnicity
 - 5.2.3. Education and Employment (Optional to Complete)
 - Current Employer
 - Current Job Title
 - Highest Level of Education
 - Discipline of Qualification
 - Functional Area
- 5.3. The following personal data is processed:
 - 5.3.1. Processing of data using software
 - 5.3.2. Automated processing of personal data
 - 5.3.3. Tracking of the IP address for the purpose of billing.
- 5.4. Personal information is only disclosed if Cognadev have a legal obligation to do so, if there is a public duty to disclose such information, if the legitimate interest of the data subject necessitates such disclosure, or if consent was provided by the data subject to disclose information.
- 5.5. The recipients of information include Cognadev's ICT Service Providers and originating clients that request assessment on candidates for the purpose of talent acquisition or development.
- 5.6. Personal information may be processed in various jurisdictions for legitimate, intended business purposes. All data is encrypted in transfer and rest.

- 5.7. Where appropriate, we request the third parties with whom we share information with, to take adequate measures and comply with applicable data protection laws and security measures regarding the disclosed information. We do this through contractual arrangements with the respective third parties.
- 5.8. We further take care in the appointment of third parties, to ensure that such parties have adequate data protection measures and protocols.
- 5.9. Cognadev employs security measures that are designed to maintain confidentiality, prevent data loss and unauthorised access and damage to information.
- 5.10. Data subjects have the following recourse where there is a breach of the protection of personal information by Cognadev:
 - 5.10.1. Lodge a complaint with Cognadev's Information Officer, and where unsatisfied, lodge a complaint with the information regulator in the prescribed manner and form.
 - 5.10.2. Institute civil damages in a court that has appropriate jurisdiction.

6. HOW INFORMATION HELD BY COGNADEV IS USED

- 6.1. Personal data is used for the following purposes:
 - 6.1.1. Conducting psychometric assessments for the purpose of talent acquisition and development.
 - 6.1.2. Generating individual reports.
 - 6.1.3. Providing feedback to individuals for the purpose of development.
 - 6.1.4. Providing reports and feedback to the client of origin.
 - 6.1.5. Anonymous research for the purpose of validation studies, special case studies, and knowledge augmentation.
- 6.2. In terms of Section 52 of the Promotion of Access to Information Act, Cognadev voluntarily discloses categories of information in its possession that are available to the public without the need to request this information in terms of the Promotion of Access to Information Act. This need not be requested in terms of the Act and the procedure and requirements set out in section 7 below need not be followed. This may be requested directly from Cognadev by emailing info@cognadev.com This information includes:
 - 6.2.1. Health Professions Council Registration of products
 - 6.2.2. Metric Properties of Products
 - 6.2.3. Adverts in respect of vacancies
 - 6.2.4. Publications and articles
- 6.3. Access to records not listed in 6.2, must be applied for in terms of the Promotion of Access to Information Act and can be requested by sending a request to the e-mail address info@cognadev.com.

7. REQUEST PROCEDURE

- 7.1. A request for information must be made in writing on the prescribed Form A, which is attached to this manual as Annexure A.
- 7.2. The request form must be addressed to the Deputy Information Officer and delivered to the Deputy Information Officer using the contact details set out in Section 4.
- 7.3. The request must contain the name and contact details of the requester, and it must provide sufficient details and mitigation to enable Cognadev to identify the record requested.
- 7.4. Where the request is made on behalf of another person, the requester must Submit proof in the form of an affidavit or letter of consent, of the capacity in which the requester is making the request to the satisfaction of the Information Officer.
- 7.5. If the requester has requested information which does not amount to information pertaining to itself exclusively and the requests are manifestly unfounded or excessive a request fee is payable and proof of such payment must be submitted to the Deputy Information Officer, together with the request. Once Cognadev has decided to grant the requested access to information, access fees may be invoked by Cognadev.
- 7.6. The request fee is aligned to the Regulations published in terms of the PAIA and GDPR.
- 7.7. Bank deposit is the only accepted payment method for requests, using the following Cognadev banking details:

Banking Details	
Bank	Investec
Account Name	Cognadev (Pty) Ltd
Account Number	10013140319
Branch Name	Sandton, Johannesburg
Branch Code	580105
Reference	PAIA /GDPR Request Name of Requester

- 7.8. A request is only received once a completed form and the prescribed request fee have been received by the Deputy Information Officer.
- 7.9. Upon receipt of the request, Cognadev shall endeavour to consider and provide a response to each request within the prescribed thirty (30) days. In specific circumstances, Cognadev may extend the period of thirty (30) days for a further period of thirty (30) days to finalise requests as per section 57 of the PAIA Act or as outlined in Article 12 of the GDPR. In specific circumstances, Cognadev may extend this period by an additional two months, as permitted under Article 12(3) when the request is complex or numerous.

8. REQUEST CONSIDERATIONS

- 8.1. Requests for records for the purpose of criminal or civil proceedings are dealt with in terms of Section 7 of the PAIA Act. Section 7 (1) provides as follows: *the Act does not apply to a record of a public or private body if:*
 - 8.1.1 The record is requested for the purpose of criminal or civil proceedings;

- 8.1.2 So requested after the commencement of such criminal or civil proceedings, as the case may be;
- 8.1.3 The production of or access to that record for the purpose referred to in 8.1.1 above is provided by law.
- 8.2. If PAIA Section 7 (1) applies to a request, the requester must use the rules and procedures for discovery of information related to the legal proceedings.
- 8.3. Cognadev may refuse access where requests are clearly frivolous and/or vexatious.
- 8.4. Requests for access to personal data for the purpose of criminal or civil proceedings are governed by the relevant provisions of the GDPR. Specifically, Article 15(4) states that the right to access does not apply when:
 - 8.4.1. The request is made for the purpose of criminal or civil proceedings;
 - 8.4.2. Such a request is made after the commencement of those proceedings;
 - 8.4.3. Access to that personal data is provided by law for the specified purpose.
 - 8.4.4. If Article 15(4) applies to a request, the requester must follow the appropriate legal procedures for obtaining access to information related to the ongoing proceedings.
 - 8.4.5. Cognadev may refuse access if requests are clearly manifestly unfounded or excessive.

9. REQUEST DECISIONS

- 9.1. As prescribed in Section 56 of the PAIA Act, and Article 12 of the GDPR, the Information Officer shall decide whether to grant the requested access to information and inform the requester accordingly. The requester shall be notified of the decision in the most expedient manner possible.
- 9.2. Should the request for information be refused by the Information Officer, the requester shall be provided with written reasons for such refusal if the requester has elected to be informed of the decision.

10. RIGHT TO REQUEST DECISION APPEAL

- 10.1. Cognadev is not a public body referred to in paragraph (a) of the definition of *public body* in Section 1 of the PAIA Act or Article 37(1) of the GDPR. Therefore, no internal appeal lies against the decision of the Information Officer regarding the access to information.
- 10.2. Should a requester not agree with the decision, the requester may apply, within 180 days of being advised of the decision by the Information Officer to the High Court or any other Court having jurisdiction, for an appropriate order.
- 10.3. As per the PAIA Act, the requester may further seek relief from any court with appropriate jurisdiction in respect of the following decisions of the Information Officer:
 - 10.3.1. The amount of fees required to be paid; and/or
 - 10.3.2. The extension of the period in which the information will be provided.

11. AVAILABILITY OF THE MANUAL

- 11.1. This manual has been drafted to show Cognadev's commitment to comply with the required laws and regulations of the Republic of South Africa and EU
- 11.2. The manual is available in English on the Cognadev website.

12. UPDATING THE MANUAL

- 12.1. The manual will be reviewed and updated no less than once each year.

13. ANNEXURE A

REQUEST TO DELETE ALL PERSONAL DATA FORM

Full name and Surname: _____

Identification Number: _____

Date of Birth: _____

Contact Number: _____

Email address: _____

Reason for deletion: _____

Protection of Personal Information Act, 2013, Chapter 2 (5)(c)

A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information as referred to in Chapter 3, including the right—

c) to request, where necessary, the correction, destruction or deletion of his, her or its personal information as provided for in terms of section 24;

General Data Protection Regulation (Regulation (EU) 2016/679), Article 17

A data subject has the right to have their personal data processed in accordance with the lawful processing conditions outlined in Article 6, including the right—

c) to request the rectification, erasure, or restriction of their personal data as provided for in Articles 16 and 17.

Indemnification

The candidate hereby indemnifies and holds harmless Cognadev and any affiliate within the Cognadev Group from all losses arising from any claim or action brought against Cognadev Group from the deletion of personal information as requested by the candidate.

The candidate hereby understands that he/she cannot complete the Cognadev assessment in the future due to familiarity and validation of the assessment. The candidate hereby accepts the above mentioned and hereby agrees to the deletion of his/her results.

Cognadev has the right to note on the system that the candidate has requested deletion of his/her personal and assessment data. The system will therefore block any future assessment attempts.

Signed at _____ on this _____ day of _____ 20____

Signature

Name and Surname