

LOTTOSTAR (PTY) LTD

("LottoStar")

(Registration Number: 2007/011071/07)



PAIA MANUAL

Published for LottoStar (Pty) Ltd as a Private Body in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

TABLE OF CONTENTS

1. INTRODUCTION	3
2. LOTTOSTAR CONTACT DETAILS	6
3. COMPANY RECORDS.....	7
4. PRESCRIBED REQUEST FORMS AND FEES	14
5. REMEDIES & DECISION	16
6. TIME AFFORDED TO LOTTOSTAR.....	17
ANNEXURE A	18
ANNEXURE B	25



1. INTRODUCTION

LottoStar is a company registered in terms of the Company Laws of South Africa, and provides various online gaming products and services to its customers (“**LottoStar**”).

This Manual (“**the Manual**”) is published in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (“**the PAIA**”) and provides an outline of the type of records and personal information which LottoStar holds and processes. The Manual also explains how to submit requests for access to these records in terms of the PAIA. In addition to explaining how to access, or object to, personal information held by LottoStar, or request correction of the personal information, in terms of sections’ 23 and 24 of the Protection of Personal Information Act 4 of 2013 (the “**POPIA**”), the Manual also explains how to submit requests for access to these records in terms of the PAIA.

The objective of the PAIA is to give effect to the constitutional right to access to information, which information is held by a public or private body and which information is required for the exercise or protection of any rights. The PAIA recognises the right entrenched in section 32 of the Constitution of the Republic of South Africa, 1996 and aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.

Accordingly, this PAIA Manual aims to establish and foster a culture of compliance with prevailing data protection legislation, which in turn gives rise to an environment within which the rights to access to information are actively protected and promoted.

Section 9 of the PAIA dictates that the right to access to information is not an unlimited right and is subject to certain limitations, which include limitations which balance the rights which data subjects have to access information against other rights which data subjects and interested parties have, whether it be in terms of the Constitution of the Republic of South Africa, 1996 or otherwise. Some of these rights which the right to access to information are weighed up against are aimed at protecting the fundamental right to privacy and maintaining the confidentiality (whether it be commercial or individual confidentiality) of interested parties so as to maintain acceptable levels of governance.

1.1. Availability and Purpose of this PAIA Manual

- 1.1.1. This PAIA Manual is published on LottoStar's website at <https://lottostar.co.za/> or alternatively, a copy can be requested from the Information Officer or Deputy Information Officer, which copy may also be inspected at LottoStar's physical address set forth in paragraph 2 below.
- 1.1.2. The primary purpose of this PAIA Manual is to facilitate requests for access to information held by LottoStar, which requests shall be made in accordance with the prescribed procedures and at the rates provided for in section 5 of this PAIA Manual. In addition to the above, the further purposes of this PAIA Manual, are to describe the records held by LottoStar and to clearly articulate the grounds upon which access to any such records may be refused.
- 1.1.3. This PAIA manual will also help our customers to have a sufficient understanding of how to make a request of records held by LottoStar, by providing a description of the subjects on which LottoStar holds.

1.2. Availability of the Privacy Notice

- 1.2.1. LottoStar's Privacy Notice can be accessed on www.lottostar.co.za/terms-and-conditions/privacy-notice

1.3. Availability of guides to the PAIA and POPIA

- 1.3.1. Guides to the PAIA and POPIA can be obtained and queries directed to:

PAIA and POPIA

The office of the Information Regulator:

Physical Address:

JD House 27 Stiemens Street Braamfontein
Johannesburg
Gauteng
P.O.BOX 31533, Braamfontein, Johannesburg, 2017

Website: www.inforegulator.co.za

E-mail: enquiries@inforegulator.org.za

Complaints Email: PAIAComplaints@inforegulator.org.za

Compliance Email: PAIACompliance@inforegulator.org.za

2. LOTTOSTAR CONTACT DETAILS

2.1. Contact details in terms of section 51 of PAIA:

Information Officer:	Tasoulla Hurwitz (dataprotection@lottostar.co.za)
Deputy Information Officer:	Alexandra Stylianou (dataprotection@lottostar.co.za)
Postal address:	13 Baker Street, 1 st Floor, The Conservatory, Rosebank, Johannesburg 2196
Registered address:	13 Baker Street, 1 st Floor, The Conservatory, Rosebank, Johannesburg 2196
Telephone:	010 596 0000
E-mail address:	dataprotection@lottostar.co.za
Website:	https://lottostar.co.za/

General Information:

Name of private body:	LottoStar (Pty) Ltd
Industry:	Bookmaker
Registration number:	2007/0110701/07
VAT registration number:	4580264820
Postal address:	13 Baker Street, 1 st Floor, The Conservatory, Rosebank, Johannesburg 2196
Physical address / Place of business:	13 Baker Street, 1 st Floor, The Conservatory, Rosebank, Johannesburg 2196
Telephone:	010 596 0000
E-mail address:	dataprotection@lottostar.co.za
Website:	https://lottostar.co.za/

3. COMPANY RECORDS

3.1. Availability of LottoStar's Records

- 3.1.1. The provisions of the PAIA, specifically the provisions of section 50 of the PAIA dictate that a requester for access to information must be afforded access to any record of LottoStar if the following requirements are met:
- 3.1.2. where a particular record is required for the exercise or protection of any rights (Section 50(1)(a) of PAIA);
- 3.1.3. where a requester complies with the procedural requirements set forth in the PAIA relating to a request for access to particular records (Section 50(1)(b) of PAIA); and
- 3.1.4. where access to that particular record is not refused in terms of any of the grounds for refusal to access contemplated in terms of Chapter 4 of the PAIA (Section 50(1)(c) of PAIA).
- 3.1.5. The below table sets forth the categories and subcategories of records which LottoStar processes. Each category and subcategory of records set out below may be subject to any one (or a number) of the grounds upon which LottoStar may refuse access to records. These grounds for refusal are set out in Chapter 4 of the PAIA, as well as described in the table at 3.2 below.

<p>Personnel records</p>
<p>Personnel refers to any person who works for or provides services to or on behalf of LottoStar and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of LottoStar. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:</p>
<p>Any personal records provided to LottoStar by our personnel</p>
<p>Any records a third party has provided to LottoStar about any of their personnel</p>
<p>Conditions of employment and other personnel-related contractual and quasi-legal records</p>
<p>Internal evaluation records</p>
<p>Training schedules and materials</p>
<p>Other internal records and correspondence related to a particular individual</p>
<p>Customer-related records</p>
<p>Please be aware that LottoStar is very concerned about protecting the personal information of any Data Subjects as defined in terms of the Protection of Personal Information Act, 4 of 2013). Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.</p>
<p>Customer information records [that may contain personal information] include the following:</p>
<p>Any records a customer has provided to LottoStar or a third party acting for or on behalf of LottoStar</p>
<p>Contractual information</p>
<p>Customer needs assessments</p>
<p>Personal records of customers</p>
<p>Credit information and other research conducted in respect of customers</p>
<p>Any records a third party has provided to LottoStar about customers</p>

Confidential, privileged, contractual and quasi-legal records of customers
Customer evaluation records
Customer profiling
Performance research conducted on behalf of customers or about customers
Any records a third party has provided to LottoStar either directly or indirectly
Records generated by or within LottoStar pertaining to customers, including transactional records
Technical records
Technical reports
Technical data
Plans, new products and services, brands and trademarks forming part of the intellectual property rights of LottoStar
Third Parties
Records are kept in respect of other third parties, including without limitation contractors, suppliers, joint ventures, service providers, and general market conditions. In addition, certain third parties may possess records, which can be said to belong to LottoStar and in such instances those third parties process such records for and on behalf of LottoStar in their capacities as process operators and subject to prescribed contractual terms. The following records fall under this category:
Personnel, customer or LottoStar records which are held by another third party as opposed to being held by LottoStar; and

Records held by LottoStar pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.
Other Records
Further records are held including:
Information relating to LottoStar’s own commercial activities
Research carried out on behalf of a client by LottoStar or commissioned from a third party for a customer
Research information belonging to LottoStar, whether carried out itself or commissioned from a third party.

3.2. Grounds for Refusal of Access to LottoStar’s Record

3.2.1. Upon receipt of a request for access to information, LottoStar will be required to consider such a request in light of the provisions of section 50 of the PAIA Act. Subject to such consideration, LottoStar will be required to either grant such a request or refuse such a request. If LottoStar elects to refuse access to a particular record, such refusal will be subject to LottoStar’s interpretation of the various prescribed grounds for refusal as set forth in Chapter 4 of the PAIA and in the table below:

Ground(s) For Refusal	Description and Explanation of Ground(s) for Refusal
Mandatory protection of privacy of third party who is a natural person [Section 63 of PAIA]	LottoStar may refuse access to a record if the disclosure of that record would involve the unreasonable disclosure of personal information relating to a third party, including a deceased individual.
Mandatory protection of commercial information of third party [Section 64 of PAIA]	<p>LottoStar may refuse a request for access to a record if the record comprises of or is constituted by the following information relating to a third party –</p> <p>Trade secrets of a third party;</p> <p>Financial, commercial, scientific or technical information, other than trade secrets, of a third party, which if disclosed is likely to cause harm to the commercial or financial interests of the third party;</p> <p>Information which has been supplied in confidence by a third party, the disclosure of which could reasonably be expected to place the third party at a disadvantage in contractual or other negotiations or is likely to prejudice the third party in commercial competition.</p>
Mandatory protection of certain confidential information of a third party [Section 65]	LottoStar may refuse access to a record which if disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement or contractual relationship.

<p>Mandatory protection of safety of individuals and protection of property [Section 66]</p>	<p>LottoStar may refuse a request for access to record if its disclosure could reasonably be expected to endanger the life or physical safety of an individual, or if its disclosure would be likely to prejudice or impair the security of:</p> <p>a building, structure or system, including but not limited to a computer or communication system, a means of transport or any other property;</p> <p>method(s), system(s), plans or procedures for the protection of an individual in accordance with a witness protection scheme, the safety of the public, or any part of the public or the security of property.</p>
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<p>Commercial information of Private Body [Section 68]</p>	<p>LottoStar may refuse a request for access to a record if the record contains (or comprises of):</p> <p>Trade secrets of the Private Body;</p> <p>Financial, commercial, scientific or technical information, other than trade secrets of the Private Body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Private Body;</p> <p>Information, the disclosure of which could reasonably be expected to put the Private Body at a disadvantage in contractual or other negotiations or prejudice the Private Body in commercial competition;</p> <p>A computer programme (as defined in section 1(1) of the Copyright Act 98 of 1978 as amended) owned by the Private Body, except insofar as it is required to give access to a record to which access is granted in terms of the PAIA Act.</p>
<p>Mandatory protection of research information of third party, and protection of research information of private body [Section 69]</p>	<p>LottoStar may refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party/private body, the disclosure of which would be likely to expose the third party/private body, a person that is (or will be) carrying out the research on behalf of the third party/private body, or the subject matter of the research to serious disadvantage.</p>

4. PRESCRIBED REQUEST FORMS AND FEES

4.1. How to gain access to records held by LottoStar

Records which are held by LottoStar may be accessed by requests for such access to information and documentation in the prescribed manner and subject to certain requirements being met. In this regard a requester is any person making a request for access to a record held by LottoStar, and there are two types of requesters:

4.1.1. A Personal Requester

A personal requester is a requester who is seeking access to a record containing personal information about the requester and LottoStar will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. In this regard, the prescribed fees for the reproduction of this information requested may be charged.

4.1.2. Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. LottoStar is, however, not obliged to voluntarily grant access and the requester must fulfil the procedural requirements for access in terms of the PAIA Act, including the payment of a request and access fee.

Requests for access to records must be made by completing the prescribed Form A and paying the requester's fee. Where such access is granted in terms of this PAIA Manual, the information and documentation will be made available at the offices of LottoStar (the particulars of which appear in section 2 above) or in the manner requested, should this be reasonable and possible. The manner of access will include:

- Perusal with copying of material if needed and at the prescribed fee for copies.
- Access to visual, audio visual material with a transcription, dubbing, copying or both, if required.

To facilitate the processing of any request by a requester for information or documentation in terms of this PAIA Manual, requesters are required to follow the procedure set forth herein below:

- i. Use the prescribed Form 02 attached hereto as **Annexure B**, alternatively found on LottoStar's website – <https://lottostar.co.za/>
- ii. Address your request to the Information or Deputy Information Officer (dataprotection@lottostar.co.za)
- iii. Provide sufficient detail to enable LottoStar or any authorised person dealing with a request to identify:
 - a) The record(s) requested (full description of the record)
 - b) The requestor (full names, identity number and contact number) (and, if an agent is lodging the request or behalf of someone, proof of capacity and authorisation);
 - c) The South African postal address, email address or fax number of the requestor;
 - d) The form of access required;
 - e) If the requester wishes to be informed of the decision in any manner (in addition to being informed in writing) the manner and particulars thereof;
 - f) The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required in order to exercise or protect the right.

4.2. **Prescribed fees**

The following applies to requests (other than personal requests):

- 4.2.1. A requestor is required to pay the prescribed fees (R140.00) before a request will be processed.
- 4.2.2. If the preparation of the record requested requires more than the 6 (six hours) , a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).
- 4.2.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 4.2.4. Records may be withheld until the fees have been paid.
- 4.2.5. The detailed Fee Structure as prescribed in terms of section 54 of the PAIA is attached hereto as **Annexure C** and is also available on LottoStar's website – <https://lottostar.co.za/>

4.3. **Access to prescribed forms and fees**

- 4.3.1. Prescribed forms and fees are published on LottoStar's website or, alternatively, copies can be requested from the Information Officer or Deputy Information Officer (dataprotection@lottostar.co.za).

5. **REMEDIES & DECISION**

5.1. **Internal Remedies**

- 5.1.1. LottoStar does not have an internal appeal procedure regarding PAIA and POPIA requests for access to information. As such, the decision made by the Information Officer, is final.
- 5.1.2. If a request is denied and the requester is dissatisfied with the Information Officer's decision, the requestor will be required to exercise such external remedies at their disposal if a request for information is refused.

5.2. **External Remedies**

5.2.1. A requestor who is dissatisfied with the Information Officer's refusal to disclose information, may within 180 (one hundred and eighty days) of notification of the decision apply to a competent Court, with jurisdiction over these applications in terms of the PAIA Act, for appropriate relief.

6. TIME AFFORDED TO LOTTOSTAR

6.1. LottoStar is required to, within 30 (thirty) days of receipt of a request, decide whether to grant or decline the request and, if required, provide the requester with reasons to that effect.

6.2. The 30 (thirty) day period stipulated in paragraph 6.1 above, may be extended for a further period of not more than 30 (thirty) days if the request is for a large amount of information, or the request requires an extensive search for information which cannot reasonably be obtained within the originally stipulated 30 (thirty) day period.

6.3. In circumstances contemplated in paragraph 6.2, LottoStar will **as soon as reasonably possible and within the 30 days mentioned above**, notify the requester in writing should an extension be sought

COMPILED BY LOTTOSTAR (PTY) LTD



INFORMATION OFFICER

DATE: 18 OCTOBER 2023

**ANNEXURE A
FORM 02**

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
[Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)(as amended)]
[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer
LottoStar (Pty) Ltd
13 Baker Street, 1st Floor
The Conservatory, Rosebank
Johannesburg

E-mail address: dataprotection@lottostar.co.za

Fax number: _____

Mark with an "X"

Request is made in my own name Request is made on behalf of another person.

PERSONAL INFORMATION	
Full Names	
Identity Number	
Capacity in which request is made	

(when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is

inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	
Any further particulars of record	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	<input type="checkbox"/>



Record comprises virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
<p>FORM OF ACCESS <i>(Mark the applicable box with an "X")</i></p>	
Printed copy of record (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of record on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of record on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	



Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>c) <i>The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</i></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i></p>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made



FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer



ANNEXURE B PRESCRIBED FEE TARIFF

GENERAL

The following applies to requests (other than personal requests):

1. A requester is required to pay the prescribed fees (R140.00) before a request will be processed;
2. If the preparation of the record requested requires more than the 6 (six hours) determined by LottoStar's Information Officer, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
3. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
4. Records may be withheld until the fees have been paid. Payments should be made to the business account of LottoStar, the particulars of which account details will be made available to a requestor upon lodging a request for access to information.

FEES IN RESPECT OF PRIVATE BODIES

1. The request fee payable by every requestor referred to in section 22 (1) and section 54 (1) of the PAIA is prescribed in Item 1 of **Annexure B** of the PAIA Regulations of 2021 ("**The Regulations**")
2. The prescribed fee structure is tabled below:

1.	The request fee payable by every requestor.	R140.00
2	Photocopy/printed black and white copy of A4-size page.	R2.00 per page or part thereof.
3	Printed copy of A4 size page	R2.00 per page of part thereof.
4	For a copy in a computer readable form on <ul style="list-style-type: none"> Flash Drive (to be provided by requestor) Compact Disc (If provided by requestor) Compact Disc (if provided to requestor) 	R40.00 R40.00 R60.00
5	For a transcription of visual images per A4 size page.	Services to be outsourced, will depend on quotation from service provider.
6	Copy of an audio visual	Services to be outsourced, will depend on quotation from service provider.
7	Transcription of an audio record per A4 size page	R24.00
8	Copy of an audio record on a; <ul style="list-style-type: none"> Flash drive (If provided by the requestor) Flash drive(If provided to requestor) 	R40.00 R60.00
9	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation (to not exceed the total cost of)	R145.00 R435.00
10	Deposit: if such exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.