

## GUIDANCE NOTES

### 2021.09 PROMOTION OF ACCESS TO INFORMATION POLICY (v.2)

- The content and layout of this document is provided as an example only. It is the responsibility of any user of this document to adapt, customise and verify the contents thereof to the user's specific needs and circumstances or any other applicable legislation.
- The governing body of the organisation must approve the processes set out in this document and complete any outstanding sections where so required.
- Complete Annexure A by providing the organisation's indicated contact details and specifying the sector(s) within which the organisation conducts its main type of business. The head of the organisation must sign and date the annexure.
- Complete Annexure B by reviewing whether the details provided are correct. The head of the organisation must sign and date the annexure.
- Complete Annexure C by listing only the specific statutes in terms of which the organisation is required to maintain records. The head of the organisation must sign and date the annexure.
- Complete Annexure D by listing the various record categories held by the organisation with specific reference to any particular record's "availability" status as per the example provided. Records will either be "Freely Available" or required to be accessed through a formal "PAIA Request" procedure. Also indicate the purpose for which the respective records are being kept along with a description of the category of data subject(s) to whom the record relates. It is recommended that the data subjects to whom the record relates be classified into either "The Organisation", "Employees", "Customer/Clients" or "Third Parties". The head of the organisation must sign and date the annexure.
- Complete Annexure E by reviewing whether the details provided are correct. The head of the organisation must sign and date the annexure.
- Complete Annexure F by reviewing whether the details provided are correct. The head of the organisation must sign and date the annexure.
- Complete Annexure G by identifying and appointing a Deputy Information Officer. The appointment of a Deputy Information Officer will only be required where the head of the organisation delegates any power or duty bestowed or imposed on an Information Officer in terms of POPI, to another person.
- The completed manual must be submitted to the South African Human Rights Commission. Please e-mail the signed copy to: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za) and post a hard copy to the following address: The SA Human Rights Commission, PAIA Unit, Private Bag 2700, Houghton, 2041.

- In terms of section 51 of the Promotion of Access to Information Act ('the Act') all private bodies (i.e., any natural or juristic person who carries on any trade, business, or profession) must compile a manual complying with prescribed requirements. This document can be used as a guideline to comply with statutory requirements
- The document must at all times be accessible to the Information Regulator to be established in terms of POPI and relevant staff members and must be made available to any person upon request and upon payment of a reasonable amount.
- The document must be published on the website, if any, of the organisation and made available at the principal place of business of the organisation during normal business hours.
- Retain an original hard copy of this document in the organisation's Compliance Manual.
- It is advisable to maintain a record that provides confirmation by the staff members that they have each read, understand and are aware of their duties in respect of this policy.
- It is advisable to review the document on an annual basis. Any amendments must be indicated on the document review roster and relevant staff members must be informed of any updates
- **Disclaimer:** This document is of a generic nature and was compiled taking relevant statutory requirements into consideration. This document is provided as a guideline only and any reliance the user places on this document will be at the user's own risk. MSM Property Fund (Pty) Ltd accepts no liability for any damages suffered or losses incurred arising from the use of this document.
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## PAIA MANUAL

Version	V.2
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Publishing Date	2021.09
Last Review Date	
Frequency of Review	
Next Review Date	
Policy Owner	MSM Property Fund (Pty) Ltd
Responsible Business Unit	

## POLICY STATEMENT

- This policy forms part of the policy owner's internal business processes and procedures.
- Any reference to the "organisation" shall be interpreted to include the "policy owner".
- The organisation's governing body, its employees, volunteers, contractors, suppliers, and any other persons acting on behalf of the organisation are required to familiarise themselves with the policy's requirements and undertake to comply with the stated processes and procedures.
- Risk owners and control owners are responsible for overseeing and maintaining control procedures and activities.

## POLICY ADOPTION

By signing this document, I authorise the policy owner's approval and adoption of the processes and procedures outlined herein.

Name & Surname	
Capacity	
Signature	
Date	

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## 1 DEFINITIONS

### **2 Data Subject**

The person to whom personal information relates.

### **3 Deputy Information Officer**

The person to whom any power or duty conferred or imposed on an Information Officer by POPI has been delegated.

### **4 Head**

In relation to a private body means:

- in the case of a natural person, that natural person or any person duly authorised by that natural person.
- in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership.
- in the case of a juristic person:
  - the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or
  - the person who is acting as such or any person duly authorised by such acting person

### **5 Information Officer**

The head of a private body.

### **6 Information Regulator**

The Regulator established in terms of Section 39 of POPI.

### **7 PAIA**

The Promotion of Access to Information Act 2 of 2000

### **8 Person**

A natural person or a juristic person

### **9 Personal Information**

- 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; correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- The views or opinions of another individual about 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.

## **10 Personal Requester**

A requester seeking access to a record containing personal information about the requester

## **11 POPI**

The Promotion of Personal Information Act 4 of 2013

## **12 Private body**

- a natural person who carries or has carried on any trade, business, or profession, but only in such capacity
- 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

## **13 Processing**

Any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or making available in any other form, or merging, linking, as well as restriction, degradation, erasure, or destruction of information.

## **14 Public body**

- any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- in any other functionary or institution when:
  - exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
  - exercising a public power or performing a public function in terms of any legislation

## **15 Requester**

In relation to a private body, means any person, including, but not limited to public body or an official thereof, making a request for access to a record of the organisation or a person acting on behalf of such person

## **16 Request for access**

A request for access to a record of the organisation in terms of section 50 of PAIA.

## **17 Record**

Any recorded information regardless of the form or medium, in the possession or under the control of the organisation irrespective of whether or not it was created by the organisation

## 18 Third Party

In relation to a request for access to a record held by the organisation, means any person other than the requester

## 19 POLICY PURPOSE

The Promotion of Access to Information Act, 2000, gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State or any other person (or private body), when that information is required for the exercise or protection of any rights.

The purpose of PAIA is to:

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to
- actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect all their rights more fully

The organisation recognises everyone's right to access to information and is committed to provide access to the organisation's records where the proper procedural requirements as set out by PAIA and POPI have been met.

The organisation's PAIA manual is compiled in accordance with section 51 of the Act and contains the following provisions:

### **Annexure A: Contact Details & Business Type**

This section provides the organisation's postal and street address, phone, and fax number and, if available, the e-mail address of the head of the organisation

### **Annexure B: Section 10 PAIA Guide**

This section provides a description of the guide referred to in Section 10 of PAIA and how you may obtain access to it

### **Annexure C: Statutory Records**

This section provides a description of the various statutes in terms of which the organisation is required to maintain records

### **Annexure D: Availability of Records**

This section provides a list of records held by the organisation along with an indication of whether the record is freely available or only accessible by way of a formal request in terms of the provisions of PAIA. The section also provides a description of the category of data subject(s) to whom the respective records relate along with an indication of the purpose for which the record is being kept. Records that are indicated as "Freely Available" can be accessed by contacting the Deputy Information Officer (see Annexure A), without having to follow any formal procedures. Records that are indicated as a "PAIA Request", requires the requester to lodge a formal request as provided for in Annexure E

### **Annexure E: Request Procedure**

This section sets out the procedure required to obtain access to a record indicated as a "PAIA Request" in Annexure D

### **Annexure F: Prescribed Fees**

This section sets out the fees that are payable to the organisation prior to processing a request to obtain access to a record held by the organisation

### **Annexure G: Processing of Personal Information**

This section sets out the applicable aspects for the processing of personal information

### **Annexure H: Deputy Information Officer Appointment**

This section provides for the formal appointment of a Deputy Information Officer where so required

## 20 DUTIES OF THE INFORMATION OFFICER

The Information Officer and/or the Deputy Information Officer of the organisation are responsible for:

- Publishing and proper communication of the manual i.e., creating policy awareness
- The facilitation of any request for access
- Providing adequate notice and feedback to the requester
- Determining whether to grant a request for access to a complete/full record or only part of a record
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format
- Reviewing the policy for accuracy and communicating any amendments

### Right of Access

The Information Officer and/or Deputy Information Officer may only provide access to any record held by the organisation to a requester if:

- The record is required for the exercise or protection of any right, and
- The requester complies with the procedural requirements relating to a request for access to that record, and
- Access to that record is not refused in terms of any of the grounds for refusal listed below

### Grounds for Refusal

The Information Officer and/or Deputy Information Officer must assess whether there are any grounds for refusing a request for access.

Where any grounds for refusal are found, a request for access will not be granted.

However, despite finding any grounds for refusal, access to the record(s) will be provided where:

- the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law or imminent and serious public or environmental risk, and
- the public interest in disclosing record, will clearly outweigh the harm contemplated in the provision in question,

Where there are no grounds for refusal, request for access will be granted.

If a request for access is made with regards to a record containing information that would justify a ground for refusal, every part of the record which

- does not contain, and
- can reasonably be severed from any part that contains, any such information must, despite any other provision of PAIA, also be disclosed

The grounds for refusal, or absence thereof, are set out below:

#### **A: Mandatory Protection of privacy of a Third Party who is a Natural Person**

Grounds for Refusal:

- The disclosure would involve the unreasonable disclosure of personal information about a third party that is a natural person (including a deceased individual)

#### No Grounds for Refusal:

- The record consists of information that concerns an individual who has already consented in writing to its disclosure to the requester concerned
- The record consists of information that is already publicly available
- The record consists of information that was given to the organisation by the individual to whom it relates, and the individual was informed by or on behalf of the organisation, before it is given, that the information belongs to a class of information that would or might be made available to the public
- The record consists of information about an individual's physical or mental health, or well-being, who is under the care of the requester and who is under the age of 18; or incapable of understanding the nature of the request, and if giving access would be in the individual's best interest
- The record consists of information about an individual who is deceased, and the requester is the individual's next of kin or making the with the written consent of the individual's next of kin
- The record consists of information about an individual who is or was an official of the organisation and which relates to the position or functions of the individual, including, but not limited to the title, work address, work phone number, the classification, salary scale or remuneration and responsibilities of the position held, or services performed by the individual and the name of the individual on a record prepare by the individual in the course of employment

### **B: Mandatory Protection of Commercial Information of a Third Party**

#### Grounds for Refusal

- The record consists of information that contains trade secrets of a third party
- The record consists of information that contains financial, commercial, scientific, or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party
- The record consists of information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations or to prejudice that third party in commercial competition

#### No Grounds for Refusal

- The record consists of information about a third party who has consented who has already consented in writing to its disclosure to the requester concerned
- The record consists of information about the results of any product or environmental testing or other investigation supplied by a third party or the results of any such testing or investigation carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk (the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation)

### **C: Mandatory Protection of certain Confidential Information of a Third Party**

Grounds for Refusal

- The record consists of information the disclosure of which would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement

**D: Mandatory Protection of Safety of Individuals and Protection of Property**

Grounds for Refusal

- The record consists of information that if disclosed could reasonably be expected to endanger the life or physical safety of an individual
- The record consists of information that if disclosed would likely prejudice or impair the security of a building, a structure or system, a computer or communication system, a means of transport, any other property
- The record consists of information that if disclosed would likely prejudice or impair the security of methods, systems, 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

**E: Mandatory Protection of Records privileged from Production in Legal Proceedings**

Grounds for Refusal

- The record consists of information privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege

**F: Commercial Information of the Organisation**

Grounds for Refusal

- The record consists of information that contains trade secrets of the organisation
- The record consists of information that contains financial, commercial, scientific, or technical information, other than trade secrets, of the organisation, the disclosure of which would likely cause harm to the commercial or financial interests of the organisation
- The record consists of information, the disclosure of which, could reasonably be expected to put the organisation at a disadvantage in contractual or other negotiations or prejudice the organisation in commercial competition
- The record is a computer program as defined in section 1(1) of the Copyright Act (Act 98 of 1978), owned by the

No Grounds for Refusal

- The record consists of information about the results of any product or environmental testing or other investigation supplied by the organisation or the results of any such testing or investigation carried out by or on behalf of the organisation and its disclosure would reveal a serious public safety or environmental risk (the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation)

**G: Mandatory Protection of Research Information of a Third Party and the Organisation**

Grounds for Refusal

- The record consists of information that contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose the third party, a person that is or will be carrying out the research on behalf of the third party, or the subject matter of the research to serious disadvantage
- The record consists of information that contains information about research being or to be carried out by or on behalf of the organisation, the disclosure of which would be likely to expose the organisation, a person that is or will be carrying out the research on behalf of the organisation or the subject matter of the research to serious disadvantage

## 21 NOTICE

Where a request for access has been received the Information Officer and/or Deputy Information Officer will notify the requester of receipt and the prescribed fee (if any) that is payable prior to processing the request. Please refer to Annexure F for a full breakdown of fees payable. Personal requesters will not be charged a request fee.

The notice must state:

- The amount of the deposit payable (if any)
- That the requester may lodge a complaint with the Information Regulator or an application with a court against the tender or payment of the request fee, or the tender or payment of a deposit, as the case may be
- The procedure (including the period) for lodging the complaint with the Information Regulator or the application

Except to the extent that the provisions regarding third party notification may apply, the Information Officer and/or Deputy Information Officer to whom the request is made, must as soon as reasonably possible, but in any event within 30 days, after the request has been received in the prescribed format:

- Decide in accordance with PAIA whether to grant the request, and
- Notify the requester of the decision and, if the requester stated that he or she wishes to be informed of the decision in any other manner, inform him or her in that manner, if it is reasonably possible

If the request for access is granted, the notice must state:

- The access fee (if any) to be paid upon access
- The form in which access will be given, and
- That the requester may lodge a complaint with the Information Regulator or an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging a complaint with the Information Regulator or the application

If the request for access is refused, the notice must:

- State adequate reasons for the refusal, including the relevant provision of PAIA that was relied on
- Exclude, from any such reasons, any reference to the content of the records' and
- State that the requester may lodge a complaint with the Information Regulator or an application with a court against the refusal of the request, and the procedure (including the period) for lodging a complaint with the Information Regulator or the application

Should all reasonable steps have been taken to find a record requested, and there are reasonable grounds for believing that the record:

- Is in the organisation's possession, but cannot be found, or
- Simply does not exist,

the head of the organisation must, by way of affidavit or affirmation, notify the requester that it is not possible to provide access to that record. The affidavit or affirmation must provide full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communication with every person who conducted the search on behalf of the head.

## 22 AVAILABILITY OF THE MANUAL

A copy of the Manual is available-

- on (specify the website), if any.
- head office of the (name of the body) for public inspection during normal business hours.
- to any person upon request and upon the payment of a reasonable prescribed fee; and
- to the Information Regulator upon request.

A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

<b>A. Organisation Contact Details</b>	
Postal address:	
Street address:	
Phone number:	
Email address:	
Fax number:	
<b>B. Head of Organisation</b>	
Full names & surname:	
Email address:	
Phone number:	
Fax number:	
<b>C. Deputy Information Officer</b>	
Full names & surname	
Email address:	
Phone number:	
Fax number:	
<b>D. Business Type</b>	
The organisation conducts its main type of business in the following sector(s):	
Agriculture	<input type="checkbox"/>
Mining and Quarrying	<input type="checkbox"/>
Manufacturing	<input type="checkbox"/>
Electricity, Gas & Water	<input type="checkbox"/>
Construction	<input type="checkbox"/>
Retail & Motor Trade and Repair Services	<input type="checkbox"/>
Wholesale Trade, Commercial Agents & Allied Services	<input type="checkbox"/>
Catering, Accommodation & Other Trade	<input type="checkbox"/>
Finance & Business Services	<input type="checkbox"/>
Community, Special & Personal Services	<input type="checkbox"/>
If other, please specify:	<input type="checkbox"/>



Head signature:	
Date:	

The Regulator has, in terms of section 10(1) of PAIA, as amended, updated, and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Guide is available in each of the official languages and in braille.

The aforesaid Guide contains the description of-

- the objects of PAIA and POPIA.
- the postal and street address, phone, and fax number and, if available, electronic mail address of-  
the Information Officer of every public body, and  
every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA.
- the manner and form of a request for-  
access to a record of a public body contemplated in section 11; and  
access to a record of a private body contemplated in section 50.
- the assistance available from the IO of a public body in terms of PAIA and POPIA.
- the assistance available from the Regulator in terms of PAIA and POPIA.
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-  
an internal appeal.  
a complaint to the Regulator; and  
an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body.
- the provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual.
- the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- the regulations made in terms of section 92.

Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

The Guide can also be obtained-

- upon request to the Information Officer.
- from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. Where a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures at the rates provided.



Head signature:	
Date:	

The organisation maintains statutory records and information in terms of the following legislation:

Administration of Estates Act	<input type="checkbox"/>
Arbitration Act	<input type="checkbox"/>
Auditing Professions Act	<input type="checkbox"/>
Basic Conditions of Employment Act	<input type="checkbox"/>
Closed Corporations Act	<input type="checkbox"/>
Collective Investment Schemes Control Act	<input type="checkbox"/>
Companies Act	<input type="checkbox"/>
Compensation of Occupational Injuries & Diseases Act	<input type="checkbox"/>
Consumer Protection Act	<input type="checkbox"/>
Copyright Act	<input type="checkbox"/>
Customs and Excise Act	<input type="checkbox"/>
Electronic Communications and Transactions Act	<input type="checkbox"/>
Employment Equity Act	<input type="checkbox"/>
Financial Advisory & Intermediary Services Act	<input type="checkbox"/>
Financial Institutions (Protection of Funds) Act	<input type="checkbox"/>
Financial Intelligence Centre Act	<input type="checkbox"/>
Friendly Societies Act	<input type="checkbox"/>
Income Tax Act	<input type="checkbox"/>
Insolvency Act	<input type="checkbox"/>
Labour Relations Act	<input type="checkbox"/>
Long-term Insurance Act	<input type="checkbox"/>
Medical Schemes Act	<input type="checkbox"/>
National Credit Act	<input type="checkbox"/>
Occupational Health and Safety Act	<input type="checkbox"/>
Patents Act	<input type="checkbox"/>
Pension Funds Act	<input type="checkbox"/>
Prevention of Organised Crime Act	<input type="checkbox"/>
Prevention and Combatting of Corrupt Activities Act	<input type="checkbox"/>
Promotion of Equality and Prevention of Unfair Discrimination Act	<input type="checkbox"/>
Protection of Constitutional Democracy against Terrorist and related Activities Act	<input type="checkbox"/>
Short-term Insurance Act	<input type="checkbox"/>

Skills Development Act	<input type="checkbox"/>
Trademarks Act	<input type="checkbox"/>
Unemployment Insurance Act	<input type="checkbox"/>
Value Added Tax Act	<input type="checkbox"/>



Head signature:	
Date:	

The organisation maintains the following categories of records and related subject matter. The status of the record's availability, the purpose for its processing and the relevant data subject category to who the record relates are set out below:

Category:	Record:	Availability:	Purpose:	Data Subject:
Public Affairs	Public Product Information	Freely Available	Convey Public Information	Organisation
	Public Corporate Records	Freely Available	Convey Public Information	Organisation
	Media Releases	Freely Available	Convey Public Information	Organisation
	Published Newsletters	Freely Available	Convey Public Information	Organisation
	Magazine Articles	Freely Available	Convey Public Information	Organisation
Regulatory & Administrative	Permits, Licenses or Authorities	Freely Available	Statutory Requirement	Organisation
	Conflict of Interest Management Policy	Freely Available	Statutory Requirement	Organisation
	Complaints Policy	Freely Available	Statutory Requirement	Organisation
	FICA Internal Rules	PAIA Request	Statutory Requirement	Organisation
	Health & Safety Plan	PAIA Request	Statutory Requirement	Organisation
	Memorandum of Incorporation	PAIA Request	Statutory Requirement	Organisation
	Minutes of Board or Directors Meetings	PAIA Request	Statutory Requirement	Organisation
	Register of Members	PAIA Request	Statutory Requirement	Organisation
	Register of Board of Directors	PAIA Request	Statutory Requirement	Organisation
	Internal correspondence (e-mails/memos)	PAIA Request	Internal Communications	Employees
Insurance Policies held by organisation	PAIA Request	Risk Management	Organisation	
Human Resources	Employment Applications	PAIA Request	Internal Referencing	Employees
	Employment Contracts	PAIA Request	Contractual Agreement	Employees
	Personal Information of Employees	PAIA Request	Internal Referencing	Employees
	Employment Equity Plan	PAIA Request	Statutory Requirement	Organisation

	Medical Aid Records	PAIA Request	Internal Referencing	Employees
	Pension Fund Records	PAIA Request	Internal Referencing	Employees
	Disciplinary Records	PAIA Request	Statutory Requirement	Employees
	Performance Management Records	PAIA Request	Internal Referencing	Employees
	Salary Records	PAIA Request	Internal Referencing	Employees
	Employee Benefit Records	PAIA Request	Internal Referencing	Employees
	PAYE Records	PAIA Request	Statutory Requirement	Employees
	Seta Records	PAIA Request	Statutory Requirement	Employees
	Disciplinary Code	PAIA Request	Statutory Requirement	Organisation
	Leave Records	PAIA Request	Internal Referencing	Employees
	Training Records	PAIA Request	Internal Referencing	Employees
	Training Manual	PAIA Request	Internal Referencing	Organisation
Financial	Financial Statements	PAIA Request	Internal Referencing	Organisation
	Financial and Tax Records	PAIA Request	Statutory Requirement	Organisation
	Asset Register	PAIA Request	Internal Referencing	Organisation
	Management Accounts and Reports	PAIA Request	Internal Referencing	Organisation
	Vouchers, Cash Books and Ledgers	PAIA Request	Internal Referencing	Organisation
	Banking Records and Statements	PAIA Request	Internal Referencing	Organisation
	Electronic Banking Records	PAIA Request	Internal Referencing	Organisation
Marketing	Market Information	PAIA Request	Internal Referencing	Organisation
	Product Brochures	PAIA Request	Internal Referencing	Organisation
	Advertisements	PAIA Request	Internal Referencing	Organisation
	Field Records	PAIA Request	Internal Referencing	Organisation
	Performance Records	PAIA Request	Internal Referencing	Organisation
	Product / Service Sales Records	PAIA Request	Internal Referencing	Organisation
	Marketing Strategies	PAIA Request	Internal Referencing	Organisation
Client Customer	Customer / Client Database	PAIA Request	Internal Referencing	Customers
	Customer / Client agreements	PAIA Request	Internal Referencing	Customers
	Customer / Client Files	PAIA Request	Internal Referencing	Customers
	Customer / Client Instructions	PAIA Request	Internal Communications	Customers
	Customer / Client Correspondence	PAIA Request	External Communications	Customers
Third Party	Rental agreements	PAIA Request	Contractual Agreement	Third Party
	Franchise agreements	PAIA Request	Contractual Agreement	Third Party
	Non-disclosure agreements	PAIA Request	Risk Management	Third Party
	Letters of Intent	PAIA Request	Contractual Agreement	Third Party
	Supplier Contracts	PAIA Request	Contractual Agreement	Third Party



Head signature:	
Date:	

To facilitate the processing of your request, kindly complete and submit the form below to the e-mail address of the Deputy Information Officer indicated in Annexure A.

The Deputy Information Officer will notify the requester that a request for access has been received and that the prescribed fee (if any) is payable prior to processing the request. Please refer to Annexure F for a full breakdown of fees payable. Personal requesters will not be charged a request fee.

Once the request has been processed, the Deputy Information Officer will inform you of the outcome of your request and any additional fees that may fall due.

Please be advised that PAIA provides several grounds on which a request for access to information must be refused. These grounds mainly comprise instances where:

- the privacy and interests of other individuals are protected
- where such records are already otherwise publicly available
- instances where public interest are not served
- the mandatory protection of commercial information of a third party
- the mandatory protection of certain confidential information of a third party

When completing the form below please:

- indicate the identity of the person seeking access to the information
- provide sufficient particulars to enable the deputy information officer to identify the information requested
- specify the format in which the information is required
- indicate the contact details of the person requiring the information
- indicate the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right
- where the person requesting the information wishes to be informed of the decision of the request in a particular manner, state the manner and particulars to be so informed
- if the request for information is made on behalf of another person, submit proof that the person submitting the request, has obtained the necessary authorisation to do so

<b>A. Of Private Body</b>
The Head:

**B. Of person requesting access to the record**

- (i) The particulars of the person who requests access to the record must be recorded below
- (ii) Furnish an address and/or fax number in the Republic to which information must be sent
- (iii) Proof of the capacity in which the request is made, if applicable, must be attached

Full names & surname:

Identity number:

Postal address:

Fax number:

Telephone number:

Email address:

Capacity:

**C. Of person on whose behalf request is made**

This section must be completed *ONLY* if a request for information is made on behalf of another person

Full names & surname:

Identity number:

**D. Of Record**

- (i) Provide full particulars of the record to which access is requested, including the reference number if that is known to you
- (ii) If the provided space is inadequate, please continue on a separate page and attach to this form. Please sign any additional pages

Description of record:

Reference number:

Any further particulars:

**E. Fees**

- (i) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid
- (ii) You will be notified of the amount required to be paid as the request fee
- (iii) 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
- (iv) If you qualify for exemption of the payment of any fee, please state the reason therefor

Reason for exemption:

**F. Form of access to record**

If you are prevented by a disability to read, view, or listen to the record in the form of access provided hereunder, please state your disability and indicate in which form the record is required

Disability:

Form in which required:

Mark the appropriate box with an "X"

- (i) Your indication as to the required form of access depends on the form in which the record is available
- (ii) Access in the form requested may be refused in certain circumstances, in such a case you will be informed of access will be granted in another form
- (iii) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested

1) If the record is in written or printed form:

- copy of record
- inspection of record

2) If record consists of visual images:

- view the images
- copy of the images
- transcription of the images

3) If the record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack
- transcription of the soundtrack

4) If the record is held on computer or in an electronic or machine-readable form:

- printed copy of record
- copy in computer readable form

Please indicate the preferred method of delivery

- By hand
- Email
- Post
- Fax

**G. Of right to be exercised or protected**

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

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:

#### H. Notice of decision regarding the request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner, and provide the necessary particulars to enable compliance with your request

How would you prefer to be informed of the decision regarding your request for access to the record?

#### I. Signature page

Signed at:

Date:

Signature of Requester / Person on whose behalf request is made:

Head  
signature:

Date:

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

- A requester is required to pay a preliminary request fee before a request will be processed
- If the preparation of the record requested requires more than the prescribed hours (six), an additional deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted)
- A requestor may lodge an application with a court against the tender / payment of the request fee and/or deposit
- Records may be withheld until the fees have been paid
- The fee structure is also available on the South African Human Rights Commission's website at [www.sahrc.org.za](http://www.sahrc.org.za)

No.	Description	Fee
1.	The fee for a copy of the manual as contemplated in regulation 9(2)(c), for every photocopy of an A4-size page or part thereof	R1.10
2.	The fees for reproduction referred to in regulation 11(1) are as follows:	-
	a) For every photocopy of an A4 size page or part thereof	R1.10
	b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic readable	R0.75
	c) For a copy in a computer-readable form on stiffer disc	R7.50
	d) For a copy in a computer-readable form on compact disc	R70.00
	e) For a transcription of visual images, for an A4 size page or part thereof	R40.00
	f) For a copy of a visual image	R60.00
	g) For a transcription of an audio record	R20.00
	h) For a copy of an audio record	R30.00

3.	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	R50.00
4.	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(3):	-
	a) For every photocopy of an A4 size page or part thereof	R1.10
	b) For a printed copy of an A4 size page or part thereof held on a computer or in electronic readable	R0.75
	c) For a copy in a computer readable form on stiffer disc	R7.50
	d) For a copy in a computer readable form on compact disc	R70.00
	e) For a transcription of visual images, for an A4 size page or part thereof	R40.00
	f) For a copy of a visual image	R60.00
	g) For a transcription of an audio record, for A4 size page or part thereof	R20.00
	h) For a copy of an audio record	R30.00
5.	The actual postage fee is payable when a copy of a record must be posted to a requester	-
6.	For purposes of section 54(2) of the Act, the following applies:	-
	a) Six hours as the hours to be exceeded before a deposit is payable	-
	b) One third of the access fee is payable as a deposit by the requester	-

## ANNEXURE G: PROCESSING OF PERSONAL INFORMATION

Head signature:

Date:

### 1. Purpose of Processing Personal Information

Describe the purpose or reasons for processing personal information in your organisation.

### 2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

Specify the categories of data subjects in respect of whom the body processes personal information and the nature or categories of the personal information being processed.

Below is the template that can be used to set out the categories of data subjects and the description of the nature or categories of the personal information to be processed. Note that the nature or categories of the personal information is dependent on the purpose of the body in performing its functions or services.

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

**3. The recipients or categories of recipients to whom the personal information may be supplied**

Specify the person or category of persons to whom the body may disseminate personal information. Below is an example of the category of personal information which may be disseminated and the recipient or category of recipients of the personal information.

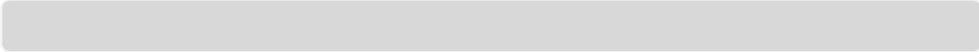
<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

**4. Planned transborder flows of personal information**

Indicate if the body has planned transborder flows of personal information. For example, some personal information may be stored in the cloud outside the Republic. Please specify the country in which personal information will be stored and categories of personal information.

**5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information**

Specify the nature of the security safeguards to be implemented or under implementation to ensure the confidentiality and integrity of the personal information under the care of the body. This may, for example, include Data Encryption, Anti-virus, and Anti-malware Solutions.



Head signature:	
Date:	

In terms of the Protection of Personal Information Act the head of a private body is the designated Information Officer for that private body. The Information Officer may delegate any power or duty conferred or imposed in terms of POPI to the Deputy Information Officer.

The organisation has appointed a Deputy Information Officer to facilitate any requests to access records held by the organisation. This delegation does not prohibit the person who made the delegation from exercising power concerned or performing the duty concerned himself or herself. The delegation may at any time be withdrawn or amended in writing by the person who made the delegation.

The Deputy Information Officer need not have any specific qualifications but must have a thorough knowledge of the organisation's functional departments and business processes.

The Deputy Information Officer has the authority to approach all staff members of the organisation and to request all records held by the organisation. Where a manager is of the opinion that access to a record should not be granted to the Deputy Information Officer, reasons for this decision shall be given to the Information Officer who will make a final decision on the matter.

Together with the Information Officer, the Deputy Information Officer is responsible for:

- Publishing and proper communication of the manual i.e., creating policy awareness
- The facilitation of any request for access
- Providing adequate notice and feedback to the requester
- Determining whether to grant a request for access to a complete/full record or only part of a record
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format
- Reviewing the policy for accuracy and communicating any amendments

As the Head of the organisation, I \_\_\_\_\_ hereby appoint  
 \_\_\_\_\_ as the Organisation's Deputy Information Officer

Head Signature

Date

Deputy Information Officer Signature

Date

