




Duncan Bailey Properties (PTY), Ltd 2014/020946/07

TPN POPI-Pack

PAIA MANUAL

Prepared in terms of section 51 of the Promotion of Access to Information Act, 2 of 2000 (as amended)

- 1. SCHEDULE2
- 2. DEFINITIONS7
- 3. INTERPRETATION.....7
- 4. PURPOSE OF THIS MANUAL8
- 5. KEY CONTACT DETAILS8
- 6. THE REGULATOR.....9
- 7. THE GUIDE AND HOW TO GAIN ACCESS.....9
- 8. ACCESS REFUSAL.....9
- 9. ASSESSMENTS OF REQUESTS10
- 10. CATEGORIES OF RECORDS OF THE ORGANISATION WHICH ARE AVAILABLE WITHOUT A FORM 2 REQUEST10
- 11. CATEGORIES OF RECORDS OF THE ORGANISATION WHICH ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION10
- 12. SUBJECTS AND CATEGORIES OF SUBJECTS ON WHICH THE ORGANISATION HOLDS RECORDS11
- 13. PERSONAL INFORMATION.....11
- 14. PROCESSING PERSONAL INFORMATION11
- 15. HOW PERSONAL INFORMATION IS PROTECTED11
- 16. INFORMATION THE ORGANISATION HOLDS TO COMPLY WITH THE LAW11
- 17. COSTS.....12
- 18. AVAILABILITY OF THE MANUAL12
- 19. MANUAL UPDATES13
- 20. SIGNATORY13


 Initial

1. SCHEDULE

1.1 The Organisation

Name	Duncan Bailey Properties (PTY) Ltd
Registration number	2014/020946/07
Physical address	122 Irene Avenue, Somerset West, 7130
Email address	duncan@duncanbailey.co.za
Telephone number	021 855 2001
Fax number	
Website	www.somersetwest.co.za

1.3 The IO (information officer)

Full name	Duncan Bailey
Email address	duncan@duncanbailey.co.za
Telephone number	021 855 2001 / 082 553 3472

1.4 The DIO (deputy information officer)

Full name	Duncan Bailey
Email address	duncan@duncanbailey.co.za
Telephone number	021 855 2001 / 082 553 3472

1.5 The Regulator's contact details

Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Postal address	PO Box 3153, Braamfontein, Johannesburg, 2017
Telephone	+27 (0) 10 023 5200
Email address	enquiries@inforegulator.org.za
Website	https://www.justice.gov.za/infoereg

1.6 Categories of records of the Organisation which are available with / without request

Category	Types of records	Website	Request
Compliance	Terms of use for the website	X	
Compliance	Privacy policy for the website	X	


Initial


Compliance	SARS tax clearance certificate		X
Compliance	BBBEE certificate		X
Compliance	BBBEE affidavit		X
Compliance	Company registration document (CIPC)		X
Compliance	VAT registration		X
Compliance	Company profile		X
Compliance	Public product Information		X
Compliance	Newsletters		X
Compliance	Magazine articles		X

1.7 **Categories of records of the Organisation which are available in accordance with legislation**

Category of records	Applicable legislation
Memorandum of incorporation	Companies Act
PAIA Manual	PAIA
PAIA Guides (issued by the Regulator and available on request)	PAIA

1.8 **Subjects and categories of subjects on which the Organisation holds records**

Subjects on which the Organisation holds records	Categories of records
Compliance	Policies and procedures
	Minutes of board of directors meetings
	Register of board of directors
	Health and safety plan
	Personal Information impact assessment
	Covid register
Sales and marketing	Marketing strategy
	List of clients and prospects
	CRM system with details of clients
	Client agreements
	Client files
	Client correspondence


Initial

Human resources

Sales records
HR policies and procedures
Advertised posts
Employment contracts
Employees records (including Special Personal Information)
Employment equity plan
Medical aid records
Pension fund records
Performance management records
Employee benefit records
Payroll records (including PAYE)
SARS records (e.g. IRP5's)
UIF records
Training attendance register
Disciplinary and grievance records

Finance

Finance policies
Annual budgets
Variance reports (budget vs actual)
Financial statements
Monthly management accounts
VAT schedules
SARS tax clearance
Monthly journals
Annual journals
Cash book
General ledger
Financial reconciliations
Debtors including invoices, statement and credit notes


Initial

Technology	Creditors, including invoices, statements, credit notes, BBBEE certificates, BBBEE affidavits, SARS tax clearance and asset register
	Banking records and statements
	Electronic banking records
	Insurance policies
	Information security policies
	Register of hardware
	Register of software
Operations	Record of access to systems
	Rental agreements
	Non-disclosure agreements
	Supplier agreements
	Internal correspondence (emails / memos)

1.9 **Description of the categories of Data Subjects and of the information or categories of information relating thereto**

Categories of Data Subjects	Personal Information that may be Processed	Purpose
Clients and prospective clients (including debtors)	Name, ID number, date of birth, email address, physical address, postal address, contact number, company registration number, BBBEE rating, financial data	To service our clients and to invoice them for the products sold or services rendered
Service providers (including suppliers / vendors / creditors)	Name, registration number, VAT number, physical address, email address, postal address, contact number, company registration information, BBBEE status documents, SARS tax clearance, bank details, financial data	To engage and pay service providers for products received or services that they have performed
Consumers	Name and surname, ID number, date of birth, gender, email address, physical address, contact details	To contact and market to consumers in accordance with applicable legislation
Employees and contractors	Name and surname, ID number, passport, date of birth, marital status, next of kin and family details, email address, physical address, postal address, education and qualifications, gender and race, contact numbers, bank details, salary / remuneration amount, tax details and criminal record checks	To employ staff and contractors; to maintain employee records; to pay the employees and contractors; to comply with the necessary legislation and with company policies and procedures

1.10 **The recipients or categories of recipients to whom the Personal Information may be supplied**

Category of Personal Information	Recipients or categories of recipients to whom the Personal Information may be supplied
Names and Surname, ID number for criminal checks	South African Police Services

 Initial

1.11

Fees schedule for Private Bodies (according to PAIA regulations dated 27 August 2021)

Item	Cost per A4 page / item	Total
The requester fee payable by every requestor		R 140.00
Photocopy	R 2.00	
Printed copy	R 2.00	
For a copy in a computer-readable form on:		
(i) Flash drive- to be provided by requester	R 40.00	
(ii) Compact disc- to be provided by requestor	R 40.00	
(iii) Compact disc- to be provided by Organisation	R 60.00	
Transcription of visual images	Service to be outsourced	To be advised
Copy of visual images	Service to be outsourced	To be advised
Transcription of an audio record	R 24.00	
For a copy in a computer-readable form on:		
(i) Flash drive- to be provided by requestor	R 40.00	
(ii) Compact disc- to be provided by requestor	R 40.00	
(iii) Compact disc- to be provided by Organisation	R 60.00	
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. Not to exceed the total cost of R 435.00	R 145.00	
Deposit: If search exceeds 6 (Six) hours	One third of amount per request excluding requester fees, search and postage costs	
Postage, email or any other electronic transfer	Actual costs	
Total		


Initial

2. DEFINITIONS

- 2.1. In this Manual, unless the context requires otherwise, the words below mean the following:
- 2.1.1. **"Companies Act"** means the Companies Act 71 of 2008;
 - 2.1.2. **"CPA"** means the Consumer Protection Act 68 of 2008;
 - 2.1.3. **"Data Subject/s"** means all living, identifiable natural or juristic persons about whom the Organisation holds or otherwise Processes Personal Information or Special Personal Information;
 - 2.1.4. **"DIO"** means the deputy information officer set out in item 1.4, if applicable;
 - 2.1.5. **"Guide"** means the guide issued in terms of section 10 of PAIA;
 - 2.1.6. **"IO"** means the information officer of the Organisation set out in item 1.3;
 - 2.1.7. **"Manual"** means this PAIA Manual;
 - 2.1.8. **"Organisation"** means the Private Body set out in item 1.1;
 - 2.1.9. **"PAIA"** means the Promotion of Access to Information Act 2 of 2000;
 - 2.1.10. **"Personal Information"** means information relating to an identifiable, living, natural or juristic person, including, but not limited to, (i) factual information, such as identity and passport numbers, names, addresses, phone numbers, email addresses and the like, or (ii) opinions regarding a Data Subject, such as a performance appraisal, and any other information contained in the definition of "personal information" in section 1 of POPIA;
 - 2.1.11. **"POPIA"** means the Protection of Personal Information Act 4 of 2013;
 - 2.1.12. **"Private Body"** means (i) a natural person who carries or has carried on any trade, business or profession; (ii) a partnership which carries or has carried on any trade, business or profession; (iii) any former or existing juristic person; or (iv) a political party, but excludes a Public Body;
 - 2.1.13. **"Process / Processing"** means any operation or activity, whether or not by automatic means, concerning Personal Information, including, but not limited to, the (i) collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use of Personal Information; (ii) dissemination of such information by means of transmission, distribution or making available in any other form; or (iii) merging, linking, as well as restriction, degradation, erasure or destruction of information;
 - 2.1.14. **"Public Body"** means (i) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or (ii) any other functionary or institution when: (a) exercising a power or performing a duty in terms of the Constitution or provincial constitution; or (b) exercising a public power or performing a public function in terms of any legislation;
 - 2.1.15. **"Regulator"** means the information regulator established in terms of section 39 of POPIA;
 - 2.1.16. **"Responsible Party"** means a Public or Private Body, or any other person which, alone or in conjunction with others, determines the purpose of and means for Processing Personal Information;
 - 2.1.17. **"South Africa"** means the Republic of South Africa, as constituted from time to time; and
 - 2.1.18. **"Special Personal Information"** has the meaning ascribed to it in section 1 of POPIA and includes: (i) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a Data Subject; or (ii) the criminal behaviour of a Data Subject to the extent that such information relates to: (a) the alleged commission of an offence; or (b) any proceedings in respect of any offence allegedly committed by a Data Subject or the disposal of such proceedings.

3. INTERPRETATION

- 3.1. Any reference in this Manual to:
- 3.1.1. a **clause** is, subject to any contrary indication, a reference to a clause of the main body of this Manual;
 - 3.1.2. an **item** is, subject to any contrary indication, a reference to an item in the Schedule to this Manual;
 - 3.1.3. **law** means any law including common law, statute, constitution, decree, judgment, treaty, regulation, directive, by-law, order or any other measure of the government, local government, statutory or regulatory body or court having legal authority within South Africa; and
 - 3.1.4. **person** means, unless the context indicates otherwise, any natural or juristic person, government, state, agency or organ of a state.
- 3.2. Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 3.3. The headings do not govern or affect the interpretation of this Manual.



Initial

- 3.4. If any provision in a definition confers rights, or imposes obligations on any Party, effect is given to it as a substantive provision of this Manual.
- 3.5. Unless the context indicates otherwise, an expression which denotes any gender includes the other gender; reference to a natural person includes a juristic person; the singular includes the plural, and the plural includes the singular.
- 3.6. Any number of days prescribed in this Manual excludes the first day and includes the last day.
- 3.7. The words “including” and “in particular” are without limitation.
- 3.8. Any reference to legislation is to that legislation as at the Signature Date, as amended or replaced from time to time, and includes all regulations and schedules to such legislation.
- 3.9. Any reference to a document or instrument includes the document or instrument as ceded, delegated, novated, altered, supplemented or replaced from time to time.
- 3.10. A time of day is a reference to Johannesburg time.
- 3.11. The rule of interpretation that, in the event of ambiguity, the contract must be interpreted against the party responsible for the drafting of the contract does not apply.
- 3.12. The cancellation or termination of this Manual does not affect those of its provisions which expressly provide that they will operate after cancellation or termination, or which must continue to have effect after cancellation or termination, or which must by implication or by their nature continue to have effect after cancellation or termination.
- 3.13. No provision in this Manual is intended to contravene or limit any applicable provisions of the CPA (if applicable), POPIA and / or PAIA.

4. PURPOSE OF THIS MANUAL

- 4.1. This Organisation is a Private Body and as such the Manual deals with the provisions of PAIA which relate to Private Bodies.
- 4.2. The purpose of this Manual is to facilitate the Organisation’s compliance with POPIA and PAIA, in particular the compliance with section 51 of PAIA.
- 4.3. Wherever this Manual refers to Personal Information, the same policies and procedures apply in respect of Special Personal Information, unless the contrary is indicated.
- 4.4. This Manual enables the public to ascertain:
 - 4.4.1. the subjects on which the Organisation holds records;
 - 4.4.2. the categories of records held on each subject;
 - 4.4.3. the categories of records which are attainable from the Organisation, without the need for submission of the Form 2 in accordance with PAIA;
 - 4.4.4. the records of the Organisation which are available to the public in accordance with any other legislation;
 - 4.4.5. the procedure to make a formal request for access to a record of the Organisation;
 - 4.4.6. whether the Organisation plans to transfer or Process Personal Information outside of South Africa;
 - 4.4.7. the categories of recipients outside of South Africa, to whom the Personal Information may be supplied; and
 - 4.4.8. whether the Organisation has appropriate security measures in place to ensure the confidentiality, integrity and availability of the Personal Information Processed by it.
- 4.5. This Manual sets out the details of:
 - 4.5.1. the Organisation’s IO and DIO;
 - 4.5.2. the Guide and the steps to obtain a copy thereof;
 - 4.5.3. the Personal Information, and the categories relating to such Personal Information, Processed by the Organisation;
 - 4.5.4. the purposes for which Personal Information is Processed;
 - 4.5.5. the categories of Data Subjects in relation to which Personal Information is Processed;
 - 4.5.6. the categories of recipients to whom the Personal Information may be supplied;

5. KEY CONTACT DETAILS

- 5.1. The key role-players appointed to assist the public with requests for access to information held by the Organisation are:
 - 5.1.1. **The IO**
 - 5.1.1.1. The contact details of the IO are set out in item 1.3.
 - 5.1.2. **The DIO**
 - 5.1.2.1. The contact details of the DIO are set out it item 1.4.



Initial

5.1.3. The Organisation's contact details are set out in item 1.1.

6. THE REGULATOR

- 6.1. The Regulator has taken over the function of PAIA regulation from the South African Human Rights Commission.
- 6.2. The Regulator regulates the enforcement of both PAIA and POPIA.
- 6.3. The Regulator's contact details are set out in item 1.5.

7. THE GUIDE AND HOW TO GAIN ACCESS

- 7.1. The Regulator has updated and made available the revised Guide.
- 7.2. The Guide is set out in an easily comprehensible form and manner, and may be utilised by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 7.3. The Guide is available in each of the official languages of South Africa, namely: (i) English; (ii) Afrikaans; (iii) IsiZulu; (iv) Ndebele; (v) Sepedi; (vi) Sesotho; (vii) Swati (viii) Tsonga; (ix) Tswana; (x) Venda; and (xi) Xhosa), as well as in braille.
- 7.4. The Guide contains:
 - 7.4.1. the objects of PAIA and POPIA;
 - 7.4.2. the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 7.4.2.1. the information officer of every Public Body; and
 - 7.4.2.2. every deputy information officer of every Public and Private Body designated in terms of section 17(1) of PAIA and section 56 of POPIA.
- 7.5. The Guide sets out:
 - 7.5.1. the manner and form of a request for access to a record of a:
 - 7.5.1.1. Public Body contemplated in section 11; and
 - 7.5.1.2. Private Body contemplated in section 50;
 - 7.5.2. the assistance available from the information officer of a Public Body in terms of PAIA and POPIA;
 - 7.5.3. the assistance available from the Regulator in terms of PAIA and POPIA;
 - 7.5.4. the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access;
 - 7.5.5. the regulations made in terms of section 92 of PAIA;
 - 7.5.6. 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:
 - 7.5.6.1. an internal appeal;
 - 7.5.6.2. a complaint to the Regulator; and
 - 7.5.6.3. an application to a court of law against a decision (i) by the information officer of a Public Body, (ii) on internal appeal, or (iii) by the Regulator or a decision of the head of a Private Body.
- 7.6. The Guide prescribes that Public and Private Bodies compile a manual, the contents of which should include:
 - 7.6.1. how the public can obtain access to the manual; and
 - 7.6.2. the voluntarily disclose of the categories of records held by the body in question.
- 7.7. 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.
- 7.8. The Guide:
 - 7.8.1. can also be obtained from the IO, on request; or
 - 7.8.2. can also be obtained from the website of the Regulator; and
 - 7.8.3. is available for public inspection at the office of any Public Body during normal office hours.

8. ACCESS REFUSAL

- 8.1. The Organisation is entitled to refuse a request for information in circumstances where mandatory protection is prescribed in terms of PAIA.
- 8.2. An Organisation must refuse a request for information where the disclosure of such information would involve:
 - 8.2.1. the unreasonable disclosure of Personal Information of a third party, subject to certain exceptions. (The third party may be a natural person or a deceased person, in terms of section 63 of PAIA, or a juristic person, as prescribed by POPIA);



Initial

- 8.2.2. the disclosure of Personal Information, where the disclosure of such Personal Information is not permitted by other legislative, regulatory, or contractual agreements, and does not comply with the provisions of the POPIA;
- 8.2.3. the commercial information of a third party, in term of section 64 of PAIA, if the record contains:
 - 8.2.3.1. trade secrets of the third party;
 - 8.2.3.2. financial, commercial, scientific, or technical information in which the disclosure could likely cause harm to the financial or commercial interests of that third party; or
 - 8.2.3.3. information disclosed in confidence by a third party to the Organisation if the disclosure could (i) put that third party at a disadvantage in contractual or other negotiations; or (ii) prejudice the third party in commercial competition;
- 8.2.4. confidential information of third parties, in terms of section 65 of PAIA, if it is protected in terms of a duty of confidence owed to the third party in terms of an agreement;
- 8.2.5. the reasonable expectation that such disclosure would (i) endanger the safety of an individual or the protection of property; and / or (iii) prejudice or impair methods, systems, plans or procedures for the protection of (a) an individual in accordance with a witness protection scheme; (b) the safety of the public; or (c) the security of property;
- 8.2.6. records which would be regarded as privileged in legal proceedings, in terms of section 67 of PAIA;
- 8.2.7. research being carried on by or on behalf of a third party, in terms of section 69 of PAIA, if its disclosure would expose the third party, the researcher or the subject matter of the research to a serious disadvantage; and
- 8.2.8. the commercial information of the Organisation relating to the:
 - 8.2.8.1. trade secrets of the Organisation;
 - 8.2.8.2. financial, commercial, scientific, or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Organisation;
 - 8.2.8.3. information which, if disclosed could reasonably be expected to (i) put the Organisation at a disadvantage in negotiations; or (ii) prejudice the Organisation in commercial competition;
 - 8.2.8.4. computer program/s which is / are owned by the Organisation and which is / are protected by the Copyright Act 98 of 1978; and / or
 - 8.2.8.5. research information, in terms of section 69 of PAIA, of the Organisation, if its disclosure would expose the Organisation, the researcher or the subject matter of the research to a serious disadvantage.

9. ASSESSMENTS OF REQUESTS

- 9.1. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.
- 9.2. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 9.3. If a requested record cannot be found, or if the record does not exist, the IO shall, by way of an affidavit or written affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of PAIA. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the IO refuses access to such record, acting in accordance with applicable legislation.
- 9.4. The requester will be notified in writing in the required manner and form (Form 3, as required by PAIA) as to whether the request for information has been approved or denied within 30 (Thirty) calendar days after receipt of a correctly completed request form (Form 2, as required by PAIA).

10. CATEGORIES OF RECORDS OF THE ORGANISATION WHICH ARE AVAILABLE WITHOUT A FORM 2 REQUEST

- 10.1. The categories of records held by the Organisation, which are available without a person having to request access by submission of a Form 2, are set out in item 1.6. Such records are available on the website set out in item 1.2.
- 10.2. The records referred to in clause 10.1 may be (i) downloaded directly from the website; (ii) requested telephonically; or (iii) requested by letter or e-mail.
- 10.3. The relevant contact person and contact details in each instance are set out in clause 5.

11. CATEGORIES OF RECORDS OF THE ORGANISATION WHICH ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION

- 11.1. The categories of records held by the Organisation which are available in accordance with legislation are set out in item 1.7.
- 11.2. The records referred to in clause 11.1 may be requested (i) telephonically; or (ii) by letter or e-mail.
- 11.3. The relevant contact person and contact details in each instance are set out in clause 5.


Initial

12. SUBJECTS AND CATEGORIES OF SUBJECTS ON WHICH THE ORGANISATION HOLDS RECORDS

- 12.1. The subjects in respect of which the Organisation holds records and the categories of records held on each subject are set out in item 1.8.
- 12.2. A requester may request access to this information by completing the prescribed form (Form 2, as required by PAIA).

13. PERSONAL INFORMATION

- 13.1. In the event that a request is approved, the Organisation will determine how it will provide access to the information requested.
- 13.2. In the event that a requester has asked that access be given in a specific form, and the Organisation can reasonably accommodate such request, the access will be provided in the form requested.

14. PROCESSING PERSONAL INFORMATION

14.1. Purpose of Processing Personal Information

- 14.1.1. The various types of information Processed by the Organisation is set out in item 1.9. The purpose for each category has also been included the table set out in item 1.9.

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

- 14.2.1. The categories of Data Subjects in respect of whom the Organisation may processes Personal Information and the nature or categories of the Personal Information being Processed is also set out in item 1.9.

14.3. The recipients or categories of recipients to whom the Personal Information may be supplied

- 14.3.1. The person or category of persons to whom the Organisation may disseminate Personal Information is set out in item 1.10.

14.4. Planned trans-border flows of Personal Information

- 14.4.1. The Organisation does not intend to transfer Personal Information outside of South Africa, but it may do so to secure or backup such Personal Information or for technical reasons. If Personal Information is transferred outside of South Africa, the Organisation will only transfer such Personal Information to other countries who have similar or better privacy and data protection laws as those that apply in South Africa, as required by section 72 of POPIA.

14.5. General description of information security measures to be implemented by the Responsible Party to ensure the confidentiality, integrity and availability of the information


- 14.5.1. The Organisation is committed to ensuring that Personal Information and Special Personal Information is secure. In order to prevent unauthorised access or disclosure of any Personal Information, the Organisation has put in place suitable physical, electronic and managerial procedures to safeguard and secure the information it collects.
- 14.5.2. The Organisation takes all reasonable technical and organisational measures to ensure the security of Personal Information. More details in this regard are set out in clause 15.

15. HOW PERSONAL INFORMATION IS PROTECTED

- 15.1. The Organisation makes use of secure data transmission and storage technologies to reasonably protect Personal Information from unauthorised disclosure and to maintain the integrity of Personal Information.
- 15.2. The Organisation has comprehensive information security policies and procedures in place and has implemented security measures the cover the following areas:
 - 15.2.1. **Physical:** Personal Information is Processed at reputable data centres in South Africa with the necessary physical security measures in place;
 - 15.2.2. **Logical:** Only employees or contractors that strictly require access to any information / data in order to perform their tasks have such access. Strong passwords are used to access information / data that is classified as restricted / confidential.
 - 15.2.3. **Operational:** Anti-malware and anti-virus solutions are used, vulnerability tests are done and backups are made on a regular basis.
 - 15.2.4. **Employees:** Prospective employees have been screened before they are appointed by the Organisation. This includes criminal checks in certain cases. Employees are also trained in relation to policies and procedures as and when required on a continuous basis.

16. INFORMATION THE ORGANISATION HOLDS TO COMPLY WITH THE LAW

- 16.1. Where applicable to its operations, the Organisation retains records and documents to comply with legislation.
- 16.2. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreements or otherwise, records that are required to be made available in terms of the applicable legislation shall be made available for inspection by interested parties in terms of the requirements and conditions of the specific piece of legislation and / or applicable internal policies and procedures.


Initial


- 16.3. Should any interested party be entitled to request such information, the requester may request access by completing the prescribed form (Form 2, as required by PAIA).
- 16.4. The accessibility of documents and records may be subject to the grounds of refusal set out in clause 8.
- 16.5. The Organisation holds information in accordance with the following pieces of legislation:
 - 16.5.1. Basic Conditions of Employment Act 75 of 1997;
 - 16.5.2. Broad – Based Black Economic Empowerment Act 53 of 2003;
 - 16.5.3. Companies Act;
 - 16.5.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993;
 - 16.5.5. Competition Act 89 of 1998;
 - 16.5.6. Constitution of the Republic of South Africa 108 of 1996
 - 16.5.7. Consumer Protection Act
 - 16.5.8. Copyright Act 98 of 1978;
 - 16.5.9. Customs and Excise Act 91 of 1964;
 - 16.5.10. Electronic Communications and Transactions Act 25 of 2002;
 - 16.5.11. Employment Equity Act 55 of 1998;
 - 16.5.12. Estate Agencies Affairs Act 112 of 1976
 - 16.5.13. Financial Intelligence Centre Act 38 of 2001;
 - 16.5.14. Income Tax Act 58 of 1962;
 - 16.5.15. Labour Relations Act 66 of 1995;
 - 16.5.16. Intellectual Property Laws Amendment Act 38 of 1997;
 - 16.5.17. Long Term Insurance Act 52 of 1998;
 - 16.5.18. Occupational Health and Safety Act 85 of 1993;
 - 16.5.19. Pension Funds Act 24 of 1956;
 - 16.5.20. Prescription Act 68 of 1969;
 - 16.5.21. PAIA;
 - 16.5.22. POPIA;
 - 16.5.23. Schools Act 84 of 1996;
 - 16.5.24. Short Term Insurance Act 53 of 1998;
 - 16.5.25. Skills Development Act 97 of 1998;
 - 16.5.26. Skills Development Levies Act 9 of 1999;
 - 16.5.27. Unemployment Insurance Act 63 of 2001;
 - 16.5.28. Unemployment Insurance Contributions Act 4 of 2002; and
 - 16.5.29. Value Added Tax Act 89 of 1991.

17. COSTS

- 17.1. Section 52(3) of PAIA states that fees payable for access to records are to be prescribed.
- 17.2. The fees schedule in respect of Private Bodies (published in the PAIA regulation dated 27 August 2021), is set out in item 1.11.

18. AVAILABILITY OF THE MANUAL

- 18.1. A copy of the Manual is available:
 - 18.1.1. on the website set out in item 1.2;
 - 18.1.2. at the head office of the Organisation for public inspection during normal business hours;
 - 18.1.3. upon request; and
 - 18.1.4. to the Regulator upon request.


Initial

19. MANUAL UPDATES

The head of the Organisation or the IO will update this Manual on an annual basis.

20. SIGNATORY

DATED AT (place)


Somerset West

ON

17 December

20

21



INFORMATION OFFICER SIGNATURE


Initial