

PAIA Manual

(SOUTH AFRICA)

29/08/2021

**MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2 OF 2000 FOR LAURA BERRY,
REGISTERED MEMBER OF ADSA.**

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Laura Berry

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2.List Of Acronyms and Abbreviations

CEO	Chief Executive Officer
DIO	Deputy Information Officer
IO	Information Officer
Minister	Minister of Justice and Correctional Services
PAIA	Promotion of Access to Information Act No.2 of 2000 (as Amended)
POPIA	Protection of Personal Information Act No.4 of 2013
Regulator	Information Regulator
Republic	Republic of South Africa

3. Purpose of PAIA Manual

This PAIA Manual is useful for the public to;

- Check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- Have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;

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- Know the description of the records of the body which are available in accordance with any other legislation;
- Access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- Know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- Know the description of the categories of data subjects and of the information or categories of information relating thereto;
- Know the recipients or categories of recipients to whom the personal information may be supplied;
- Know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

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4. Guide On How To Use PAIA And How To Obtain Access To The Guide

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-
 - o the objects of PAIA and POPIA;
 - o 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-
 - o access to a record of a public body contemplated in section 11; and
 - o 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;

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- 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-
 - o an internal appeal;
 - o a complaint to the Regulator; and
 - o 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-
 - o upon request to the Information Officer;
 - o from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

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Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*
a. that record is required for the exercise or protection of any rights;
b. that person complies with the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

Section 14(1) of PAIA- *The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.*

Section 51(1) of PAIA- *The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.*

Section 15(1) of PAIA- *The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access*

Section 52(1) of PAIA- *The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

Section 22(1) of PAIA- *The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

Section 54(1) of PAIA- *The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.*

Section 92(1) of PAIA provides that –*“The Minister may, by notice in the Gazette, make regulations regarding-*

- (a) any matter which is required or permitted by this Act to be prescribed;*
- (b) any matter relating to the fees contemplated in sections 22 and 54;*
- (c) any notice required by this Act;*
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and*
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”*

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5. Company Address

Business address:

8 Swanmore Road

Rondebosch

7700

Cape Town

Postal address:

8 Swanmore Road

Rondebosch

7700

Cape Town

6. Introduction of Entities

Laura is a state registered dietitian with the HPCSA (Health Professionals Council of SA). She is a member of ADSA (Association of Dietitians in SA) and ALLSA (Allergy Society of SA). Laura practises privately in Cape Town seeing individuals of all ages. She has a special interest in maternal nutrition, nutrition for young children and in helping manage allergies & intolerances.

Laura studied her Bachelor of Science Degree at the University of KZN and after completing her Post Graduate Diploma, moved to London to pursue a clinical dietetic career. She has over 15 years experience, most of which has been spent working in renowned London Hospitals including Hammersmith Hospital NHS Trust, Kings College NHS Trust, Chelsea & Westminster NHS Hospital Trust and Great Ormond Street Hospital for Sick Children.

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7. Particulars in Terms of the Section 51 Manual

This Manual has been compiled in accordance with the Promotion of Access to Information Act 2 of 2000 ("the Act") and applies to all the South African identified entities within the responsible party.

8. Contact details

The responsible parties Information Officer will deal with all deal requests relating to any of the Entities. All requests of this Manual should be directed to:

Information Officer

Name: Laura Berry

Tel: 0727923968

Email: laura.berry09@gmail.com

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Business address:

8 Swanmore Road

Rondebosch

7700

Cape Town

Postal address:

8 Swanmore Road

Rondebosch

7700

Cape Town

9. The Guide as Described in Section 10

The Guide will be available from the South African Human Rights Commission (“SAHRC”), and provides greater clarity on or assistance with the Act. It will, inter alia, include the following:

- What the objectives of this Act are;
- The relevant contact details of each public and private body (if available);
- The process that needs to be followed in order to request access to records;
- The assistance available from the information officer of a public body and the SAHRC;
- How to obtain access to a manual of a public and private body;
- All the remedies available in law to you; and
- Details on prescribed fees payable in respect of requests for information.

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The guide has been compiled in each official language and contains such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Please direct any queries to: infoereg@justice.gov.za.

10.Types of Records Available

Records Available in Terms of any Other Legislation

All records kept and made available in terms of legislation applicable to any of the Entities listed in this Manual, as it applies to the specific environment in which the Entities operate, are available in accordance with the said legislation.

Legislation includes the following:

- The Constitution of the Republic of South Africa, 1996
- Consumer Protection Act, 68 of 2008
- Companies Act, 71 of 2008
- Income Tax Act, 58 of 1962
- Protection of Personal Information Act, 4 of 2013
- Basic Conditions of Employment Act, 75 of 1997
- Occupational Health and Safety Act, 85 of 1993
- Employment Equity Act, 55 of 1998
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Unemployment Insurance Act, 30 of 1966
- Customs and Excise Act, 91 of 1964
- Value Added Tax Act, 89 of 1991
- Copyright Act, 98 of 1978

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- Electronic Communications and Transactions Act, 25 of 2002
- Regulation of Interception of Communications and Provision of Communication-Related Information Act, 70 of 2002
- The National Health Act of 2003
- The Medicines and Related Substances Act of 1965
- Hazardous Substance Act of 1973

Records Available without Requesting Access in Terms of the Act

A private body may, on a voluntary and periodic basis, submit to the Minister of Justice a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by way of a notice in the Gazette.

Records Available on Request

Set out below are the subjects and categories of records that are available for the purposes of the Act, subject to grounds for refusal to the access thereof.

Records are maintained on the following subjects:

- Personnel records
- Client related records
- Private body records
- Records in the possession of or pertaining to other parties

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Personnel records

“Personnel’ refers to any person who works for, or provides services to or on behalf of the Entities, and receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Personal records include the following:

- Personal records provided to the private body by their personnel;
- Records provided by a third party to the private body relating to their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records; and
- Correspondence relating to personnel.

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Client related records

A “client” refers to any natural or juristic entity that receives services from the private body.

Client records include the following:

- Records provided by the client to a third party acting for or on behalf of the private body;
- Records provided by a third party to the private body;
- Records generated by or within the private body pertaining to the client including transactional records; and
- Records of the responsible party and other listed Entities.

These records include, but are not limited to, the records which pertain to the various Entities’ own affairs:

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal Policies and Procedures; and
- Records held by officials of the private body.

Other Party records include the following:

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- **Personnel, client or private body records which are held by another party, as opposed to the records held by the private body; and**
- **Records held by the private body pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party and records third parties have provided about the contractors and suppliers.**

11.Processing of personal information

Purpose of Processing

The Entities use the Personal Information under their care in the following ways:

- Performing business operations
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

The responsible party may possess records pertaining to contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers, staff and clients.

Data Subjects	Type of Personal Information Held
Clients - Legal Entities	Full names of contact persons, Name of Legal Entity, Physical and Postal address and contact details of the client, Financial information, Registration Number, Tax-related information, VAT number

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Clients: Natural Persons	Full names, contact details, physical and postal addresses, date of birth, ID number, Tax related information, nationality, gender, correspondence of a private/confidential nature, medical records
Service Providers	Full name and Registration number of the entity, Physical and Postal addresses, Contact Details, Financial Information, VAT number
Employees	Full names; contact details, physical and postal addresses, date of birth, ID number, Tax related information, nationality, gender, correspondence of a private/confidential nature, Gender, Pregnancy, Marital Status, Race, Age, Language, Education information, Financial Information, Employment History, ID number, Physical and Postal address, Contact details, Opinions, Criminal behaviour, Well-being

12.The Recipients or Categories of Recipients to Whom the Personal Information may be Supplied

The responsible party may supply the Personal Information under their care to service providers who render the following services to the responsible party:

- Cloud-based services such as data storage, network, email and security services;
- Cloud-based applications such as Human Resource or Marketing solutions;
- Third-party organizations providing legal services;
- Third-party organizations engaged for common commercial purpose, such as service provision, joint ventures, or collective bid responses;
- Credit reference entities, used in the normal course of business; and

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- Government organizations such as South African Revenue Services, as required for legal purposes.
- Government organisations such as South African Police services requesting Identity number and names, for criminal checks
- South African Qualifications Authority requesting Qualifications, for qualification verifications
- Credit Bureaus requesting Credit and payment history, for credit information

13.General Description of Information Security Measures

The responsible party employs the latest technology to ensure the confidentiality, integrity and availability of its information assets which include the Personal Information under its care. These measures include:

- Boundary firewalls and Internet gateways;
- Secure configuration of all devices and software which make up the IT infrastructure;
- Both logical and physical access controls;
- Malware protection; and
- Patch management to keep software up to date.

Service Providers who process Personal Information on behalf of the responsible party are bound by agreement to implement similar information security controls than those employed by the responsible party.

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14.Availability of the Manual

- A copy of the Manual is available-
 - o head office of Laura Berry for public inspection during normal business hours;
 - o to any person upon request and upon the payment of a reasonable prescribed fee; and
 - o 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.

15.Updating of the Manual

The head of Laura Berry will on a regular basis update this manual.

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16.Procedure to Request Access to Information

If you want to obtain access to any of the records listed in this manual, you should follow the procedure as set out below, and a non-refundable request fee of R50.00 + VAT.

- Fill in the application form contained in this manual and send it to us via hand delivery, postal service, or email.
- Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you do not have to pay the request fee.
- If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative payment arrangements.

16.1.Our Response

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will be one of the following:

- Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
- It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
- We have found the record you're looking for, and you may have access to it, on payment of:

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- an access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
- a reproduction fee for making photocopies or printouts or copying the record onto a stiffy disc or CD - the prescribed fees are set out in this manual

Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.

- If your request is for access to your Personal Information in terms of Section 23 of the Protection of Personal Information Act, we will give you a written estimate of the fee before providing the access. We may require you to pay a deposit for all or part of the fee.
- You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
- If we have searched for the record and cannot find it, we will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.
- If we may or must refuse to give you access to part of the requested Personal Information, we will give you access to every other part.

16.2. Your Right of Access to Information

Both the Promotion of Access to Information Act and the Protection of Personal Information Act entitle you to have access to our records, if:

- you need access to exercise or protect any of your rights, and
- you apply for access according to the procedure set out in this manual, and
- the Entities do not have grounds for refusing you access.

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16.3.Our Right to Refuse Access to Information

We have the right to refuse to give you access to our records if any of the following grounds apply:

- the record would unreasonably disclose Personal Information about a natural person, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access);
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access);
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access);
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property;
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection); or
- if the request is for access to your Personal Information, and you could not provide adequate proof of identity to us.

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17.Promotion of Access to Information Act

17.1.Fees Payable in respect of Private Bodies

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R2,00 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11 (1) are as follows:

For every photocopy of an A4-size page or part thereof	R2,00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R2,00
For a copy in a computer-readable form on - compact disc	R100,00
For a transcription of visual images on an A4-sized page or part thereof	R400,00
For copy of visual images	R60,00
For transcription of an audio record	R500,00 per page or part thereof
For a copy of an audio record	R30,00

- To search for and prepare the record for disclosure: R30,00 for each hour or part of an hour reasonably required for such search and preparation

For purposes of section 54(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable; and

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- One third of the access fee is payable as a deposit by the requestor.
- The actual postage is payable when a copy of a record must be posted to a requester.

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18.Request for Access to Record of a Private Body

(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 10]

The responsible party Particulars:

Business address:

8 Swanmore Road

Rondebosch

7700

Cape Town

Postal address:

8 Swanmore Road

Rondebosch

7700

Cape Town

Email: laura.berry09@gmail.com

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Particulars of person requesting access to the record:

Surname:	
First names:	
Identity number:	
Postal address:	
Fax Number:	
Email Address:	
Capacity in which request is made, when made on behalf of another person:	

Particulars 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)

Surname:	
First names:	
Identity number:	

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18.2.Particulars of Record

- 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 folio and attach it to this form.

The requester must sign all the additional folios.

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

- 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.
- You will be notified of the amount required to be paid as the request fee.
- 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.

Mark the appropriate open box with an x:			
1. If the record is in written or printed form:			
	Copy of record*		Inspection of record
2. If the record consists of visual images (including photographs, video recordings, computer-generated images, sketches, slides, etc.):			

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	View Images		Copy of Images*		Transcripti on of Images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	Copy of soundtrack			Transcription of soundtrack* (written or printed document)	
4. If record is held on computer or in an electronic or machine-readable form:					
	Printed copy of record*		Printed copy of informatio n derived from the record*		Copy in computer- readable format*
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				Yes	No

NOTES:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances, in such a case you will be informed if access will be granted in another form.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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If you qualify for exemption of the payment of any fee, please state the reason for exemption:

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18.3. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed 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?	

Signed _____ **this** _____ **day** _____ **20** _____
at _____ **of** _____

Signature of requestor/person on whose behalf request is made

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