

PAIA Manual

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to: PROPS KINGDOM

Registration number: 2018/466591/07
(hereinafter The Proper Props shop)

Last updated: November 2023

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Introduction

The Promotion of Access to Information Act 2 of 2000 ("PAIA" or "the Act") gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. The Protection of Personal Information Act 2013 has amended the PAIA and also requires from private bodies to disclose certain information through the relevant organisation's PAIA Manual.

Specifically, section 51(1) of the Act, read with the Protection of Personal Information Act of 2013, requires a private body to compile a manual that must contain information as specified and required by both PAIA and POPI. In addition, the PAIA manual must set out the formal procedure that a person must follow in order to request to view, update or delete personal information held by the private body.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

This organisation falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. In general the limitations relate to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this Manual.

Business And Contact Details

Name of Business: PROPS KINGDOM

Head of Business: Mrs Nadine Minnaar

Position: Company Owner

Physical Address: 27 Frans Odendaal st, Weavind Park, Pretoria, 0184

Phone Number: 083 270 7397

Email Address: info@properprops.co.za

Section 51(1) Of The Promotion Of Access To Information Act (the Act)

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

Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulations 6 and 7 of the Act.

Requesters are referred to the Guide which, in terms of Section 10 as amended, has been compiled by the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013, and which contains information for the purposes of exercising Constitutional Rights.

A "Request for a copy of the Guide (Form 1)" is available at:

<https://www.justice.gov.za/inforeg/docs2-f.html>

The Guide is also available at:

Address: JD House, 27 Stiemens Street Braamfontein, Johannesburg, 2001

Postal Address: P.O. Box 31533 Braamfontein, Johannesburg, 2017

Tel Number: 010 023 5200

Email Address: PAIACompliance@inforegulator.org.za

Description of the records of the body which are available in accordance with any other legislation [S 51(1)(b)(iii)]

Records are kept in accordance with the following legislation (this list is not exhaustive):

Companies Act 71 of 2008

- Company's Memorandum of Incorporation and all amendments
- Company Incorporation
- Names of Directors
- Minutes of Board Meetings
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers.

Basic Conditions of Employment Act 75 of 1997

- record containing the following information Section 31:
- employee's name and occupation;
- time worked (attendance register);
- remuneration paid (wages register);
- date of birth if under 18 years of age.

Occupational Health and Safety Act 85 of 1993

- A copy of the Occupational Health and Safety Act 85 of 1993

Compensation for Occupational Injuries and Diseases Act 130 of 1993

- All records required by the Act.

Employment Equity Act 55 of 1998

- Summary of the Employment Equity Act, 55 of 1998, issued in terms of Section 25(1)

Income Tax Act 58 of 1962

- All records required by the Act.

Labour Relations Act 66 of 1995

- Records of disciplinary hearings (if any)

Unemployment Insurance Act 30 of 1966

- Records detailing the contributions by contributors employed by the employer in respect of earnings paid, time worked, payments made for piece work and overtime.

Value Added Tax Act 58 of 1962.

- All records required by the Act.

Promotion of Access to Information Act 2 Of 2000.

- All records required by the Act.

Protection of Personal Information Act 4 of 2013.

- All records required by the Act.

The subjects on which the organisation holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed to these records and that access to them may be refused in accordance with Section 62 of the Act.

Administration

- Attendance registers
- Correspondence
- Founding Documents
- Licences
- Minutes of Management Meetings

- Minutes of Staff Meetings
- Shareholder Register
- Statutory Returns

Human Resources

- Conditions of Service
- Employee Records
- Employment Contracts
- Employment Equity Records
- General Correspondence
- Industrial and Labour Relations Records
- Information relating to Health and Safety Regulations
- Pension and Provident Fund Records
- Performance Appraisals • Personnel Guidelines, Policies and Procedures
- Remuneration Records and Policies
- Skills Requirements
- Staff Recruitment Policies
- Statutory Records
- Training Records

Operations

- Brochures on Company Information
- Client and Customer Registry
- Contracts
- General Correspondence
- Information relating to Employee Performance
- Marketing and Future Strategies
- Marketing Records
- Sales Records
- Suppliers' Registry

Finances

- Annual Financial Statements
- Asset Register
- Banking Records
- Budgets
- Contracts

- Financial Transactions
- General Correspondence
- Insurance Information
- Internal Audit Records
- Management Accounts
- Purchase and Order Information
- Stock Records
- Tax Records (company and employee)

Information Technology

- IT Policies and Procedures
- Network Diagrams
- User Manuals

The Request Procedure

Forms and fees

A request for information must be made in the prescribed form, a copy of which is annexed hereto as Appendix 1, must be addressed to the head of Proper Props and must be submitted with the prescribed fee (if any).

The prescribed request form and details regarding the prescribed fees are available from the Proper Props Head of Business, the Information Regulator's website and from the South African Human Commission's offices and website, whose contact details are set out above.

Form of request

The requester must use the prescribed form to make the request for access to a record. This must be made to the head of Proper Props. This request must be made to the address or electronic mail address of Proper Props.

The requester must provide sufficient detail on the request form to enable the head of Proper Props to identify the record and the requester. The requester should

also indicate which form of access is required. The requester should indicate if it requires notice of the decision of the head of the private body in any manner, other than in writing.

The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

Fees

A requester who seeks access to a record containing personal information must pay the required request fee, if any.

The head of Proper Props must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.

The requester may lodge an application to the high court relating to the payment of the request fee.

After the head of Proper Props has made a decision on the request, the requester must be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.

The prescribed fees are available from the head of Proper Props and from the SAHRC (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out above.

Protection of Personal Information Act 4 of 2013

We process personal information that is necessary to enable us to provide our various services.

For information on the type and usage of personal information processed by Proper Props, please refer to our Privacy Policy, available on our website.

Grounds For Refusal Of Access To Records As Stipulated In Section 63 To 69 Of PAIA And POPIA:

Proper Props may deny access to certain records on the basis of the grounds set out in PAIA.

These include:

- mandatory protection of the privacy of a third party who is a natural person, including a deceased individual;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information, special personal information and confidential information of a third party;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of records privileged from production in legal proceedings;
- the commercial information and activities of Proper Props;
- mandatory protection of research information of a third party; or
- any other ground legally available on which to refuse access to the information requested.

Proper Props may deny access to commercial information if the record:

- contains trade secrets of a third party;
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to harm the commercial or financial interests of a third party's company; or
- contains information, the disclosure of which would reasonably be expected to put a third party's company at a disadvantage in contractual or other negotiations, or to prejudice the company in commercial competition.

Proper Props must refuse a request for access to a record if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

Availability Of The Manual

This manual is available for inspection at Proper Props's physical address as stated above and website, available at: <https://properprops.co.za>, free of charge.

The request forms and fee structure can be obtained via the Information Regulator's website and the South African Human Rights Commission's website, details of which are set out above.

Request forms are also available on the Department of Justice and Constitutional Development's website which website can be accessed using the universal resource locator: www.doj.gov.za.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

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

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

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

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

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

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

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

Indicate which right is to be exercised or protected	

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

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

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

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

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

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

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (<i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i>)	
Written or printed transcription of virtual images (<i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i>)	
Transcription of soundtrack (<i>written or printed document</i>)	
Copy of information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
Preferred language: <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer