

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1. **“DIO”** Deputy Information Officer;
- 1.2. **“IO”** Information Officer;
- 1.3. **“Minister”** Minister of Justice and Correctional Services;
- 1.4. **“PAIA”** Promotion of Access to Information Act No. 2 of 2000(as Amended);
- 1.5. **“POPIA”** Protection of Personal Information Act No.4 of 2013;
- 1.6. **“Regulator”** Information Regulator; and
- 1.7. **“Republic”** Republic of South Africa

2. DEFINITIONS

- 2.1. **“Data subject”** means the person to whom personal information relates.
- 2.2. **“Operator”** means a person who processes personal information for a responsible party in terms of a contract or mandate, without coming under the direct authority of that party.
- 2.3. **“Personal Information”** means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:
 - 2.3.1. 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;
 - 2.3.2. Information relating to the education or the medical, financial, criminal or employment history of the person;
 - 2.3.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
 - 2.3.4. The biometric information of the person;
 - 2.3.5. The personal opinions, views or preferences of the person;
 - 2.3.6. 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;
 - 2.3.7. The views or opinions of another individual about the person; and
 - 2.3.8. 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.
- 2.4. **“Processing”** means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including:

- 2.4.1. The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 2.4.2. Dissemination by means of transmission, distribution or making available in any other form; or
- 2.4.3. Merging, linking, as well as restriction, degradation, erasure or destruction of information.
- 2.5. **“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.
- 2.6. **“Unique identifier”** means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.
- 2.7. **“Confidential Information”** means any information disclosed, whether in writing, orally or by any other means by or on behalf of the Disclosing Party to the Receiving Party including, without limitation, any information relating to the Disclosing Party’s products, inventions, operations, methodologies, systems, processes, plans or intentions, know-how, design rights, pricing and or any financial information, trade secrets, market opportunities, or business or financial affairs, and any data, regardless of shape or form, pertaining to business relationships, architecture, informational, techniques, demonstration and machinery, any plans, designs, drawings, functional and technical requirements and specifications; all other information designated as “confidential”, “proprietary” or any other words connoting a similar meaning or information which by its nature would be reasonably considered as being confidential to the Disclosing party. Confidential Information will also by specific reference include any Personal Information of employees of the party and or any third party

3. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE INFORMATION REGULATOR’S 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 and any enquiries regarding section 10 of the Act should be directed to:

The Information Regulator (South Africa)

Postal Address: P.O. Box 31533

Braamfontein

Johannesburg

2017

Website: <https://www.justice.gov.za/infoereg/docs1-gn.html#gn-paia>

E-mail address: infoereg@justice.gov.za

The guide also describes assistance available from the Regulator in terms of PAIA and POPIA; including:

- 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;

4. BACKGROUND

The Promotion of Access to Information Act, no. 2 of 2000 (“the Act”) was enacted on 3 February 2000 and gives effect to the constitutional right of access to information held by another person and that is required for the exercise of protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may not be released or where the requester has no such right to access the information. The Act sets out the requisite procedural issues attached to such a request.

5. PURPOSE

We as a Legal Practise and have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and, to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

This manual is intended to guide the practice in handling requests for access to records in a lawful and compliant manner, following the Promotion of Access to Information Act (PAIA). It aims to ensure that requesters can obtain records they are legally entitled to in a timely, simple, and accessible way. All requests made under the Act must follow the prescribed procedures and be accompanied by the applicable fees, as outlined in Annexure B.

This Manual is also 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 categories of data subjects and of the information or categories of information relating thereto;
- 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 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 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
- know the description of the records of the body which are available in accordance with any other legislation;

Records held by Human & Human Inc may be accessed by requests only once the prerequisite requirements for access have been met. There are two types of requesters:

PERSONAL REQUESTER (EXISTING CLIENT)

This is a requester who is seeking access to a record containing personal information about the requester. In this case, Human & Human Inc will voluntarily provide the requested information or give access to any record about the requester's personal information, after the requester has been successfully verified. The prescribed fee for reproduction of the information requested will be charged, if applicable.

OTHER REQUESTER

This requester is entitled to request access to information on Human & Human Inc. or on third parties. However, Human & Human Inc is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements i.e., present proof of identity and proof of authorisation if acting on behalf of another person for access in terms of the Act, including the payment of a request and access fee.

In terms of Section 9 of the Act, justifiable grounds must exist for an entity to refuse or limit access to information.

Grounds for refusal includes, but are not limited to:

- Limitations aimed at the reasonable protection of privacy,
- Personal information relating to individuals,
- Certain types of commercial information,
- Information that is deemed confidential, and
- Information that is deemed privileged. (legal professional privilege protects confidential communications between a client and their attorney, It applies to communications made for legal advice or in the context of litigation)

6. CROSS-BORDER FLOW OF PERSONAL INFORMATION

Human & Human Inc. does not plan to transfer or process personal information intentionally outside the Republic of South Africa.

Human & Human Inc. has appropriate security measures to ensure the confidentiality, integrity, and availability of the personal information that is to be processed

7. OUR CONTACT DETAILS FOR ACCESS TO INFORMATION OF HUMAN & HUMAN INC

7.1. GENERAL INFORMATION

Name of Private Body: Human & Human Inc

Physical Address: Office 9, Sinoville Corner Shopping Centre, 284 Braam Pretorius St, Sinoville, Pretoria, 0129

Telephone number: +27 12 021 0170

Directors: Mr. Pieter Roos, Francois Human, and Charl Human

Email Address: info@hhinc.co.za

Website: <https://hhinc.co.za>

A copy of our PAIA Manual is available on our website or offices listed above. A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable for each A4-size photocopy made.

7.2. INFORMATION OFFICER

Name & Surname: **Charl Jacobus Human.**

8. RECORDS AVAILABLE

This section serves as a reference to the records that Human & Human Inc. holds, to facilitate a request in terms of the Act. It is recorded that the accessibility of the documents listed below may

be subject to the conclusion of a confidentiality agreement or may be subject to the grounds of refusal set out in this document.

Authorised agents acting under the applicable legislation listed below may access the records without being required to follow the standard request procedure.

INFORMATION AVAILABLE FROM HUMAN & HUMAN INC. WITHOUT A PERSON HAVING TO REQUEST ACCESS

Type of Record	Available on Website	Available upon request
Privacy Policy	X	X
Terms of Conditions	X	X
PAIA Manual	X	X
Letterhead with CIPC and VAT information	X	X

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Category of Records	Applicable Legislation
Share Certificates	Companies Act 71 of 2008, as amended
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Employee Contracts, BCEA Posters	Basic Conditions of Employment Act 75 of 1997, as amended
RMCP	Financial Intelligence Centre Act 38 of 2001, as amended
Employee Contracts, Attendance Registers, Payroll information, and Labour Posters	Labour Relations Act 66 of 1995, as amended

OSHA File, OSHA Poster	Occupational Health & Safety Act 85 of 1993
Registration Certificate	Unemployment Insurance Act 63 of 2001, as amended
Registration Certificate	Value-added Tax Act 89 of 1991

DESCRIPTION OF THE SUBJECTS AND CATEGORIES OF RECORDS HELD BY HUMAN & HUMAN INC.

Categories of Data Subjects	Personal Information that may be processed
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	Banking details, address, qualifications, gender, and race

THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED.

(The person or category of persons to whom the body may disseminate personal information).

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services/ MIE
Qualifications, for qualification verifications	South African Qualifications Authority/ MIE

Credit and payment history, for credit information	Credit Bureaus
Names, Surnames, identity numbers, and contact information for litigation	Magistrate, High Court
Deceased's identity documents, death certificate, and wills.	Office of the Master

9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

- 9.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 9.2. The requester must complete the prescribed request form (Form 2) enclosed herewith in Annexure A and submit same as well as proof of identity, and proof of authorisation if the request is made on behalf of another person, payment of a request fee and a deposit, if applicable to the Information Officer at physical address or electronic email address as stated above.
- 9.3. The prescribed form must be filled with enough particularity to at least enable the Information Officer to identify:
 - The record or records requested
 - The identity of the requester
 - Which form of access is required, if the request is granted,
 - The email address of the requester.
- 9.4. The requester must state that he requires the information to exercise or protect a right and clearly state what the nature of the right is so that be exercised or protected. In addition, the requester must specify why the record is necessary to exercise or protect such a right.
- 9.5. The Information Officer will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above periods not be complied with.
- 9.6. The requester will be notified in the manner indicated on the request form whether the request has been approved or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.
- 9.7. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 9.8. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 9.9. The requester must pay the prescribed fee before any further process can take place.

10. PROCEDURE FOR RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If all reasonable steps have been taken to find a record requested and it cannot be found or does not exist, the Information Officer needs to do the following:

- Write an Affidavit or Affirmation notifying the requester that it is not possible to give access to that record.

- The Affidavit or Affirmation must give a full account of all the steps taken to find the record in question, or
- To determine whether the record exists.
- It should include all the communication with every person who searched on behalf of the Information Officer.

11. REMEDIES AVAILABLE WHEN HUMAN & HUMAN INC. REFUSES A REQUEST FOR INFORMATION

INTERNAL REMEDIES

If the Information Officer refuses access to the requested information, a different Director can be consulted, but Directors must unanimously agree before such a decision becomes final. Any other decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

EXTERNAL REMEDIES

A requester or third party that is dissatisfied with the Information Officer's refusal to disclose information may, within 30 days of notification of the decision, apply to a Court for relief. For the purpose of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court, or another court of similar status.

12. FEES

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee, and
- An access fee, which must be calculated by considering reproduction costs, search and preparation time, and cost.

When the request is received by the Information Officer, such officer shall, by notice, require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated in Annexure B.

A requester whose request for access to a record has been granted must pay an access fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure, including deciding to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is denied, then the Information Officer concerned must repay the deposit to the requester.

13. INFORMATION SECURITY MEASURES IMPLEMENTED TO ENSURE THE CONFIDENTIALITY, INTEGRITY, AND AVAILABILITY OF THE INFORMATION

- Anti-virus software.
- Cloud back-ups.
- Firewall protection
- Ransomware

14. REVIEW

The Information Officer will update this manual as required by legislation or in response to relevant changes.

Mr. Charl Human

Director/ Information Officer

ANNEXURE A:

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:
	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			
<p><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></p>			
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:	

FEES	
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

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

Signature of Information Officer

Annexure B:

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:

--

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