

Section 51 Manual Promotion of Access to Information Act, 2 of 2000

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.

DI GARACH
CEO

30 NOVEMBER 2021
Date of Approval

Definitions

Act	means the Promotion of Access to Information Act 2 of 2000 (PAIA).
Commission	means the South African Human Rights Commission.
Data Subject	means the person to whom personal information relates.
Head of the Organisation	means, of, or in relation to, a private Body means- (a) in the case of a natural person, that natural person or any person duly authorised by that natural person; (b) in the case of a partnership, any partner of the partnership or any person duly authorised by the partnership; (c) in the case of a juristic person- i. the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or ii. the person who is acting as such or any person duly authorised by such acting person.
Information Officer	means, of, or in relation to, a – a) public body means an Information Officer or Deputy Information Officer as contemplated in terms of section 1 or 17 of the Promotion of Access to Information Act; or b) private body means the head of a private body as contemplated in section 1 of the Promotion of Access to Information Act.
Person	means a natural person or a juristic person.
Personal Information	means information relating to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person, including, but not limited to – a) 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; b) information relating to the education or the medical, financial, criminal or employment history of the person; c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person; d) the biometric information of the person; e) the personal opinions, views or preferences of the person; f) 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; g) the views or opinions of another individual about the person; and h) 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.
POPI	means the Protection of Personal Information Act 4 of 2013.
Private Body	means (a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity. (b) a partnership which carries or has carried on any trade, business or profession; or (c) any former or existing juristic person, but excludes a public body.
Processing	means any operation or activity or any set of operations, whether or not by automatic means, concerning personal information, including—

- a) the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
 - b) dissemination by means of transmission, distribution or making available in any other form; or
 - c) merging, linking, as well as restriction, degradation, erasure or destruction of information.
- Public Body means
- (a) any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
 - (b) any other functionary or institution when-
 - i. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - ii. exercising a public power or performing a public function in terms of any legislation.
- Requester means, in relation to-
- (a) a public body, means-
 - i. any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or
 - ii. a person acting on behalf of the person referred to in subparagraph (i).
 - (b) a private body, means-
 - i. any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
 - ii. a person acting on behalf of the person contemplated in subparagraph (i).

Introduction

The Act gives effect to the constitutional right of access to information held by private sector bodies and/or public bodies. This manual is prepared in accordance with the requirements of Section 51 of the Act. The purpose of this manual is to provide an outline of the types of records held by the responsible party and explains how one may submit requests for access to these records in terms of the Act.

A copy of this Manual can be accessed by requesting a copy from the Head of the Information Officer as per the contact details below. Any request for information records must be made directly to the Head of the Information Officer.

Our Business

Garach Corporation has over 40 staff with about 1 200 business clients from various sectors which includes farming, manufacturing, wholesale, retail and professionals.

These clients have asset bases varying from a few millions to billions of Rand.

The group subscribes to the core values of initiative, accessibility and timely response with highly skilled professionals in various facets within the financial services sector.

Garach Corporation boasts of both private and corporate clients and has distinguished itself in providing pinnacle service under a "single window" service concept. The group's service offering includes consultancy and advisory in the following facets of business and private wealth creation and management:

GARACH INCORPORATED REGISTRATION NO. 2016/542893/21

Financial Accounting

- Budgets, cash flow and profit forecast
- Financial statements - monthly
- SARS Returns - VAT, PAYE, etc
- Statistical returns
- Annual Financial Statements of entities

Registrations

- Income tax
- VAT
- EMP- PAYE/UIF/SDL
- Import / Export

Management Consulting

- Management meetings
- Business advice
- Cash flow management
- Accounting systems and internal control
- Internal audit
- Analysis of financial statements
- Feasibility studies
- Loan applications & business finance
- Business valuations
- Independent reviews
- Due diligence

Payroll Consultants

- Payslips
- EMP 201 monthly returns
- UIF monthly returns
- IRP5 certificates
- EMP 501 recons

Secretarial

- Dealing with CIPC
- Company registration
- Changes in membership/directorship
- Share transfer
- Attending to statutory requirements of companies & Close corporations
- Deregistration & re-instatements of companies & Close corporations

Tax & Estate planning

- Asset structuring to maximise tax saving
- Tax planning
- Tax effective remuneration packages

GARACH FIDUCIARY CONSULTING (PTY) LTD REGISTRATION NUMBER 2017/399015/07

Legal Consulting

- Formation of Trusts
- Drafting of Wills

- Formation of Public Benefit Organisations
- Winding up of Estates
- Liquidation/winding up of companies & close corporations
- Commercial Contracts and Lease Agreements
- Foreign Exchange - Reserve Bank Regulations and Compliance
- Marriage Contracts and Divorce Settlements

GARFIN INSURANCE BROKERS CC CK NO. 98/00067/23

AUTHORISED SERVICE PROVIDER FSP NO: 13312

SHORT-TERM INSURANCE PLANNING:

- Commercial Line
- Personal Lines

GARFIN FINANCIAL CONSULTING (PTY) LTD T/A GARFIN PRIVATE WEALTH 2018/111612/07

AUTHORISED SERVICE PROVIDER FSP NO: 30778

INSURANCE AND INVESTMENT PLANNING:

- Short Term Insurance
- Medical Health Insurance
- Life Insurance – life, disability, trauma, etc.
- Investments & Endowments
- Retirement – Pension, Provident & RA
- Professional Provident Society (PPS)
- Preservation Funds & Living Annuity
- Children's Education
- Group Life
- Buy and Sell & Key person insurance
- Corporate liability cover for sureties, securities
- Group deposit investments (wholesale money)
- Funeral cover
- Corporate Saver – Structured Deposits

DILIP GARACH & COMPANY

- Auditing services

Purpose of PAIA

The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within the organisation by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

The right of access to information should be done in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

This PAIA Manual complies with the requirements of Guide mentioned in section 10 of the Act and recognises that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

Information of the Head of the Organisation and Information Officer (Section 51(1)(b))

The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of Section 51. The organisation has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of the Act.

The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both these Acts as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render the organisation as accessible as reasonable possible for Requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013.

All request for information in terms of this Act must be addressed to the Information Officer, as per the details below:

Full Name:	DULIPKUMAR ITCHARAM GARACH
Postal Address:	P O BOX 800 , UMHLANGA, 4320
Physical Address	80 ARMSTRONG AVENUE, LA LUCIA, 4051
Tel. No.:	031 5724000
Fax. No.:	031 5726000
E- Mail.:	Dilip@garach.co.za

Guide referred to in Section 10 of the Act

In terms of Section 10 of the Act, the Commission is obliged to prepare a Guide containing information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The Guide must, without limiting the generality of subsection (1) of the Act, include a description of —

- The objects of the Act;
- The contact details of the Information Officer of every public body and every Deputy Information Officer of every public body;
- Such particulars of every private body as are practicable;
- The manner and form of a request for access to a record of a public body and/or private body

- The assistance available from the Information Officer of a public body;
- The assistance available from the Commission;
- All remedies in law available, including the manner of lodging—
 - an internal appeal;
 - and/or an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision of the head of a private body;
- The provisions requiring a public body and private body, respectively, to compile a Manual, and how to obtain access to a Manual;
- The provisions providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- The notices issued regarding fees to be paid in relation to requests for access; and
- The Regulations made in terms of section 92.

The Guide is available in all of the official languages and can be accessed through the Commission's website www.sahrc.org.za or directly from the Commission as per the details below:

The South African Human Rights Commission

PAIA Unit

Research and Documentation Department:

Private Bag 2700

Houghton

2041

Tel: +27 877 3600

E-mail: paia@sahrc.org.za

Alternatively, its successor:

The Information Regulator (South Africa)

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

Ms Mmamoroke Mphelo

Tel: 012 406 4818

Fax: 086 500 3351

E-mail: infoereg@justice.gov.za

Website: www.justice.gov.za

Latest Notice in terms of Section 52(2) (if any)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

Access to Records Held by the Organisation

Records held by the organisation may be accessed on request only once the requirements for access have been met. A Requester is any person making a request for access to a record of the organisation and in this regard, the Act distinguishes between two types of Requesters:

- **Personal Requester:** A Personal Requester is a Requester who is seeking access to a record containing personal information about the Requester. Subject to the provisions of the Act and applicable law, the organisation will provide the requested information, or give access to any record with regard to the Requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the organisation.
- **Other Requester:** This Requester (other than a personal Requester) is entitled to request access to information pertaining to third parties. In considering such a request, the organisation will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information. However, the organisation is not obliged to grant access prior to the Requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by the organisation.

Records available in terms of other Legislation

- Basic Conditions of Employment Act No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, No. 75 of 1997
- Collective Investments Schemes Control Act No. 45 of 2002
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Competition Act, No.71 of 2008
- Constitution of the Republic of South Africa 2008;
- Consumer Protection Act No. 68 of 2008
- Copyright Act, No 98 of 1978;
- Electronic Communications Act, No 36 of 2005;
- Electronic Communications and Transactions Act, No 25 of 2002;
- Employment Equity Act No.55 of 1998
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Institutions (Protection of Funds) Act No. 28 of 2001
- Financial Sector Regulations Act, No. 9 of 2017
- Financial Services Board Act No. 97 of 1990
- Financial Services Ombud Schemes Act No. 37 of 2004
- Friendly Societies Act No. 25 of 1956
- Income Tax Act No. 58 of 1962
- Insurance Laws Amendment Act No. 27 of 2008
- Intellectual Property Laws Amendment Act, No 38 of 1997;
- Labour Relations Act No. 66 of 1995
- Long-term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Prevention of Organised Crime Act No. 121 of 1998
- Promotion of Access to Information Act No.2 of 2000
- Protection of Constitutional Democracy against Terrorist and Related Activities Act, No. 33 of 2004

- Protection of Personal Information Act, No. 4 of 2013;
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Security Services Act No. 36 of 2004
- Short Term Insurance Act No. 53 of 1998
- Skills Development Act No.97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

* Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

Subjects and Categories of Records held by the Organisation

Please note that all requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

<p>1. Organisation Records</p>	<ul style="list-style-type: none"> ▪ Advertisements ▪ Compliance and Risk Documents ▪ Compliance Reports ▪ Complaints Management Framework ▪ Conflict of Interest Policy ▪ Contractual Agreements ▪ Disaster Recovery Plan ▪ Documents of registration ▪ FICA Manual and RMCP ▪ Financial Recovery Plan ▪ Governance Structures ▪ Human Resources ▪ Intermediary Agreements ▪ Key Individual Agreements ▪ Licence Certificates ▪ Management Records ▪ Operational Records ▪ Professional Indemnity Schedule ▪ Remuneration Policy ▪ Strategy ▪ Technology
<p>2. Financial Records</p>	<ul style="list-style-type: none"> ▪ Accounting Records ▪ Assets Inventory

	<ul style="list-style-type: none"> ▪ Banking Records ▪ Bank Statements ▪ Electronic banking records ▪ Financial Statements ▪ Invoices ▪ Rental Agreements ▪ Tax Returns
3. Tax Records	<ul style="list-style-type: none"> ▪ Documents issued to employees for income tax purposes ▪ PAYE Records ▪ SARS Records ▪ All other statutory compliances: <ul style="list-style-type: none"> • VAT • Skills Development Levies • UIF • Workmen's Compensation / COIDA
4. Personnel Documents and Records	<ul style="list-style-type: none"> ▪ Any personal records provided to the organisation by their personnel ▪ Any records a third party has provided to the organisation about any of their personnel ▪ Conditions of employment and other personnel-related contractual and quasi-legal records ▪ Disciplinary records ▪ Employment contracts ▪ Incentive Register ▪ Leave Records ▪ Medical Aid Records ▪ Other internal records and correspondence ▪ Pension Fund records ▪ Salary records ▪ Standard letters and notices ▪ Training Manuals ▪ Training records
5. Customer Records	<ul style="list-style-type: none"> ▪ Application Forms for Financial Products ▪ Correspondences ▪ FICA KYC Documents ▪ Intermediary Disclosure ▪ Needs Analysis ▪ Other Compliance documents ▪ Policy documents ▪ POPI Notice and Consent Form ▪ Quotes ▪ Record of Advice ▪ Renewal Documents ▪ Risk Profile ▪ Service Level Agreement

<p>6. Companies Act Records</p>	<ul style="list-style-type: none"> ▪ Annual Returns to the CIPC ▪ Documents of Incorporation ▪ Memorandum of Incorporation ▪ Minutes of Meetings ▪ Records relating to the appointment of Directors / auditor / secretary / public officer and other officers ▪ Resolutions ▪ Share Register and other statutory registers
<p>7. Procurement Department</p>	<ul style="list-style-type: none"> ▪ Product Provider Agreements ▪ Standard Terms and Conditions for supply of services and products ▪ Lists of Suppliers, Products, Services and Distribution ▪ Policies and Procedures

How to make a Request for Access to Information

- Use the Prescribed Form C as per Annexure A, to make a request for access to a record.
- The Form must be submitted to the Head of the Information Officer at his address, fax number, or e-mail address together with payment of a request fee and a deposit, if applicable.
- Sufficient information must be provided to enable the Head of the Information Officer to adequately identify:-
 - The record/s requested
 - The identity of the Requester
 - Which form of access is required, if the request is granted
 - Specify the postal address, fax number or email address of the Requester in the Republic
 - Identify the right that the Requester is seeking to exercise or protect
 - Provide an explanation of why the requested record is required for the exercise or protection of that right.
- If in addition to a written reply, the Requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the that manner.
- If the request is made on behalf of another person, to submit proof of the capacity in which the Requester is making the request, to the reasonable satisfaction of the Head of the Information Officer.
- If an individual is unable to complete the Prescribed Form because of illiteracy or disability, such a person may make the request orally.
- The Organisation will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that the time period not be complied with.

Refusal of Access to Records

A private body such as the Organisation is entitled to refuse a request for information in the following instances:

- Mandatory protection of the privacy of a third party who is a natural person or a deceased person (Section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
 - Mandatory protection of the commercial information of a third party (Section 64) if the record contains:
 - Trade secrets of the third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- Information disclosed in confidence by a third party to the Organisation, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - Mandatory protection of confidential information of third parties (Section 65) if it is protected in terms of any agreement;
 - Mandatory protection of the safety of individuals and the protection of property (Section 66);
 - Mandatory protection of records which would be regarded as privileged in legal proceedings (Section 67).
 - A computer program which is owned by the Organisation, and which is protected by copyright;
 - The research information (section 69) of the Organisation or a third party, if its disclosure would disclose the identity of the Organisation, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or 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 the Act. 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 Information Officer refuses access to such record.

Decision

The Organisation will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30 day period within which the Organisation has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Organisation (other than the head office) and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the Requester in writing should an extension be necessary.

Remedies Available when the Organisation Refuses a Request

- **Internal Remedies**

The Organisation does not have internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the Requestor is not satisfied with the answer supplied by the Information Officer.

- **External Remedies**

A Requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, may apply to a Court for relief.

A third party dissatisfied with the Information Officer's decision not to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

Prescribed Fees (Section 51 (1) (f))

The Act provides for two types of fees, namely:

- A Request Fee, which is a form of administration fee to be paid by all Requesters except personal Requesters, before the request is considered and is not refundable; and
- An Access Fee, which is paid by all Requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the Requester.

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, before further processing of the request (Section 54(1)).

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 below:

- **Request Fee**

Where a Requester submits a request for access to information on a person other than the Requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Organisation will further process the request received.

- **Access Fee**

A Requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

An Access Fee is not payable where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

Where a copy of a record needs to be posted the actual postal fee is payable.

The applicable Access Fees which will be payable are:

The Access Fees payable by a Requester referred to in Regulation 11(3)	R
a) For every photocopy of an A4-size page or part thereof	1.10
b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
c) For a copy in a computer-readable form on – i) stiffer disc ii) compact disc	7.50 70.00
d) i) For a transcription of visual images, for an A4-size page or part thereof ii) For a copy of visual image	40.00 60.00
e) i) For a transcription of an audio record, for an A4-size page or part thereof ii) For a copy of an audio record	20.00 30.00
f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	

- **Reproduction Fee**

Where the Organisation has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

The Fees for Reproduction referred to in Regulation 11(1)	R
a) For every photocopy of an A4size page or part thereof	1.10
b) For every printed copy of an A4-site page or part thereof held on a	0.75

computer or in electronic or machine - readable form	
c) For a copy in a computer-readable form on – i) stifty disc ii) compact disc	7.50 70.00
d) i) For a transcription of visual images, for an A4-size page or part thereof ii) For a copy of visual images	40.00 60.00
e) i) For a transcription of an audio record, for an A4-size page or part thereof ii) For a copy of an audio record	20.00 30.00

- **Deposit Fee**

Where the Organisation receives a request for access to information held on a person other than the Requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the Requester. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable Access Fee.

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

Collection of Fees

The initial "Request Fee" of R50,00 should be deposited into the bank account (details provided upon request) and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via e-mail.

All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

Records Available without a Request to Access in terms of the Act

Records of a public nature, typically those disclosed on the Organisation 's website and in its various annual reports, may be accessed without the need to submit a formal application.

Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

Processing of Personal Information

The Organisation uses the Personal Information under its care in the following ways:

- Rendering service according to Client's instructions
- Staff administration

- Keeping of accounts and records
- Complying with tax laws

Categories of Data Subjects and their Personal Information

The Organisation may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

Entity Type	Personal Information Processed
Clients – Juristic Persons / Entities	Names of Contact Persons; Name of Legal Entity; Physical and Postal Address and Contact Details; Financial Information; Registration Number; Founding Documents; Tax Related Information; Authorised Signatories, Beneficiaries, Ultimate Beneficial Owners.
Clients – Natural Persons	Names, Contact Details, Postal Address, Street Address, E-Mail Address Date of Birth, ID Number, Tax Related Information, Nationality, Gender, Confidential Correspondence, Ethnic Group, Employment History, Marital Status, Language, Financial Information.
Service Suppliers / Product Providers	Names of Contact Persons; Name of Legal Entity, Physical and Postal Address and Contact Details, Registration Number, Founding Document, Tax Related Information, Authorised Signatories, Beneficiaries, Ultimate Beneficial Owners, Agreements, Financial Information.
Employees	Gender, Pregnancy; Marital Status; Race, Age, Language, Education Information; Financial Information; Employment History; ID number; Physical and Postal Address; Contact details; Opinions, Criminal behaviour; Medical History, Next of Kin.

Categories of Recipients for Processing the Personal Information

The Organisation may supply the Personal Information to Service Suppliers and Product Providers who render the following services:

- Capturing and organising of data
- Storing of data
- Sending of emails and other correspondence to clients on its behalf
- Conducting due diligence checks
- Provision of financial products and services

- Organisation or person that the Organisation uses to collect payments and recover debts or to provide a service on its behalf
- Any payment system the Organisation utilizes
- Audit, Accounting and Compliance Services
- Regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where the Organisation has a duty to share information;
- Third parties to whom payments are made on behalf of employees;
- Financial institutions from whom payments are received on behalf of data subjects;
- Any other operator not specified;
- Employees, Contractors, Representatives, Key Individual's and temporary staff

Rights of the Data Subject

A Data Subject has the right to:

- Access their personal information that the Organisation has on record;
- Object to the processing of their personal information using the Prescribed Form as per Annexure B;
- Request the Organisation to correct, delete or destroy their personal information using the Prescribed Form as per Annexure C;
- Lodge a complaint with the Information Regulator on complaints.IR@justice.gov.za or visit the website on www.justice.gov.za.

Actual or Planned Transborder Flows of Personal Information

Personal Information may be transmitted transborder to the Organisation's suppliers in other countries, and Personal Information may be stored in data servers hosted outside South Africa, which may not have adequate data protection laws. The Organisation will endeavour to ensure that its dealers and suppliers will make all reasonable efforts to secure the said data and Personal Information.

General Description of Information Security Measures

The Organisation employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care.

Measures include: - Firewalls - Virus protection software and update protocols - Logical and physical access control; - Secure setup of hardware and software making up the IT infrastructure; - Outsourced Service Providers who process Personal Information on behalf of the Organisation are contracted to implement security controls.

The Organisation undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples of how to achieve an adequate data protection level for each objective. The Organisation may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

- **Access Control of Persons**
The Organisation shall implement suitable measures in order to prevent unauthorized persons from gaining access to the data processing equipment where the data are processed.

- **Data Media Control**
The Organisation undertakes to implement suitable measures to prevent the unauthorized manipulation of media, including reading, copying, alteration or removal of the data media used by the Organisation and containing personal data of Clients.
- **Data Memory Control**
The Organisation undertakes to implement suitable measures to prevent unauthorized input into data memory and the unauthorised reading, alteration or deletion of stored data.
- **Access Control to Data**
The Organisation represents that the persons entitled to use the Organisation's data processing system are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).
- **Transmission Control**
The Organisation shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilization of The Organisation's data communication equipment / devices.
- **Transport Control**
The Organisation shall implement suitable measures to prevent Personal Information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof or during the transport of the data media.
- **Organisation Control**
The Organisation shall maintain its internal organisation in a manner that meets the requirements of this Manual.
- **Staff**
All staff of the organisation/ Garach Corporation have been trained and a register is in place. The said register is available for viewing on request

Breach Management Guideline Relating to Data Breaches

The purpose of the guideline considerations relating to addressing data breaches are relevant in terms of **Sections 5(a)(ii), 21(2) and 22** of the POPI Act :-

5.Rights of data subjects :-

A data subject has the right to have his, her or its personal information processed in accordance with the conditions for the lawful processing of personal information including the right:-

(a) To be notified that-

(ii) his, her or its personal information has been accessed or acquired by unauthorized person as provided for in terms of Section 22;

Security measures regarding information processed by operator :-

the operator must notify the responsible party immediately where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorized person.

Notification of security compromises

(1) Where there are reasonable grounds to believe that the personal information of a data subject has been accessed or acquired by any unauthorized person, the responsible party must notify –

(a) the Regulator; and

(b) subject to subsection (3), the data subject, unless the identity of such data subject cannot be established.

(2) the notification referred to in subsection (1) must be made as soon as reasonably possible after the discovery of the compromise, taking into account the legitimate needs of the law enforcement or any measures reasonably necessary to determine the scope of the compromise and to restore the integrity of the responsible party's information system.

(3) the responsible party may only delay notification of the data subject if a public body responsible for the prevention, detection or investigation of offenses or the Regulator determines that notification will impede a criminal investigation by the public body concerned.

(4) the notification to a data subject referred to in subsection (1) must be in writing and communicated to the data subject.

(5) the notification referred to in subsection (1) must provide sufficient information to allow the data subject to take protective measures against the potential consequences of the compromise.

(6) the Regulator may direct a responsible party to publicise, in any manner specified, the fact of any compromise to the integrity or confidentiality of personal information, if the Regulator has reasonable grounds to believe that such publicity would protect a data subject who may be affected by the compromise.

SHOULD A BREACH OCCUR GARACH CORPORATION undertakes to:-

- Notify the Data Subject and Regulator in writing as soon as possible.
- Urgently obtain legal advice, if appropriate before the above notification, taking cognizance of Section 22 (2).
- Will not communicate to/or on (the) media or other parties until advice is obtained on how best to communicate regarding the incident taking cognizance of the legal advice obtained.
- Will be open and transparent and provide any and all support and cooperation possible to the Data Subject and as maybe required by the Regulator.
- To immediately secure/further secure the Personal information and to track where the Personal Information could be leaked and take any and all possible mitigation measures to prevent or limit further leakages or breaches.
- To develop and maintain a log to track data privacy incidents/breaches wherein the following elements will be included:-
 - Date of Report
 - Time of Report
 - When did the breach occur or become known
 - Which staff member was involved in the breach
 - To whom was the breach reported to
 - Notification Procedures followed
 - Description of Breach

- Initial Containment Activity
- Record the type of data involved
- Is the data categorized as “sensitive” or involve children under 18 or account information
- What has happened to the data
- What could the data tell a third party about the individual
- Number of individuals affected by the breach
- Whose data has been breached
- What harm can come to those individuals
- Are there wider consequences to consider such as reputational loss
- Action to be taken to recover the data
- Steps needed to prevent the reoccurrence of a breach.

Other Information as may be Prescribed

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

Availability of this Manual

The Manual is available for inspection at the offices of the Organisation free of charge. Copies are also available with the SAHRC and on the Organisation’s website.

This manual is available in the following two official languages:

1. English
2. Zulu



J752

REPUBLIC OF SOUTH AFRICA

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 10]

A. Particulars of private body
The Head:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.
(b) The address and/or fax number in the Republic to which the information is to be sent must be given.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C. 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.

Full names and surname:

Identity number:

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D. Particulars of record

- (a) 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.
- (b) 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.

1. Description of record or relevant part of the record:

.....
.....
.....
.....

2. Reference number, if available:

.....
.....
.....

3. Any further particulars of record:

.....
.....
.....

E. Fees

- (a) 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.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

.....
.....
.....
.....

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Mark the appropriate box with an X.	Form in which record is required: NOTES: (a) Compliance with your request for access in the specified form may depend on the form in which the record is available. (b) 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. (c) 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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1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images		copy of the images*		transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		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 information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

.....

.....

.....

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

.....

.....

.....

H. 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 at this day of year

SIGNATURE OF REQUESTER/
PERSON ON WHOSE BEHALF REQUEST IS MADE

FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	

Fax number/ E-mail addrQSS'.	
C	NFORMATION TO BE CORRECTED/DELETED! DESTROYED/ DESTROYED
D	REASONS FOR CORRECTION OR DELETION OF THE PERSONAL NFORMATION ABOUT THE DATA SUBJECT INTERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ;and/or REASONS FOR DESTRUCTION OR DELETION OF A RECORD OF PERSONAL NFORMATION ABOUT THE DATA SUBJECT INTERMS OF SECTION 24(H)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORIZED TO RETAIN (,,,,,, vid9 dlllsilfld ,, ,,,,,, for "" "" •"IJ

Signed at this day of 20.....

Signature of data subject designated person

LOG: Track Data Privacy Incidents/Breaches

Time of Report	When did the breach occur or become known	Which staff member was involved in the breach	To whom was the breach reported to	Notification Procedures followed	Description of Breach	Initial Containment Activity	Record the type of data involved	Is the data categorized as "sensitive" or involve children under 18 or account information	What has happened to the data	What could the data tell a third party about the individual	Number of individuals affected by the breach	Whose data has been breached	What harm can come to those individuals	Are there wider consequences to consider such as reputational loss	Action to be taken to recover the data	Steps needed to prevent the reoccurrence of a breach.