

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

August 2022
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—

	<ul style="list-style-type: none"> 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	<p>means</p> <ul style="list-style-type: none"> (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- <ul style="list-style-type: none"> i. exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or ii. <u>exercising a public power or performing a public function in terms of any legislation.</u>
Regulator Republic Requester	<p>Information Regulator Republic of South Africa means, in relation to-</p> <ul style="list-style-type: none"> (a) a public body, means- <ul style="list-style-type: none"> 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- <ul style="list-style-type: none"> 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 is useful for the public to-

- Check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- Have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- Know the description of the records of the body which are available in accordance with any other legislation;
- Access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- Know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- Know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- Know the description of the categories of data subjects and of the information or categories of information relating thereto;
- Know the recipients or categories of recipients to whom the personal information may be supplied;
- Know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- Know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

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 on how to use PAIA and how to obtain Access to the Guide

The Regulator has, in terms of Section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPI.

The aforesaid Guide contains the description of-

- The objects of PAIA and POPI;
- The postal and street address, phone and fax number and, if available, electronic mail address of-
 - The Information Officer of every public body, and
 - Every Deputy Information Officer of every public and private body designated in terms of Section 17(1) of PAIA and Section 56 of POPI;
- The manner and form of a request for-
 - Access to a record of a public body contemplated in Section 11; and
 - Access to a record of a private body contemplated in Section 50;
- The assistance available from the IO of a public body in terms of PAIA and POPI;
- The assistance available from the Regulator in terms of PAIA and POPI;
- 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 POPI, including the manner of lodging-
 - An internal appeal;
 - A complaint to the Regulator; and
 - An application with a Court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the Head of a Private Body;
- The provisions of Sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- The provisions of Sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- The notices issued in terms of Sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- The Regulations made in terms of Section 92

The Guide is available in each of the official languages and in braille.

Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

The Guide can also be obtained-

- Upon request to the Information Officer;
- From the Regulator, as per the details below:

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
<https://www.justice.gov.za/infoereg/>

A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

- Official Language 1: English
- Official Language 2: IsiZulu

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.

Categories of Records Which are Available Without a Person Having to Request Access

There are certain categories of records that we make available without a person having to request access by completing Form C. The table below details the categories of these records, the types of the records and how the records can be accessed. *(These are mostly records that maybe available on the website and a person may download or request telephonically or by sending an email or a letter.)*

Category of Records	Types of the Record	Available on Website	Available upon request
		X	X

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
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<p>2. Financial Records</p>	<ul style="list-style-type: none"> ▪ Accounting Records ▪ Assets Inventory ▪ Banking Records ▪ Bank Statements ▪ Electronic banking records ▪ Financial Statements ▪ Invoices ▪ Rental Agreements ▪ Tax Returns
<p>3. Tax Records</p>	<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

<p>4. Personnel Documents and Records</p>	<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
<p>5. Customer Records</p>	<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

8. Strategic Documents, Plans, Proposals	<ul style="list-style-type: none"> ▪ Annual Reports ▪ Strategic Plan
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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 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 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

A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

Updating of this Manual

The Head of the Organisation will on a regular basis update this Manual.

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			
<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

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 (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) 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.	
--	--

OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
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 (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

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

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY			
Name of Public Body			
Name and Surname of Information Officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?	Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
 GROUNDS FOR APPEAL <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

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

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>					
Date received:					
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes	
				No	
OUTCOME OF APPEAL					
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority

