

PAIA & POPIA MANUAL

FOR



GROUP OF COMPANIES

(hereinafter referred to as “BVSA”)

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## 1. DEFINITIONS

As per the context of the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act (PAIA), the following definitions are applicable:

- “Data Subject” means the person to whom personal information relates.
- “Information Officer” means the person acting on behalf of BVSA and discharging the duties and responsibilities assigned to the “head” of BVSA by the Acts; The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the “head” of BVSA in writing;
- “Personal Information” means information about an identifiable individual, 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 individual;
  - b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
  - c) any identifying number, symbol or other particular assigned to the individual;
  - d) the address, fingerprints or blood type of the individual;
  - e) the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
  - f) correspondence sent by the individual 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 individual;
  - h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and
  - i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual but excludes information about an individual who has been dead for more than 20 years.

<u>“Personnel”</u>	means any person who works for or provides services to or on behalf of BVSA and receives or is entitled to receive any remuneration. This includes, without limitation, directors (both executive and non-executive), all permanent, temporary, and part-time staff as well as contract workers.
<u>“Processing”</u>	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"><li>a) The collection, receipt, recording, organisation, collation, storage, updating, or modification, retrieval, alteration, consultation, or use;</li><li>b) Dissemination by means of transmission, distribution or making available in any other form; or</li><li>c) Merging, linking, as well as restriction, degradation, erasure, or destruction of information.</li></ul>
<u>“Record”</u>	means any recorded information, regardless of form or medium, which is in the possession or under the control of BVSA, irrespective of whether it was created by BVSA.
<u>“Request”</u>	means a request for access to a record of BVSA.
<u>“Requestor”</u>	means any person, including a public body or an official thereof, making a request for access to a record of BVSA and includes any person acting on behalf of that person.
<u>“Responsible Party”</u>	means a public or private body or any other person which, alone or in conjunction with others, determines the purpose and means for processing personal information.
<u>“Unique Identifier”</u>	means any identifier that is assigned to a data subject and is used by a responsible party for the purposes of the operations of that responsible party and that uniquely identifies that data subject in relation to that responsible party.

## **2. INTRODUCTION**

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act (PAIA), 2 of 2000, and describes the type of records held by BVSA and the procedures for data subjects to access that information.

As per Section 17 of the Protection of Personal Information Act (POPIA), 2013, a responsible party must maintain the documentation of all processing operations under its responsibility as referred to in section 14 or 51 of the Promotion of Access to Information Act.

The process of requesting information in terms of the Act is subjected to applicable legislative and/or regulatory requirements, and the applicable request forms are available as Annexures within this manual.

Enquiries regarding PAIA and POPIA, can be made via the following channels:

**The Information Regulator (South Africa)**

JD House  
27 Stiemens Street  
Braamfontein  
Johannesburg  
2001  
Website: [www.justice.gov.za](http://www.justice.gov.za)  
Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

### 3. COMPANY DETAIL

We have been supporting small and medium businesses since 1998, offering a range of tailor-made accounting and financial services.

Company Detail	
Information Security Officer	Elizabeth du Toit / Mariana Claassen
Contact Detail	<a href="mailto:info@bvsa.co.za">info@bvsa.co.za</a>
Company Address	29 Veldkornet Street, Swellendam, 6740
Company Contact Detail	028 514 1102
Company Website	<a href="http://www.bvsa.co.za">www.bvsa.co.za</a>

The latest copy of this manual is available on upon request from [info@bvsa.co.za](mailto:info@bvsa.co.za) and can also be requested from the Information Security Officer at BVSA. Above table lists the relevant contact detail.

### 4. COMPANY RECORDS

Categories of information held by BVSA, are outlined in the following table:

Category	Records
Companies Act	Appointment of Auditors
	Board Meeting Minutes
	Company registration document
	Name & Appointment of Directors
	Share and statutory Registers
	Share Certificates
	Shareholder Contact Information
Financial Records	Accounting Records
	Agreements
	Annual Financial Statements

	Asset Registers
	Bank Accounts and statements
	Correspondence
	Debtors / Creditors statements and invoices
	General Ledgers
	Invoices and Statements
	Management Reports
	SARB Returns
	Statistics SA Returns
	Tax Returns
Income Tax	PAYE Records
	SARS records
	Skills Development Levies
	UIF
	VAT records
Personnel	Accident registry
	Accounting and Payroll Records
	Address Lists
	BEE Statistics
	Career Development Records
	CV's
	Disciplinary codes and records
	Employee benefits
	Employment contracts
	Forms and applications
	General Terms of Employment
	Leave records
	Letters of Employment
	Performance Management Records
	Policies and Procedures
	Retirement Benefit Records
	Returns to UIF
	Skills Development Records
Procurement	Policies & Procedures
	Supplier Agreements
	Supplier Lists
Sales	Advertising material
	Customer details
Governance	Access Control Records
	Agreements
	Archival Administration Documentation

	Audit Reports
	Business Continuity Plan
	Communication Strategies
	Contracts
	General Correspondence
	Information Security Management System
	Insurance Documentation
	Patents and Trademark Documents
	Policies & Procedures
	Risk Management Framework
	Risk Register
	Safety, Health & Environment Documents
	Service level agreements
	Travel Documentation
	Used Order Books
	Vehicle Registration Documents
Information & Communication Technology	Asset Registers
	Contracts and Agreements
	Database systems
	Policies & Procedures
	Software Development
	Software Licensing
	Systems Documentation & Manuals
	User Manuals
Client Information	Client Audit Files
	Client Fee Files
	Client Contracts
	Client Internal Control Reports
	Client Statutory and Tax Records
	Client Business Information Findings and Recommendation reports
	Investigative Material
	Legal Documentation
	Proposal and Tender Documents
	Project Plans
	Risk Management Records
	Solution Methodologies
	Working Papers
Secretarial Services	Annual Reports
	Applicable statutory documents, such as but not limited to, certificates of incorporation and certificates to commence business

	Buy-and-sell agreements
	Corporate Structure Diagrams
	Meeting Minutes
	Memoranda and Articles of Association
	Memoranda of Incorporation
	Share Certificates
	Share Registers
	Shareholder Agreements
	Statutory Returns to Relevant Authorities
Marketing and Communication	Agreements
	Brand Information Management
	Client Relationship Programs
	Communication Strategies
	Marketing Brochures
	Marketing Strategies
	New Business Development
	Proposal Documents

## 5. RECORDS HELD AS PER LEGISLATIONS

Information is retained in terms of the following legislations and is usually available only to the persons or entities specified in such legislation. Although we have used our best efforts to supply a list of applicable legislation, it is, however, possible that this list may be incomplete:

1. Administration of Estates Act 66 of 1965
2. Basic Conditions of Employment Act 75 of 1997
3. BBBEE Act 53 of 2003
4. Companies Act 61 of 1973
5. Companies Act 71 of 2008
6. Close Corporations Act 69 of 1984
7. Collective Investment Schemes Control Act 45 of 2002
8. Competition Act 89 of 1998
9. Compensation for Occupational Injuries and Diseases Act 130 of 1993
10. Constitution of South Africa
11. Consumer Protection Act 68 of 2008
12. Copyright Act 98 of 1987
13. Debt Collector's Act 114 of 1998
14. Deeds Registries Act 47 of 1937
15. Electronic Communications and Transactions Act 25 of 2002
16. Employment Equity Act 55 of 1998
17. Estate Duty Act 45 of 1955
18. Financial Advisory and Intermediary Service Act 37 of 2002
19. Financial Intelligence Centre Act 38 of 2001
20. Financial Services Board Act 97 of 1990



21. Formalities in Respect of Leases of Land Act 18 of 1969
22. Income Tax Act 58 of 1962
23. Labour Relations Act 66 of 1995
24. Long Term Insurance Act 52 of 1998
25. National Building Regulations and Building Standards Act 103 of 1997
26. National Road Traffic Act 93 of 1996
27. Occupational Health and Safety Act 85 of 1993
28. Prevention of Combating of Corrupt Activities Act 12 of 2004
29. Protected Disclosures Act 26 of 2000
30. Promotion of Access to Information Act 2 of 2000
31. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
32. South African Revenue Services Act 34 of 1997
33. Short Term Insurance Act 53 of 1998
34. Skills Development Levies Act 9 of 1999
35. Statistics Act 6 of 1999
36. Trust Property Control Act 57 of 1988
37. Trademarks Act 194 of 1993
38. Transfer Duty Act 40 of 1949
39. Unemployment Contributions Act 4 of 2002
40. Unemployment Insurance Act 63 of 2001
41. Value Added Tax Act 89 of 1991

## **6. PROTECTION OF PERSONAL INFORMATION**

BVSA is capturing, processing, storing, and communicating Personal Identifiable Information (PII) to perform its business functions. It is accountable and a responsible party in ensuring that the PII of a Data Subject:

1. is processed lawfully, fairly, and transparently.
2. is processed only for the purposes for which it was collected for.
3. will not be processed for a secondary purpose unless consent is provided.
4. is accurate and kept up to date;
5. will not be kept for longer than necessary;
6. is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, processed, and communicated.
7. is processed in accordance with the rights of Data Subjects, where applicable.

## **7. RIGHTS OF DATA SUBJECTS**

Data subjects have the following rights:

1. To be notified that their Personal Information is being collected.
2. To be notified in the event of a data breach.
3. To enquire whether BVSA holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual.

4. To request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information.
5. To object to the use of their Personal Information and request the deletion of such PII. Deletion is, however, subject to the record keeping requirement of BVSA as well as the national and international regulations and legislations to be adhered to.
6. To object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.
7. To complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her or its personal information.

## **8. INFORMATION SECURITY MEASURES**

BVSA is committed to protect the integrity and confidentiality of personal information in its possession and under its control, by the implementation of a security strategy that includes technical and organisational measures. These include a risk management framework to continuously guide control selection and implementation as well as assessing the effectiveness thereof. The security controls are implemented and monitored as part of the Information Security Management Systems, guided by the Information Security Charter that stipulates the Information Security Objectives of the organisation. The Information Security Policy directs the rules, policies, and procedures to ensure data, systems, networks, and users within the organisation meet the security requirements.

## **9. REQUEST FOR INFORMATION**

In terms of POPIA, a data subject may, upon providing proof of identity, request from BVSA to confirm the information being held about the data subject. The data subject may also request access to the information being held, including information about the identity of third parties who have or have had access to such information. The data subject is allowed at any time, to object to the processing of information by BVSA, unless legislation provides for such processing.

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record. In order to request the information, the prescribed form (to be downloaded here - [InfoRegSA-PAIA-Form02-Reg7.pdf](#)) must be completed, and the requester fee (if applicable) be paid to the Information Officer. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall serve a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

The request will be processed within a 30 (thirty) day period, and the outcome of the request will be communicated in writing. This period may be extended by an additional 30 days depending on the complexity of the request requirements. The process to request information from BVSA is as follows:

1. Documentation containing personal identifiable information such as application forms and identification documents must not be sent directly to BVSA via email. If required to communicate personal information, the Information Officer at BVSA should be contacted to obtain guidance on secure methods and process for submission.
2. BVSA will require proof of identification of the data subject (requestor) or related third parties requesting information on behalf of the requestor for all requests.
3. The relevant prescribed form must be used and completed in full to file a request for access to a record. In the event that an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally. The form is available at [InfoRegSA-PAIA-Form02-Reg7.pdf](#).
4. Please note that an application for access to information can be refused in the event that the application does not comply with the requirements of PAIA. If access to a record or information is denied, the requestor will be notified, and adequate reasons for the refusal will be provided.
5. Should the requester not be satisfied with the decision of the Information Officer, the requester may apply to the court for relief. In terms of PAIA, the said application must be made within 180 days after the decision has been made by the Information Officer.
6. The successful completion and submission of the access request does not automatically allow the requestor access to the requested records.
7. If access to a record/information is granted, the requestor will be notified, and an indication of the access fee (if any) will be provided.

## **10. OBJECTION TO THE PROCESSING OF PII**

Section 11 (3) of POPI and regulation 2 of the POPIA Regulations provides that a Data Subject may, at any time object to the Processing of his/her/its PII by following the process stipulated in this manual.

## **11. REQUEST FOR CORRECTION OR DELETION OF PII**

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form. To ensure the lawfulness and correctness of the data, the data subject may also request BVSA to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or destroy or delete a record of personal information about the data subject that BVSA is no longer authorised to retain in terms of POPIA's retention and restriction of records provisions.

## **12. FEES**

Where an institution 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.

PAIA provides for two types of fees, namely a request fee and an access fee:

1. **Request fee:** This is a non-refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered. Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50-00 is payable up-front before the institution will further process the request received.
2. **Access fee:** This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor. An access fee is payable in all instances where a request for access to information is granted, except in those instances 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).

BVSA may withhold a record until the request fee has been paid.

<b>Item for Reproduction and/or Access</b>	<b>Fee (ZAR)</b>
For every photocopy of a A4-size page or part thereof	1.10
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
For a copy in computer-readable form on:	
- 3.5" magnetic disc	7.50
- Optical compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00
<b>Item for Access</b>	<b>Fee (ZAR)</b>
To search for a record that must be disclosed	30.00

### Deposits

Where the institution 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.