

Promotion of Access to Information Act (PAIA) Manual of the Pan African Federation of Accountants

(herein referred as “PAFA” or “the Federation”)

Prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000, as amended

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1. INTRODUCTION

PAFA is committed to the observance of and compliance with the directives of the South African Constitution and national legislation which endorse the key principles of good corporate governance, transparency and accountability.

The Promotion of Access to Information Act No. 2 of 2000 (PAIA) gives effect to carry out section 32 of the South African Constitution, which focuses on the right to access information, i.e., everyone has the right of access to information held by the state or a private body to enforce a culture of transparency and accountability.

Section 51 of PAIA obliges private bodies (including PAFA) to compile a manual to enable a person to obtain access to information held by such a private body and stipulates the minimum requirements that the manual has to comply with.

This manual constitutes the PAIA Manual of PAFA. This manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (POPIA). POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information.

This manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

2. LIST OF ACRONYMS AND ABBREVIATIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely:

- 2.1. **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- 2.2. **Constitution** means the Constitution of the Republic of South Africa, 1996;
- 2.3. **Customer or Community or Communities** refers to any natural or juristic person that received or receives services from the Federation, individually, or collectively;
- 2.4. **Data Subject** has the meaning ascribed thereto in section 1 of POPIA;
- 2.5. **Federation** means the Pan African Federation of Accountants, trading as PAFA (registration number 09-NPO), a non-profit organisation duly registered and incorporated in accordance with the Nonprofit Organisation Act of 1997 (as amended) of the Republic of South Africa and having its principal place of business situated at 17 Fricker Road, Illovo, Sandton, Gauteng, Republic of South Africa;
- 2.6. **Information Officer** means the Information Officer for PAFA as referred to in clause 4;
- 2.7. **Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1)(d) of the POPIA Regulations;
- 2.8. **Members** means a national professional accountancy organisation as admitted by PAFA in various categories of membership;
- 2.9. **PAIA** means the Promotion of Access to Information Act, 2000;
- 2.10. **Personal Information** has the meaning ascribed thereto in section 1 of POPIA;
- 2.11. **Personnel** refers to any person who works for, or provides services to or on behalf of the Federation, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Federation, which includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff as well as contract workers;

- 2.12. **POPIA** means the Protection of Personal Information Act, 2013;
- 2.13. **POPIA Regulations** mean the regulations promulgated in terms of section 112(2) of POPIA;
- 2.14. **Private Body** has the meaning ascribed thereto in sections 1 of both PAIA and POPIA;
- 2.15. **Processing** has the meaning ascribed thereto in section 1 of POPIA;
- 2.16. **Responsible Party** has the meaning ascribed thereto in section 1 of POPIA;
- 2.17. **Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;
- 2.18. **Requestor** has the meaning ascribed thereto in section 1 of PAIA;
- 2.19. **Request** has the meaning ascribed thereto in section 1 of PAIA;
- 2.20. **SAHRC** means the South African Human Rights Commission.

3. PURPOSE OF PAIA MANUAL

This manual is useful for the public to:

- 3.1. check the categories of records held by the Federation which are available without a person having to submit a formal PAIA request;
- 3.2. have a sufficient understanding of how to make a request for access to a record of the Federation, by providing a description of the subjects on which the Federation holds records and the categories of records held on each subject;
- 3.3. know the description of the records of the Federation which are available in accordance with any other legislation;
- 3.4. access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;
- 3.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6. know if the Federation 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;
- 3.7. know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.8. know if the Federation 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
- 3.9. know whether the Federation has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

The Information Officer is the person to whom Requests for access to Records should be addressed. All Requests for access to Records in terms of PAIA must be in writing.

The Information Officer's contact details are as follows:

Physical Address	17 Fricker Road Sandton Johannesburg 2196
Postal Address	Private Bag X32 Northlands Johannesburg 2116
Email Address	ceo@pafa.org.za

The details of the Federation are as follows:

Physical Address	17 Fricker Road Sandton Johannesburg 2196
Postal Address	Private Bag X32 Northlands Johannesburg 2116
Contact number	+27 (0)11 479 0604
Email address	info@pafa.org.za

5. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission ("SAHRC") is mandated under PAIA to promote the right of access to information, monitor the implementation of PAIA, make recommendations to strengthen PAIA and to report annually to Parliament. The SAHRC has compiled a guide that contains information which would be reasonably required of any person wishing to exercise any rights set out in the Act. The guide is available in all the country's official languages and can be viewed at www.sahrc.org.za

Any enquiries regarding the above guide and its contents should be directed to:

The South African Human Rights Commission
PAIA Unit (the Research and Documentation Department)
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

6. AUTOMATIC DISCLOSURE OF RECORDS

Information that is obtainable via the PAFA website is automatically available and need not be formally requested in terms of this manual.

The following categories of records are automatically available for inspection, purchase, or photocopying:

- 6.1. statutory documents;
- 6.2. newsletters and press releases;
- 6.3. publications;
- 6.4. various marketing and promotional material; and
- 6.5. various project information.

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is retained in terms of the following legislation and is usually available only to the persons or entities specified in such legislation. The legislation includes, but is not limited to, the following:

- 7.1. The Constitution of the Republic of South Africa No.3 of 1994;
- 7.2. Competition Act No. 89 of 1998;
- 7.3. Insider Trading Act No. 135 of 1998;
- 7.4. Broad-Based Economic Empowerment Act No. 53 of 2003;
- 7.5. Consumer Affairs (Unfair Business Practices Act), 71 of 1988;
- 7.6. Consumer Protection Act No. 68 of 2008;
- 7.7. The Value-Added Tax Act No. 89 of 1991;
- 7.8. Income Tax Act No. 58 of 1962;
- 7.9. South African Revenue Services Act, 34 of 1997;
- 7.10. Basic Conditions of Employment Act No. 75 of 1997;
- 7.11. Employment Equity Act No. 55 of 1998;
- 7.12. Labour Relations Act No. 66 of 1995;
- 7.13. Nonprofit Organisation Act of 1997;

- 7.14. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000;
- 7.15. The Occupational Health and Safety Act No. 85 of 1993;
- 7.16. Manpower Training Act No. 56 of 1981;
- 7.17. Skills Development Act No. 97 of 1998;
- 7.18. Skills Development Levies Act No. 9 of 1999;
- 7.19. Unemployment Insurance Contributions Act No. 4 of 2002;
- 7.20. Unemployment Insurance Fund Act No. 63 of 2001;
- 7.21. The Medical Schemes Act No. 131 of 1998;
- 7.22. The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 7.23. National Environment Management Act No. 107 of 1998;
- 7.24. The Atmospheric Pollution Prevention Act No. 45 of 1965;
- 7.25. The Health Act No. 63 of 1977;
- 7.26. Pension Funds Act No. 24 of 1956 Tax on Retirement Funds Act No. 38 of 1996;
- 7.27. Deeds Registries Act No. 47 of 1937;
- 7.28. Customs and Excise Amendment Act, 45 of 1995;
- 7.29. Copyright Act No. 98 of 1978;
- 7.30. Trade Marks Act No. 194 of 1993;
- 7.31. Financial Intelligence Centre Act No. 38 of 2001;
- 7.32. Prevention of Combating of Corrupt Activities Act No. 12 of 2004;
- 7.33. Prevention of Organised Crime Act No. 121 of 1998;
- 7.34. Protected Disclosures Act No. 26 of 2000;
- 7.35. Hazardous Substances Act No. 15 of 1973;
- 7.36. Electronic Communications and Transactions Act No. 25 of 2002;
- 7.37. Regulation of Interception of Communications and Provision of Communications Related Information Act No. 70 of 2002.

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 will 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.

8. CATEGORIES OF RECORDS HELD BY PAFA

Records maintained by the Federation are outlined in **Appendix A**.

However, please note that recording a category or subject matter in this manual does not imply that a Request for access to such Records would be honoured. In particular, certain grounds of refusal as set out in the Act may be applicable to a Request for such Records. All Requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

9. CATEGORIES OF REQUESTORS

The capacity under which a Requestor makes a request for records defines the category in which the Requestor will fall into. There are four categories of Requestors:

- 9.1. A Data Subject who makes requests about themselves;
- 9.2. A Representative who makes a request on behalf of the Data Subject(s);
- 9.3. A Third Party who requests information about a Data Subject; or
- 9.4. A Public Body who requests information in the public interest.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

The following are the grounds on which the Federation may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for access in accordance with Chapter 4 of PAIA:

- 10.1. mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
- 10.2. mandatory protection of the commercial information of a third party, if the Records contain:
 - 10.2.1. trade secrets of that third party;
 - 10.2.2. financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - 10.2.3. information disclosed in confidence by a third party to the Federation, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
 - 10.2.4. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 10.3. mandatory protection of the safety of individuals and the protection of property;
- 10.4. mandatory protection of Records that would be regarded as privileged in legal proceedings;
- 10.5. protection of the commercial information of the Federation, which may include:
 - 10.5.1. trade secrets;

- 10.5.2. financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Federation;
- 10.5.3. information which, if disclosed, could put the Federation at a disadvantage in contractual or other negotiations or prejudice the Federation in commercial competition; and/or
- 10.5.4. computer programs which are owned by the Federation, and which are protected by copyright and intellectual property laws;
- 10.6. research information of the Federation or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- 10.7. Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources

11. INFORMATION OR RECORDS NOT FOUND

If the Federation cannot find the records that the Requestor is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the Requestor will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

12. REMEDIES AVAILABLE TO THE REQUESTOR UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA

The Federation does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requestors will have to exercise such external remedies at their disposal if the Request for access is refused.

In accordance with sections 56(3) (c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

13. PROCEDURE FOR A REQUEST FOR ACCESS IN TERMS OF PAIA

A Requestor must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for access to a Record.

A Requestor must complete the prescribed Request for Access form attached as Appendix B and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the postal or physical address, or electronic mail address stated in clause 4 above.

The Request for Access form must be completed with enough detail so as to enable the Information Officer to identify the following:

- 13.1. the Record/s requested;

- 13.2. the identity of the Requestor;
- 13.3. the form of access that is required, if the request is granted;
- 13.4. the postal address or fax number of the Requestor; and
- 13.5. the right that the Requestor is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.

If a Request for access is made on behalf of another person, the Requestor must submit proof of the capacity in which the Requestor is making the request to the reasonable satisfaction of the Information Officer.

The Federation will voluntarily provide the requested Records to a Personal Requestor (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Personal Requestor will be charged in accordance with section 54(6) of PAIA and clause 14.

14. FEES

Prescribed fees were published by the Minister of Justice and Constitutional Development in the Government Gazette No. 23119, General Notice No. 187 of 15 February 2002. Please refer to **Appendix C** for PAFA's fee structure.

15. INFORMATION AVAILABLE IN TERMS OF POPIA

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by PAFA will depend on the nature of the data and the Data Subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to PAFA's Privacy Policy for further information.

Categories of personal information collected by PAFA

PAFA may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- 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;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- 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;

- the views or opinions of another individual about the person; and
- 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.

The purpose of processing personal information

In general, personal information is processed for purposes of on-boarding members and suppliers, service or product delivery, records management, event management, employment, travel arrangements and related matters.

Categories of data subjects

PAFA holds information and records on the following categories of data subjects:

- members of PAFA;
- employees / personnel of PAFA;
- independent contractors of PAFA;
- suppliers of PAFA;
- stakeholders of PAFA; and
- any third party with whom PAFA conducts business.

Categories of recipients to whom personal information may be supplied

Depending on the nature of the personal information, PAFA may supply information or records to the following categories of recipients:

- statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- anyone making a successful application for access in terms of PAIA or POPIA; and
- subject to the provisions of POPIA and other relevant legislation, PAFA may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which PAFA operates.

Transborder flows of personal information

PAFA may transfer a data subject's information to service providers in countries outside South Africa, these countries may not have data-protection laws which are similar to those of South Africa. Where this is done, PAFA does so in accordance with applicable laws.

16. AVAILABILITY OF THE MANUAL

This manual will be updated as required or when the relevant legislation changes. This manual is available for inspection on <https://www.pafa.org.za>. The Manual is also available for viewing at PAFA's head office. Copies of the Manual may be made available subject to the prescribed fees.

APPENDIX A: CATEGORIES OF RECORDS HELD BY PAFA

BUSINESS INFORMATION

Documents of Incorporation	Constitution and By-laws
Public Officer and other Prescribed Officers	Statutory Registers
Management Reports	Strategic and Business Plans
Annual Integrated Reports	Services
Records held in compliance with specific legislation, regulations and codes	Necessary records in terms of the NPO Act
Minutes of meetings of committees and sub-committees	Operational Records
Federation policies and directives	Intellectual Property
Marketing Records	Legal Records
Internal Correspondence	Internal policies and procedures

FINANCIAL RECORDS

Financial Records and Reports	Accounting Records
Audit Records and Reports	Debtors Records
Tax Returns	Creditors Records
Financial Policies and Procedures	Banking Records
Management Accounts	Risk Management Records
General Correspondence	Purchase and Order Records

PERSONNEL RECORDS

A list of PAFA's Personnel	Any personal records provided to PAFA by its Personnel
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Any records a third party has provided to PAFA about any of its Personnel	Conditions of employment and other Personnel-related contractual and quasi-legal Records
Internal Evaluation Records	Skills Plans
Disciplinary Records	Termination Payments
Training Schedules and Manuals	Employee Tax Information
General Correspondence	Payroll Records
Internal Policies and Procedures	Other Internal Records and Correspondence

CUSTOMER-RELATED RECORDS

Any Records a customer has provided to PAFA or a third party acting on behalf of PAFA	Any Records a third party has provided to PAFA either directly or indirectly
Records generated by or within PAFA pertaining to the customer, including transactional records	

INFORMATION TECHNOLOGY

Computer Software	IT Technology capabilities
Support and Maintenance agreements	Records regarding computer systems
Programs including Software License agreements	Configuration Setups
General correspondence	

INSURANCE RECORDS

Insurance policies taken for the benefit of the Federation and its employees.

EVENTS AND MARKETING

Statistical Information on Surveys	Event registration
List of Attendees	Historical Records of Events
Information on Suppliers	Strategic Marketing Campaign Documents

Other parties

Records are kept in respect of other parties, including without limitation contractors, Commercial Banks, auditors and consultants, suppliers, joint venture companies and service providers, and general market

conditions. In addition, such other parties may possess Records which can be said to belong to PAFA. The following Records fall under this category:

- Personnel, customer, or PAFA Records which are held by another party as opposed to being held by PAFA; and
- Records held by PAFA pertaining to other parties, including financial Records, correspondence, contractual Records, Records provided by the other party, and Records third parties have provided about the contractors or suppliers.

APPENDIX B: REQUEST FORM

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

See the request form [here](#) (hyperlink form)

APPENDIX C: FEES PAYABLE

Request fees

Where a Requestor submits a Request for access to information held by PAFA on a person other than the Requestor himself/herself, a Request fee in the amount of R50.00 is payable up-front before PAFA will further process the Request received. This Request fee may be paid at the time a Request is made, or the person authorised to deal with such Requests on PAFA's behalf may notify the Requestor to pay the Request fee before processing the Request any further. A Requestor may make an application to Court to be exempted from the requirement to pay the Request fee.

If access to a Record/s is granted by PAFA, the Requestor may be required to pay an access fee for the search for and preparation of the Records and for re-production of the Record/s. The access fees which apply are set out below.

Access fees

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). PAFA is entitled to withhold a Record until the required access fees have been paid.

The applicable access fees which will be payable, for the time being, are:

ACCESS FEE FOR REPRODUCTION

For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	75 cents

For a copy in a computer-readable form on: -USB flash drive / Optical Compact Disc	R70.00
A transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
A transcription of an Audio Record, for an A4-size page or part thereof	R20.00
For a copy of an Audio Record	R30.00
Search and preparation of the record for disclosure	R30.00 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation

REQUEST FEES

Access to a record containing personal information of the Requestor	Free
Any other access to a record as a public body made by a Requestor and another person other than the Requestor	R50.00

POSTAL FEES

Postage of a record to the Requestor	R9.75
Courier of a record to the Requestor	R99.00

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 the reproduction of the Record in question.

Deposits

Where PAFA receives a Request for access to information held on a person other than the Requestor himself/herself and the Group 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 Requestor. The Requestor may make an application to Court to be exempted from the requirement to pay this deposit. If a deposit is made and access to the Records requested is subsequently refused, the deposit will be repaid to the Requestor.

The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.