

PAIA MANUAL

ACCESS TO INFORMATION POLICY

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000

(as amended)

DATE OF COMPILATION: 01/10/2021 DATE OF REVISION: 01/10/2021

1. LIST OF ACRONYMS AND ABBREVIATIONS

“CEO”	Chief Executive Officer
“DIO”	Deputy Information Officer
“IO”	Information Officer
“Minister”	Minister of Justice and Correctional Services;
“PAIA”	Promotion of Access to Information Act No. 2 of 2000 (as Amended)
“PFMA”	Public Finance Management Act No.1 of 1999 as Amended
“POPIA”	Protection of Personal Information Act No.4 of 2013
“REGULATIONS”	Regulations relating to both PAIA and POPIA as published by the Information
“REGULATOR”	Information Regulator

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to -

- check the categories of the records which may already be available at Perlov and Associates Pty Ltd, without the need for submitting a formal PAIA request;
- have an understanding of how to make a request for access to a record;
- access all the relevant contact details of the person/s who will assist the public with the records they intend to access;
- know all the remedies available from Perlov and Associates Pty Ltd, regarding request for access to the records, before approaching the Regulator or the Courts;
- the description of the services available to members of the public from Perlov and Associates Pty Ltd and how to gain access to those services;
- a description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- if Perlov and Associates Pty Ltd 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 there to;
- know if Perlov and Associates Pty Ltd 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 Perlov and Associates Pty Ltd has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

3.1 Chief Information Officer

Name: Alon Perlov

Contact Number: 011 880 4225

Email: alon@perlov.co.za

3.2 Deputy Information Officer

Name: Nicky Naude

Contact Number: 011 880 4225

Email: nicky@perlov.co.za

3.3 Access to information general contacts

Email: info@perlov.co.za

3.4 Head Office

Postal address: 104 Oxford, 11 9th Street, Houghton Estate, Gauteng ,2139

Physical address: 104 Oxford, 11 9th Street, Houghton Estate, Gauteng,2139

Telephone: 011 880 4225

Email: info@perlov.co.za

Website: www.perlov.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

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

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

4.3 The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1 the Information Officer of every public body, and

4.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA1 and section 56 of POPIA2;

4.3.3 the manner and form of a request for-

4.3.3.1 access to a record of a public body contemplated in section 113; and

- 4.3.3.2 access to a record of a private body contemplated in section 50.4;
- 4.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6.1 an internal appeal;
- 4.3.6.2 a complaint to the Regulator; and
- 4.3.6.3 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;
- 4.3.7 the provisions of sections 145 and 516 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8 the provisions of sections 157 and 528 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9 the notices issued in terms of sections 229 and 5410 regarding fees to be paid in relation to requests for access; and
- 4.3.10 the regulations made in terms of section 9.211.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.4 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.

4.5 The Guide can also be obtained-

4.5.1 upon request to the Information Officer;

4.5.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>)

5. CATEGORIES OF RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

A requester may also request information that is available in terms of other legislation and may request access to related information outside of this process. Included but not limited to the following –

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Sector Regulation Act 9 of 2017
- Income Tax Act 58 of 1962

- Insurance Act 18 of 2017
- The Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Occupational Health and Safety Act 85 of 1993
- Short-term Insurance Act 53 of 1998
- Unemployment Insurance Act 63 of 2001
- Value-added Tax Act 89 of 1991

6. CATEGORIES OF RECORDS WHICH ARE AVAILABLE

6.1 Human Resources

- Employee Records (Provided by employee and employer)
- Conditions of employment
- Internal evaluation records and other internal records
- Internal Human Resource policies and procedures

6.2 Client Related Documents

- Records provided by a client to a third party acting for or on behalf of Perlov and Associates
- Records provided by a third party to Perlov and Associates (for example, records from astute, other insurers or system obtained information)
- Records generated by or within Perlov and Associates and/or the Discovery relating to its clients
- Transactional records
- Recorded calls
- Correspondence with a client private or confidential nature
- Records pertaining to a client retrieved from other sources

6.3 Employee Records

- Full names as per identity document, ID number, physical address, health information, disability information, employee benefit information, bank details, tax number, letter of appointment, FAIS viability records, vehicle registration, performance records, payslips, training records, records of qualification, credit checks, criminal records, medical assessments, footage of entering and leaving premises

6.4 Client Related Records

- Full names as per identity document, ID number, physical address, health information, disability information, employee benefit information, bank details, tax number, VAT number, financial information, vehicle registration, payslips, records of qualification, credit checks, assets and liabilities, medical assessments, compliance and advisory documents, footage of entering and leaving premises

6.5 Business Partners

- Name of establishment, registration number, contact details, benefits, compliance and advisory documents

7. PROCESSING OF PERSONAL INFORMATION

7.1 Purpose of Processing Personal Information

7.1.1 Client Data

We collect, hold, use and disclose your personal information mainly to provide you with access to the services and products that we provide. We will only process your information for a purpose you would reasonably expect, including:

- Complying with the obligations contained in the contract concluded between yourself and the FSP,
- Providing you with advice, products and services that suit your needs as requested,
- To execute your financial services request/s,
- To notify you of new products or developments that may be of interest to you,
- To confirm, verify and update your details,
- To comply with any legal and regulatory requirements to which we as an organisation must comply.

7.1.2 Employee Data

Perlov and Associates Pty Ltd processes personnel data for business administration purposes, such as for payroll purposes. Employee data is also processed to the extent required by legislation and regulation. We disclose employees' financial information to the Commissioner for the South African Revenue Service in terms of the Income Tax Act 58 of 1962, employees' special personal information in terms of the Employment Equity Act 55 of 1998 and/or employees licensed as representatives 'special information to the Financial Sector Conduct Authority (FSCA) for ongoing licensing purposes.

7.2 Security Measure to protect personal information

Perlov and Associates Pty Ltd is committed to securing client's data and keeping it confidential. Perlov and Associates Pty Ltd will do all in its power to prevent data theft, unauthorized access, and disclosure by implementing the latest technologies and software, which help us safeguard all the information we collect from clients.

Despite our best efforts in this regard safeguarding and securing data can never be 100% guaranteed, therefore it is important that you always take note of the Perlov and Associates Pty Ltd disclaimer on all Perlov and Associates Pty Ltd emails and financial reports generated by us.

8. AVAILABILITY OF THE MANUAL

8.1 A copy of the Manual is available –

- on www.perlov.co.za,
- head office of Perlov and Associates Pty Ltd for public inspection during business hours
- to any person upon request and upon the payment of a reasonable prescribed fee, and
- to the Information Regulator upon request

8.2 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.

9. REQUEST TO ACCESS INFORMATION

9.1 The requester requiring access to information held by Perlov and Associates, must complete the requested form for information (Form2). The completed form must be submitted to the authorized individual/s at the postal address, physical address or by email as provided.

9.2 The requester must pay the fee as set forth in the prescribed fee guide.

9.3 The request for information form, must contain enough details to enable the authorized individual of Perlov and Associates to identify:

- The records that are being requested
- Proof of identity of the requester
- The form in which the records are to be sent (should the request be granted)
- The contact number, email address and postal address of the requester

9.4 Should the request be made on behalf of another person, proof of capacity in which the requester is making the request should be disclosed.

9.5 The requester will be informed of the outcome of the request for information, as indicated on the form.

10. REFUSAL OF ACCESS

- 10.1 Perlov and Associates Pty Ltd is entitled to refuse a request for information in terms of the Act. Access to information may be subject to the grounds of refusal. Amongst others, records deemed confidential on the part of a third party, will require permission from the third party concerned, in addition to normal requirements, before the granting of access may be considered.
- 10.2 The main grounds for Perlov and Associates Pty Ltd to refuse a request for information are:
- mandatory prohibition on the processing of special personal information, if the records are classified as special personal information in terms of section 26 of POPIA;
 - 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 POPIA, 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 POPIA;
 - 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 the FSP or a third party;
 - information disclosed in confidence by a third party to Perlov and Associates Pty Ltd 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 that would be regarded as privileged in legal proceedings (section 67).
 - the commercial activities (section 68) of a private body, such as the FSP, which may include:
 - trade secrets;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests;
 - the information which, if disclosed could put the private body, such as the FSP at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by the FSP and which is protected by copyright;
 - research information (section 69) of the FSP or a third party, if its disclosure would disclose the identity of the FSP, the researcher, or the subject matter of the research and would place the research at a serious disadvantage.

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

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

10.4 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 notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act.

10.5 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.

11. PRESCRIBED FEES

The Act provides for two types of fees, namely:

11.1 A request fee, which is a form of an administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable;

11.2 An access fee, which is paid by all requesters if 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.

11.3 When a request is received by the Information Officer/s by notice required the requester, other than a personal requester, to pay the prescribed request fee, before processing of the request.

11.4 If the search for the information has been made and the preparation of the record for disclosure, including an 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.

11.5 If the preparation of the record requested requires more than the prescribed 6 (six) hours, a deposit of a third of the payable access fee shall be paid.

11.6 The Information Officer shall withhold a record until the requester has paid the requested fees.

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

11.8 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will repay the deposit to the requester.

- 11.9 Where Perlov and Associates Pty Ltd 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. No notice has been submitted by the FSP to the Minister of Justice and Constitutional development regarding the categories of records, which are available without a person having to request access in terms of section 52 (2) of PAIA. However, the information on the website of Perlov and Associates Pty Ltd is automatically available without having to request access in terms of PAIA.
- 11.20 Where a requester submits a request for access to information about 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.
- 11.21 An access fee is payable 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 exclusion is determined by the Minister in terms of section 54(8). A requester may query the payment of the requested fee and/or deposit with the Information Officer. Should the requester find the decision unsatisfactory, he/she may lodge an application with a court

11.22 Fees

As per the regulated fees on Form3 – Outcome of request and of fees payable

12. COMPLAINT

Where we are unable to resolve your complaint, to your satisfaction you have the right to complaint to the Information Regulator.

Physical Address: Woodmead North Office Park, 54 Maxwell Drive, Woodmead,2191

Email: PAIAComplaints@inforegulator.org.za

Website: <https://inforegulator.org.za/>

The forms are also available directly from the Information Regulator website:

<https://inforegulator.org.za/paia-forms/>

13. UPDATING OF THE MANUAL

The operations manager of Perlov and Associates Pty Ltd will update this manual on a regular basis.



A Perlov

Chief Information Officer



N Naude

Deputy Information Officer

DOCUMENT ADMINISTRATION

REVISION DATE	DOC VERSION	SUMMARY OF CHANGES	AUTHOR
06-Jun-24	V1.2024	PAIA manual created	N Naude
13-Apr-26	V1.2026	PAIA manual layout amended A Perlov added as CIO N Naude moved to deputy IO	N Naude