

PAIA and POPIA Policy Manual

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1. Introduction

Z Blackbeard trading as ZSB Accountants render general accounting services to various small and medium enterprises and individuals.

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA") and to address the requirements of the Protection of Personal Information Act 4 of 2013 ("POPIA").

Section 14 of the Constitution of the Republic of South Africa provides that everyone has the right to privacy, which include a right to be protected against the unlawful collection, retention and dissemination and use of personal information. Section 32 of the aforesaid Constitution provides further that everyone has the right of access to records and/or information that is required for the exercise of protection of any rights. The PAIA and POPIA were introduced to balance these competing constitutional rights.

In terms of section 51 of the PAIA, all Private Bodies are required to compile an Information Manual ("PAIA Manual") and this document serves as ZSB Accountant's information manual and provides reference to the records held by ZSB Accountants ("ZSB").

2. Contact details and information officer

The sole proprietor and information officer of ZSB Accountants is Mrs Zonia Blackbeard.

Requests pursuant to the provisions of PAIA and POPIA should be directed as follows –

Physical address: 84 B Amsterdam Street
 Clubview
 Centurion
 0157

Postal address: PO Box 50400
 Wierdapark
 0149

Telephone no: 082 877 1396

Email: admin@zsb.co.za

3. Promotion of Access to Information Act 2 of 2000 ("PAIA")

- 3.1 PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in sections 18 and 22 of PAIA and paragraphs 10 and 11 of this manual.
- 3.3 Requesters are referred to the Guide in terms of Section 10, which has been compiled by the South African Human Rights Commission ("HRC"), which will contain information for the purposes of exercising Constitutional Rights. The guide is available for inspection at the HRC.

The South African Human Rights Commission

PAIA Unit 29 Princess of Wales Terrace
Cnr York & St. Andrews Street
Parktown
www.sahrc.org.za

Any enquiries regarding this guide and its contents should be directed to the HRC -

Postal address: Private Bag 2700
Houghton
2041
Telephone no: 011 484 8300
Fax no: 011 484 0582
Email: PAIA@sahrc.org.za

Or, alternatively, its successor from the 1st of July 2021:

The Information Regulator (South Africa)
SALU Building, 316 Thabo Sehume Street
Pretoria
Telephone no: 012 406 4818
Fax no: 086 500 3351
Email: inforeg@justice.gov.za

4. Confidentiality and Access to Information

ZSB values the confidentiality of information provided to it by clients and third parties and shall protect such confidential information, subject to ZSB's obligations to disclose information in accordance with any applicable law or court order requiring disclosure of the information.

In the event of access being requested to a record that contains information about a client or third party, ZSB is obliged to inform the party of the request to afford the party the opportunity to respond by either consenting to access or by providing reasons why access should be denied. The information shall take such reasons in consideration in determining whether access should be granted or denied.

5. Records automatically available to the public

A section 52(2) notice regarding the categories of records available without a person having to request access in terms of PAIA, has to date not been published.

However, the following records are automatically available on payment of the prescribed fee for reproduction:

- Records of a public nature, typically those disclosed on the ZSB website;
- Services and Promotional material; and
- Other non-confidential records.

6. Records of the business held in accordance with other legislation

The records held in accordance with the legislation listed below can only be requested in terms of PAIA and the application procedure set out in this manual –

- Companies Act 71 of 2008
- Copyright Act 98 of 1987
- Electronic Communications and Transactions Act 2 of 2000
- Income Tax Act 58 of 1962
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Tax administration Act 28 of 2011

** 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 any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the information officer the opportunity to consider the request accordingly.

7. Other Records

7.1 Other records are not automatically available without a request in terms of PAIA and the application procedure set out in this manual and is subject to section 63(1) of PAIA, which provides that the head of a private body must refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

7.2 The following record subjects and categories of records are held by ZSB –

7.2.1 Operations

- Legal compliance records
- SAICA membership records
- Continued professional development records
- General correspondence
- Insurance documents

7.2.2 **Finance and Taxation**

- Accounting records
- Annual Financial Statements
- Invoices and statements
- Tax records and returns

7.2.3 **Information management and technology**

- Agreements
- Hardware and software packages
- Licenses
- Operating systems

7.2.4 **Services, Marketing and Communication**

- Advertising material
- Client information
- Service Brochures

7.2.5 **Client Service records**

- Accounting records
- Annual Financial statements
- Asset Register records
- Business information
- Contracts
- Correspondence
- Employee records
- Invoices and Statements
- Legal Documentation
- Management reports
- Payroll records
- Personal information
- Proposals
- Secretarial Services Documents
- Statutory records
- Tax records and returns
- Working papers

8. *Processing of personal information in terms of the Protection of Personal Information Act 4 of 2013 (“POPIA”)*

8.1 ZSB processes personal information of data subjects for the purposes of:

- Fulfilling its statutory obligations in terms of applicable legislation;
- Providing contractually agreed services to clients;
- Monitoring, maintaining and managing contractual obligations to customers, clients, suppliers, service providers and other third parties;
- Marketing and advertising;
- Resolving and tracking complaints;
- Correspondence and enquiries;
- Monitoring and securing assets and visitors to the premises of ZSB; and
- Historical record keeping, research and recording statistics for fulfilling ZSB’s business objectives.

8.2 ZSB may process the personal information of the following categories of data subjects, which includes current, past and prospective data subjects:

- Client, employees, representatives, agents, contractors and service providers of such clients;
- Suppliers, service providers to and vendors of ZSB, representatives, agents, contractors and service providers of such suppliers and service providers;
- Job applicants; and
- Visitors to the premises of ZSB.

8.3 The nature of personal information processed in respect of the above data subjects may include, as applicable:

- Name, identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- Biometrical information;
- Information relating to the education or the medical, financial, criminal or employment history of the data subject;
- Information relating to the gender, marital status, national origin, age, disability, language and birth of the data subject;
- The personal opinions, views or preferences of the data subject;
- Confidential correspondence sent by the data subject; and
- The views or opinions of another individual about the data subject.

8.4 ZSB may supply personal information to the following recipients:

- Regulatory, statutory and government bodies;
- Service providers, agents and representatives of ZSB;
- Third party verification agencies and credit bureau; and
- Banks and other financial institutions.

8.5 Personal information of data subjects may be transferred across borders due to the hosting of some ZSB infrastructure and applications in foreign jurisdictions.

8.6 ZSB continuously establishes and maintains appropriate, reasonable technical and organisational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, industry practice and generally accepted information security practices and procedures which apply to ZSB.

- 8.7 ZSB shall always comply with POPIA and shall only process personal information lawfully and reasonably, so as not to infringe unnecessarily on the privacy of data subjects, and only for the purpose for which it is intended to enable ZSB to perform its services, as agreed with clients.
- 8.8 A data subject may, at any time object to the processing of his/her/its personal information in the prescribed form attached to this manual as Annexure “B” subject to the exceptions contained in POPIA.
- 8.9 A data subject may request for their personal information to be corrected / deleted in the prescribed form attached to this manual as Annexure “C”.

9. Who may request access to Information

PAIA provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as –

- a personal requester who requests a record about him/herself;
- a representative requester who requests a record on behalf of someone else with that person’s consent and where it is required for the protection of that person’s legal right;
- a third party requester who requests a record about someone else with that person’s consent and where it is required for the protection of that person’s legal right;
- a public body who may request a record if it fulfills the requirements of procedural compliance, the record is required for the exercise or protection of a right and there are no grounds for refusal.

10. Application Procedure for Requesting Access to Information

The procedure below has been designed to ensure that a request for access to records of information held by ZSB is dealt with as quickly and efficiently as reasonably possible.

- 10.1 All requests shall be made in writing on the prescribed form included with this manual and marked as annexure “A” (“the prescribed form”) and should be submitted, together with proof of identity and proof of payment of a request fee and deposit (where applicable), to the information officer as indicated in paragraph 2

above at her postal address, physical address or email address.

- 10.2 The prescribed form shall be completed with sufficient information to enable the information officer to identify the identity of the requester, the record or records requested, what form of access is required and address within the Republic of South Africa.
- 10.3 Where the request is made in a representative capacity or by a third party requester, a copy of the duly signed mandate authorising the representative or third party to request the records on behalf of someone else must be submitted together with the prescribed form and other documents as stated in paragraph 10.1 above.
- 10.4 The requester shall state that he/she/ite requires the information to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.
- 10.5 ZSB shall process a request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the information officer that circumstances dictate that the time period not be complied with.
- 10.6 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 10.7 The requester shall be informed in writing within 30 (thirty) days of receipt of a request, whether access has been granted or denied. If, in addition, the requester requires reasons for the decision in any other manner, the requester must state the manner and particulars so required.
- 10.8 In the event of the request being for a large quantity of information or the request requires a search for information held at another location and the information cannot be reasonably obtained within the original 30 (thirty) day period, the period may be extended for an additional period not exceeding 30 (thirty) days. The information officer shall notify the requester in writing should an extension be required.
- 10.9 In the event of the request for access to a record being successful, the information officer shall notify the requester of the form in which the access will be granted and fees payable to gain access to the record.
- 10.10 Should a search for the requested record be unsuccessful and it is believed that the record either does not exist or cannot be found, the information officer shall notify the requester accordingly by way of an affirmation, which shall include the steps taken to attempt to locate the relevant record.

- 10.11 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 10.12 If a requester is aggrieved by the refusal of the information officer to grant a request for a record, the requester may, within 30 (thirty) days of notification of the information officer's decision, apply to court for appropriate relief.

11. Fees Payable

- 11.1 The initial request fee payable by a requester, other than a personal requester is R50.00 and payable on submission of the request.
- 11.2 Should a request for access to a record be successful, an access fee may be required to cover the costs involved in the search, reproduction and preparation of the record and will be calculated based on the fees prescribed in PAIA and set out in schedule A included with this manual.
- 11.3 Where the preparation of the requested record requires more than 6 (six) hours, a deposit of one third of the access fee amount shall be payable in the event of the request being granted. Should access to the requested record be refused, the full deposit will be refunded to the requester.
- 11.4 Fees for reproduction of a record are set out in schedule A included with this manual.
- 11.5 Where a copy of the record should be posted or couriered to the requester, the actual postal fee or courier charges shall be payable in addition to the applicable fees.
- 11.6 A requester may lodge an application with a court against the tender / payment of the request fee and/or deposit.
- 11.7 Records may be withheld until receipt of payment of the fees.

12. Availability of the manual

A copy of this manual is available to the public for inspection on the ZSB website at www.zsb.co.za or on request from the designated contact person referred to in this manual.

PRESCRIBED FEES

Section 92 of the Promotion of Access to Information Act 2 of 2000

A) Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody other than a requester.

B) Access Fee

The applicable fees (excluding VAT) payable are:

Category	Amount (Rand)
For every photocopy of an 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 form	0.75
For a copy in a computer readable form: 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 *Per hour or part of an hour reasonably required for such search	30.00*

C) Reproduction Fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

Category	Amount (Rand)
For every photocopy of an 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 form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
i. For a copy of visual images	60.00
ii. A transcription of an audio record, for an A4-size page or part thereof	20.00
iii. For a copy of an audio record	30.00

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

A. Particulars of Private Body

Requests can be submitted either via conventional mail or e-mail and should be addressed to the information officer as indicated below:

ZSB Accountants

Contact person: Zonia Blackbeard
 Postal address: PO Box 50400, Wierdapark, 0149
 Physical address: 84 B Amsterdam Street, Clubview, 0157
 Telephone number: 079 493 8054
 Email: admin@zsb.co.za

B. Particulars of person requesting access to the record

- The particulars of the person who requests access to the record must be provided below.
- Please provide an address or fax number in the Republic of South Africa to which the information must be sent.
- A resent certified copy of the identity document of the person requesting access to the record must be included with the completed request form (certified within 3 months of the date of submission of this request).
- If the request is made on behalf of another person, a copy of the duly signed mandate or authorisation of that person, together with a resent certified copy of the identity document of that person must be included with the completed request form.

Full names and surname	
Identity number	
Postal address	
Telephone number	
Email address	
Fax number	
Capacity in which the request is made (if made on behalf of another person)	

C. Particulars of person on whose behalf request is made

- This section must be completed ONLY when a request for access to information is made on behalf of another person.

Full names and surname	
Identity number	

D. Particulars of record

- 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 folio and attach it to this form. The requester must sign all the additional folios.
- Please take note of the grounds on which a private body must or may refuse access to a record (in certain circumstances it is mandatory to refuse access):
 - a) Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
 - b) Mandatory protection of certain confidential information of a third party;
 - c) Mandatory protection of commercial information of a third party, if the record contains –
 - trade secrets of that party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that party;
 - information disclosed in confidence by a third party if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
 - d) Mandatory protection of the safety of individuals, and the protection of property;
 - e) Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - f) Mandatory protection of records which could be regarded as privileged in legal proceedings;
 - g) Mandatory protection of research information of a third party and private body;
 - h) Commercial information of ZSB Accountants which may include trade secrets of ZSB or financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of ZSB.

Description of record or relevant part of the record	
Reference number (if available)	
Any further particulars of record	

E. Fees

- A request for access to a record, other than a record containing personal information about yourself, will be processed only after a non-refundable request fee of R50.00 has been paid.
- You will be notified of any other fees payable for access to the record.
- 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 the record.
- If you qualify for exemption of the payment of any fee, please state the reason for such exemption.

Reason for exemption from payment of fees (if applicable)	
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F. Form of access to record

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

Disability	
Form in which record is required	

NOTES:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- The fee payable for access to a record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written on printed form					
Copy of record		Inspection of record			
2. If the record consist of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
View the images		Copy of the images		Transcription of the images	
3. If the record consist of recorded words or information which can be reproduced in sound					
Listen to the soundtrack (audio cassette)		Transcription of soundtrack (written or printed document)			
4. If the record is held on computer or in electronic or machine-readable form (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
Printed copy of record		Printed copy of information derived from the record		Copy of computer readable form (removable storage device)	
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable				YES	NO

G. Particulars of right to be exercised or protected

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

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

H. Notice of decision regarding request for access

- You will be notified in writing whether your request has been approved or denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with the request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ on this _____ day of _____ 20____

SIGNATURE OF REQUESTER /

PERSON ON WHOSE BEHALF REQUEST IS MADE

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION

(Section 11(3) of the Protection of Personal Information Act 4 of 2013)

Note:

1. Affidavits or other documentary evidence as applicable may be attached in support of the objection.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Please complete as applicable.
4. Objections can be submitted either via conventional mail or e-mail and should be addressed to the information officer as indicated below:

ZSB Accountants

Contact person: Zonia Blackbeard
 Postal address: PO Box 50400, Wierdapark, 0149
 Physical address: 84 B Amsterdam Street, Clubview, 0157
 Telephone number: 079 493 8054
 Email: admin@zsb.co.za

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject	
Unique Identifier / Identity Number	
Residential, postal or business address	
Contact number(s)	
Email address	
Fax number	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of data subject	
Unique Identifier / Identity Number	
Residential, postal or business address	
Contact number(s)	
Email address	
Fax number	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) Please provide detailed reasons for the objection

Signed at _____ on this _____ day of _____ 20____

SIGNATURE OF DATA SUBJECT / DESIGNATED PERSON

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION
OR
DESTRUCTION OR DELETION OF RECORD OF PERSONAL INFORMATION
 (Section 24(1) of the Protection of Personal Information Act 4 of 2013)

Note:

1. Affidavits or other documentary evidence as applicable may be attached in support of the request.
2. If the space provided for in this form is inadequate, submit information as an annexure to this form and sign each page.
3. Please complete as applicable.
4. Request can be submitted either via conventional mail or e-mail and should be addressed to the information officer as indicated below:

ZSB Accountants

Contact person: Zonia Blackbeard
 Postal address: PO Box 50400, Wierdapark, 0149
 Physical address: 84 B Amsterdam Street, Clubview, 0157
 Telephone number: 079 493 8054
 Email: admin@zsb.co.za

Mark the appropriate box with an "x"

Request for:

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

A	Details of Data Subject
Name(s) and surname / registered name of data subject	
Unique Identifier / Identity Number	
Residential, postal or business address	
Contact number(s)	
Email address	
Fax number	

B	Details of Responsible Party
Name(s) and surname / registered name of data subject	
Unique Identifier / Identity Number	
Residential, postal or business address	
Contact number(s)	
Email address	
Fax number	
C	Information to be Corrected / Deleted / Destructed / Destroyed
D	Reasons for *Correction or Deletion of the Personal Information about the Data Subject in terms of Section 24(1)(a) which is in possession or under control of the responsible party; and/or Reason for *Destruction or Deletion of a Record of Personal Information about the Data Subject in terms of Section 24(1)(b) which the Responsible Party is no longer authorised to retain. Please provide detailed reasons for the objection

Signed at _____ on this _____ day of _____ 20____

SIGNATURE OF DATA SUBJECT / DESIGNATED PERSON