

PAIA Manual

FynbosLIFE NPC

“Private Body” ito. PAIA and POPIA

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended)**

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Introduction¹

PAIA : Access to Information

In terms of your constitutional right of access to information and the Promotion of Access to Information Act (2 of 2000), you may request access to any information held by us, subject to s53 PAIA, providing that:-

- (1) A request for access to a record of a private body must be made in the prescribed form (Form C) to the private body concerned at its address, fax number or electronic mail address.
- (2) The form for a request for access prescribed for the purposes of subsection (1) must at least require the requester concerned-
 - (a) to provide sufficient particulars to enable the head of the private body concerned to identify-
 - (i) the record or records requested; and
 - (ii) the requester;
 - (b) to indicate which form of access is required;
 - (c) to specify a postal address or fax number of the requester in the Republic;
 - (d) to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
 - (e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
 - (f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.
 - (g) the grounds for refusal of access to records set out in ss62-70 PAIA do not apply.

¹ Please note that this introduction is for general information purposes only, does not constitute legal advice, and is without prejudice.

POPIA : Protection of Personal Information

Access You may request us to confirm whether or not we hold personal information about you, and request from us the record or a description of that information, including information about the identity of all third parties, who have, or have had, access to that information, subject to the conditions set out in s23 POPIA, 53 PAIA and 62-70 PAIA:-

- (1) A request for access to a record of a private body must be made in the prescribed form (Form C) to the private body concerned at its address, fax number or electronic mail address.
- (2) The form for a request for access prescribed for the purposes of subsection (1) must at least require the requester concerned-
 - (a) to provide sufficient particulars to enable the head of the private body concerned to identify-
 - (i) the record or records requested; and
 - (ii) the requester;
 - (b) to indicate which form of access is required;
 - (c) to specify a postal address or fax number of the requester in the Republic;
 - (d) to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;
 - (e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and
 - (f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.
 - (g) the grounds for refusal of access to records set out in ss62-70 PAIA do not apply.

Correction or deletion You may object (Form 1) to us processing personal information about you, request us (Form 2) to correct or delete personal information about you that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, and request us (Form 2) to destroy or delete a record of personal information about you that we are no longer authorised to retain in terms of section 14 POPIA.

1. Acronyms & abbreviations

- 1.1. “CEO” - Chief Executive Officer;
- 1.2. “DIO” - Deputy Information Officer;
- 1.3. “IO” - Information Officer;
- 1.4. “Minister” - Minister of Justice and Correctional Services;
- 1.5. “Operator” - as defined by sections 1, 20 and 21 of POPIA;
- 1.6. “PAIA” - Promotion of Access to Information Act No. 2 of 2000 (as amended);
- 1.7. “PI” - Personal Information as defined in POPIA;
- 1.8. “POPIA” - Protection of Personal Information Act No.4 of 2013;
- 1.9. “Regulator” - Information Regulator; and
- 1.10. “Republic” - Republic of South Africa.

2. Purpose of PAIA manual

This PAIA Manual is useful for the public to-

- 2.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3. know the description of the records of the body which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether the body 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 of FynbosLIFE

3.1. Information Officer

- 3.1.1. Name Dr Caitlin von Witt
- 3.1.2. Tel: *Available upon request*
- 3.1.3. Email: info@fynboslife.com
- 3.1.4. Fax number: N/A

3.2. Deputy Information Officer

- 3.2.1. Name: N/A
- 3.2.2. Tel: N/A
- 3.2.3. Email: N/A
- 3.2.4. Fax Number: N/A

3.3. Access to information general contacts

- 3.3.1. To request access to information, email info@fynboslife.com

3.4. National or Head Office

- 3.4.1. Company Name: FynbosLIFE
- 3.4.2. Company Registration: 2019/067339/08
- 3.4.3. Postal Address: *Available upon request*
- 3.4.4. Physical Address: *Available upon request*
- 3.4.5. Telephone: *Available upon request*
- 3.4.6. Email: info@fynboslife.com
- 3.4.7. Website: fynboslife.com

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 PAIA² and section 56 of POPIA³;
 - 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 11;⁴ and
 - 4.3.3.2. access to a record of a private body contemplated in section 50;⁵
 - 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-
 - 4.3.6.1. an internal appeal;

² 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.

³ 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.

⁴ 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.

⁵ Section 50(1) of PAIA - A requester must be given access to any record of a private body if-

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

- 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 14⁶ and 51⁷ 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 15⁸ and 52⁹ 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 22¹⁰ and 54¹¹ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92.¹²
- 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 (justice.gov.za/infoereg/).
- 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours: (click to download) [Afrikaans](#) / [English](#)

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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.

¹² 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.”

5. Categories of records of FynbosLIFE which are available without a person having to request access

You may (request) access *without completing Form C* to these records:-

5.1. Download from www.fynboslife.com

- 5.1.1. Website Terms of Use
- 5.1.2. Data Privacy Statement
- 5.1.3. Cookie-Use Policy
- 5.1.4. PAIA / POPIA Manual

5.2. Request by email to info@fynboslife.com

- 5.2.1. N/A

6. Description of the records of FynbosLIFE which are available in accordance with any other legislation

The following records are kept by FynbosLIFE in accordance with South African legislation, and may be requested subject to PAIA requirements (see the Introduction to this manual):

6.1. Non-Profit Organisations Act 71 of 1997

- 6.1.1. NPOs register voluntarily with the NPO Directorate, and submit annual reports. The Directorate, as a public office, holds information about registered NPOs for the public to access. This increases the transparency and accountability of the organisation beyond its immediate role-plays. This accountability and transparency improves the governance of an organisation as it is also expected that a registered NPO must comply with the requirements of the NPO Act.
- 6.1.2. Every registered nonprofit organisation must preserve each of its books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets and accounting officer's reports, in an original or reproduced form, for the prescribed period. (Department of Social Development webpage state that the documents should be retained for 5 years)
Retention 5 years

6.2. Companies Act

71 of 2008

- 6.2.1. General rule for company records: Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act and other public regulation
Retention 7 years or longer (as specified in other public regulation)
- 6.2.2. Notice of Incorporation (Registration certificate)
Retention Indefinite
- 6.2.3. Memorandum of Incorporation and alterations or amendments Rules
Retention Indefinite
- 6.2.4. Register of company secretary and auditors
Retention Indefinite
- 6.2.5. Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) - Register of disclosures of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued
Retention Indefinite
- 6.2.6. Notice and minutes of all shareholders meeting including resolutions adopted and documents made available to holders of securities
Retention 7 years
- 6.2.7. Copies of reports presented at the annual general meeting of the company
Retention 7 years
- 6.2.8. Copies of annual financial statements required by the Act Copies of accounting records as required by the Act
Retention 7 years
- 6.2.9. Record of directors and past directors, after the director has retired from the company
Retention 7 years

- 6.2.10. Written communication to holders of securities
Retention 7 years
- 6.2.11. Minutes and resolutions of directors' meetings, audit committee and directors' committees
Retention 7 years
- 6.2.12. Securities register and uncertified securities register
Retention Indefinite

6.3. Tax Administration Act **28 of 2011**

- 6.3.1. Records, books of account, tax returns or documents enable the person to observe the requirements of a Tax Act; are specifically required under a Tax Act or by the Commissioner by public notice; and will enable the South African Revenue Service (SARS) to be satisfied that the person has observed these requirements. In their original form in an orderly fashion at a safe place, in any other form (including electronic) as may be prescribed by the SARS Commissioner in a public notice, or in a form specifically authorised by a senior SARS official, at a place physically located in South Africa.
Retention Period 5 years from date of submission

6.4. Income Tax Act **58 of 1962**

- 6.4.1. In respect of each employee the employer shall keep a record showing (para 14(1)(a)-(d)): amount of remuneration paid or due by him to the employee, the amount of employees' tax deducted or withheld from the remuneration paid or due, the income tax reference number of that employee, and any further prescribed information
Retention 5 years from the date of submission of the return

6.5. Value Added Tax Act **89 of 1991**

- 6.5.1. lists of debtors and creditors showing the amounts owing by the debtors and owing to the creditors, record of all goods and services, imported goods, the charts and codes of account, the accounting, instruction manuals and the system and programme documentation which describes the accounting system used for each tax period in the supply of goods and services.
Retention 5 years from date of submission of the return

6.6. Compensation for Occupational Injuries and Diseases Act

130 of 1993

- 6.6.1. A register or other record of the earnings and other prescribed particulars of all the employees

Retention 4 years after the date of the last entry in that register or record

6.7. Occupational Health and Safety Act

85 of 1993

- 6.7.1. Record of all incidents which the employer is required to report in terms of section 24 of the Act and also of any other incident which resulted in the person concerned having had to receive medical treatment other than first aid.

Retention 3 years

- 6.7.2. A health and safety committee shall keep record of each recommendation made to an employer in terms of issues affecting the health of employees and of any report made to an inspector as contemplated in section 20(2) of the Act

Retention 3 years

6.8. Basic Conditions of Employment Act

75 of 1997

- 6.8.1. Written particulars of employee must be kept after termination of employment

Retention 3 years after the termination of employment.

- 6.8.2. Employee's name and occupation, time worked by each employee, remuneration paid to each employee, date of birth of any employee under 18 years of age, any other prescribed information

Retention 3 years from the date of the last entry in the record.

6.9. Employment Equity Act

55 of 1998

- 6.9.1. An employer must establish and maintain records in respect of its workforce, its employment equity plan and other records relevant to its compliance with this Act.

Retention 5 years after expiry of the plan

- 6.9.2. A designated employer must submit a report to the Director General once every year. This report should be retained after submission to the Director General

Retention 5 years after it has been submitted to the Director- General.

6.10.Labour Relations Act

66 of 1995

- 6.10.1. Various records relating to employees, employers, trade unions and employers' organisations, arbitration awards, determination made in terms of the Wage Act, and collective agreements
Retention 3 years from the end of the financial year to which they relate
- 6.10.2. Employers should keep records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions, and prescribed details of any strike, lock-out or protest action involving its employees
Retention Indefinite

6.11.Unemployment Insurance Act

63 of 2001

- 6.11.1. Employers must maintain personal records of each of their current employees in terms of names, identification numbers, monthly remuneration; and address where the employee is employed
Retention 10 years

6.12.Electronic Communication and Transaction

25 of 2002

- 6.12.1. Personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information
Retention As long as information is used, and at least 1 year thereafter
- 6.12.2. A record of any third party to whom the information was disclosed must be kept for as long as the information is used
Retention As long as information is used and at least 1 year thereafter
- 6.12.3. All personal data which has become obsolete
Retention Destroy

6.13.Promotion Of Access To Information Act

2 Of 2000

- 6.13.1. POPIA/PAIA manual (s51 PAIA), schedule of requests in terms of PAIA
Retention Indefinite

6.14. Protection of Personal Information Act 4 of 2013

- 6.14.1. Compliance Framework, Impact Assessment, POPIA & PAIA Manual, internal Request Procedures and Schedules, and internal employee awareness sessions.
Retention Indefinite

7. Description of the subjects on which FynbosLIFE hold records and categories of records held on each subject

See 8.2 below.

8. Processing of Personal Information

8.1. Purpose of Processing Personal Information

FynbosLIFE may process personal information in the normal operation of its business, if this processing is necessary:-

- 8.1.1. to negotiate, perform or conclude our contractual obligations and professional transactions with our (prospective) clients;
- 8.1.2. to identify natural and juristic persons when they contact us;
- 8.1.3. to personalise the services and products we offer;
- 8.1.4. to help us improve the quality of our products and services;
- 8.1.5. for general administration, financial and tax purposes, and to comply with legal obligations in this regard;

- 8.1.6. to facilitate the management, payment and delivery of services and products to our clients;
- 8.1.7. for recruitment purposes;
- 8.1.8. for employment purposes;
- 8.1.9. for apprenticeship purposes;
- 8.1.10. for general administration, financial and tax purposes;
- 8.1.11. for legal or contractual purposes;
- 8.1.12. for health and safety purposes;
- 8.1.13. to retain the records of our suppliers: deliveries, payment history;
- 8.1.14. to protect our and/or the data subject's legitimate interests;
- 8.1.15. for the proper performance of a public law duty by a public body;
- 8.1.16. to comply with obligations imposed on us by law or by a court;
- 8.1.17. to analyse our (potential) client base;
- 8.1.18. for statistical purposes;
- 8.1.19. to inform our existing customers of the products and services we offer.

8.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

8.2.1. Employees

Records may contain personal information as defined by POPIA, which may include first name, last name, ID, date of birth, marital status, gender, address, banking details, rate of pay, working days, tax number, type of employment, annual leave days, sick leave, unpaid leave, family responsibility, standard industry classification code, provident fund code, occupation level & function, copy of contract, disciplinary reports, copy of ID, copy of drivers licence if applicable, leave request forms, sick notes, provident fund beneficiary nomination forms, training done, highest qualifications, name and ID of spouse;

8.2.2. Customers

Records may contain personal information as defined by POPIA, which may include first name, last name, phone number, email address, delivery address, order history, and payment history;

8.2.3. Visitors

Records may contain personal information as defined by POPIA, which may include first name, last name, phone number, email address;

8.2.4. Attendees (events)

Records may contain personal information as defined by POPIA, which may include first name, last name, phone number, email address, personal, dietary and religious preferences;

8.2.5. Suppliers & Contractors

Records may contain personal information as defined by POPIA, which may include name, last name, phone number, email address, schedule of services or products supplied, schedule of payments;

8.2.6. Subscribers (mailing list)

Records may contain first name, last name, email address, date of consent, gender, list preference;

8.2.7. Website visitors

Our website uses cookies to record users' interaction with our website, which helps us to optimise its functionality and to remember users' preferences. Users of our website have the option to consent to our collection and use of cookie information, to disable specific cookies, or disable all cookies. We never use this information to build an identifiable profile about the website users, or to link this information with other identifiable information. Records, collected via cookies with users' consent, may include the (anonymised) IP address a device uses to connect to the Internet, device and browser type and version, time zone setting, operating system, page interaction and navigation;

8.2.8. People contacting us via our website

Records may contain first name, last name, email address, personal requests, and any other identifiers people voluntarily share with us.

8.3. The recipients or categories of recipients to whom the personal information may be supplied

- 8.3.1. We generally do not share personal information we process as part of our normal business operations.
- 8.3.2. If we do share personal information:-
 - 8.3.2.1. We request your consent prior to doing so;
 - 8.3.2.2. We de-identify the information where possible;
 - 8.3.2.3. We may be compelled to do so by law or court order;
 - 8.3.2.4. This may be necessary to protect the legitimate interests of you, us, or a third party;
 - 8.3.2.5. This is compatible with the initial purpose of collection of the information;

- 8.3.2.6. You have made the information deliberately public; or
- 8.3.2.7. We share it with Operators that work on our behalf with whom we have signed written contracts that require our authorisation and their confidentiality. These Operators may include accountants, auditors, suppliers and contractors.
- 8.3.3. Receiving personal information from third parties: When FynbosLIFE receive personal information from any third party on behalf of a data subject, we require confirmation that such a third party has written consent from the data subject indicating that the data subject is aware of and consents with the transfer of their personal information, the purpose for which it may be used, and does not have expressed any objection to our processing their personal information accordingly.

8.4. Planned transborder flows of personal information

Personal information as specified in 8.2. may be stored digitally on servers managed by xneelo.co.za located in South Africa and/or in Germany.

8.5. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

We have established the following internal procedures and adequate measures to keep the personal information we process secure:-

- 8.5.1. Our website's POPIA / PAIA compliance has been assessed and evaluated, and is being monitored by our Information Officer;
- 8.5.2. Our staff has received training on the principles of lawful processing of personal information;
- 8.5.3. Ongoing legal support has been established with Online Brand Ambassadors;
- 8.5.4. We only contract reputable and compliant suppliers and contractors with a track record of data privacy compliance, and only 'Operators' (as defined in POPIA) with whom we have written contracts may process personal information on our behalf, on condition of confidentiality and only with our prior knowledge and authorisation;

- 8.5.5. Physical safeguards include controlled access to our offices and computer master passwords;
- 8.5.6. Digital safeguards include the Hypertext Transfer Protocol Secure (HTTPS) protocol for our website, ongoing monitoring by FynbosLIFE who deploy specialised automated security software to scan our website for intrusions, malicious software or attacks, and industry-standard security of the servers we store information on;

9. Availability of this Manual

- 9.1. A copy of the Manual is available at:-
 - 9.1.1. www.fynboslife.com;
 - 9.1.2. head office of FynbosLIFE for public inspection during normal business hours;
 - 9.1.3. to any person upon request and upon the payment of a reasonable prescribed fee; and
 - 9.1.4. to the Information Regulator upon request.
- 9.2. 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.

10. Updating of this Manual

We monitor amendments to PAIA and POPIA regulations, and will update this manual accordingly.

Issued by
The Information Officer for
FynbosLIFE

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Signed copy available upon request