



PAIA MANUAL

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

1. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 1.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request.
- 1.2 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.
- 1.3 know the description of the records of the body which are available in accordance with any other legislation.
- 1.4 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.
- 1.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it.
- 1.6 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.
- 1.7 know the description of the categories of data subjects and of the information or categories of information relating thereto.
- 1.8 know the recipients or categories of recipients to whom the personal information may be supplied.
- 1.9 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
- 1.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

2. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF VAN'S AUCTIONEERS

2.1 Chief Information Officer

Name: Kogie Moodley
Tel: 0861118267
Email: Kogie.moodley@vansauctions.co.za

2.2 Deputy Information Officer

Name: Karlien Albertyn
Tel: 0861118267
Email: Karlien@vansauctions.co.za

2.3 Access to information general contacts

Email: karlien@vansauctions.co.za

2.4 Head Office

Postal Address: PO Box 12374, Hatfield, Pretoria, 0028
Physical Address: 36 Gemsbok Street, Koedoespoort Industrial, Pretoria, 0186
Telephone: 0861118267

3. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(B)

3.1. 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.

3.2. The aforesaid Guide contains the description of-

- 3.2.1.** the objects of PAIA and POPIA.
- 3.2.2.** the postal and street address, postal address and phone number and, if available, electronic mail address of:
 - 3.2.2.1.** the Information Officer of Van’s Auctioneers,
 - 3.2.2.2.** the Deputy Information Officer of Van’s Auctioneers, and
- 3.2.3.** the manner and form of a request for - access to a record of a private body contemplated in section 50¹;
- 3.2.4.** the assistance available from the IO of a private body in terms of PAIA and POPIA.
- 3.2.5.** the assistance available from the Regulator in terms of PAIA and POPIA.
- 3.2.6.** 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-
 - 4.2.6.1** an internal appeal.
 - 4.2.6.2** a complaint to the Regulator; and
 - 4.2.6.3** 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.
- 3.2.7.** the provisions of sections 14² and 51³ requiring a private body, respectively, to compile a manual, and how to obtain access to a manual.
- 3.2.8.** the provisions of sections 15⁴ and 52⁵ providing for the voluntary disclosure of categories of records by a public body and private body, respectively.
- 3.2.9.** the notices issued in terms of sections 22⁶ and 54⁷ regarding fees to be paid in relation to requests for access; and
- 3.2.10.** the regulations made in terms of section 92⁸.

¹ 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.

² 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.*

³ 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.*

⁴ 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*

⁵ 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*

⁶ 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.*

⁷ 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.*

⁸ 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.”

- 3.3. 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.
- 3.4. The Guide can also be obtained:
- 3.4.1. upon request to the Information Officer.
 - 3.4.2. from the website of the Regulator (<https://eservices.inforegulator.org.za/default.aspx>).

4. RECORDS HELD IN TERMS OF APPLICABLE LEGISLATION (SECTION 51(1)(D))

The Company is required by law to keep certain records. These records are kept in terms of different Acts of Parliament. The Company holds records in terms of the Acts of Parliament as set out in Section 6 hereto⁹.

5. CATEGORIES OF RECORDS OF VAN'S AUCTIONEERS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Available on Website	Available upon request
Marketing and Promotional material	X	
Website	X	
Social Media platforms	X	

6. DESCRIPTION OF THE RECORDS OF VAN'S AUCTIONEERS WHICH ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION AND COMPANY

- 6.1 Any request that a person would like to make must complete Form C attached.
- 6.2 Submit completed Form C to the IO at their physical, postal or email address listed,
- 6.3 Fees (please note that these fees must be paid in full before access to a record will be allowed):
- 6.3.1 A request fee of R50.00 (fifty Rand) (excluding VAT) is payable on submission of the completed Form C, unless the requester is seeking access to a record about themselves. A requester may make an application to court to be exempted from paying such fee.
 - 6.3.2 Fees may also be levied for the reproduction of the record.
 - 6.3.3 In addition, to search for and prepare the record for disclosure, R30.00 (excluding VAT) may be charged for each hour or part of an hour reasonably required for such search and preparation of the record.
- 6.4 If the record you have requested exists, and allowing access to it does not affect a third party, your request will be processed within 30 (thirty) days.
- 6.5 This period may be extended once for a further 30 (thirty) days if:
- 6.5.1 the request is for a large number of records or requires a search through a large number of records, and compliance with the original period would unreasonably interfere with the activities of the Company.
 - 6.5.2 the request requires a search for records in, or collection thereof from, an office or premises not situated at the offices of Van's Auctioneers and this search cannot reasonably be completed within the original 30 (thirty) days;
 - 6.5.3 consultation with another private body is necessary or desirable to decide upon the request, and this consultation cannot reasonably be completed within the original period.
 - 6.5.4 more than one of the circumstances contemplated above exist in respect of the request, making compliance with the original period not reasonably possible; or
 - 6.5.5 you, as the requester, consent in writing to such extension.

⁹ The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

<p>LEGISLATION: Records are kept in accordance with such legislation as is applicable to the company from time to time, which includes but is not limited to, the following legislation:</p> <p>Basic Conditions of Employment 75 of 1997; Companies Act 71 of 2008; Compensation for Occupational Injuries and Health Diseases Act 130 of 1993; Consumer Protection Act 68 of 2008; Electronic Communications & Transactions Act 25 of 2002; Employment Equity Act 55 of 1998; Income Tax Act 58 of 1962; Labour Relations Act 66 of 1995; Occupational Health and Safety Act 85 of 1993; Promotion of Access to Information Act 2 of 2000; Protection of Personal Information Act 4 of 2013; Broad Based Black Economic Empowerment (BBB-EE) Skills Development Act 97 of 1997; Skills Development Levies Act 9 of 1999; Unemployment Insurance Act 63 of 2001; and Value Added Tax Act 89 of 1991</p>
<p>RECORDS HELD BY THE COMPANY</p> <p><i>Companies Act Records</i> Legislated company documents. Minutes of Board of Directors meetings.</p> <p><i>Firm documents and Legal Records</i> Legislated Operational records; Domain name registration; Computer Software; Insurance policies; Client files; and Asset registers.</p> <p><i>Client Records</i> Client information; and Client account information.</p> <p><i>Supplier and Services Records</i> Agreements with suppliers and service providers; and Records generated by or within the Company, pertaining to suppliers including transactional records.</p> <p><i>Communication</i> Internal and external correspondence and memorandums.</p> <p><i>Financial and Accounting Records</i> Accounting and tax (including VAT, PAYE and similar) records; Banking records; Invoices; Documents issued to employees for income tax purposes; Records of payments made to SARS on behalf of employees; All other statutory compliances; VAT; Skills Development Levies; UIF; and Workmen's Compensation.</p> <p><i>Personnel Documents and Records</i> Employment contracts; Employment Equity Plan Disciplinary records; Salary records; SETA records; Leave records; and Training records.</p>

7. GROUNDS FOR REFUSAL

- 7.1 There are various grounds upon which your request for access to a record may be refused. They are:
- 7.1.1 the protection of personal information of a third person (who is a natural person) from unreasonable disclosure.
 - 7.1.2 the protection of commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party).
 - 7.1.3 if disclosure would result in the breach of a duty of confidence owed to a third party.
 - 7.1.4 if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person.
 - 7.1.5 if the record was produced during legal proceedings, unless legal privilege has been waived in respect of the record.
 - 7.1.6 if the record contains any trade secrets, financial or sensitive information or any information that would put the Company at a disadvantage in negotiations or prejudice it in commercial competition; and/or
 - 7.1.7 if the record contains any information about research being carried out, or about to be carried out, on behalf of a third party or by the Company.
- 7.2 Section 70 of the Act contains an overriding provision. Disclosure is compulsory if it would reveal a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.
- 7.3 If your request does affect a third party then the Company will first need to inform the third party within 21 (twenty-one) days of the Company receiving your request (i.e. if the record you request affects any third party in any way, that third party will have to be informed that you are requesting access to the above record. The third party then has 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record).

8. THE INFORMATION OFFICER'S DECISION

Once the Information Officer has heard all the submissions, s/he will decide as to whether or not access to the record will be granted. If the Information Officer determines that access to the record will be granted, you must then be granted access to the record within 30 (thirty) days of being informed of the decision.

9. THE REQUESTER'S RECOURSE

- 9.1 If the Information Officer does not grant you access to the record, you are entitled to appeal the decision. You must receive proper reasons as to why the request was refused. You need to lodge your appeal in the High Court of South Africa.
- 9.2 If the Information Officer does decide to grant you access to the record, the third party that has been affected has 30 (thirty) days in which to appeal the decision (also in the High Court of South Africa). If no appeal is lodged within 30 (thirty) days, you must be granted access to the record.

10. PROCESSING OF PERSONAL INFORMATION

10.1. Purpose of Processing Personal Information

Van's Auctioneers utilises information of all its clients and providers in the auction industry. Van's Auctioneers has less than 50 personnel whose information is also captured for salary and wages, PAYE, and personnel folders.

- 10.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto:

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients/ Business Partners	General contact details - name, address, registration numbers or identity numbers, bank details
Service Providers	Names, registration number, vat numbers, address, bank details, other relevant details
Employees	Address, qualifications, gender and race, medical information, ID, tax numbers, banking details, contact details
Candidates	Qualification, gender, race, ID, contact details, psychometric assessment results, summative and formative assessment results

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

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

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

Van's Auctioneers has implemented several policy solutions to ensure that data stays confidential, but available:

- No data are captured or disclosed without permission and full disclosure
- We utilise secure websites and data encryptions
- User Access Control is implemented
- Each computer / laptop / cell phone is equipped with an anti-virus and password
- Back-up servers are daily backed-up on offsite premises
- Back-ups on other equipment are done weekly
- Secure computer storage facilities.
- Use of firewalls and other measures to prevent others from accessing confidential data or accessing the company's internal networks that store confidential data, in place.

11. AVAILABILITY OF THE MANUAL

11.1. A copy of the Manual is available:

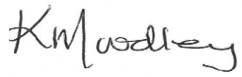
- 11.1.1. to any person upon request and upon the payment of a reasonable prescribed fee; and
- 11.1.2. to the Information Regulator upon request.

11.2. A fee for a copy of the Manual, as contemplated according to prices of print, shall be payable per each A4-size photocopy made.

12. UPDATING OF THE MANUAL

This manual will be updated yearly or as deemed necessary in response to changes in legislation, by the Information Officer in consultation with the Management of Van's Auctioneers.

Issued and approved by



Kogie Moodley
Director
Van's Auctioneers