



## **PAIA MANUAL**

**prepared in accordance with**

**SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

**("PAIA") and in accordance with**

**The PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2014 ("POPIA")**

This manual contains -

- information required to request access to the records of (in terms of PAIA); and
- information required to object to the processing of personal information (in terms of POPIA) by:

**DEKKER ATTORNEYS (Sole proprietor IMKE DEKKER)**

**DEKKER BOEDELBEREDDERAARS ESTATE ADMINISTRATORS (PTY) LTD**

**DPROK GEORGE ESTATE ADMINISTRATORS (PTY) LTD**

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### **INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF PAIA**

|   |   |
|---|---|
| Postal Address of head of Firm/Company:   | P O Box 2990<br>Mossel Bay<br>6500      |
| Physical Address of head of Firm/Company: | 49 Hofmeyr Street<br>Mossel Bay<br>6500 |
| Tel. No of head of Firm/Company:          | 044 – 690 5653                          |
| Email address of head of Firm/Company:    | imke@idprok.co.za                       |

### GUIDE REFERRED TO IN SECTION 10 OF PAIA [SECTION 51(1)(b)]

A guide has been compiled in terms of Section 10 of PAIA by the Firm/Company. It contains information required by a person wishing to exercise any right, contemplated by PAIA.

### RECORDS AVAILABLE WITHOUT A REQUEST [SECTION 51(1)(c)]

No notice has been given/published in terms of section 52(2) of records / categories of records that are automatically available without a person having to request access in terms of PAIA.

### RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION [SECTION 51(1)(d)]

- Administration of Estates Act 66 of 1965
- 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
- Employment Equity Act 55 of 1998
- Estate Duty Act 45 of 1955
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 95 of 1967
- Intestate Succession Act 81 of 1987
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Promotion of Access to Information Act 2 of 2000
- Unemployment Insurance Act 63 of 2001
- Wills Act 7 of 1953

### SUBJECTS AND CATEGORIES IN RESPECT OF RECORDS HELD [SECTION 51(1)(e)]

Annual Financial Statements

Asset Register

Attendance registers  
Banking Records  
Brochures on Firm/Company Information  
Budgets  
Client Registry  
Contracts  
Conditions of Service  
Correspondence  
Employee Records  
Employment Contracts  
Financial Transactions  
Founding Documents  
Information relating to Health and Safety Regulations  
Internal Audit Records  
Insurance Information  
IT Policies and Procedures  
Licenses  
Personnel Guidelines, Policies and Procedures  
Purchase and Order Information  
Remuneration Records and Policies  
Shareholder Register  
Statutory Returns and Records  
Tax Records (firm/company and employee)  
Training Records

#### SUBJECTS AND CATEGORIES OF PERSONAL RECORDS HELD AT PHYSICAL ADDRESS

Identity Numbers  
Dates of birth  
Telephone numbers  
Emails  
Addresses

Banking details

Invoices

#### IT PRACTISES BY FIRM/COMPANY

Physical security

Network security control

Password controls

Virus & malware protection

Software updates

Disaster recovery and back-up policy

#### COUNTRIES OF OPERATION

South Africa

#### REQUEST FOR ACCESS PROCEDURE [SECTION 51(1)(e)]

The requester must complete **Form C** (annexed to this manual) and submit this form together with a request fee, to the head of the private body. The form must be submitted to the head of the private body at his/her address, fax number or email address.

The form must:

- provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester;
- indicate which form of access is required;
- specify a postal address or fax number of the request in the Republic;
- identify the right that the requester is seeking to exercise or protect, provide an explanation of why the requested record is required for the exercise or protection of that right;
- 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 the manner and the necessary particulars to be informed in the other manner;

- if the request is made on behalf of another person, to submit proof of capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

#### FEES [SECTION 54]

A requester who seeks access to a record must pay the prescribed fee, if any.

#### AVAILABILITY OF THIS MANUAL [SECTION 51(3)]

This manual is available for inspection at the above-mentioned address, and on the Dekker Attorneys website [www.idprok.co.za](http://www.idprok.co.za), and at the South African Human Rights Commission (SAHRC).

#### RESERVATION OF RIGHTS

Nothing in this manual is to be construed as a waiver of the right to the confidentiality of any document or any legal privilege or right of non-disclosure attaching to any document mentioned herein, whether in terms of any statute or under the common law. All rights in this regard are fully reserved.

#### DETAILS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC)

Any queries with regard to this manual should be directed to:

|          |  |
|----------|--|
| Address: | The South African Human Rights Commission<br>PAIA Unit Research and Documentation Department<br>Private Bag 2700<br>Houghton<br>2041 |
| Phone:   | 011 – 484 8300   |
| Fax:     | 011 – 484 0582   |
| Email:   | <a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>   |
| Website: | <a href="http://www.sahrc.org.za">www.sahrc.org.za</a>   |

## PROTECTION OF PERSONAL INFORMATION ACT (POPIA)

### Definitions

The following definitions apply to this clause:

- **"Data subject"** had the meaning ascribed thereto in Section 1 of POPIA;
- **"Personal information"** has the meaning ascribed thereto in Section 1 of POPIA;
- **"Processing"** has the meaning ascribed thereto in Section 1 of POPIA;
- **"Responsible party"** has the meaning ascribed thereto in Section 1 of POPIA.

### About

POPIA was assented to on 26 November 2013. Broadly, the purpose of POPIA is to give effect to Section 14 of the Constitution, being the constitutional right to privacy by protection Personal information and regulating the free flow and Processing of Personal information. POPIA sets minimum conditions in which all Responsible parties must comply with so as to ensure that Personal information is respected and protected.

### Objection to the Processing of Personal information by Data subject

Section 11(3) of POPIA and Regulation 2 of the POPIA Regulations provides that 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, subject to exceptions contained in POPIA.

### Request to correction or deletion of Personal Information

Section 24 of POPIA and Regulation 3 of the POPIA Regulations provides that a Data subject may request for their Personal information to be corrected/deleted in the prescribed form.




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**Imke Dekker** (Duly authorised)

**June 2021**



**D. Particulars of record**

- (a) 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.
- (b) 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.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

.....

.....

.....

.....

3. Any further particulars of record:

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**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) 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 a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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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, state your disability and indicate in which form the record is required.

|  |                                   |
|--|-----------------------------------|
| Disability:  | Form in which record is required: |
| Mark the appropriate box with an <b>X</b> .  |                                   |
| NOTES:   |                                   |
| (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.                               |                                   |
| (b) 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. |                                   |
| (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.                                |                                   |

|   |   |  |  |  |  |
|---|---|--|--|--|--|
| <b>1. If the record is in written or printed form:</b>  |   |  |  |  |  |
|   | copy of record*                           |  | inspection of record                                       |  |  |
| <b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b> |   |  |  |  |  |
|   | view the images                           |  | copy of the images*  |  | transcription of the images*                             |
| <b>3. If record consists of recorded words or information which can be reproduced in sound:</b>   |   |  |  |  |  |
|   | listen to the soundtrack (audio cassette) |  | transcription of soundtrack* (written or printed document) |  |  |
| <b>4. If record is held on computer or in an electronic or machine-readable form:</b>   |   |  |  |  |  |
|   | printed copy of record*                   |  | printed copy of information derived from the record*       |  | copy in computer readable form* (stiffy or compact disc) |

|  |     |    |
|--|-----|----|
| *If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?<br>Postage is payable. | YES | NO |
|--|-----|----|

**G. Particulars of right to be exercised or protected**

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

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. Notice of decision regarding request for access**

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

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

.....

Signed at ..... this day..... of .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE