
PAIA MANUAL

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

Cowies Hill Estate (NPC)

("the CHE", "we", "us" and "our")

Last updated:

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1.0	Establish PAIA Manual.	15/06/2023	01/06/2023

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1. INTRODUCTION

This PAIA Manual is useful for the Members and the public to-

- 1.1. check the categories of records held by CHE 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 CHE holds records and the categories of records held on each subject;
- 1.3. know the description of the records of the CHE which are available in accordance with any other legislation;
- 1.4. access all the relevant contact details of the IO 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 CHE 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. DEFINITIONS

“ANPR”	Automatic number plate recognition.
“CCTV”	Closed-circuit television, and includes ANPR.
“CHE”	Cowies Hill Estate (NPC), registration number: 2017/179710/08.
“Chairperson”	Means the chair of the CHE board of directors.
“Employees”	all employees of the CHE, including: <ul style="list-style-type: none">• permanent and temporary employees,

	<ul style="list-style-type: none"> • secondees, and • contracted personnel, such as consultants and contractors.
“Estate Manager”	the individual responsible for and appointed as the estate manager by the CHE from time to time.
“IO”	Information Officer
“LPR”	License plate recognition.
“Members”	the registered members of the CHE.
“Minister”	Minister of Justice and Correctional Services
“personal information”	as defined in section 1 of POPIA.
“PAIA”	Promotion of Access to Information Act 2 of 2000.
“POPIA”	Protection of Personal Information Act 4 of 2013.
“Regulator”	Information Regulator of South Africa
“Republic”	Republic of South Africa

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

3.1. Chairperson

Name: Mr I Daniel
 Tel: 031 940 7177
 Email: c/o estatemanager@cowieshill.co.za

3.2. IO

Name: Mr M R Woods
 Tel: 031 940 7177
 Email: c/o estatemanager@cowieshill.co.za

3.3. Estate Manager

Physical & Postal Address: 8 Balmoral Drive, Cowies Hill
 (Meetings by Appointment only)
 Telephone: 031 940 7177
 Email: estatemanager@cowieshill.co.za
 Website: www.cowieshill.co.za

4. REVIEW

- 4.1. The IO shall review this Manual and related procedures annually, or sooner where changes in law have an immediate impact on the contents of this Manual.

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

- 5.1. 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.

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

- 5.3. The aforesaid Guide contains the description of-

5.3.1. the objects of PAIA and POPIA;

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

5.3.3. the IO of every public body, and

5.3.4. every Deputy IO of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA.

5.3.5. the manner and form of a request for-

- access to a record of a public body contemplated in section 11; and
- access to a record of a private body contemplated in section 50;

5.3.6. the assistance available from the IO of a public body in terms of PAIA and POPIA;

5.3.7. the assistance available from the Regulator in terms of PAIA and POPIA;

5.3.8. 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-

- an internal appeal;
- a complaint to the Regulator; and
- an application with a court against a decision by the IO 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;

5.3.9. the provisions of sections 14 and 51 requiring a public body and private

body, respectively, to compile a manual, and how to obtain access to a manual;

- 5.3.10. the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.11. the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 5.3.12. the regulations made in terms of section 92.

Regulator contact details:

Postal address:	P.O Box 3153, Braamfontein, Johannesburg, 2017
Physical address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Telephone Number:	+27 10 023 5200
Email for enquiries:	enquiries@inforegulator.org.za
Email for complaints:	PAIAComplaints@inforegulator.org.za
Website:	www.inforegulator.org.za
Alternatively, you may complete and submit PAIA Form 1 to our IO	

6. AUTOMATIC AVAILABILITY OF CERTAIN RECORDS (SEC 51(1)(C) AND RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

- 6.1. The following category of records are automatically available for inspection or photocopying:
 - Brochures;
 - information held by the Companies and Intellectual Property Commission, the Deeds Offices, and available on the internet;
 - Our Members register.
 - AGM minutes and resolutions.

7. RECORDS MAINTAINED IN ACCORDANCE WITH OTHER LEGISLATION (SEC 51(1)(D))

Where applicable to our operations, information is also kept and maintained in accordance with the following legislation, including but not limited to:

- Basic Conditions of Employment Act No. 75 of 1997
- Board Based Black Economic Empowerment Act No. 53 of 2003
- Close Corporations Act 69 of 1984
- Compensation for Occupational Injuries and diseases Act No. 130 of 1993
- Companies Act No. 71 of 2008
- Consumer Protection Act No. 68 of 2008

- Copyright Act, No. 98 of 1987
- Cybercrimes Act No. 19 of 2020
- Customs and Excise Act 91 of 1964
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Long Term Insurance Act No. 52 of 1998
- National Credit Act No. 34 of 2005
- Non-profit Organisations Act 71 of 1997
- Occupational Health and Safety Act No. 85 of 1993
- Patents Act No. 57 of 1987
- PAIA
- Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
- Protected Disclosures Act No. 26 of 2000
- POPIA
- Regulation of Interception of Communications and Provisions of Communication Related Information Act No. 70 of 2002
- Short Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- South African Revenue Services Act No. 34 of 1997
- South African Reserve Bank Act No. 90 of 1989
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991.

8. SUBJECT AND CATEGORIES OF RECORDS HELD BY CHE (SEC 51(1)(E))

Record	Record	Availability	Purpose	Data Subject
Human Resources ¹	Employment applications	PAIA Request	Internal Referencing	Employees
	Employment Contracts	PAIA Request	Contractual Agreement	
	Employee information of (take-on forms)	PAIA Request	Contractual Agreement	
	Employment Equity Reports and Skills Plan	PAIA Request	Statutory Requirement	CHE
	Medical Aid Records	PAIA Request	Internal Referencing	Employees
	Disciplinary Records	PAIA Request	Statutory Requirement	
	Performance Management Records	PAIA Request	Internal Referencing	
	Payroll and Salary Records	PAIA Request	Internal Referencing	
	Employee Benefit Records	PAIA Request	Internal Referencing	
	PAYE Records	PAIA Request	Statutory Requirement	
	SETA Records	PAIA Request	Statutory Requirement	
	Disciplinary Code	PAIA Request	Statutory Requirement	CHE
	Leave Records	PAIA Request	Internal Referencing	Employees
	Training Records	PAIA Request	Internal Referencing	
Recruitment and other HR policies	PAIA Request	Internal Referencing		

¹ maintained in accordance with labour and employment equity legislation.

Financial Information ²	Annual financial returns	PAIA Request	Statutory Requirement	CHE
	Management Accounts and Reports	PAIA Request	Statutory Requirement	
	Asset register	PAIA Request	Internal Referencing	
	Tax returns	PAIA Request	Statutory Requirement	
	Accounting records and Annual Reports	PAIA Request	Statutory Requirement	
	Bank statements and reconciliations	PAIA Request	Internal Referencing	
	Invoices	PAIA Request	Internal Referencing	
	PAYE records	PAIA Request	Statutory Requirement	Employees
	IRP5 records	PAIA Request	Statutory Requirement	
	UIF contribution records	PAIA Request	Statutory Requirement	
	Records of payments to SARS on behalf of employees	PAIA Request	Statutory Requirement	
Regulatory & Administrative	Permits, Licenses or Authorities	Freely Available	Statutory Requirement	CHE
	Legislative Policies and plans	PAIA Request	Statutory Requirement	
	Memorandum of Incorporation	Freely Available	Statutory Requirement	
	Meeting minutes of Board Meetings	PAIA Request	Statutory Requirement	
	Register of Members	Freely Available	Statutory Requirement	
	AGM Minutes	Freely Available	Statutory Requirement	
	Internal correspondence (e-mails/memos)	PAIA Request	Internal Communications	Employees
	Insurance Policies	PAIA Request	Risk Management	CHE
	Policies, Procedures and codes of conduct	PAIA Request	Internal Referencing	
	Records pertaining to fixed and movable assets	PAIA Request	Internal Referencing	
	Training records	PAIA Request	Statutory Requirement	CHE
	ISO certifications of products / services	PAIA Request	Internal Referencing	CHE
	Further records required to be kept in terms of the Companies Act 71 of 2008	PAIA Request	Statutory Requirement	CHE
	CCTV Policies and Procedures	PAIA Request	Risk Management / legitimate interest	CHE
	Impact assessments	PAIA Request	Risk Management / legitimate interest	CHE
Members ³	Member Database	PAIA Request	Internal Referencing	Member
	Membership agreements	PAIA Request	Internal Referencing	
	Member Complaints Register	PAIA Request	Contractual Agreement	
	Member subscription fees / payment history	PAIA Request	Contractual Agreement	
	Member Financial Assistance Applications and decisions thereon	PAIA Request	Contractual Agreement	
	Member Correspondence	PAIA Request	External Communications	

² maintained in accordance with financial, companies and tax legislation.

³ maintained in accordance with consumer protection, non-profit organisation, companies and tax legislation, and contractual obligations with such Members.

	Sales / Transactions concluded by Members	PAIA Request	Statutory Requirement	
Operations	Archival Admin documentation	PAIA Request	Statutory Requirement	CHE
	Patrol Vehicle registration documents	PAIA Request	Statutory Requirement	
	Rental agreements	PAIA Request	Contractual Agreement	Third Party
	Supplier and Service Provider Contracts	PAIA Request	Contractual Agreement / legitimate interest	
	Joint venture agreements	PAIA Request	Contractual Agreement	
	Non-disclosure agreements	PAIA Request	Risk Management / legitimate interest	
	Memorandums of Understanding	PAIA Request	Contractual Agreement	
	Service Level Agreements	PAIA Request	Contractual Agreement	
	Waybills and shipping documents (recipients)	PAIA Request	Contractual Agreement	Consignees
	CCTV footage and data (including ANPR and LPR data)	PAIA / POPIA Request	Risk Management / legitimate interest	Public Members /

9. ACCESS REQUEST PROCEDURES

Request for Official Information

- 9.1. Requests for the CHE's official information should be addressed in writing to the IO per email, by post or by hand.
- 9.2. Requests should be made using PAIA Form 2 (available on the Regulator's website), and include the reason why the information is sought. The form is also available from the website of the Information Regulator.
- 9.3. If a request is refused, the applicant will be told the reason for the refusal.
- 9.4. A request must be answered within thirty calendar (30) days after the request has been received.
- 9.5. A requestor may ask that the request be treated as urgent, but reasons should be provided for seeking urgency.
- 9.6. The time limit for answering requests can be extended in some cases, but the applicant will be advised of the refusal and the reasons for it. For example, an extension may be required where:
 - the request is for a large number of records;
 - the search for the records is to be conducted at premises not situated in the same town or city as the head office of the CHE;
 - consultation among divisions or departments of the CHE is required; and
 - the parties agree in any manner to such an extension.
- 9.7. Most requests will be answered without a charge but should the CHE incur any costs in retrieving the information or have to make photocopies, a nominal fee will be charged.

Such fee will be determined by the Board.

- 9.8. The CHE will endeavour to provide the information in the form requested, unless to do so will impair efficient administration, be contrary to a legal duty or prejudice the interests that are protected by withholding, for example:
- reasonable opportunity to inspect the document;
 - provide a copy of the document;
 - making arrangements for person to hear or view any relevant sounds or images;
 - transcript, excerpt, summary or oral information with respect to words recorded or in a document; or
 - provide with deletions or alterations as are necessary to protect the interests protected by withholding grounds.
- 9.9. If the head of the CHE or the IO fails to respond within thirty (30) days after a request has been received, the request is deemed to be refused in terms of section 58 read together with section 56 (1) of PAIA.
- 9.10. The requester may lodge an external appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

10. PRESCRIBED FEES (SEC 51(1)(F))

- 10.1. The requestor must pay the non-refundable, prescribed request fee to be submitted together with the completed PAIA Form 2 to the CHE.
- 10.2. Should the request for access to information be approved, further fees will be payable per the provisions of PAIA and these fees will be made known to the requester by the IO.
- 10.3. An itemised fee structure can be obtained on the Information Regulator website, and a copy of the current fees are attached.
- 10.4. Access to information, if approved, will only be provided once all the prescribed fees have been paid.
- 10.5. In terms of POPIA, a data subject has the right to request the CHE to confirm, free of charge, whether or not it holds personal information about the data subject.

11. REASONS FOR REFUSAL

- 11.1. The CHE may neither confirm nor deny the existence or non-existence of the information requested to protect an interest identified as a conclusive reason to withhold information or to protect trade secrets or the commercial position of the person who supplied the information or is the subject of the information.
- 11.2. The CHE may also refuse to provide information if:

-
- the making available of the information would be contrary to the provisions of a specific legislation;
 - the information requested is or will soon be publicly available;
 - the document alleged to contain the information requested does not exist or cannot be found;
 - the information requested is not held and the person dealing with the request has no grounds for believing that the information is either held or more closely connected with the functions of the CHE;
 - the request is frivolous or vexatious or that the information requested is trivial;
 - the information contains protected copyright;
 - disclosure thereof would involve the unreasonable disclosure of personal information or sensitive personal information in terms of POPIA (privacy); and/or
 - the information is confidential or protected by privilege.

12. REASONS FOR WITHHOLDING OR REDACTING INFORMATION

Information may be withheld or redacted where:

- 12.1. it might prejudice the security and customer relations of the CHE;
- 12.2. it might endanger an employee or customer's safety;
- 12.3. to protect the privacy of natural persons who may be third parties, employees or customers;
- 12.4. to protect trade secrets or the commercial position of the CHE or the person who supplied or who is the subject of the information;
- 12.5. to protect the Confidential Information which, if released, would prejudice the supply of such similar information or damage the public interest;
- 12.6. to protect the substantial economic interests of the CHE; or
- 12.7. where information is protected by legal or litigation privilege.

NOTE: *It is important to note that access is not automatic. An application for access to information can be refused in the reasonable discretion of the IO, including but not limited to the reasons in this Manual and in the event that the application does not comply with the procedural requirements. If it is reasonably suspected that the requester has obtained access to the records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.*

13. INFORMATION OR RECORDS NOT FOUND

- 13.1. If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the CHE or the request liaison officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record. This notice shall be considered as a deemed refusal for purposes of PAIA.
- 13.2. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine its existence.
- 13.3. If the record in question 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 access is refused.

14. INFORMATION REQUESTED ABOUT A THIRD PARTY

- 14.1. Section 71 of PAIA makes provision for a request for information or records about a third party.
- 14.2. When considering such requests, the CHE will adhere to the provisions of sections 71 to 74 of PAIA.
- 14.3. In certain circumstances, the CHE may be obliged in terms of PAIA to advise third parties of such requests lodged, and the relevant third party(ies) may be entitled to dispute the decision by the IO by referring the matter to a competent court of law.

15. CATEGORIES OF DATA SUBJECTS

- 15.1. We hold information and records on the following categories of data subjects:
 - Our Members;
 - Our Members' employees, visitors and service providers;
 - Members of the public who traverse the CHE precinct;
 - Our suppliers and service providers;
 - Our employees;
 - Our directors.

16. PURPOSES OF PROCESSING PERSONAL INFORMATION

- 16.1. The purposes for which we process personal information will depend on the nature of the personal information, the activity and the particular data subject.
- 16.2. We maintain separate privacy notices that describe our purposes for processing in relation to different data subjects, types of personal information and activities. These notices are made available on our website or directly to the data subject.

17. CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED

- 17.1. We may share personal information, where legally justified to do so, for any of the purposes outlined in our privacy notices, with the following parties (among others):
- service providers and contractors that perform services on our behalf (e.g., security providers and law enforcement); and
 - debt collection and credit agencies.
- 17.2. The above list is non-exhaustive. Please refer to our privacy notices for further details.

18. PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION

- 18.1. We do not generally transfer personal information outside the Republic of South Africa. If we do, this will be disclosed in the relevant privacy notice.
- 18.2. If we transfer personal information outside of South Africa, we will take reasonably practicable steps to ensure any company or person that we pass your personal information to is required to treat your information with an adequate level of protection.
- 18.3. For example, ANPR and LPR data may be stored in secure data centers in the Republic of Ireland, a territory we have assessed as being subject to adequate data protection laws providing adequate protection of the data.

19. INFORMATION SECURITY MEASURES

- 19.1. We use various technical and organisational measures to ensure the confidentiality, integrity and protection of the information under our care.
- 19.2. These measures include, among others:
- access controls and user restrictions;
 - firewalls;
 - secure networks;
 - virus protection software and update protocols;
 - backup protocols;
 - encryption;
 - organisational measures and training.

20. DATA SUBJECT RIGHTS (“DSR)

20.1. Request Procedure

POPIA provides that a data subject may, upon proof of identity, request the Responsible Party to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

Where a data subject is desirous of obtaining details of the personal information which the CHE may hold and which pertain to it, then it must make application as described in the Access Request Procedures.

20.2. Right to Object

A data subject may object, at any time, to the processing of personal information by the Responsible Party, on reasonable grounds relating to his/her situation, unless legislation provides for such processing. To object the data subject must complete the standard ‘Objection’ POPIA Form 1 and submit it to the IO at our postal or physical address or electronic mail address.

20.3. Right to Request Correction Deletion/Destruction

A data subject may also request CHE correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the Responsible Party is no longer authorised to retain records in terms of data protection legislation’s retention and restriction of records provisions.

The data subject must complete POPIA Form 2 and submit it to the IO at the postal or physical address or electronic address set out in the form.

21. REMEDIES

Remedies available when the CHE refuses a request for access.

21.1. Internal remedies

The CHE does not have internal appeal procedures. The decision made by the IO is final, and requestors will have to exercise such external remedies available to them if the request is refused and the requestor is not satisfied with the decision of the IO.

21.2. External remedies

Subject to the provisions of PAIA, a dissatisfied requestor may within 180 days of

notification of the IO's decision, apply to a court or to the Information Regulator for relief.

A third-party dissatisfied with the IO's decision to grant a request for information, may within 180 days of notification of the decision, apply to the Information Regulator or a court with appropriate jurisdiction for relief.

Notice of Appeal (Form B) in terms of Section 75 of PAIA (Regulation 8), is available on the website of the Information Regulator under the "Documents" section.

22. FORMS

- 22.1. You can access the relevant PAIA and POPIA Forms to submit to us on the Regulator's website at: www.inforegulator.org.za

