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PAIA MANUAL

of

BOTH A COETZEE MAPEKULA INCORPORATED

(Registration Number: 2014/029153/21)

(“BCM”)

Prepared terms of section 51 of the

Promotion of Access to Information Act 2 of 2000

(“PAIA”)

Adopted during June 2023

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 “Access fee” means a fee prescribed for the purposes of section 22(6) or 54(6), as the case may be;
- 1.2 “Data subject” means the person to whom personal information relates;
- 1.3 “Deputy Information Officer” means the designated individual in the public or private body who is responsible for assisting the Information Officer with the PAIA Request;
- 1.4 “DIO” means Deputy Information Officer;
- 1.5 “IO” means the Information Officer;
- 1.6 “Guide” means the guide on how to use PAIA by any person who wishes to exercise any right contemplated in Promotion of Access to Information Act 2 of 2000 (PAIA) and the Protection of Personal Information Act 4 of 2013, as contemplated in section 10 of PAIA;
- 1.7 “Human Rights Commission” means the South African Human Rights Commission referred to in section 181 (1) (b) of the Constitution;
- 1.8 “Information Officer” or “IO” in relation to a private body means the nominated head Information Officer of a private body as contemplated in section 1 of PAIA;
- 1.9 “Information Regulator” means the Information Regulator established in terms of section 39 of the POPI Act;
- 1.10 “Internal appeal” means an internal appeal to the relevant authority in terms of section 74;
- 1.11 “Minister” means the Cabinet member responsible for the administration of justice;
- 1.12 “PAJA” mean the Promotion of Administrative Justice Act,
- 1.13 “PFMA” means the Public Finance Management Act No. 1 of 1999 as amended;
- 1.14 “Person” means a natural person or a juristic person;
- 1.15 “Personal Information” means information relating to an identifiable natural person, including, but not limited to-
 - 1.15.1 information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
 - 1.15.2 information relating to the education or the medical, financial, criminal or employment history of the person;
 - 1.15.3 any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other assigned to the person;
 - 1.15.4 the biometric information of the person; the personal opinions, views or preferences of the person;
 - 1.15.5 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
 - 1.15.6 the views or opinions of another individual about the person; and
 - 1.15.7 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person, but excludes information about an individual who has been dead for more than 20 years;
- 1.16 “Private body” means –
 - 1.16.1 a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
 - 1.16.2 a partnership which carries or has carried on any trade, business or profession;

- 1.16.3 or any former or existing juristic person; or a political party but excludes a public body;
- 1.17 “PAIA” means the Promotion of Access to Information Act 2 of 2000;
- 1.18 “Public body” means any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or any other functionary or institution-
 - 1.18.1 exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
 - 1.18.2 exercising a public power or performing a public function in terms of any legislation;
- 1.19 “Record” means any recorded information regardless of form or medium in the possession or under the control of that public/private body, respectively and whether it was created by that public or private body, respectively;
- 1.20 “Regulator” means the Information Regulator;
- 1.21 “Request for access”, in relation to a private body, means a request for access to a record of a private body in terms of section 50;
- 1.22 “Request for access” in relation to a public body, means
 - 1.22.1 any person (other than a public body contemplated in paragraph or in and its subsection of the definition of 'public body', or an official thereof) making a request for access to a record of that public body; or
 - 1.22.2 a person acting on behalf of the person referred to in the subsection above in subparagraph above.
- 1.23 “Responsible party” means a public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information, in this Manual, BCM is the Responsible Party;
- 1.24 “SAHRC” means the South African Human Rights Commission;
- 1.25 “Third party”, in relation to a request for access to –
 - 1.25.1 a record of a public body, means any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than –
 - 1.25.2 the requester concerned; and
 - 1.25.3 a public body; or
 - 1.25.4 a record of a private body, means any person (including, but not limited to, a public body) other than the requester, but, for the purposes of sections 34 and 63, the reference to 'person' in paragraphs (1) and (2) must be construed as a reference to 'natural person';
- 1.26 “PAIA” means the Promotion of Access to Information Act 2 of 2000 as amended and includes any regulation in terms of section 92 and any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.27 “SAHRC” - Human Rights Commission.

2. PURPOSE OF PAIA AND THIS MANUAL

- 2.1 This Manual is published in terms of section 51 of PAIA which section obliges private bodies (such as BCM) to compile a Manual to enable a person / client /entity to obtain access to information held by it and stipulates the minimum requirements that the Manual must be comply with.

- 2.2 PAIA gives effect to the constitutional right of access to any information that is held by another person and that is required for the *exercise or protection of any rights* as well as to provide for matters connected therewith.
- 2.3 Thus, PAIA aims to PAIA aims to:-
- 2.3.1 give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights;
- 2.3.2 to provide that the Information Regulator, established in terms of the POPI Act must exercise certain powers and perform certain duties and functions in terms of PAIA; and to provide for matters connected therewith.
- 2.4 This Manual may be amended from time to time and any new versions of the Manual will be made available to clients requesting same.
- 2.5 BCM is deemed a Responsible Party and its Privacy Policy together with this Manual, has the aim of balancing the right for access to information against the need to ensure the protection of personal information.
- 2.6 The Information Regulator has, in terms of PAIA, amended and updated the *PAIA Guide*, as initially compiled by the SAHRC.
- 2.7 The POPI Act promotes the protection of personal information of Data Subjects processed by public and private bodies and contains the conditions to ensure that the minimum requirements for the lawful processing of personal information occurs. Therefore, PAIA and the POPI Act are closely interlinked in terms of compliance and in dealing with information – whether personal information or any documentation/data.
- 2.8 **Impact on the Private Sector**
- 2.8.1 Section 50 of PAIA provides:
*“(1) 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 this Act 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.”*
- 2.9 PAIA applies to any recorded information, regardless of form or medium, in the possession or under the control of a private body and whether or not it was created by that private body. This includes records in the possession of or under the control of sub-contractors and officials engaged by the private body in their capacity as such.

3. ADOPTION OF THIS MANUAL

- 3.1 BCM renders legal services which includes specialising in litigation, notarial matters, company/commercial law, labour, family and contractual law. BCM has no other branches nationally or abroad and there are no subsidiaries.
- 3.2 This PAIA Manual was adopted by the Directors of BCM namely:
Jan Hendrik Coetzee (Nominated Information Officer)
Richard Kruger Botha
Paulus Moeketsi Tati

3.3 BCM is committed to follow and adhere to the directives of the South African Constitution and national legislation which endorse the key principles of good corporate governance, transparency, and accountability. The South African Constitution provides that everyone has the right of access to information held by the state or a private body to enforce a culture of transparency and accountability (section 32).

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF BCM CONTACT DETAILS OF BCM - SECTION 51(1)(A)

- 4.1 All requests for access to records in terms of PAIA must be in writing and must be addressed to Botha Coetzee Mapekula Inc.
- 4.2 Principal place of business: Unit 5 Willow View Office Park, 653 Van Hoof Street, Willowbrook, Roodepoort, 1724, Gauteng
- 4.3 The Information Officer - Mr Jan Hendrik Coetzee
- 4.4 Deputy Information Officer – Ms Kimesha Govender
- 4.5 Office Tel: (011) 763-2177
- 4.6 Direct Fax: (011) 763-4432
- 4.7 Docex: Docex 32 Roodepoort
- 4.8 Website: <https://bcminc.co.za/>

5. THE PAIA GUIDE AND HOW TO OBTAIN ACCESS TO THE GUIDE SECTION 10 OF PAIA - SECTION 51(1)(b)

- 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 (“the 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 the objects of PAIA and POPIA:
 - 5.3.1 the postal and street address, phone and fax number and, if available, electronic mail address of BCM;
 - 5.3.2 the IO and DIO designated;
 - 5.3.3 the provisions of sections 51(1) requiring a private body, respectively, to compile a Manual, and how to obtain access to a Manual;
 - 5.3.4 the assistance available from the IO in terms of PAIA;
 - 5.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
 - 5.3.6 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 an internal appeal;
 - 5.3.7 a complaint to the Regulator;
 - 5.3.8 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 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 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

- 5.3.10 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 5.3.11 the regulations made in terms of section 92 .
- 5.4 Should any client have questions pertaining to the Guide or would like to contact the SAHRC, the contact details of the SAHRC:
- 5.4.1 The Research and Documentation Department, Private Bag X2700, Houghton, 2041
- 5.4.2 Telephone: (011) 877 3803 Fax: (011) 403 0625
- 5.4.3 Website: www.sahrc.org.za
- 5.4.4 E-mail: PAIA@sahrc.org.za
- 5.4.5 The Guide can be accessed via the South African Human Rights website on this link:https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA.guide2014.pdf.
- 5.4.6 The Regulator's has a similar link on its website for further assistance: <https://www.justice.gov.za/inforeg/index.htm>
- 5.5 Any enquiries regarding the above guide and its contents should be directed to:
The South African Human Rights Commission
PAIA Unit (the Research and Documentation Department)
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484-8300
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

6. DESCRIPTION OF THE RECORDS OF BCM WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

CATEGORY OF RECORDS	TYPES OF THE RECORD	AVAILABLE ON WEBSITE	AVAILABLE UPON REQUEST
MEMORANDUM OF INCORPORATION AND COMPANY RELATED INFORMATION	COMPANIES ACT 71 OF 2008		✓
PRIVACY POLICY	PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013;	✓	
PAIA MANUAL	PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000; - PROMOTION OF ACCESS TO INFORMATION AMENDMENT ACT 54 OF 2002; PROMOTION OF ACCESS TO INFORMATION AMENDMENT ACT 31 OF 2019;	✓	
TAX RELATED INFORMATION	INCOME TAX ACT 58 OF 1962; VALUE ADDED TAX ACT 89 OF 1991;		✓

EMPLOYEE RELATED INFORMATION	TAX ADMINISTRATION ACT 28 OF 2011 LABOUR RELATIONS ACT 66 OF 1995; BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997; EMPLOYMENT EQUITY ACT 55 OF 1998; SKILLS DEVELOPMENT; OCCUPATIONAL HEALTH AND SAFETY ACT & REGULATIONS: ACT 85 OF 1993		v
COMMUNICATION	ELECTRONIC COMMUNICATIONS AND TRANSACTIONS ACT 25 OF 2002; REGULATION OF INTERCEPTION OF COMMUNICATIONS AND PROVISION OF COMMUNICATION RELATED INFORMATION ACT 70 OF 2002		Upon request

6.1 BCM is subject to various laws and regulations, some of which require us to keep certain records. We have set out, below, laws that we may be subject to, and which may require us to keep certain records.

- 6.1.1 Basic Conditions of Employment Act 75 of 1997
- 6.1.2 Broad Based Black Economic Empowerment Act 53 of 2003 and Codes of Good Practice
- 6.1.3 Companies Act 71 of 2008
- 6.1.4 Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- 6.1.5 Competition Act 89 of 1998
- 6.1.6 Copyright Act 98 of 1978
- 6.1.7 Consumer Protection Act 68 of 2008
- 6.1.8 Deeds Registries Act
- 6.1.9 Electronic Communications Act 36 of 2005
- 6.1.10 Employment Equity Act 55 of 1998
- 6.1.11 Financial Intelligence Centre Act 38 of 2001, as amended
- 6.1.12 Income Tax Act 58 of 1962
- 6.1.13 Insolvency Act No. 24 of 1936
- 6.1.14 Labour Relations Act 66 of 1995 4
- 6.1.15 National Credit Act 34 of 2005
- 6.1.16 Occupational Health & Safety Act 85 of 1993
- 6.1.17 Pension Funds Act 24 of 1956 • POPIA
- 6.1.18 Skills Development Act 97 of 1998
- 6.1.19 Skills Development Levies Act 9 of 1999
- 6.1.20 Standards Act 8 of 2008
- 6.1.21 Unemployment Contributions Act 4 of 2002
- 6.1.22 Unemployment Insurance Act 30 of 1966
- 6.1.23 Value Added Tax Act 89 of 1991

6.2 Although we have used our best endeavours to provide a list of applicable legislation, it is possible that this list may be incomplete. Should it come to our attention that there are missing Acts and records in terms of the list above, or existing or new legislation allows a requester access on a basis other than as set out in PAIA, we will update the list accordingly.

7. SUBJECTS AND CATEGORIES OF RECORDS HELD BY BCM: SECTION 51(1)(E)

The information set out below will only be made available subject to the provisions of PAIA and access to records may be refused due to attorney-client privilege. The list below is not exhaustive:

<p>Companies Act Records</p>	<ul style="list-style-type: none"> • Codes of Conduct • Documents of Incorporation • Legal Compliance Records • Licenses of Copyrights • Memorandum of Incorporation • Minutes of Board of Directors Meetings • Policies • Records relating to the appointment of directors/ auditors/ secretary/ public office and other officers • BCMs internal documents and general data • Financial and accounting records Insurance records • Asset register • Client, supplier and document databases
<p>Financial Records</p>	<ul style="list-style-type: none"> • Accounting Records • Annual Financial Statements • Asset Register • Auditors' Report • Bank Statements • Banking Records • Detail of Auditors • Electronic Banking Records • Invoices • Rental Agreements • Tax Returns
<p>Tax Records</p>	<ul style="list-style-type: none"> • Documents issued to employees for income tax purposes • PAYE Records • Records of payments made to SARS on behalf of employees • Value Added Tax Clearance Certificate • All other statutory compliances: <ul style="list-style-type: none"> - Value Added Tax - Skills Development Levies - Unemployment Insurance Fund

<p>Personnel Documents And Records</p>	<ul style="list-style-type: none"> • Attendance Registers • Disciplinary Code • Disciplinary Records • Employment Contracts • Employment Equity Plan • Leave Records • Records containing all employees' names and occupation • Salary Records • Training Records • Training Manuals
<p>Client Records</p>	<ul style="list-style-type: none"> • Client records and personal information • Records provided by clients, including FICA documents Client files • Fee agreements • Quotations and • Mandates • Court documents • FICA documentation • POPI Act forms • Records provided by a client to a third party acting for and on behalf of BCM Records provided by third parties and service providers • Records generated by or within BCM • Law Society records, including Fidelity Fund Certificate • Internal and external correspondence • Commercial agreements • Tax compliance documents • Accounting records • Bank statements • Invoices • Receipts • Correspondence <ul style="list-style-type: none"> • Mandates • Personal information such as name, contact details, company information, work experience, educational history, race, gender. • Advisory reports/memorandums • Company and contact details of relevant individuals. • Director Development and Training Delegates • Delegates personal information such as name, contact details, and attendance records. • Events

Supplier Records	<ul style="list-style-type: none"> • The name of the supplier • The address of the supplier • A description of the goods • The quantity or volume of the goods • Proof of date of payment • Supplier Agreements
Electronic Communication and Transactions Records	<ul style="list-style-type: none"> • Record of the personal information and the specific purpose for which the personal information was collected
Insurance Records	<ul style="list-style-type: none"> • General Insurance • Professional Indemnity Insurance • Directors and Officers Insurance
Immovable and Movable Property Records	<ul style="list-style-type: none"> • Agreements for the lease of movable property • Agreements for the lease or sale of land and/or other immovable property • Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets
Human Resources and Employment	<ul style="list-style-type: none"> • HR policies and procedures • Advertised posts • Employees records • Employment contracts • Disciplinary records • Salaries and wages records • Disciplinary code • Leave records • Banking details • PAYE records • Documents issued to employees for income tax purposes • POPI Consent Forms • Records of payments made to SARS on behalf of employees • UIF records
Miscellaneous Records	<ul style="list-style-type: none"> • Agency, management and distribution agreements • Agreements for the trading activities of the business

8. RECORDS CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED BY BCM

- 8.1 In terms of POPIA and PAIA, BCM may supply the personal information of the data subject as part of executing its statutory mandate. BCM may supply the personal information of data subject to the Service Providers who render the following services:
- 8.2 Capturing and organising of personal information;
 - 8.3 Storing of personal information;
 - 8.4 Sending of emails and other correspondence to the public;
 - 8.5 Conducting due diligence checks;
 - 8.6 Conducting criminal checks;
 - 8.7 Conducting qualification verifications;
 - 8.8 Forensic investigation and any other investigation relating to PAIA activities of the Regulator;
 - 8.9 Auditing;
 - 8.10 Administration of the Provident, Pension Funds and medical aids; and
 - 8.11 ICT Infrastructure.
- 8.2 BCM may also supply the personal information of Data Subjects to any person whom a complaint has been lodged against, any regulatory authority or tribunal, in respect of any matter or part thereof, that falls under their jurisdiction, law enforcement agencies (such as the National Prosecuting Authority or South African Police Service, for criminal investigation) and to Courts, in respect of any matter taken on judicial review.

9. PROCESS FOR REQUESTING INFORMATION AND THE SPECIFIC FORMS

- 9.1 Please see Annexure "A" in this regard, which sets out all Forms in terms of POPI and PAIA and the links thereto.
- 9.2 The POPI Act provides that a data subject may, upon proof of identity:-
- 9.2.1 request BCM to confirm, free of charge, all the information it holds about the data subject
 - 9.2.2 request *access* to such information,
 - 9.2.3 request information about the identity of third parties who have or have had access to such information.
 - 9.2.4 If a data subject that wishes to submit a data subject access request, same must complete the form and along with proof of identification of the Requestor (and related third parties acting on behalf of the Requestor) which must be provided on submitting the request form. Further to this:-
 - 9.2.4.1 the requester must specify the right that they are seeking to protect or that they wish to exercise and provide an explanation as to why the requested records are required for the protection or exercise of that right; and
 - 9.2.4.2 if the request is made on behalf of another person, then proof is required of the capacity in which the requester is making the request;
 - 9.2.4.3 proof of identity must be provided in the form of a certified copy of the Requestor's and/or delegate's identity document or passport via secure methods provided by the Information Officer in the initial correspondence;
 - 9.2.4.4 an initial response to a request will take approximately 30 days.

- 9.3 The Information Officer may extend the period by an additional 30 days depending on the complexity of the request requirements. An application for access to information can be refused if the application does not comply with the requirements of PAIA.
- 9.4 The successful completion and submission of the access request does not automatically allow the Requestor access to the requested records.
- 9.5 If access to a record/information is granted, the Requestor will be notified, and the notification will include the following:
 - 9.5.1 An indication of the access fee that should be paid upon gaining access (if any);
 - 9.5.2 An indication of the form in which the access will be granted.
- 9.6 If access to a record/information is denied, the Requestor will be notified, and will include the following adequate reasons for the refusal. And the process to appeal the refusal. Should the requester not be satisfied with the decision of the Information Officer, the Requester may apply to court for relief.
- 9.7 In terms of PAIA, the said application must be made within 180 days after the decision has been made by the Information Officer.

10. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

- 10.1 Requesters have the right to receive a response in the form of an affidavit or affirmation where records cannot reasonably be located, but to which a requester would have had access had the record been available.
- 10.2 Requesters also have the right to receive a response in the form of an affidavit or affirmation where requested records do not exist.

11. SECTION 22 - SECURITY COMPROMISE NOTICE

BCM will complete the Notification Form found at should BCM become aware of any breaches in terms of data being obtained by an unauthorised person/entity:

<https://inforegulator.org.za/wp-content/uploads/2020/07/Guidelines-on-completing-a-Security-Compromise-Notification-ito-Section-22-POPIA.pdf>

12. CATEGORIES OF RECORDS THAT MAY BE SUBJECT TO THE GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 12.1 The records listed in the categories below may be formally requested, but access to parts of these records or the whole record may be refused on legal grounds listed in sections 33 - 46 and sections 62 - 70 of PAIA:-
 - 12.1.1 where the processing of the record will result in a substantial and unreasonable diversion of its resources; or
 - 12.1.2 access will also be refused where requests are clearly frivolous and or vexatious.
- 12.2 Notwithstanding the above, the Information Officer or Deputy Information Officer(s) of the Regulator may grant a request for access to a record of the Regulator, if –
 - 12.2.1 the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law; and
 - 12.2.2 the public interest in the disclosure of the record clearly outweighs the harm contemplated in any of the grounds for refusal of access to records.
- 12.3 The documents referred to are:

- 12.3.1 Regulator's Compliance Assessment Reports (PAIA and POPIA)
- 12.3.2 Security related information
- 12.3.3 Regulator internal communiqués
- 12.3.4 Executive Management internal confidential communication
- 12.3.5 Research conducted by Service Providers for BCM or programs subject to contractual exemptions on disclosure
- 12.3.6 Confidential client communications
- 12.3.7 Privileged information: held during investigations
- 12.3.8 conciliation, closed hearings, attorney client information, national security-based information or third-party information
- 12.3.9 Specific Human Resource Personnel information, including, but not limited to files relating to disciplinary process and records, medical information and personal information
- 12.3.10 Asset disclosures and asset protection procedures
- 12.3.11 Certain Service Level Agreements
- 12.3.12 Certain Tender Documentation
- 12.3.13 Agendas and Minutes of Meetings and correspondence
- 12.3.14 Draft reports, policies and discussions documents
- 12.3.15 Research papers and Legal opinions
- 12.3.16 Enforcement Notices
- 12.3.17 Settlement between the parties
- 12.3.18 Assessment report
- 12.3.19 Information Notice
- 12.3.20 Search warrants
- 12.3.21 Subpoenas
- 12.3.22 Invoices and proof of payments
- 12.3.23 Certain forensic reports

13. RECORDS OF PERSONAL INFORMATION KEPT

- 13.1 In fulfilling or executing its statutory obligations under PAIA and the POPI Act, BCM must record the following:
 - 13.1.1 staff records e.g. CV'S, credentials, certificates, income tax details, address, contact details
 - 13.1.2 records of accounts and records;
 - 13.1.3 receiving of complaints;
 - 13.1.4 investigation of complaints;
 - 13.1.5 conducting compliance assessment;
 - 13.1.6 enforcement mechanism;
 - 13.1.7 processing of application for:-
 - 13.1.8 Exemptions;
 - 13.1.9 Prior Authorisations;
 - 13.1.10 Authorisation for processing of special personal information; and
 - 13.1.11 Authorisation for processing personal information of children;
 - 13.1.12 Visitors to any premises of the Regulator

13.1.13 Complying with other relevant legislations.

CATEGORY OF PERSONAL INFORMATION	RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED
CRIMINAL CHECKS	SOUTH AFRICAN POLICE SERVICES
FOR CREDIT INFORMATION FOR IDENTITY NUMBER AND NAMES	CREDIT BUREAUS
QUALIFICATIONS FOR QUALIFICATION VERIFICATIONS	SOUTH AFRICAN QUALIFICATIONS AUTHORITY

14. PRESCRIBED FEES

Section 22(1) of PAIA states that fees payable for access to records as set out herein. A requester who seeks access to any record may be required to pay a fee, unless exempted.

15. POWERS OF THE REGULATOR AND CONTACT DETAILS

15.1 The Regulator has, inter alia, the following powers:-

- 15.1.1 undertaking educational programmes, for the purpose of promoting the protection of personal information, on the Regulator's own behalf or in co-operation with other persons or authorities acting on behalf of the Regulator;
- 15.1.2 making public statements in relation to any matter affecting the protection of the personal information of a data subject or of any class of Data Subjects;
- 15.1.3 giving advice to Data Subjects in the exercise of their rights; and providing advice, upon request or on its own initiative, to a Minister or a public or private body on their obligations under the provisions, and generally on any matter relevant to the operation, of PAIA and the POPI Act;
- 15.1.4 acting as mediator between opposing parties on any matter that concerns the need for, or the desirability of, action by a responsible party in the interests of the protection of the personal information of a data subject;
- 15.1.5 handle complaints by receiving and investigating complaints about alleged violations of the protection of personal information of Data Subjects and reporting to complainants in respect of such complaints;
- 15.1.6 gathering such information as in the Regulator's opinion will assist the Regulator in discharging the duties and carrying out the Regulator's and serving any notices in terms of PAIA and the POPI Act and further promoting the resolution of disputes in accordance with the prescripts of PAIA and the POPI Act;
- 15.1.7 require the responsible party to disclose to any person affected by a compromise to the integrity or confidentiality of personal information, such compromise in accordance with section 22 of the POPI Act; and
- 15.1.8 investigate the complaint in the prescribed manner; refer the complaint to the Enforcement Committee established in terms of section 50 of the POPI Act; or

decide, in accordance with section 77D, to take no action on the complaint or require no further action in respect of the complaint; act.

- 15.2 The Regulator may, in terms of section 77H (1) of PAIA, and on its own initiative, or at the request by or on behalf of information officer or head of a private body or any other person conduct an assessment whether a public or private body generally complies with the provisions of PAIA and the POPI Act, insofar as its policies and implementation procedures are concerned.

15.3 Contact details:

The Regulator’s website: <https://www.justice.gov.za/infoereg/index.html>

Information Officer Name: Mr Mosalanyane Mosala

Email: MMosala@justice.gov.za

Deputy Information Officer Name: Ms Varsha Sewlal

Email: VarSewlal@justice.gov.za

Access to information general contacts Email: PAIA.IR@justice.gov.za

National Head Office Postal Address: P.O. Box 31533 Braamfontein 2017

Physical Address: JD House 27 Stiemens Street Braamfontein Johannesburg

Email: PAIA.IR@justice.gov.za

ANNEXURE “A”

PAIA FORMS - <https://infoeregulator.org.za/paia-forms/>

Annexures A – G
Form 01: Request for a Guide from the Regulator [Regulation 2]
Form 01: Request for a Copy of the Guide from an Information Officer [Regulations 3]
Form 02: Request for Access to Record [Regulation 7]
D: Form 03 Outcome of request and of fees payable [Regulation 8]
E: Form 04: Internal Appeal Form [Regulation 9]
F: Form 05: Complaint Form [Regulation 10]
G: Form 13: PAIA Request for Compliance Assessment Form [Regulation 14(1)]

POPI FORMS - <https://infoeregulator.org.za/popia-forms/>

ANNEXURES A - M
FORM SCN1 – NOTIFICATION OF A SECURITY COMPROMISE IN TERMS OF SECTION 22 Security Compromises Notification – Fillable Form
Guidelines on completing a Security Compromise Notification ito Section 22 POPIA
B: Guidelines on completing a Security Compromise Notification ito Section 22 POPI Act
C Form 1: Objection to the Processing of Personal Information
D Form 2: Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information
E: Form 3: Application for the Issue of a Code of Conduct

F: Form 4: Application for the Consent of a Data Subject for the Processing of Personal Information for the Purpose of Direct Marketing (request consent letter from BCM)
G: Form 5: Complaint Regarding Interference with the Protection of Personal Information/Complaint Regarding Determination of an Adjudicator
H: Form 20: Request for an Internal Review in the rules of procedure relating to the manner in which a complaint must be submitted and handled by the Information Regulator
I: Application form for authorisation to process Special Personal Information
J: Application form for authorisation to process Personal Information of Children
K: Exemption Application Form submitted in terms of section 37(1)
L: Application form for Registration of Information Officers
M: Application Form for Prior Authorisation Responsible parties may submit their applications for prior authorisation by completing the form.

ANNEXURE "B"

FORM 1

REQUEST FOR A COPY OF THE GUIDE

[Regulations 3]

TO: The Information Officer

I,

Full names:	ef			
In my capacity as (mark with "x"):	Information officer	<input type="checkbox"/>	Other	<input type="checkbox"/>
Name of *public/private body (if applicable)	<input type="text"/>			
Postal Address:	<input type="text"/>			
Street Address:	<input type="text"/>			
E-mail Address:	<input type="text"/>			
Facsimile:	<input type="text"/>			
Contact numbers:	Tel.(B):	<input type="text"/>	Cellular:	<input type="text"/>

Hereby request the following copy (ies) of the Guide:

Language (mark with "X")		No of copies	Language (mark with "X")		No of copies
<input type="checkbox"/>	Sepedi		<input type="checkbox"/>	Sesotho	
<input type="checkbox"/>	Setswana		<input type="checkbox"/>	siSwati	
<input type="checkbox"/>	Tshivenda		<input type="checkbox"/>	Xitsonga	
<input type="checkbox"/>	Afrikaans		<input type="checkbox"/>	English	
<input type="checkbox"/>	isiNdebele		<input type="checkbox"/>	isiXhosa	
<input type="checkbox"/>	isiZulu				

Manner of collection (mark with "x"):

Personal collection	Postal address	Facsimile	Electronic communication (Please specify)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Signed at _____ this _____ day of _____ 20 _____

Signature of requester

DATE: _____

ANNEXURE "C"

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address: _____

Fax number: _____

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			

Page 1 of 4

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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 page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			

TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	<input type="checkbox"/>
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Record consists of recorded words or information which can be reproduced in sound	<input type="checkbox"/>
Record is held on a computer or in an electronic, or machine-readable form	<input type="checkbox"/>

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	<input type="checkbox"/>
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Transcription of soundtrack <i>(written or printed document)</i>	<input type="checkbox"/>
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	<input type="checkbox"/>
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	<input type="checkbox"/>
Copy of record saved on cloud storage server	<input type="checkbox"/>

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	<input type="checkbox"/>
Postal services to postal address	<input type="checkbox"/>
Postal services to street address	<input type="checkbox"/>
Courier service to street address	<input type="checkbox"/>
Facsimile of information in written or printed format <i>(including transcriptions)</i>	<input type="checkbox"/>
E-mail of information <i>(including soundtracks if possible)</i>	<input type="checkbox"/>
Cloud share/file transfer	<input type="checkbox"/>
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	<input type="checkbox"/>

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
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:	

FEES	
<i>a) A request fee must be paid before the request will be considered.</i> <i>b) You will be notified of the amount of the access fee to be paid.</i> <i>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.</i> <i>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>	
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer