Promotion of Access to Information Act (PAIA) Manual

Prepared in accordance with:

Section 32 of the Constitution of the Republic of South Africa, 2008

Sections 14 and 51 of the Promotion of Access to Information Act, No 2 of 2000
*(hereafter referred to as "**PAIA**")*

The requirements of the Protection of Personal Information Act, No 4 of 2013
*(hereafter referred to as "**PoPIA**")*

Prepared for:

The Company	**ITT – Inspirations Travel & Tours (PTY) LTD** *(hereafter referred to as "**The Company**"*
Company Registration Number	**2011/141713/07**
Physical Address	**29 Salisbury Avenue, Westville, Durban, South Africa, 4001**
Postal Address	**29 Salisbury Avenue, Westville, Durban, South Africa, 4001**
Head of The Company	**Dana Webber – Managing Director**

Authorised Representatives of The Company in accordance with PAIA and PoPIA:

Information Officer "**IO**"	Name **Manisha Beehari** Telephone Number **+27 31 266 0030** Email Address manisha@itt.co.za
Data Protection Officer "**DPO**"	Name **Craig Drysdale** Telephone Number **+27 31 266 0030** Email Address craig@itt.co.za

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1. Policy Statement

The Company's policy is to conduct its operations in compliance with all legal, statutory and regulatory requirements. This Manual applies to and regulates access to information and records owned, held by or under the control of The Company and the release of any such information or records by any of The Company's directors, officers, employees, agents, or anyone acting on its behalf in compliance with the laws of the Republic of South Africa.

2. Definitions

All language used in this manual shall adopt definitions directly as indicated in PoPIA Chapter 1 Section 1: https://popia.co.za/section-1-definitions/

3. Objectives

The objectives of this Manual are to –

(a) give effect to the constitutional right of access to any information that is held by The Company and that is required for the exercise or protection of any rights;

(b) give effect to that right subject to justifiable limitations, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance; and in a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;

(c) establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of The Company as swiftly, inexpensively and effortlessly as reasonably possible;

(d) illustrate and/or practice transparency, accountability and effective governance of The Company;

(e) provide a list of information, records and other details held by The Company;

(f) set out the requirements on how to request information from The Company in terms of PAIA and PoPIA;

(g) set out the grounds on which a request may be refused by The Company;

(h) provide the Requester with information on resolution should they dispute the grounds on which The Company refused the request for information.

4. Applicable Legislation

The Company is legally obligated to conduct its business and hold the prescribed records in accordance with the below Acts. Records which require legal disclosure in accordance herewith will be granted.

(a) Constitution of the Republic of South Africa, 2008

(b) Basic Conditions of Employment Act, No 75 of 1997

(c) Broad-Based Black Economic Empowerment Act, No 53 of 2003

(d) Close Corporations Act, No 69 of 1984

(e) Companies Act, No 71 of 2008

(f) Copyright Act, No 98 of 1978

(g) Electronic Communications and Transactions Act, No25 of 2002

(h) Employment Equity Act, No 55 of 1998

(i) Income Tax Act, No 58 of 1962

(j) Intellectual Property Laws Amendment Act, No 28 of 2013

(k) Labour Relations Act, No 66 of 1995

(l) Occupational Health and Safety Act, No 85 of 1993

(m)Promotion of Access to Information Act, No 2 of 2000

(n) Protection of Personal Information Act, No 4 of 2013

(o) Skills Development Levy Act, No 9 of 1999

(p) Unemployment Insurance Act, No 63 of 2001

(q) Value Added Tax Act, No 89 of 1991

All above Acts are publicly available on **www.parliament.gov.za/acts**
(Should a Requester feel that any legislation other than the Acts listed above are basis for right of access to any information of The Company, the Requester should indicate which Act and right they are relying on and fair assessment will be given by the IO.)

5. List of Records Held by The Company

Records listed below are held in the normal course of business of The Company

5.1 Accounting Records

(a) Annual financial statements including audit reports
(b) General ledger
(c) Subsidiary ledgers
(d) Bank statements
(e) Customer and supplier statements and invoices
(f) Cash books and petty cash books
(g) Fixed asset register
(h) Tax returns and assessments
(i) VAT returns
(j) Insurance records
(k) Record of assets
(l) Record of liabilities
(m) Record of loans to related parties
(n) Record of liabilities and obligations
(o) Record of revenue
(p) Record of expenses
(q) Payroll related information and returns
(r) Auditor correspondence including appointment of Auditor

5.2 Personnel Records

(a) Employee personal information records
(b) Employee leave records, performance records and disciplinary records
(c) Payroll records
(d) UIF, PAYE and SDL returns
(e) Workmans Compensation payments

5.3 Statutory Company Records

(a) Annual Statutory Returns
(b) Certificate of Registration
(c) Memorandum of Incorporation
(d) Register of Shareholding
(e) Share Certificates
(f) Register of Directors
(g) Appointment of Directors, Public Officer, Secretary
(h) Minutes of Board, Director and Shareholder meetings
(i) Resolutions and Special Resolutions passed

5.4 Tax Records

(a) Income Tax returns
(b) Provisional Tax returns
(c) Tax Assessments
(d) Documents relating to where the objection and appeal is lodged
(e) Records relating to taxable gain or assessed capital loss
(f) VAT documents
(g) Records of importation goods and documents
(h) Vendors information
(i) Documentary proof substantiating the zero rating of supplies

5.5 Systems Records

(a) Hardware asset register
(b) Software licensing register
(c) System user manuals
(d) Company policy documents regarding hardware and software

5.6 Sales and Marketing Records

(a) Advertising material, promotional material and where necessary, authority to use third party material
(b) Customer details
(c) Customer contracts
(d) Customer credit application forms and approvals
(e) Supplier details
(f) Supplier contracts
(g) Supplier credit application forms and approvals

5.7 Guest Records

(a) Guest names and surnames
(b) Products reserved in the name of the guest/s including dates of provision of such service
(c) Other non-mandatory guest details occasionally required by the product (Responsible Party) being reserved for the guests and processed via The Company. This includes but may not be limited to passport details, telephone/contact number, age, weight, dietary requirements, medical conditions, telephone number, email address

6. Classification of Records

Records and information of a public nature or deemed non-confidential by The Company do not require formal application. A request for this information may be emailed directly to the IO.

Records and information deemed private, confidential, protected, restricted or property of a third-party do require formal application and substantiation for such request to be considered by the IO. Such requests may be refused by the IO subject to classification therefor and the category in which the Requester falls.

7. Categories of Requesters

The category of Requester will determine the conditions for granting or denying access to that which is being requested. These are defined as below:-

(a) **Personal Requester**: *One who requests information relating to himself/herself/itself*

(b) **Representative Requester**: *One who requests information relating to or on behalf of someone else*

(c) **Third-Party Requester**: *One who requests information about someone else*

(d) **Public Body Requester**: *One who requests information in public interest (PAIA Section 50)*

8. Rights and Responsibilities of the Information Officer

The Information Officer (IO) is responsible for:

(a) ensuring compliance by The Company with the conditions for the lawful processing of personal information

(b) ensuring compliance by The Company with the provisions of PAIA and PoPIA

(c) dealing with requests made to The Company pursuant to the law

(d) working with the Regulator in relation to any investigations pursuant to the law

The IO is solely and singularly responsible for the decision to grant or deny a request for information or record. The Company does not have an internal appeal procedure, and as such, should the Requester feel aggrieved by the decision of the IO, they should submit their complaint to the Information Regulator within 30 days of notice of such decision. Complaints should be lodged in the prescribed manner and form for appropriate relief in terms of PAIA Section 77.
https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form05-Reg10-1.pdf

9. Request for Access to Record

A Requester, who requires information or record from The Company, should accurately and comprehensively complete all sections the Request for Access to Record (Form 2) and submit the completed form and accompanying documents to the IO
https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf

10. Decision

The Company shall, within 30 days of receipt of the completed request, advise the Requester in writing of the decision to grant or deny such request. Should the request be denied, The Company will substantiate the grounds on which the denial is based.

The IO may, my giving the Requester written notice, extend the decision period by a further 30 days.

11. Denial of Access to Records

Access to records may be denied by The Company on the following prescribed legal grounds:-

(a) PAIA Section 63 – Mandatory protection of privacy of a third party who is a natural person

(b) PAIA Section 64 – Mandatory protection of commercial information of third party

(c) PAIA Section 65 – Mandatory protection of certain confidential information of third party

(d) PAIA Section 66 – Mandatory protection of safety of individuals, and protection of property

(e) PAIA Section 67 – Mandatory protection of records privileged from production in legal proceedings

(f) PAIA Section 68 – Commercial information of private body

(g) PAIA Section 69 – Mandatory protection of research information of third party, and protection of research information of private body

(h) PoPIA – Mandatory protection of personal information

Access may be denied by The Company should it be deemed that the grounds for the request are unsubstantiated, without pure purpose or unreasonable.

12. Prescribed Fees

PAIA allows The Company to impose fees on a request for information, for access to the information if the application there for was granted and for costs of reproduction of any documents. The Company retains the right to impose such fees based on the nature of the request. Should any fee need to be imposed, the IO will advise the Requester thereof within 72 hours of receiving the request.

Personal Requesters are exempt from any fees.

13. Protection of Personal Information Declaration

The Company declares that:-

(a) In the course of its business, The Company acts as an intermediary between the Data Subject and the Responsible Party. All data collected from or for the Data Subject is for the sole intention of transfer to the Responsible Party.

(b) All personal information collected from or on behalf of the Data Subject is in the interest of the Data Subject and for the ultimate benefit of the Data Subject and the services they require to be reserved for them and in their name.

(c) Personal data is transferred directly to a Responsible Party. The Company never shares personal information with advertisers, content measurement companies, social media platforms, marketing companies or any other business entities unless the Data Subject gives permission therefor.

(d) Personal Information on a Data Subject is only stored for as long as is reasonably necessary or required by law.

(e) Personal information on a Data Subject is collected on principles of confidentiality. Appropriate security measures are adopted to ensure that any personal data is protected when stored or transferred by The Company.

14. Rights of Data Subjects

In accordance with PoPIA Section 5, The Company acknowledges the Rights of Data Subjects, including their right to:-

(a) have his/her/its personal information processed in accordance with the conditions for the lawful processing of personal information;

(b) request, where necessary, the correction, destruction or deletion of his/her/its personal information;

(c) object, on reasonable grounds relating to his/her/its particular situation to the processing of his/her/its personal information;

(d) not to have his/her/its personal information processed for purposes of direct marketing by means of unsolicited electronic communications;

(e) not to be subject, under certain circumstances, to a decision which is based solely on the basis of the automated processing of his/her/its personal information intended to provide a profile of such person;

(f) submit a complaint to the Regulator regarding the alleged interference with the protection of the personal information of any Data Subject or to submit a complaint to the Regulator in respect of a determination of an adjudicator;

(g) institute civil proceedings regarding the alleged interference with the protection of his/her/its personal information;

(h) be notified in the event of a data breach.

15. Recipients of Personal Information

The Company may provide Personal Information to:-

(a) Any business that The Company uses to collect payments and recover debts or to provide a financial service on its behalf;

(b) Any payment system or financial institution The Company uses to receive payments or make payments on behalf of a Data Subject;

(c) Regulatory authorities, governmental authorities, tax authorities or ombudsmen, where The Company has a legal obligation to provide such information;

(d) Any business or person that/who provides The Company with products or services procured specifically for that Data Subject;

(e) Third parties to whom payments are made on behalf of Data Subjects

16. Cross-Border Flow of Personal Information

PoPIA Section 72 provides that Personal Information may only be transferred out of the Republic of South Africa if:-

(a) the third party who is the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that:-

a. effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a Data Subject who is a natural person and, where applicable, a juristic person; and

b. includes provisions, that are substantially similar to PoPIA, relating to the further transfer of personal information from the recipient to third parties who are in a foreign country

(b) the Data Subject consents to the transfer;

(c) the transfer is necessary for the performance of a contract between the Data Subject and the Responsible Party;

(d) the transfer is necessary for the conclusion or performance of a contract concluded in the interest of the Data Subject between the Responsible Party and a third party;

(e) the transfer is for the benefit of the Data Subject;

(f) it is not reasonably practicable to obtain the consent of the Data Subject to that transfer;

(g) it were reasonably practicable to obtain such consent, the Data Subject would be likely to give it.

17. Objection to the Processing of Personal Information (PoPIA Section 11)

A Data Subject may object to the Processing of his/her/its Personal Information, and in the prescribed form

https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf

18. Correction or Deletion of Personal Information (PoPIA Section 24)

A Data Subject may request that their Personal Information be corrected/deleted in the prescribed form

https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-2-REQUEST-FOR-CORRECTION-OR-DELETION-OF-PERSONAL-INFORMATION-OR.pdf

19. Security Measures Implemented by The Company

The Company has undertaken to implement and maintain the following data protection measures, and under the responsibility of the appointed Data Protection Officer (DPO):

(a) The Company shall implement measures to prevent unauthorized access to Personal Information

(b) The Company shall implement measures to prevent manipulation of Personal Information

(c) The Company shall implement measures to prevent its operating systems from being used by unauthorized persons

(d) The Company shall implement measures to ensure that the persons entitled to use its operating systems are able to access Personal Data only to the extent of their access permission.

(e) The Company shall implement systems to enable verification of the destination to which Personal Information is transferred from its operating systems

(f) The Company commits to lawful processing of personal information

20. Accessibility and Updating of the PAIA Manual

This PAIA Manual of The Company is available to view at its premises and on its website. The Company will update this PAIA Manual at such intervals as may be deemed necessary or required by law.

21. Forms

The Company relies solely on forms provided by the Information Regulator of South Africa. Should the request be in any other format, or not accompanied by the required supporting documents, the application will not be considered.

Links to the current forms are below:

(a) PAIA Form 02: Request form Access to Record
https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf

(b) PAIA Form 05: Complaint Form
https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form05-Reg10-1.pdf

(c) PoPIA Form 1: Objection to the Processing of Personal Information
https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-1-OBJECTION-TO-THE-PROCESSING-OF-PERSONAL-INFORMATION.pdf

(d) PoPIA Form 2: Request for Correction or Deletion of Personal Information
https://inforegulator.org.za/wp-content/uploads/2020/07/FORM-2-REQUEST-FOR-CORRECTION-OR-DELETION-OF-PERSONAL-INFORMATION-OR.pdf