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Loretz and Associates CC

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

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|-----|--------------------|--|
| 1.1 | “DIO” | Deputy Information Officer; |
| 1.2 | “IO“ | Information Officer; |
| 1.3 | “Minister” | Minister of Justice and Correctional Services; |
| 1.4 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended); |
| 1.5 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.6 | “Regulator” | Information Regulator; and |
| 1.7 | “Republic” | Republic of South Africa |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 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
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE LORETZ AND ASSOCIATES CC

3.1. Chief Information Officer

Name: Michael Rodger Loretz
Tel: +27(0) 84 461 5995
Email: info@loretzkzn.co.za

3.2. Access to information general contacts

Email: info@loretzkzn.co.za

3.3 Head Office

Postal Address: 3 Second Ave
Leonard
Hilton
Kwa-Zulu Natal
3245

Physical Address: Same as above

Telephone: +27(0) 82 070 8400

Email: info@loretzkzn.co.za

Website: www.loretzkzn.co.za

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

- 4.1. 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.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
- 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-

- 4.3.3.1. access to a record of a public body contemplated in section 11³; and
- 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. 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-

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.6.1. an internal appeal;
- 4.3.6.2. a complaint to the Regulator; and
- 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ 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

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

4.6. A copy of the Guide is also available in the following official language, for public inspection during normal office hours-

4.6.1. English

5. CATEGORIES OF RECORDS OF LORETZ AND ASSOCIATES CC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1. The records reflected in the table below are available without a person having to formally request access.

Category of records	Types of the Record	Available on website	Available upon request
Public social media content	Posts and updates on LinkedIn	x	x
Publicly available policies and notices	This PAIA manual	x	x
Website content	All publicly accessible web pages; service descriptions; blog posts	x	x
Company information	Mission and services overview; website About Us content	x	x
Contact information	Contact details of the company	x	x
Marketing and public communications	Service descriptions; brochures	x	x

6. DESCRIPTION OF THE RECORDS OF LORETZ AND ASSOCIATES CC WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

6.1. The records reflected in the table below are available, in accordance with legislation.

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Payroll records and employee tax information	Income Tax Act 58 of 1962; Basic Conditions of Employment Act 75 of 1997
Company registration documents (CIPC records)	Companies Act 71 of 2008
Financial statements and accounting records	Companies Act 71 of 2008; Income Tax Act 58 of 1962
Tax returns, VAT records and supporting documentation	Income Tax Act 58 of 1962; Value Added Tax Act 89 of 1991
Employment contracts and HR records	Basic Conditions of Employment Act 75 of 1997 and Labour Relations Act 66 of 1995
Client contracts, service agreements and correspondence	Protection of Personal Information Act 4 of 2013
Marketing and communications records	Protection of Personal Information Act 4 of 2013; Electronic Communications and Transactions Act 25 of 2002
Insurance policies and claims records	Short-term Insurance Act 53 of 1998
Supplier and procurement records	Companies Act 71 of 2008 and Income Tax Act 58 of 1962

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE LORETZ AND ASSOCIATES CC

Subjects on which the body holds records	Categories of records
Company administration	Company registration documents, compliance records, policies, internal correspondence, business records
Clients	Quotations, invoices, contracts, project files, reports, correspondence, payment records
Suppliers and service providers	Suppliers and service providers
Financial and accounting records	Bank statements, invoices, receipts, accounting records, tax records, payment records
Employees and contractors (where applicable)	Employment agreements, payroll information, leave records, contractor agreements, contact details
Marketing and communications	Marketing and communications
Information technology and electronic records	Emails, website records, electronic documents, backups, system records

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

We process personal information for a variety of purposes, including but not limited to the following:

- Providing professional services to clients
- Managing client relationships and communication
- Preparing quotations, invoices and contracts
- Fulfilling legal and regulatory obligations including PAIA and POPIA compliance
- Financial management accounting and tax compliance
- Human resources administration where applicable including employee records
- Supplier and subcontractor management
- Marketing and business development where consent is provided or lawful basis exists
- Maintaining internal records systems and operational efficiency
- Responding to enquiries and requests
- Processing information only where necessary for legitimate business purposes or as required by law

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of data subjects and personal information processed by LORETZ AND ASSOCIATES CC include the following:

Categories of Data Subjects	Personal Information that may be processed
Clients (and those of clients)	Full names; contact details (contact numbers; email addresses); physical addresses; unique identifier; identity/registration numbers; confidential correspondence; tax related information; company information
Service suppliers and product suppliers (and those of clients)	Full names of contact persons; registered, and trade, names of entities; full names of directors and shareholders, physical addresses; postal addresses; contact details (contact numbers, fax numbers, email addresses); financial information; tax related information; associated entities; business strategies
Employees/Key individuals/Representatives (and those of clients)	Gender; marital status; race; age; language; education information (qualifications); financial information; employment history; identity/passport/registration numbers; contact details (contact numbers; email addresses); record; professional affiliation; references; CVs/resumes
Job Applicants	Full name; CV; application forms; cellphone numbers; email addresses

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

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

Client contact information for projects	Employees, contractors, service providers, clients, and authorised third parties where necessary for service delivery
Financial and payment information	Banks, accountants, payment service providers, SARS, and authorised financial institutions
Employee and contractor information	Payroll administrators, accountants, SARS, banks, and authorised service providers
Supplier and subcontractor information	Accountants, banks, and authorised personnel involved in procurement or payments
Website and communication information	Website hosting providers and communication platforms used by the company

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

LORETZ AND ASSOCIATES CC implements reasonable technical and organisational security measures to protect personal information against unauthorised access, loss, misuse, alteration, or destruction.

The company makes use of up-to-date Microsoft Windows installations and anti-virus / anti-malware solutions on a closed network system to protect company and client data.

Access to information is restricted to authorised persons only and appropriate password protection measures are implemented where necessary.

Electronic records and backups are securely maintained, and backup data is encrypted to help ensure the confidentiality and integrity of the information.

The company periodically reviews and maintains its security measures to ensure the ongoing protection and availability of personal information.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 On www.loretzkzn.co.za, head office of LORETZ AND ASSOCIATES CC for public inspection during normal business hours;

9.1.2 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.3 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of LORETZ AND ASSOCIATES CC will on a regular basis update this manual.

Issued by



Michael Rodger Loretz

Member