

PAIA MANUAL

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

**DATE OF COMPILATION: 01/01/2022
DATE OF REVISION: 01/01/2022**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

NB: please insert relevant applicable acronyms and abbreviations

- | | | |
|-----|--------------------|---|
| 1.1 | “CEO” | Chief Executive Officer |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as Amended; |
| 1.6 | “POPIA” | Protection of Personal Information Act No. 4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “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;
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- 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 OPPERMAN MAKELAARS BK

3.1. Chief Information Officer

Name:	Johannes Niklaas Oppermann
Tel:	054 331 1878
Cell:	082 554 3227
Email:	jannie@sabroker.co.za

3.2. Access to information general contacts

Email: jannie@sabroker.co.za

3.3 National or Head Office

Physical Address: 25 Robinson Street
Uppington
Northern Cape
8801

Telephone: 054 331 1878

Email: jannie@sabroker.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-
 - 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

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.

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.
- 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;

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.”

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

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

4.6.1 Afrikaans and English

5. CATEGORIES OF RECORDS OF OPPERMAN MAKELAARS BK WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Access to records held by the body should be requested by completing Form C.

The following record are available on our website without having to request access:

Category of records	Types of the Record	Available on Website	Available upon request
None	None		X

6. DESCRIPTION OF THE RECORDS OF OPPERMAN MAKELAARS BK WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

See a description of the record and categories of record held under subsection 7.

Applicable Legislation
Basic Conditions of Employment Act 75 of 1997
Close Corporations Act 69 of 1984
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Consumer Protection act 68 of 2008

Competition Act 89 of 1998
Electronic Communications and Transactions Act 25 of 2002
Employment Equity Act 55 of 1998
Financial Advisory and Intermediary Services Act 37 of 2002
Financial Intelligence Centre Act 38 of 2001
Financial Sector Regulation 9 of 2017
Income Tax Act 95 of 1967
Insurance Act 18 of 2017
Labour Relations Act 66 of 1995
Long-term Insurance Act 52 of 1998
Medical Schemes Act 131 of 1998
National Credit Act 34 of 2005
Occupation Health and Safety Act 85 of 1998
Promotion of Access to Information Act 2 of 2000
Short-term Insurance Act 53 of 1998
Unemployment Insurance Act 63 of 2001
Value Added Tax Act 89 of 1991

** The above is not an exhaustive list.*

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY OPPERMAN MAKELAARS BK

Subjects on which the body holds records	Categories of records
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Human Resources	- HR policies and procedures - Advertised posts - Employees records
Public Affairs:	Media Releases - Public Product Information - Public Corporate Records - Media Releases - PAIA Manual

Subjects on which the body holds records	Categories of records
Financial Records:	- Annual Financial Statements - Tax Returns - Accounting Records - Banking Records - Bank Statements - Electronic Bankin - Asset Register - Rental Agreements - Invoices
Income Tax Records:	- PAYE Records - Documents issued to employees for income tax Purposes - Record of payments made to SARS on behalf of employees - All other statutory compliances: VAT, Skills Development Levies, UIF, Workmen's Compensation Fund
Personnel Documents and Records:	- Employment contracts - Employment Equity Plan (if applicable) - Medical Aid record (if applicable) - Pension Fund records (if applicable) - Disciplinary records - Salary records - SETA records - Leave records - Training records - Training Manuals
Marketing:	- Market Information - Public Customers Information: Product Brochures - Performance Records - Product Sales Records - Marketing Strategies - Customer Database

* The above is not an exhaustive list.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Clients: Client related personal information are processed to provide clients with the solutions they require.

Employees: Employee personal information are processed for business administration purposes.

Third party operators: Third party operator personal information are processed for business administrations purposes.

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

Categories of Data Subjects	Personal Information that may be processed
Clients	Name, Last name, Identity number, Driver's license number, Passport number, Birth certificate number, Date of birth; Age, Gender, Maiden name, Nationality, Photographs, Race, Marital status, Education records, Home / residential address, E-mail address, Home facsimile number, Home postal address, Home telephone number, Personal cellular, mobile or wireless number, Business e-mail address, Business facsimile number, Business postal address, Business telephone number, Business cellular, mobile or wireless number, Insurance claim history, Financial institution account number, transactions or account information, Professional licenses and professional memberships, Professional license numbers, Income/Salary/Service Fees/Other Compensation,

Categories of Data Subjects	Personal Information that may be processed
	User Identification and/or Employee number as assigned by an employer, Taxpayer identification number, Credit history, voice recording
Employees	Name, Last name, Identity number, Driver's license number, Passport number, Birth certificate number, Date of birth; Age, Gender, Maiden name, Nationality, Photographs, Race, Marital status, Education records, Home / residential address, E-mail address, Home facsimile number, Home postal address, Home telephone number, Personal cellular, mobile or wireless number, Business e-mail address, Business facsimile number, Business postal address, Business telephone number, Business cellular, mobile or wireless number, Family health or morbidity history, Insurance claim history, Medical Aid number, Financial institution account number, transactions or account information, Professional licenses and professional memberships, Professional license numbers, Income/Salary/Service Fees/Other Compensation, User Identification and/or Employee number as assigned by an employer, Taxpayer identification number, Credit history, voice recording, Compensation, User Identification and/or Employee number as assigned by an employer, User Credentials (e.g. username, password), Employment history, performance evaluations and disciplinary actions, Background checks, Credit history, Criminal convictions / behaviour
Third Party Operators	Name, Registration Number, physical address, Business e-mail address, Business facsimile number, Business postal address, Business telephone number, Business cellular, mobile or wireless number, financial information

Categories of Data Subjects	Personal Information that may be processed
Product Providers	Name, Registration Number, physical address, Business e-mail address, Business facsimile number, Business postal address, Business telephone number, Business cellular, mobile or wireless number, financial information
Service Providers	Name, Registration Number, physical address, Business e-mail address, Business facsimile number, Business postal address, Business telephone number, Business cellular, mobile or wireless number, financial information

* The above is not an exhaustive list.

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

Information or records may be supplied where a requester has a legitimate interest to protect or is appropriately authorised:

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 (Subject to the provisions of POPIA and the National Credit Act 34 of 2005)
Request for data	Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data (such as the National Credit Regulator in terms of the National Credit Act 34 of 2005)

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Request for data in terms of the applicable rules	Any court, administrative or judicial forum, arbitration, statutory commission or ombud making a request for data held in terms of applicable rules (such as the Competition Commission in terms of the Competition Act 89 of 1998)
PAYE Records, Documents issued to employees for income tax purposes, Records of payments made to SARS on behalf of employees, VAT, UIF	South African Revenue Service
Request for data in terms of the applicable rules	Auditing and accounting bodies (such as the Compliance Officer in terms of the Financial Advisory Services Act 37 of 2002)
	Anyone making a successful application for access in terms of PAIA

* The above is not an exhaustive list.

8.4 Planned transborder flows of personal information

Transborder flows of personal information is not planned.

Personal information may be transferred to a third party who is in a foreign country to administer certain services. However, this may only be done subject to provisions of POPIA.

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

Information security measures, including anti-virus and anti-malware solutions are taken to ensure the confidentiality, integrity and availability of personal information. Appropriate technical and organisational measures have been implemented to

ensure that personal data remains protected and secure against unauthorised or unlawful processing, accidental loss, destruction or damage.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 head office of the Oppermann Makelaars BK 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 a Oppermann Makelaars BK will on a regular basis update this manual.

Issued by



Jannie Oppermann

Key Individual