

SCUBA EQUIPMENT AFRICA

PAIA AND POPIA MANUAL

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to:

SCUBA EQUIPMENT AFRICA

Registration number: CK1992/029077/23

and its subsidiaries

(hereinafter **SCUBA EQUIPMENT AFRICA**)

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1. Background to the Promotion of Access to Information Act

- 1.1 The Promotion of Access to Information Act, No. 2 of 2000 ('the Act') was enacted on 3 February 2000, giving effect to the constitutional right of section 32 of the Bill of Rights, as contained in the Constitution of the Republic of South Africa, No. 108 of 1996 ('the Constitution'), 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.
- 1.2 In terms of section 51 of the Act, all private bodies are required to compile an information manual, known as a 'PAIA Manual'.
- 1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a public or private body.

2. SCUBA EQUIPMENT AFRICA

- 2.1 **SCUBA EQUIPMENT AFRICA** trading as **SCUBA EQUIPMENT AFRICA** conducts business as manufacturer of scuba diving equipment. **SCUBA EQUIPMENT AFRICA** registration number is CK1992/029077/23.
- 2.2 This PAIA Manual of **SCUBA EQUIPMENT AFRICA** is available at its premises:
UNIT 9C, NORTHLANDS DECO PARK, NORTHRIDING, 2169 as well as on its website: www.scubapro.co.za

3. Purpose of the PAIA Manual

- 3.1 The purpose of this PAIA Manual is intended to ensure that **SCUBA EQUIPMENT AFRICA** complies with the Act and fosters a culture of transparency and accountability within **SCUBA EQUIPMENT AFRICA** by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 3.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.
- 3.3 Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subjected to justifiable limitations, including, but not limited to:

- 3.3.1 Limitations aimed at the reasonable protection of privacy;
- 3.3.2 Commercial confidentiality; and
- 3.3.3 Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

- 3.4 This PAIA Manual has been drafted in accordance with the PAIA and POPIA Act, as well as all amendments to PAIA, with regards to the requirements of this manual, as effected by POPIA. This manual will be amended to reflect all the necessary provisions, as required by the Information Officer, once the Information Officers publishes the template on its website.
- 3.5 In addition, this PAIA Manual complies with the requirements of Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act, 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by public and private bodies.

4. Contact details of the Chief Executive/ Head of Private Body [Section 51(1)(a)]

Chief Executive/ Head of Private Body:	RHYS COUZYN
Registered address:	UNIT 9C, NORTHLANDS DECO PARK, NORTHRIDING, 2169
Postal address:	P.O.BOX 302, STRATHAVON, 2021
Telephone number:	011 444 6563
Fax number:	N/A
E-mail address:	info@scubapro.co.za
Website:	www.scubapro.co.za

5. The Information Officer [Section 51(1)(b)]

- 5.1 The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, *inter alia*, assess requests for access to information. The Head of a private body fulfils such a function in terms of section 51. **SCUBA EQUIPMENT AFRICA** has opted to appoint an Information Officer to assess requests for access to information, as well as to oversee its required functions in terms of the Act.

- 5.2 The Information Officer appointed in terms of the Act also includes the Information Officer as referred to in the Protection of Personal Information Act, 4 of 2014. The Information Officer oversees the functions and responsibilities as required in terms of both this Act, as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act, 4 of 2013, after registering with the Information Regulator.
- 5.3 The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed for in terms of section 17 of the Act, as well as section 56 of the Protection of Personal Information Act, 4 of 2013. This is in order to render **SCUBA EQUIPMENT AFRICA** as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act, 4 of 2013. All requests for information in terms of the Act must be addressed to the Information Officer.

Contact details of the Information Officer

Information Officer:	RHYS COUZYN
Physical Address:	UNIT 9C, NORTHLANDS DECO PARK, NORTHRIDING, 2169
Telephone number:	011 444 6563
E-mail address:	info@scubapro.co.za

6. Guide of Information Regulator [Section 51(1)(b)]

- 6.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in public interest.
- 6.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.
- 6.3 Requesters are referred to the Guide in terms of section 10, which has been compiled by the Information Regulator, which will contain information for the purposes of exercising constitutional rights of access to information. The Guide is available from the Information Regulator.
- 6.4 The Guide further:
- 6.4.1 contains information on understanding and how to use the Act;
 - 6.4.2 includes: the objectives of the Act; particulars of every public and private body; the manner and form of requests; contents of the regulations promulgated under the Act;
 - 6.4.3 will be updated and published every two years; and
 - 6.4.4 is available in all the official languages of the Republic of South Africa.

6.5 The contact details of the Information Regulator are:

Name: Information Regulator of South Africa

Physical address: JD House
27 Stiemens Street
Braamfontein
Johannesburg

Postal address: P.O Box 31533
Braamfontein
Johannesburg
2017

Telephone number: 010 023 5220

E-mail address: infoereg@justice.gov.za

Website: www.justice.gov.za/infoereg/index.html

7. The latest notice in terms of Section 52(2) (if any) [Section 51(1)(c)]

At the time of compilation and/or update of this Manual, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of section 52(2) of the Act.

8. Subjects and categories of records available only on request to access on terms of Act [Section 51(1)(e)]

8.1 Records held by **SCUBA EQUIPMENT AFRICA**

For the purposes of this clause, “personnel” refers to any person who works for, or provides services to, or on behalf of **SCUBA EQUIPMENT AFRICA**, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting business of or for **SCUBA EQUIPMENT AFRICA**. This includes, but is not limited to, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

This clause serves as a reference to the categories of information that **SCUBA EQUIPMENT AFRICA** holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subject	Category
Companies/Close Corporations Act Records	<ul style="list-style-type: none">• All trust deeds• Documents of incorporation• Index of names of Members• Minutes of meetings of the Members

Subject	Category
	<ul style="list-style-type: none"> • Minutes of meetings • Proxy forms • Register of Member's interest • Special resolutions/resolutions passed at meetings of members • Records relating to the appointment of: <ul style="list-style-type: none"> ○ Auditors ○ Members ○ Prescribed officers ○ Public officers ○ Secretaries
Financial Records	<ul style="list-style-type: none"> • Accounting records • Annual financial reports • Annual financial statements • Asset registers • Bank statements • Banking details and bank accounts • Banking records • Debtors/ creditors statements and invoices • General ledgers and subsidiary ledgers • General reconciliations • Invoices • Paid cheques • Policies and procedures • Rental agreements • Tax returns
Income Tax Records	<ul style="list-style-type: none"> • PAYE records • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees • All other statutory compliance records and documents • VAT • Regional services levies • Skills development levies • UIF • Workmen's Compensation
Personnel Documents and Records	<ul style="list-style-type: none"> • Accident books and records • Address lists • Disciplinary code and records • Employee benefits and arrangement rules and records • Employment contracts • Employment Equity Plan • Forms and applications • Grievance procedures • Leave records • Medical aid records • Payroll reports / wage register • Pension fund records • Safety, health and environmental records • Salary records • SETA records • Standard letters and notices

Subject	Category
	<ul style="list-style-type: none"> • Training manuals • Training records • Workplace and union agreements and records
Procurement Department	<ul style="list-style-type: none"> • Standard terms and conditions for supply of services and products • Contractor, client and supplier agreements • Lists of supplier, products, services and distribution • Policies and procedures
Sales Department	<ul style="list-style-type: none"> • Customer details • Credit application information • Information and records provided by a third party
Marketing Department	<ul style="list-style-type: none"> • Advertising and promotional material
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports • Risk management frameworks • Risk management plans
Safety, Health and Environment	<ul style="list-style-type: none"> • Complete safety, health and environment risk assessment • Environmental management plans • Inquiries, inspections and examinations by environmental authorities
IT Department	<ul style="list-style-type: none"> • Computer / mobile usage policy documentation • Disaster recovery plans • Hardware asset registers • Information security policies/standards/procedures • Information technology systems and user manuals • Information usage policy documentation • Project implementation plans • Software licensing • System documentation and manuals
Corporate Social Responsibility (CSR)	<ul style="list-style-type: none"> • CSR schedule of projects / record of organisations that receive funding • Reports, books, publications and general information related to CSR spend

8.2 Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before **SCUBA EQUIPMENT AFRICA** will consider access.

9. Records available without a request to access in terms of the Act

9.1 Records of a public nature, typically those disclosed on the **SCUBA EQUIPMENT AFRICA** website and in its various annual reports, may be accessed without the need to submit a formal application.

9.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

10. Description of the records of the body which are available in accordance with any other legislation [Section 51(1)(d)]

10.1 Where applicable to its operations, **SCUBA EQUIPMENT AFRICA** also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

- 10.1.1 Close Corporations Act No. 69 of 1984;
- 10.1.2 Basic Conditions of Employment Act No. 75 of 1997;
- 10.1.3 Broad-Based Black Economic Empowerment Act, 2003;
- 10.1.4 Business Act No. 71 of 1991;
- 10.1.5 Companies Act No. 71 of 2008;
- 10.1.6 Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- 10.1.7 Competition Act No. 71 of 2008;
- 10.1.8 Constitution of the Republic of South Africa 2008;
- 10.1.9 Copyright Act No. 98 of 1978;
- 10.1.10 Customs and Exercise Act No. 91 of 1964;
- 10.1.11 Debt Collectors' Act No. 114 of 1998;
- 10.1.12 Designs Act No. 195 of 1993;
- 10.1.13 Electronic Communications Act No. 36 of 2005;
- 10.1.14 Electronic Communications and Transactions Act No. 25 of 2002;
- 10.1.15 Employment Equity Act No. 55 of 1998;
- 10.1.16 Financial Advisory and Intermediary Services Act of 2002;
- 10.1.17 Financial Intelligence Centre Act No. 38 of 2001;
- 10.1.18 Identification Act No. 65 of 1997;
- 10.1.19 Income Tax Act No. 58 of 1962;
- 10.1.20 Insider Trading Act No. 135 of 1998;
- 10.1.21 Insolvency Act No. 24 of 1963;
- 10.1.22 Inspection of Financial Institutions Act No. 18 of 1998;

- 10.1.23 Intellectual Property Laws Amendment Act No. 38 of 1997;
- 10.1.24 Labour Relations Act No. 66 of 1995;
- 10.1.25 Leases of Land Act No. 18 of 1969;
- 10.1.26 Long Term Insurance Act No. 52 of 1998;
- 10.1.27 Machinery and Occupational Safety Act No. 6 of 1983;
- 10.1.28 National Credit Act No. 34 of 2005;
- 10.1.29 National Road Traffic Act No. 93 of 1996;
- 10.1.30 National Environmental Management Act No. 107 of 1998;
- 10.1.31 Occupational Health and Safety Act No. 85 of 1993;
- 10.1.32 Patents Act No. 57 of 1978;
- 10.1.33 Pension Funds Act No. 24 of 1956;
- 10.1.34 Prescription Act No. 68 of 1969;
- 10.1.35 Prevention of Organised Crime Act No. 121 of 1998;
- 10.1.36 Promotion of Access to Information Act No. 2 of 2000;
- 10.1.37 Protection of Personal Information Act No. 4 of 2013;
- 10.1.38 Regulation of Interception of Communications and
Provision of Communication-Related Information Act No. 70 of 2002;
- 10.1.39 Revenue Laws Second Amendment Act No. 61 of 2008;
- 10.1.40 Road Transportation Act No. 74 of 1977;
- 10.1.41 Skills Development Levies Act No. 53 of 1998;
- 10.1.42 Short-term Insurance Act No. 53 of 1998;
- 10.1.43 Stock exchanges Control Act No. 1 of 1985;
- 10.1.44 Taxation Laws Amendment Act No. 7 of 2010;
- 10.1.45 Trademarks Act No. 194 of 1993;
- 10.1.46 Transfer Duty Act No. 40 of 1949;
- 10.1.47 Trust Property Control Act No. 57 of 1988;
- 10.1.48 Uncertificated Securities Tax Act No. 31 of 1998;
- 10.1.49 Unemployment Contributions Act No. 63 of 2001;
- 10.1.50 Unemployment Insurance Act No. 30 of 1996;
- 10.1.51 Value Added Tax Act No. 89 of 1991.

**Although we have applied our best efforts to supply a list of applicable legislation, it is possible that this list may be incomplete, or possibly too extensive. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed*

above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

10.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

11.Detail to facilitate a request for access to a record of SCUBA EQUIPMENT AFRICA [Section 51(1)(e)]

11.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

11.2 The requester must complete the prescribed form enclosed herewith and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal or physical address, fax number or electronic mail address as noted in clause 5 above.

11.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

11.3.1 the record or records requested; and

11.3.2 the identity of the requester.

11.4 The requester should indicate which form of access is required and specify a postal address, or a fax number of the requester in the Republic.

11.5 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such right [Section 53(2)(d)].

11.6 **SCUBA EQUIPMENT AFRICA** will process the request within 30 (thirty) days, unless the requester has stated special reasons, to the satisfaction of the Information Officer, that circumstances dictate that the above time periods not be complied with.

11.7 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

11.8 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer [Section 53(2)(f)].

11.9 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

11.10 The requester must pay the prescribed fee, before any further processing can take place.

11.11 All information as listed in clause 11 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information officer shall serve a record, if possible, and only grant access to that portion requested and which is not prohibited from being disclosed.

12. Refusal of access to records

Grounds to refuse access:

A private body, such as **SCUBA EQUIPMENT AFRICA**, is entitled to refuse a request for information.

12.1 The main grounds for **SCUBA EQUIPMENT AFRICA** to refuse a request for information relates to the:

12.1.1 Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act, 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

12.1.2 Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act, 4 of 2013;

12.1.3 Mandatory protection of the commercial information of a third party (section 64) if the record contains:

12.1.3.1 Trade secrets of the third party;

12.1.3.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

12.1.3.3 Information disclosed in confidence by a third party to **SCUBA EQUIPMENT AFRICA**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 12.1.4 Mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
 - 12.1.5 Mandatory protection of the safety of individuals and the protection of property (section 66);
 - 12.1.6 Mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).
- 12.2 The commercial activities (section 68) of a private body, such as **SCUBA EQUIPMENT AFRICA** which may include:
- 12.2.1 Trade secrets of **SCUBA EQUIPMENT AFRICA**
 - 12.2.2 Financial commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of **SCUBA EQUIPMENT AFRICA**
 - 12.2.3 Information which, if disclosed, could put [COMPANY NAME HERE] at a disadvantage in negotiations or commercial competition;
 - 12.2.4 A computer program which is owned by **SCUBA EQUIPMENT AFRICA** and which is protected by copyright;
 - 12.2.5 The research information (section 69) of **SCUBA EQUIPMENT AFRICA** or a third party, if its disclosure would disclose the identity of **SCUBA EQUIPMENT AFRICA**, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
- 12.3 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.
- 12.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
- 12.5 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

13. Remedies available when SCUBA EQUIPMENT AFRICA refuses a request

13.1 Internal remedies

SCUBA EQUIPMENT AFRICA does not have internal appeal procedures. The decision made by the Information officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

13.2 External remedies

13.2.1 A requester that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a court for relief.

13.2.3 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a court for relief. For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development, and which is presided over by a designated Magistrate.

14. Access to records held by SCUBA EQUIPMENT AFRICA

14.1 Prerequisites for access by personal/other requester

14.1.1 Records held by **SCUBA EQUIPMENT AFRICA** may be accessed by request only once the prerequisite requirements for access have been met.

14.1.2 A requester is any person making a request for access to a record of **SCUBA EQUIPMENT AFRICA**.

There are two types of requesters:

14.1.2.1 Personal requester

14.1.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

14.1.2.1.2 **SCUBA EQUIPMENT AFRICA** will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

14.1.2.2 Other requester

14.1.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties.

14.1.2.2.2 In considering such a request, **SCUBA EQUIPMENT AFRICA** will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all

reasonable steps to inform a third party to whom the requested record relates of the request, informing him/her that he/she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the information.

SCUBA EQUIPMENT AFRICA is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements, in accordance with the requirements of the Act and as stipulated in Chapter 5, Part 3, including the payment of a request and access fee.

15.Prescribed fees [Section 51(1)(f)]

15.1 Fees provided by the Act

15.1.1 The Act provides for two types of fees, namely:

15.1.1.1 A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and

15.1.1.2 An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

15.1.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

15.1.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

15.1.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

15.1.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

15.1.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

16.Reproduction fee

- 16.1 Where **SCUBA EQUIPMENT AFRICA** has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

Reproduction of information fees	Fees to be charged
Information in an A4-size page photocopy or part thereof	R1.10
A printed copy of an A4-size page or part thereof	R0.75
A copy in computer-readable format, for example: <ul style="list-style-type: none">• Compact Disc• USB Stick	R70.00
A transcription of visual images, in a A4-size page or part thereof	R40.00
A copy of visual images	R60.00
A transcription of an audio record for an A4-size page or part thereof	R20.00
A copy of an audio record	R30.00

16.2 Request fees

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request received.

16.3 Access fees

- 16.3.1 An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act, or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable are:

Access of Information Fees	Fees to be Charged
Information in an A4-size page photocopy or part thereof	R1.10
A printed copy of an A4-size page or part thereof	R0.75
A copy in computer-readable format, for example: <ul style="list-style-type: none">• Compact Disc• USB Stick	R70.00
A transcription of visual images, in a A4-size page or part thereof	R40.00
A copy of visual images	R60.00

A transcription of an audio record for an A4-size page or part thereof	R20.00
A copy of an audio record * Per hour or part of an hour reasonably required for such a search	R30.00*
Where a copy of a record needs to be posted the actual postal fee is payable	

16.4 Deposits

16.4.1 Where the institution receives a request for access to information held on a person other than the requester herself/himself, and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

16.4.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

16.5 Collection fees

16.5.1 The initial “request fee” of R50.00 should be deposited into the bank account and a copy of the deposit slip, application form and other correspondence / documents, forwarded to the Information Officer via fax.

- BANKING DETAILS AVAILABLE ON REQUEST.

16.5.2 The Information Officer will collect the initial “request fee” of applications received directly by the Information Officer via e-mail.

16.5.3 All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

17. Decision

17.1 Time allowed to institution

17.1.1 **SCUBA EQUIPMENT AFRICA** will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

17.1.2 The 30 (thirty) day period within which **SCUBA EQUIPMENT AFRICA** has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large amount of information, or the request requires a search for information held

at another office of **SCUBA EQUIPMENT AFRICA** and the information cannot reasonably be obtained within the original 30 (thirty) day period.

17.1.3 **SCUBA EQUIPMENT AFRICA** will notify the requester in writing should an extension be sought.

18. Protection of personal information that is processed by SCUBA EQUIPMENT AFRICA

18.1 Chapter 3 of POPIA provides for the minimum conditions for lawful processing of personal information by a responsible party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.

18.2 **SCUBA EQUIPMENT AFRICA** needs personal information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by **SCUBA EQUIPMENT AFRICA**. **SCUBA EQUIPMENT AFRICA** is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

18.2.1 Is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data is collected by **SCUBA EQUIPMENT AFRICA**, in the form of privacy or data collection notices. **SCUBA EQUIPMENT AFRICA** must also have a legal basis (for example, consent) to process personal information;

18.2.2 Is processed only for the purposes for which it was collected;

18.2.3 Will not be processed for a secondary purpose unless that further processing is compatible with the original purpose, or any of the exclusions regarding the prohibition of further processing applies;

18.2.4 Is adequate, relevant and not excessive for the purposes for which it was collected;

18.2.5 Is accurate and kept up to date;

18.2.6 Will not be kept for longer than necessary;

18.2.7 Is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that personal information, both in physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by **SCUBA EQUIPMENT AFRICA**, in order to protect it against access and acquisition by unauthorised persons and accidental loss, destruction or damage;

18.2.8 Is processed in accordance with the rights of data subjects, where applicable. Data subjects have the right to:

- (a) Be notified that their personal information is being collected by **SCUBA EQUIPMENT AFRICA**, as well as the purpose for which it is being collected. The data subject also has the right to be notified in the event of a data breach;

- (b) Know whether **SCUBA EQUIPMENT AFRICA** holds personal information about them, and to access that information. Any request for information or access to information must be handled in accordance with the provisions of this Manual;
- (c) Request the correction or deletion of inaccurate, irrelevant, excessive, outdated, incomplete, misleading or unlawfully obtained personal information;
- (d) Object to **SCUBA EQUIPMENT AFRICA**'s use of their personal information and request the deletion of such personal information (deletion would be subject to **SCUBA EQUIPMENT AFRICA**'s record keeping requirements, rules, obligations and policies);
- (e) Object to the processing of their personal information for the purposes of direct marketing by means of unsolicited electronic communications; and
- (f) Submit a complaint to the Information Regulator regarding any alleged infringement on any of the rights protected under POPIA and PAIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his/her or its personal information.

18.3 Purpose of the processing of personal information by **SCUBA EQUIPMENT AFRICA**

As outlined above, personal information may only be processed for a specific, legal and clearly defined purpose. The purposes for which **SCUBA EQUIPMENT AFRICA** processes or will process personal information is set out in Part 1 of Appendix 2.

18.4 Categories of data subjects and personal information / special personal information relating thereto

As per section 1 of POPIA, a data subject may either be a natural or a juristic person. Part 2 of Appendix 2 sets out the various categories of data subjects that **SCUBA EQUIPMENT AFRICA** processes personal information of and the types of personal information relating there to.

18.5 Recipients of personal information

Part 3 of Appendix 2 outlines the recipients to whom **SCUBA EQUIPMENT AFRICA** may provide personal information of their data subjects.

18.6 Cross-border flows of personal information

18.6.1 Section 72 of POPIA provides that personal information may only be transferred out of the Republic of South Africa if the:

- (a) Recipient country can offer such data an "adequate level" of protection. This means that its data privacy laws must be substantially similar to the conditions for lawful processing as contained in POPIA; or

- (b) Data subject consents to the transfer of their personal information across borders; or
- (c) Transfer is necessary for the performance of a contractual obligation between the data subject and the responsible party; or
- (d) Transfer is necessary for the performance of a contractual obligation between the responsible party and a third party, in the interest of the data subject; or
- (e) The transfer is for the benefit of the data subject, and if it were, the data subject would in all likelihood provide such consent.

18.6.2 Part 4 of Appendix 2 sets out the planned cross-border transfers of personal information and the condition(s) from above that applies thereto.

18.7 Description of information security measures to be implemented by **SCUBA EQUIPMENT AFRICA**

Part 5 of Appendix 2 sets out the types of security measures to be implemented by **SCUBA EQUIPMENT AFRICA** in order to ensure that personal information is respected and protected. A preliminary assessment of the sustainability of the information security measures implemented by **SCUBA EQUIPMENT AFRICA** may be conducted in order to ensure that the personal information that is processed by **SCUBA EQUIPMENT AFRICA** is safeguarded and processed in accordance with the conditions for lawful processing.

18.8 Objection to the processing of personal information by a data subject

Section 11(3) of POPIA and regulation 2 of the POPIA Regulations provide that a data subject may, at any time, object to the processing of his/her/its personal information in the prescribed manner – a form for which is attached to this manual, as Appendix 3, subject to any relevant exceptions contained in POPIA.

18.9 Requests for correction or deletion of personal information

Section 24 of POPIA and regulation 3 of the POPIA Regulations provide that a data subject may request for their personal information to be corrected/deleted in the prescribed form, attached as Appendix 4 to this manual.

19. Availability and updating of the PAIA Manual

19.1 Regulation Number R187 of 15 February 2002

19.1.1 This PAIA Manual is available in terms of Regulation Number R. 187 of 15 February 2002. **SCUBA EQUIPMENT AFRICA** will update this PAIA Manual at such intervals as may be deemed necessary.

19.1.2 This PAIA Manual of **SCUBA EQUIPMENT AFRICA** is available to view at its premises and on its website.

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: <input type="text"/>
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<p><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></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

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>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

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>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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.

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:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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>
d)	<i>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

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

Signature of Information Officer

Appendix B: Part 1 – Processing of personal information in accordance with POPIA

For clients:

- a. Performing duties in terms of any agreement with clients
- b. Make, or assisting in making, credit decisions about clients
- c. Operate and manage clients' accounts and manage any application, agreement or correspondence clients may have with **SCUBA EQUIPMENT AFRICA**
- d. Communicating (including direct marketing) with clients by e-mail, SMS, letter, telephone or in any other way about **SCUBA EQUIPMENT AFRICA**'s products and services, unless clients indicate otherwise
- e. To form a view as individuals and to identify, develop or improve products, that may be of interest to clients
- f. Carrying out market research, business and statistical analysis
- g. Performing other administrative and operational purposes including the testing of systems
- h. Recovering any debt clients may owe **SCUBA EQUIPMENT AFRICA**
- i. Complying with **SCUBA EQUIPMENT AFRICA**'s regulatory and other legislative and other obligations
- j. Any other reasonably required purpose relating to **SCUBA EQUIPMENT AFRICA**'s business and operation

For prospective clients:

- a. Verifying and updating information
- b. Pre-scoring
- c. Direct marketing
- d. Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to **SCUBA EQUIPMENT AFRICA**'s business

For employees:

- a. The same purposes as for clients (above)
- b. Verification of applicant employees' information during recruitment process
- c. General matters relating to employees:
 - (i) Pension
 - (ii) Medical aid
 - (iii) Payroll
 - (iv) Disciplinary action
 - (v) Training
- d. Any other reasonably required purpose relating to the employment or possible employment relationship

For vendors / suppliers / other businesses:

- a. Verifying information and performing checks
- b. Purposes relating to the agreement or business relationship or possible agreement or business relationships between these parties
- c. Payment of invoices
- d. Complying with **SCUBA EQUIPMENT AFRICA**'s regulatory and other obligations
- e. Any other reasonably required purpose relating to **SCUBA EQUIPMENT AFRICA**'s business.

Appendix B: Part 2 – Categories of data subjects and categories of personal information relating thereto

Employees

- a. Name and contact details
- b. Identity number and identity documents including passports
- c. Employment history and references
- d. Banking and financial details
- e. Details of payments to third parties (deductions from salaries and/or wages)
- f. Employment contracts
- g. Employment equity plans
- h. Medical aid records
- i. Pension fund records
- j. Remuneration / salary / wage records
- k. Performance appraisals
- l. Disciplinary records
- m. Leave records
- n. Training records

Clients and prospective clients (which may include employees)

- a. Postal and/or physical address
- b. Title and name
- c. Contact numbers and/or e-mail address
- d. Ethnic group
- e. Employment history
- f. Age
- g. Gender
- h. Marital status

- i. Nationality
- j. Language
- k. Financial information
- l. Identity or passport number
- m. Browsing habits and click patterns on **SCUBA EQUIPMENT AFRICA**'s website

Vendors / suppliers / other businesses:

- a. Name and contact details
- b. Identity and/or company information and directors' information
- c. Banking and financial information
- d. Information about products or services
- e. Other information not specified, reasonably required to be processed for business operations

Appendix B: Part 3 – Recipients of personal information

- a. Any firm, organisation or person that **SCUBA EQUIPMENT AFRICA** uses to collect payments and recover debts or to provide a service on its behalf
- b. Any firm, organisation or person that/who provides **SCUBA EQUIPMENT AFRICA** with products or services
- c. Any payment system **SCUBA EQUIPMENT AFRICA** uses
- d. Regulatory and governmental authority or ombudsmen, or other authorities, including tax authorities, where **SCUBA EQUIPMENT AFRICA** has a duty to share the information in terms of legislation
- e. Third parties to whom payments are made on behalf of employees
- f. Financial institutions from whom payments are received on behalf of data subjects
- g. Any other operator not specified
- h. Employees, contractors and temporary staff
- i. Agents

Appendix B: Part 4 – Cross border transfers of personal information

Personal information may be transmitted transborder to **SCUBA EQUIPMENT AFRICA**'s suppliers in other countries, and personal information may be stored in data servers hosted outside of South Africa, which have adequate data protection laws. **SCUBA EQUIPMENT AFRICA** will endeavour to ensure that its service suppliers will make all reasonable efforts to secure said data and personal information.

Appendix B: Part 5 – Description of information security measures

ENDLESS SUMMER TECHNOLOGIES CC undertakes to institute and maintain the data protection measures to accomplish the following objectives outlined below. The details given are to be interpreted as examples

of how to achieve an adequate data protection level for each objective. **ENDLESS SUMMER TECHNOLOGIES CC** may use alternative measures and adapt to technological security development, as needed, provided that the objectives are achieved.

1. Access control of persons

SCUBA EQUIPMENT AFRICA shall implement suitable measures in order to prevent unauthorised persons from gaining access to the data processing equipment where the data is processed.

2. Data media control

SCUBA EQUIPMENT AFRICA undertakes to implement suitable measures to prevent the unauthorised manipulation of media, including reading, copying, alteration or removal of the data media used by **SCUBA EQUIPMENT AFRICA** and containing personal data of clients and/or employees.

3. Data memory control

SCUBA EQUIPMENT AFRICA undertakes to implement suitable measures to prevent unauthorised input into data memory and the unauthorised reading, alteration or deletion of stored data.

4. User control

SCUBA EQUIPMENT AFRICA shall implement suitable measures to prevent its data processing systems from being used by unauthorised persons by means of data transmission equipment.

5. Access control to data

SCUBA EQUIPMENT AFRICA represents that the persons entitled to use **SCUBA EQUIPMENT AFRICA**'s data processing systems, are only able to access the data within the scope and to the extent covered by their respective access permissions (authorisation).

6. Transmission control

SCUBA EQUIPMENT AFRICA shall be obliged to enable the verification and tracing of the locations / destinations to which the personal information is transferred by utilisation of **SCUBA EQUIPMENT AFRICA**'s data communication equipment / devices.

7. Transport control

SCUBA EQUIPMENT AFRICA shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by authorised persons during the transmission thereof or during the transport of the data media.

8. Organisation control

SCUBA EQUIPMENT AFRICA shall maintain its internal organisation in a manner that meets the requirements of this Manual.

Appendix C: Objection to the processing of personal information in terms of Section 11(3) of the Protection of Personal Information Act, 4 of 2013

Regulations relating to the protection of personal information, 2018

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided in this form is inadequate, submit information as an Annexure to this form and sign each page.
3. Complete as is applicable.

	DETAILS OF DATA SUBJECT A
Name(s) and surname / registered name of data subject	
Unique identifier / identity number	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of Information Officer of responsible party	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at _____ on this ____ day of 20__.

Signature of data subject/designated person

Appendix D: Request for correction or deletion of personal information or destroying or deletion of record of personal information in terms of section 24(1) of the Protection of Personal Information Act, 4 of 2013.

Regulations Relating to the Protection of Personal Information, 2018

[Regulation 3]

Notes:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided in this form is inadequate, submit information as an Annexure to this form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an “x”.

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF DATA SUBJECT
Name(s) and surname / registered name of data subject	
Unique identifier / identity number	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of Information Officer of responsible party	
Residential, postal or business address	
Contact number(s)	
Fax number / e-mail address	
C	Reasons for objection in terms of section 11(1)(d) to (f) (Please provide detailed reasons for the objection)

D	<p style="text-align: center;">Reasons for *Correction or Deletion of the Personal Information about the Data Subject in Terms of Section 24(1)(a) which is in Possession or Under the Control of the Responsible Party; and or Reasons for</p> <p style="text-align: center;">*Destruction or Deletion of a Record of Personal Information about the Data Subject in Terms of Section 24(1)(b) which the Responsible Party is no longer Authorised to Retain. (Please Provide Detailed Reasons for the Request)</p>

Signed at _____ on this ____ day of 20__.

Signature of data subject/designated person

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information 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>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

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

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (<i>including transcriptions</i>)	
E-mail of information (<i>including soundtracks if possible</i>)	
Cloud share/file transfer	
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>)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

--

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record (i) Flash drive			
• To be provided by requestor	R40.00		
(ii) Compact disc			
• If provided by requestor	R40.00		
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer