

PAIA and POPI Manual

Of

Oos Vrystaat Kaap Operations Limited “OVK” (OVK)

This manual was prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 and it further includes the requirements as set out in the Protection of Personal Information Act 2013

1. GROUP DETAILS

Name of Private Body: Oos Vrystaat Kaap Operations
Limited Head: Mr. Stefan Oberholzer
Information Officer: Mr. DP Du Plessis
Physical Address: 19 Dan Pienaar Street, Ladybrand, Free State, 9745
Postal Address: PO Box 96, Ladybrand, 9745
Telephone: 051 923 4500
Email: ovk@ovk.co.za

Mr. S Oberholzer is the executive director of the group. He can be approached at: OVK, 19 Dan Pienaar Street, PO Box 96 Ladybrand, 9745, telephone 051-9234512, email: ovk@ovk.co.za.

2. POPI & PAIA GUIDELINES

The guides for both POPI and PAIA are obtainable from the Information Regulator, queries and requests should be directed to:

The Information Regulator
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

Complaints: PAIAComplaints@inforegulator.org.za
POPIAComplaints@inforegulator.org.za

General: enquiries@inforegulator.org.za

3. THE INFORMATION OFFICER

The administrative functions in terms of the act have, through the executive director, been delegated to the Company Secretary & General Manager: Corporate Services and copies of this guide can be requested free of charge from the Company secretary and will also be available on the OVK website www.ovk.co.za

Enquiries and applications should be directed to: The Company Secretary, Mr. DP Du Plessis.
e-mail: dirkdp@ovk.co.za

4. REQUIREMENTS FOR ACCESS TO INFORMATION

Access will only be granted if:

- 4.1 The requester requires the information for the protection or exercising of a right.
- 4.2 The Prescribed procedure for the lodging of such application has been complied with.
- 4.3 Access to the requested information concerned is not prohibited nor does any reasonable ground of refusal exist in terms of any applicable law.

5. PROCEDURE AND FEES

5.1 Completion of application form

- 5.1.1 An application form attached hereto as Annexure A, must be completed by the requester.
- 5.1.2 The application form completed in full by the requestor must be sent by e-mail or registered mail to the information officer at the above post address or e-mail address.
- 5.1.3 The right which the requester wishes to protect or exercise must be clearly set out in the application form.

5.2 Consideration of the application

- 5.2.1 The information officer will consider the request and contact the requester within 30 (Thirty) days after receipt of such Application Form, and inform the requester of the applicable fees payable, in addition to the abovementioned request fee payable.
- 5.2.2 Should the request be granted the requested records will be made available to the requester.

5.3 Refusal of application

- 5.3.1 If the requester's request is refused, reasons for the refusal will be provided by the information officer to the requester. The aforementioned reasons will be provided to the nominated e-mail address of the requestor as contained in the relevant request form.

5.3.2 The requestor may, within 30 days of refusal, lodge an application to have the information officer's decision reviewed by a court that has jurisdiction over the matter.

5.5 Schedule of prescribed fees

The prescribed fees as per page 7 hereto, will be payable as stated herein when the requesters application is approved.

6. EIGHT CONDITIONS TO LAWFULLY PROCESS PERSONAL INFORMATION IN TERMS OF POPI

OVK has committed to the implementation of the eight prescribed conditions for the lawful processing of personal information as set out in the Protection of Personal Information Act ("POPI").

6.1 Accountability

OVK undertakes to ensure the lawful processing of personal information in terms of POPI.

6.2 Processing limitation

OVK will only collect personal information for a specific purpose, in the following circumstances from the Data Subject ("You"):

- The Data Subject has consented to the processing;
 - Processing is necessary for the conclusion of a contract with the Data Subject or proper performance in terms of such contract;
 - Processing complies with a legal obligation imposed by law / legislation;
 - Processing protects a legitimate interest of the Data Subject;
 - Processing is necessary to give effect to a business relationship / maintaining a business relationship with the Data Subject;
 - Processing is necessary in the pursuance of a legitimate interest of OVK, or a third party to whom the information is supplied.
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- **Special personal information includes:**
 - Religious, philosophical, or political beliefs.
 - Race or ethnic origin.
 - Trade union membership.
 - Health or sex life.
 - Biometric information.
 - Criminal behaviour.
 - Information relating to children.

OVK will only process special personal information under the following circumstances:

- The Data Subject has consented to such processing.
- The special personal information was willingly made public by the Data Subject.

- Processing is necessary for the protection of a right or defence in law
- Processing is for historical, statistical, or research purposes.
- If the processing of personal information relating to race or ethnic origin is to be processed in terms of the Act so far as it relates to special personal information, read together with any other relevant Act more specifically any affirmative action laws.

All Data Subjects have the right to refuse or withdraw their consent at any stage of the personal information processing life cycle. A Data Subject may object, at any time, to the processing of their personal information on any of the above grounds unless legislation permits for such processing to take place. If the Data Subject withdraws consent or objects to their personal information from being processed, then OVK shall refrain from processing the personal information.

Personal information does not have to be collected from the Data Subject personally in the following circumstances:

- The personal information is contained in a public record.
- The personal information has been intentionally made public/published by the Data Subject.
- Collecting the personal information from another source with the Data Subject's consent.
- Collecting the personal information from another source is necessary to maintain, comply with or exercise any law or legal right.
- Collecting the personal information from the Data Subject personally would prejudice the lawful purpose of collection.
- Collecting from the Data Subject is not reasonably practical.

6.3 Purpose specification

OVK shall only process personal information for a specific purpose as communicated to the Data Subject.

6.4 Further processing

Any new processing activity must be compatible with the original purpose of processing. Further processing will be regarded as compatible with the purpose of collection if:

- The Data Subject has consented to the further processing.
- The personal information forms part of a public record.
- The personal information is intentionally made public by the Data Subject.
- The further processing is necessary to maintain, comply with or exercise any law or legal right.
- The further processing is necessary to prevent or mitigate a threat to public health or safety, or the life or health of the Data Subject or a third party.

6.5 Information Quality

OVK shall take reasonable steps to ensure that the personal information, as provided to OVK by the Data Subject, is complete, accurate, not misleading and updated. OVK shall periodically review Data Subject records to ensure that the personal information is still valid and correct. However, OVK will not be held responsible / liable for any damages or loss suffered as a result of the Data Subjects' negligence in providing false and/or misleading information.

When collecting personal information, the following guidelines is to be followed by OVK:

- Personal information should be dated when received.
- A record should be kept of the source from which such personal information was obtained.
- Should personal information records be changed for whatever reason, such changes should be

dated.

- Irrelevant / Excessive personal information should be deleted or destroyed.
- Personal information should be stored securely, either on a secure electronic database or in a secure physical filing system.

6.6 Openness

OVK shall take reasonable steps to ensure that the Data Subject is made aware of:

- Which personal information is collected, and the source of such information.
- The purpose of collection and processing.
- Whether the collection is in terms of any law requiring such collection.
- Whether the personal information shall be shared with any third party.

6.7 Data Subject Participation

Data Subject has the right to request access to, amendment, or deletion of their personal information.

All such requests must be submitted in writing to the information Officer, unless there are grounds for refusal as set out below.

OVK shall disclose the requested personal information:

- On receipt of adequate proof of identity from the Data Subject, or requester.
- Within a reasonable time.
- On receipt of the prescribed fee, if any.
- In a reasonable format.

OVK shall not disclose any personal information to any party unless the identity of the requester has been verified.

6.8 Security Safeguards

OVK shall ensure the integrity and protection of all personal information in its possession by taking reasonable steps to:

- Identify all reasonable security risks.
- Establish and maintain appropriate safeguards against the risks so identified.

Cross Border Personal Information Transfers

Personal information may only be transferred outside of the Republic of South Africa on the following grounds:

- If the recipient country can offer an adequate level of protection. This means that the recipient country's data privacy laws must be substantially the same as the conditions for lawful processing as set out in POPI.
- If the Data Subject consents to the transfer of their personal information.
- If the transfer is necessary for the performance of a contractual obligation between the responsible party and third party, or
- If the transfer is necessary for the performance of a contractual obligation between responsible party and a third party, in the interests of the Data Subject
- If the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would likely provide such consent.

1. Access to records

The personal information records can be accessed on request once all the requirements to gain access have been met. A requester may apply for access to a record held by OVK by following the process as set out below.

7. According to the PAIA Act a personal requester is defined as:

A requester who is seeking access to a record containing personal information regarding such requester. Subject to the provisions of the Act and applicable law, OVK will provide the requested information, or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested will be payable to OVK.

Other Requester as defined (other than a personal requester) is entitled to request access to information pertaining to third parties. However, OVK is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be payable to OVK.

A requester must comply with all the procedural requirements as set out in the PAIA Act in respect of a request for access to a record. A requester must complete the Request Form hereto attached marked as Annexure A and submit it together with the proof of payment of the request fee (if applicable) to the Information Officer at the physical address, or electronic mail address as stated herein.

The prescribed form must be completed with enough detail to enable the Information Officer to identify:

- The record or records requested.
- The identity of the requester.
- What form of access is required; and
- The postal address or email address of the requester.

A requester must state that he or she requires the information 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 also provide an explanation of why the requested record is required for the exercise or protection of that right.

OVK will process a request within 30 days once all of the above requirements have been met, unless the requestor has indicated special reasons and/or circumstances, to the satisfaction of the Information Officer, as to why the prescribed time should not be complied with. The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester, together with such supporting documents as may be necessary, is making the request to the satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, in person, to the Information Officer, which request will be recorded in writing by the Information Officer, in the presence of such individual.

8. Decision

OVK will, within 30 days of receipt of a request, decide whether to grant or reject a request and give written notice

of its decision to the requestor with reasons (if required). The 30-day period within which OVK must decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another location and the information cannot reasonably be obtained within the first mentioned 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

9. Fees

The Act provides for two types of fees: A request fee, (which will be a standard fee payable by a requestor for all requests made) and a request fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the Information Officer of OVK, the Information Officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (as indicated in the table below) before further processing of the request. If a search for the record is necessary 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 should the request be granted.

The Information Officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required more than the prescribed hours to search for and prepare the record for disclosure including deciding to make it available in the request form. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer shall refund the deposit to the requester.

No information will be made available unless the prescribed fees have been paid.

All fees must be paid into the following accounts:

OVK cheque account, ABSA Ladybrand, account number 2020 0000 18, branch code 63093400

Proof of payment must be e-mailed to: The information officer e-mail: ovk@ovk.co.za

Item	Description	Amount
1.	The request fee payable by every requestor	R 140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof
3.	Printed copy of A4-size page	R2.00 per page or part thereof
4.	For a copy in a computer-readable form on: (i) Flash drive (to be provided by requestor) (ii) Compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
5	For a transcription of visual images per A4-size page	Services to be outsourced, will depend on quotation from service provider
6.	Copy of visual images	

7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (iii) Flash drive (to be provided by requestor) (iv) compact disc <ul style="list-style-type: none"> • If provided by requestor • If provided to the requestor 	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R145.00 R435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any

In line with section 23(1)(a) of POPIA, a Data Subject (i.e. requestor) has a right to request OVK to confirm, free of charge, whether or not OVK holds personal information about the Data Subject.

In accordance with Section 23(3) of the POPIA, OVK may charge an access fee to the requestor to enable OVK to respond to the request. In such instances OVK must provide the requestor with a written estimate of the fee before providing the services.

10. Internal Remedies

Once a decision regarding a request for information has been reached by the Information Officer, such decision shall be final. In the event that a request has been refused by the Information Officer, and such final decision is not acceptable to the requester, the requester shall make use of external remedies as described below.

11. External Remedies

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court, having the necessary jurisdiction, for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to the High Court for relief.

2. Request for correction, deletion or destroying of records

- Data Subjects who wish to request a correction or deletion of personal information or the destruction of a record of personal information in terms of section 24(1) of the Act, must submit a request to OVK on the Request for Correction, Deletion or Destroying of Records Form hereto attached as Annexure **B**

ANNEXURE A

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

[Regulation 10]

A. Particulars of Private Body

The Head:

B. Particulars of person requesting access to the record

- | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>(a) The particulars of the person who requests access to the record must be given below.</p> <p>(b) The address and/or email address in the Republic to which the information is to be sent must be given.</p> <p>(c) Proof of the capacity in which the request is made, if applicable, must be attached.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Full names and surname: _____

Identity number: _____

Postal address: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

<p>This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.</p>

Full names and surname: _____

Identity number: _____

D Particulars of record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.
The requester must sign all the additional folios.

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E Fees

- (a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be *notified of* the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends *on* the form *in which* access is required and the reasonable time *required* to search for and prepare a record.
- (d) If you qualify for exemption *of* the payment *of* any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
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NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:
Mark the appropriate box with an X.
(* Where available)

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images
this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"	<input type="checkbox"/>	copy in computer readable form* (mp3, mp4 etc.)
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'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.		YES	NO
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G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the right:

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at..... this.....day of202.....

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

REQUEST FOR CORRECTION OR DELETION OR DESTROYING OF PERSONAL INFORMATION

IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]**

Details of the person requesting Amendment, Correction or Erasure	
Full Name	
Address	
Date of Birth	
E-mail Address	
Phone Number	

Your Role	
<input type="checkbox"/>	I am the Data Subject
<input type="checkbox"/>	I am not the Data Subject, though I am acting on behalf of the Data Subject by virtue of a power of attorney
<input type="checkbox"/>	I am not the Data Subject, but I am acting on behalf of a Data Subject as its parent or legal guardian.

Proof of Identity and Authority Submitted	
<input type="checkbox"/>	Driving License
<input type="checkbox"/>	Passport
<input type="checkbox"/>	Identity Document
<input type="checkbox"/>	Power of Attorney
<input type="checkbox"/>	Evidence of parental responsibility or legal guardianship

Amendment	
<input type="checkbox"/>	I wish to amend my personal information (proof of identity must be provided).
<input type="checkbox"/>	I wish to amend personal information concerning a Data Subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the Data Subject must be provided).
<input type="checkbox"/>	I wish to amend personal information concerning a Data Subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Type of personal data you wish to amend:	
Describe the amendment:	

Correction	
<input type="checkbox"/>	I wish to correct my personal information (proof of identity must be provided).
<input type="checkbox"/>	I wish to correct personal information concerning a Data Subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the Data Subject must be provided).
<input type="checkbox"/>	I wish to correct personal information concerning a Data Subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Type of personal data you wish to correct:	
Describe the correction:	

Erasure	
<input type="checkbox"/>	I wish to erase my personal information (proof of identity must be provided).
<input type="checkbox"/>	I wish to erase personal information concerning a Data Subject that I am acting on behalf of (proof of identity of the representative, a power of attorney and proof of identity of the Data Subject must be provided).
<input type="checkbox"/>	I wish to erase personal information concerning a Data Subject to whom I am a parent or legal guardian (proof of identity and evidence of parental responsibility or legal guardianship must be provided).
Describe the type of personal data you wish to erase:	

By signing this form, you certify that the information you have provided is correct to the best of your knowledge and that you are the person to whom it relates or that you are legally entitled to act on behalf of such person. You understand that it may be necessary to obtain further information to comply with this request.

Signature: _

Date: ____/____/2____