

Our reference : PAIA Manual  
Date 23 September 2021

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## **INFORMATION MANUAL PUBLISHED IN TERMS OF S51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

### **1. INTRODUCTION**

LEGACY ENVIRONMENTAL MANAGEMENT CONSULTING (PTY) LTD is a corporation registered in terms of the corporate laws of South Africa. We are classified as “private bodies” in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA”), which requires us to publish this information manual in order to inform people of the procedures to follow in order to exercise their rights to request access to information held by us in terms of PAIA.

**Note** that this information manual must be read in conjunction with our **Privacy Notice**, which outlines the types of personal information that we process as well as the security measures that we take in respect of such personal information. This manual, as well as the Privacy Notice may be accessed on our website at [www.legacyemc.co.za](http://www.legacyemc.co.za) .

### **2. CONTACT DETAILS**

#### **Address**

PO Box 12410, Die Boord, Stellenbosch, 7613

#### **Information Officer**

Kim Pontac

[Kim@legacyemc.co.za](mailto:Kim@legacyemc.co.za)

### **3. ABOUT PAIA**

PAIA gives effect to everyone’s constitutional right of access to information held by private sector bodies or public bodies (i.e. government institutions) that is required for the exercise or protection of the requester’s rights.

A guide to the Act is available from the South African Human Rights Commission (“SAHRC”) website: [www.sahrc.org.za](http://www.sahrc.org.za). It describes, in each of official language:

- What the objective of this Act are;
- The details of each private body (where possible);
- The process that needs to be followed in order to make a request;
- How to get copies of the Guide at no charge;
- How to get access to the manual of a private body; and
- All the remedies available in law to you.

Should you have any queries in this regard, please contact the SAHRC directly at:  
The South African Human Rights Commission: PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton 2041  
Tel: +27 11 887-3803  
Fax: +27 11 403-0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za) E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

#### **4. INFORMATION HELD BY US**

The categories of records held by us are recorded in **Schedule 1** of our **Privacy Notice**, which may be accessed on our website at [www.legacyemc.co.za](http://www.legacyemc.co.za) or requested at our offices.

#### **5. OTHER LEGISLATION IN TERMS OF WHICH ACCESS TO CERTAIN INFORMATION MAY BE GRANTED**

In addition to PAIA, the following legislation may create rights and procedures in terms of which you may obtain certain records held by us:

- Skills Development Levies Act 66 of 1995
- Financial Intelligence Centre Act 38 of 2001
- Trust Property Control Act 57 of 1988
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Value Added Tax 89 of 1991
- Unemployment Insurance Act 63 of 2001
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Protection of Personal Information Act 4 of 2013
- National heritage Resources Act 25 of 1999

#### **6. EXERCISING YOUR RIGHTS IN TERMS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013**

The Protection of Personal Information Act 4 of 2013 (“POPI”), grants data subjects certain rights relating to their personal information that is processed by us. This section highlights the said rights and how they may be exercised.

Please note that the Information Officer may require you to provide proof of your identity to his or her reasonable satisfaction, before taking further action in terms of any request made in terms of this paragraph 6.

The procedures contained in this paragraph 6 will also apply to requests for personal information relating to minors by their parents or legal guardians.

### **Withdrawal of authorisation**

If we process your personal information because you have consented thereto, or because it is a requirement of a contract between us, you may withdraw your consent for the processing of your personal information by way of written notice to either the Information Officer or, in the event of a contractual relationship, in the manner provided for in the specific contract. Please note that such a withdrawal of consent may result in it becoming impossible for us to perform our obligations in terms of such contract, and may therefore constitute a repudiation of the contract by you, which may result in the contract being terminated.

### **Request for confirmation of records held**

In terms of s23(1)(a) of POPI, you are entitled to request that we confirm, free of charge, whether we process any personal information pertaining to you.

You may exercise this right by way of an email addressed to the Information Officer, whose contact details are contained in paragraph 2 above. The Information Officer will respond to you in writing within a reasonable period of receiving your request.

Please note that we may refuse to grant your request on any of the grounds listed in PAIA (see paragraph 7 below for the most common grounds of rejection). In the event of such refusal, the grounds for refusal will be communicated to you by the Information Officer in writing.

### **Request for copies or description of records held**

In terms of s23(1)(b) of POPI, you are entitled to request that we provide you with a description or copies of records containing your personal information, as well as confirmation of the identity of all third parties or categories of third parties, who have, or have had, access to such information.

You may exercise this right by way of an email addressed to the Information Officer, whose contact details are contained in paragraph 2 above. The Information Officer will respond to you in writing within a reasonable period of receiving your request.

Please note that we may refuse to grant your request on any of the grounds listed in PAIA (see paragraph 7 below for the most common grounds of rejection). In the event of such refusal, the grounds for refusal will be communicated to you by the Information Officer in writing.

### **Request for correction of personal information**

In terms of s24 of POPI, you are entitled to request that we correct or delete personal information about you in our possession or under our control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or which you believe was obtained unlawfully, or to destroy or delete a record in respect of which you have withdrawn your authorization to allow us to process it.

A request in terms of this section must be submitted using the form prescribed in terms of POPI, a copy of which is annexed to this manual as **Schedule 1**. The form must be submitted by hand or email to the

Information Officer, whose contact details are provided in paragraph 2 above. Copies of the form may also be downloaded from the website of the Information Regulator (<https://www.justice.gov.za/inforeg/>).

The Information Officer will attend to the request as soon as reasonably possible and provide you with written confirmation once the requested correction has been made.

### **Objections to processing of personal information**

In terms of s11(3) of POPI, you may object to our processing of your personal information if the reason for such processing relates to:

- The protection of a legitimate interest of yours
- The pursuit of our legitimate interests or those of a third party to whom the information is supplied
- Direct marketing other than direct marketing by means of unsolicited electronic communications

In such instances, you may lodge an objection in writing with the Information Officer, whose contact details are provided in paragraph 2 above, by using the form prescribed in terms of POPI, a copy of which is annexed to this manual as **Schedule 2**. Copies of the form may also be downloaded from the website of the Information Regulator (<https://www.justice.gov.za/inforeg/>).

## **7. PAIA INFORMATION REQUESTS**

Any request for information that does not relate to your rights in terms of POPI, as set out in paragraph 6 above, must follow the procedures contained in this paragraph 7. This includes information that does not relate to you personally, or information that is not regarded as “Personal Information.”

### **Submitting a request**

Please complete the request form prescribed in terms of PAIA, a copy of which is annexed to this manual as **Schedule 3**. Copies of the form may also be downloaded from the website of the South African Human Rights Commission (<https://www.sahrc.org.za/>).

When completing the request form, please ensure that you provide sufficient information to enable us to adequately identify:

- The records requested
- The identity of the requester
- Which form of access is required, if the request is granted
- The contact information of the requester
- The right which you are seeking to protect or enforce by means of the records requested (access to the records must be “necessary” for the exercise or protection of the right so stated, otherwise we may refuse your request).

Please note that, if you are making the request on behalf of another person, you must submit proof of your authority to do so, to the reasonable satisfaction of the Information Officer.

Persons who are disabled or illiterate may approach the Information Officer in person to make a request verbally.

Once completed, please send the form and any supporting documents via email to the Information Officer, whose contact details appear in paragraph 2 above.

### **Prescribed fees**

In terms of PAIA, we are entitled to charge a prescribed fee for all information requests that are not “personal requests.” Personal requests are those dealt with in paragraph 6 above (requests relating to your own personal information).

PAIA allows us to charge a **request fee of R50.00, as well as an access fee**, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

The request fee must be made following the submission of the prescribed request form and proof of payment must be submitted. We are not required to consider your request until the request fee has been paid.

If the search for and preparation of the record, including arrangement to make it available in the requested form, requires more than the hours prescribed by PAIA (6 hours), the Information Officer will request you to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

If your request is granted, you may be required to pay the applicable access 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. The Information Officer will notify you of the applicable fees, which must be paid before the requested information is provided to you.

If your request is refused and you were required to pay a deposit, you are entitled to be refunded such deposit (note that this applies to the deposit in respect of access fees and not to the R50.00 request fee).

Please refer to **Schedule 4** of this manual for a breakdown of the prescribed fees.

### **Considering requests**

We will only be required to consider your request once the prescribed form and supporting documentation has been submitted and prescribed fees, if applicable, have been paid.

Except in cases where PAIA provides for the extension of time periods, your request will be considered and a written response provided by the Information Officer or their duly authorised representative within 30 days of proper submission of the request. You may provide a written motivation with your request as to why the standard time periods should not be followed and we may, in our sole discretion, choose to dispense with such time periods based on your motivation.

Please note that your request may be refused based on one or more grounds set out in PAIA, including the following grounds:

- That disclosure of the requested information is not reasonably necessary to enforce a specified right, or that you have failed to adequately describe what right you seek to enforce or to provide sufficient reasons as to why the disclosure is necessary to enforce such right.
- Where we are required to protect the privacy of a third party who is a natural person, where your request would involve the unreasonable disclosure of personal information of that natural person.
- Where we are required to protect the commercial information of a third party, if the requested record contains trade secrets of that third party; financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; or information disclosed in confidence by a third party to us, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Where we are required in terms of a contract to protect the confidential information of a third party.
- If the disclosure could endanger the life or safety of individuals or compromise the security of movable or immovable property.
- To protect records which are legally privileged.
- To protect the confidentiality of our own commercial records, including our own trade secrets, financial, commercial, scientific or technical information if disclosure would likely cause harm to our financial or commercial interests.
- Protecting research information relating to us or a third party, if its disclosure would disclose our identity, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

### **Appeal against decision of Information Officer**

If you are not satisfied with the decision of the Information Officer relating to your information request, you may submit a written appeal to **the board**.

Your appeal should include your original request and all supporting documentation, as well as the reasons as to why you are not satisfied with the Information Officer's decision and the relief sought. Your appeal must be submitted within 10 days of the Deputy Information Officer's decision.

Once submitted, your appeal will be considered by exco or the board as soon as possible. You will then be advised in writing of the decision relating to your appeal, as well as the reasons for the decision. This decision will be final and, should you remain unsatisfied with the decision, you are entitled to apply to a court with appropriate jurisdiction for further relief.

**SCHEDULE 1**

**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, 2013 (ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 3]

Note:	
<i>Affidavits or other documentary evidence as applicable in support of the request may be attached.</i>	
<i>If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.</i>	
<i>Complete as is applicable.</i>	
Mark the appropriate box with an 'x'.	
<b>Request for:</b>	
	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.
<b>A</b>	<b>DETAILS OF THE DATA SUBJECT</b>
Name(s) and surname/registered name of data subject:	
Unique identifier/Identity Number:	
Residential, postal or	..... .....



business address:	.....
	Code ( )
Contact number(s):	
Fax number/E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/registered name of responsible party:	
	.....
Residential, postal or	.....
business address:	.....
	Code ( )
Contact number(s):	
Fax number/E-mail address:	
<b>C</b>	<b>INFORMATION TO BE CORRECTED/DELETED/DESTRUCTED/DESTROYED</b>
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<b>D</b>	<b>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 *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.</b> <i>(Please provide detailed reasons for the request)</i>
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Signed at ..... this..... day of ..... 20 .....

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*Signature of data subject/designated person*

**SCHEDULE 2**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION**

**IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018**

[Regulation 2]

*Note:*

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*Affidavits or other documentary evidence as applicable in support of the objection may be attached.*

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*If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

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*Complete as is applicable.*

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<b>A</b>	<b>DETAILS OF DATA SUBJECT</b>
Name(s) and surname/registered name of data subject:	
Unique Identifier/Identity Number	
Residential, postal or business address:	.....
	.....
	.....
	Code ( )
Contact number(s):	
Fax number/E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/Registered name of responsible party:	
Residential, postal or	.....



Signed at ..... this..... day of ..... 20 .....

.....  
*Signature of data subject/designated person*

### SCHEDULE 3

#### Request for access to record of private body

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

[Regulation 10]

<b>Particulars of private body</b>
<b>B Particulars of person requesting access to the record</b>
<p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>
Full names and surname: _____ _____
Identity number: _____
Postal address: _____ _____ _____ _____
_____ Fax number: _____
Telephone number: _____ E-mail address: _____
Capacity in which request is made, when made on behalf of another person: _____ _____
<b>C Particulars of person on whose behalf request is made</b>
<i>This section must be completed ONLY if a request for information is made on behalf of another person.</i>
Full names and surname: _____ _____
Identity number: _____
<b>D Particulars of record</b>
<p>(a) <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.</i></p> <p>(b) <i>If the provided space is inadequate, please continue on a separate folio and attach it to this form. <b>The requester must sign all the additional folios.</b></i></p>
Description of record or relevant part of the record: _____ _____

<hr/> <hr/> <hr/>
eference number, if available: _____
ny further particulars of record: _____ <hr/> <hr/> <hr/>
<b>E Fees</b>
<p>(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a <b>request fee</b> has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(c) The <b>fee payable for access</b> to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p>
Reason for exemption from payment of fees: _____ <hr/> <hr/>

<b>Form of access to record</b>	
<i>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.</i>	
Disability: _____ <hr/> <hr/>	Form in which record is required: _____ <hr/> <hr/>
Mark the appropriate box with an X. <b>NOTES:</b> <i>Compliance with your request in the specified form may depend on the form in which the record is available.</i> <i>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.</i> <i>The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i>	

<b>the record is in written or printed form:</b>	
<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record

<b>record consists of visual images</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):		
view the images	Copy the images*	transcription of the images*
<b>record consists of recorded words or information which can be reproduced in sound:</b>		
listen to the soundtrack (audio cassette)	transcription of soundtrack* (written or printed document)	
<b>record is held on computer or in an electronic or machine-readable form:</b>		
printed copy of record*	printed copy of information derived from the record*	copy in computer readable form* (stiffy or compact disc)

**Particulars of right to be exercised or protected**

*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 Indicate which right is to be exercised or protected: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2 Explain why the record requested is required for the exercise or protection of the aforementioned 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 of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER / PERSON  
 ON WHOSE BEHALF REQUEST IS MADE



## SCHEDULE 4

### FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION	Rand	
<b>1</b>	The fee for a <b>copy of the manual</b> as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
<b>2</b>	The fees for <b>reproduction</b> referred to in regulation 11 (1) are as follows:	
(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	7,50
(ii)	Compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(d)(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii)	For a copy of an audio record	30,00
<b>3</b>	The <b>request fee</b> payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
<b>4</b>	The <b>access fees</b> payable by a requester referred to in regulation 11 (3) are as follows:	
4.1(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	7,50
(ii)	Compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(e)(ii)	For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	
4.2	For purposes of section 54 (2) of the Act, the following applies:	
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	One third of the access fee is payable as a deposit by the requester.	
4.3	The actual postage is payable when a copy of a record must be posted to a requester.	