



**THE PROMOTION OF ACCESS TO INFORMATION AND, PROTECTION OF PERSONAL INFORMATION  
MANUAL**

AS REQUIRED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000 AS AMENDED ("PAIA"), AND  
SECTION 55 OF THE PROTECTION OF PERSONAL INFORMATION ACT NO 4 OF 2013 ("POPIA")

POLICY OWNER: MRS ANID NOZIBELE SITOLE

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INDEX	PAGE
1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT AND THE PROTECTION OF PERSONAL INFORMATION ACT	3-4
2. PROSEC GUARDS	4
3. CONTACT DETAILS	4
4. INFORMATION REGULATORS GUIDE	5
5. OBJECTIVES OF THIS MANUAL	5
6. INFORMATION REQUESTS	5-6
7. AUTOMATICALLY AVAILABLE INFORMATION	6
8. INFORMATION AVAILABLE IN TERMS OF POPIA	6-10
9. WITH WHOM MAY WE SHARE PERSONAL INFORMATION?	10-11
10. CROSS-BORDER/TRANSBORDER FLOWS OF INFORMATION	11
11. DISCRPTION OF THE INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY PROSEC GUARDS	11-12
12. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION	12-13
13. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST	13-17
14. PROTECTION OF PERSONAL INFORMATION PROCESSED BY PROSEC GUARDS	17-18
15. PROOF OF IDENTITY	18
16. PAYMENT OF THE PRESCRIBED FEES	18
17. TIMELINES FOR THE CONSIDERATION OF A REQUEST	19
18. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION	19-21
19. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS	21
20. AVAILABILITY OF THIS MANUAL	21
21. APPENDIX A: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY	22-26
22. APPENDIX B: PRESCRIBED FEES	27-28
23. APPENDIX C: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION	29-30
24. APPENDIX D: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION	31-33

## **1. BACKGROUND TO THE PROMOTION OF ACCESS TO PERSONAL INFORMATION ACT AND THE PROTECTION OF PERSONAL INFORMATION ACT.**

1.1. The Promotion of Access to Information Act, 2000 ("PAIA") came into operation on 9 March 2001.

PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural matters attached to information requests. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such a private body and stipulates the minimum requirements that the manual must comply with.

1.2. This manual constitutes PROSEC GUARDS' PAIA and POPIA manual. This manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("POPIA"), which gives effect to everyone's Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding

unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

## 2. PROSEC GUARDS

2.1 PROSEC GUARDS is a security services company established in Cape Town in 2001 to provide professional security solutions to the public and private sector in South Africa. We are a B-BBEE Level 1 Qualifying Small Enterprise with human and technology resources to service clients nationally. PROSEC GUARDS appreciates the cultural diversity in South Africa, “Doing it the professional way” is our motto. At PROSEC GUARDS the safety and wellbeing of our staff, clients and the public is paramount as we continue to build long term relationships. We encourage our staff to excel in the performance of their duties and maintain the highest standards of service to our clients and members of the public.

## 3. CONTACT DETAILS

<b>NAME OF PRIVATE BODY</b>	PROSEC GUARDS
<b>DESIGNATED INFORMATION OFFICER</b>	LUKHONA SITOLE
<b>DESIGNATED DEPUTY INFORMATION OFFICER</b>	NICOLE HART
<b>EMAIL ADDRESS OF INFORMATION OFFICER</b>	LUKHONA@PROSECCPT.CO.ZA
<b>EMAIL ADDRESS OF DEPUTY INFORMATION OFFICER</b>	NICOLE@PROSECCPT.CO.ZA
<b>POSTAL ADDRESS</b>	PO BOX 1567, MILNERTON 7435
<b>STREET ADDRESS</b>	SUITE 2 MILPARK CENTRE, KOEBERG ROAD, MILNERTON 7441
<b>CONTACT NUMBER</b>	021 551 4533

#### **4. INFORMATION REGULATORS GUIDE**

4.1 An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from the Information Regulator in the manner prescribed.

4.2 Any enquiries regarding the Guide should be directed to:

The Office of the Information Regulator

Postal Address: 33 Hoofd Street

Forum III, 3rd Floor Braampark

Braamfontein, Johannesburg

Telephone Number: +27 (0) 10 023 5207

E-mail Address: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

Website: <https://www.justice.gov.za/infoereg/>

#### **5. OBJECTIVES OF THIS MANUAL**

5.1 The objectives of this Manual are:

- 5.1.1 to provide a list of all records held by Prosecutors;
- 5.1.2 to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- 5.1.3 to define the manner and form in which a request for information must be submitted; and
- 5.1.4 to comply with the additional requirements imposed by POPIA.

#### **6. INFORMATION REQUESTS**

6.1 PAIA provides that a person may only make a request for information if the information is required for the exercise or protection of a legitimate right. Information will therefore not be furnished unless a person provides sufficient particulars to enable Prosecutors to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is

required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality, and effective, efficient, and good governance. PAIA and the request procedure contained in this manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings. The Information Officer has been delegated with the task of receiving and coordinating all requests for access to records in terms of PAIA, to ensure proper compliance with PAIA and POPIA. The Information Officer will facilitate the liaison with our legal team on all these requests. All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 3 above.

## **7. AUTOMATICALLY AVAILABLE INFORMATION**

7.1 Information that is obtainable via the Prosec Guards website is automatically available and need not be formally requested in terms of this manual.

7.2 The following categories of records are automatically available for inspection, purchase, or photocopying:

- brochures
- press releases
- publications; and
- various other marketing and promotional material.

## **8. INFORMATION AVAILABLE IN TERMS OF POPIA**

### **8.1 Categories of personal information collected by Prosec Guards:**

Prosec Guards may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to:

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, color, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

## 8.2 The purpose of processing personal information

In terms of POPIA, data must be processed for a specified purpose. The purpose for which data is processed by Prosecutors will depend on the nature of the data and the data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. In general, personal information is processed for purposes of on boarding clients and suppliers, service or product delivery, records management, security, employment, and related matters.

Most commonly we use your personal information in the following circumstances:

- *Consent*: Where you have given us your consent to use the information;
- *Contract Performance*: Where the information is necessary to enter into a contract with you and during our contract performance to you;
- *Legal Obligation*: Where it is necessary for us to use your personal information to comply with a legal obligation;
- *Legitimate interest*: Where we as a Responsible Party have established a legitimate interest to process the information and our reasons for using the information outweigh the prejudice to your rights as a data subject;
- *Legal Claim*: Where your information is necessary to prosecute, defend or make a claim against you or another third party;
- *Your Interest*: In the instances where it becomes necessary to use your personal information to protect your interests or someone else's interest;
- *Public Interest*: Where it is in the public interest to use your personal information.

### 8.3 A description of the categories of data subjects

Category of Data Subject	Personal Information Processed
Employees	<ul style="list-style-type: none"> <li>• Name &amp; Surname</li> <li>• Contact Details</li> <li>• Gender</li> <li>• Age</li> <li>• Race</li> <li>• Marital Status</li> <li>• Details of Spouse and Dependents</li> <li>• Address</li> <li>• Identity Number and copy of Identity Documents / passport / work permit</li> <li>• Employment History and references</li> <li>• Banking details</li> </ul>



	<ul style="list-style-type: none"> <li>• Details of third parties in whose favour deductions are made</li> <li>• Employment Contract</li> <li>• Employment Equity Details</li> <li>• Medical Aid Records</li> <li>• Pension and/or Provident Fund details</li> <li>• Salary &amp; Benefit Details</li> <li>• Performance Appraisals</li> <li>• Disciplinary Records</li> <li>• Injuries on Duty</li> <li>• Records Pertaining to your leave</li> <li>• Training Records</li> <li>• Proof of educational and professional memberships</li> <li>• Proof of Firearms Licenses</li> <li>• Biometric data (fingerprints)</li> <li>• Criminal Records</li> <li>• Polygraphs Test Results</li> <li>• Drug and/or alcohol tests</li> <li>• CCTV recordings / images</li> <li>• Employment Application Test Results</li> </ul>
Job Seekers	<ul style="list-style-type: none"> <li>• Curriculum Vitae</li> <li>• Education, Security Training Certificates and Firearm Certificates of Competency</li> <li>• Bank Statements</li> <li>• SARS Registration</li> <li>• Criminal Clearance Certificates</li> <li>• Employment Application Test Results</li> </ul>
Clients	<ul style="list-style-type: none"> <li>• Name</li> <li>• Registration Number</li> <li>• ID Number (Natural Person)</li> <li>• Details of Contact Person</li> <li>• Contact Details</li> <li>• Physical Address</li> <li>• Bank Account Details</li> <li>• Contract of Agreement</li> </ul>
Prospective Clients	<ul style="list-style-type: none"> <li>• Name</li> <li>• Contact Details</li> <li>• Location</li> </ul>

vendors/ Suppliers / Subcontractors / Consultants and other professional business advisors	<ul style="list-style-type: none"> <li>• Name</li> <li>• Registration Number</li> <li>• Identity Number (natural persons)</li> <li>• Contact Person’s Details</li> <li>• Contact Details including phone &amp; fax number, postal address, email address</li> <li>• Physical Address</li> <li>• Banking Details</li> <li>• Contract of Agreement</li> </ul>
Members of the Public	<ul style="list-style-type: none"> <li>• Information collected through CCTV monitoring/recording and investigation of incidents.</li> </ul>

8.3.1 In summary Prosec Guards holds information and records on our Employees / Personnel, Clients, any third party with whom Prosec Guards conducts business, our Contractors, Suppliers and People believed to be involved in criminal activity, (This list of categories of data subjects is non-exhaustive.)

## 9. WITH WHOM MAY WE SHARE PERSONAL INFORMATION?

9.1 Depending on the nature of the personal information, Prosec Guards may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules;
- South African Revenue Services, or another similar authority;
- Anyone making a successful application for access in terms of PAIA or POPIA; and
- Subject to the provisions of POPIA and other relevant legislation, Prosec Guards may share information about a client’s creditworthiness with any credit bureau or credit provider’s industry association or other association for an industry in which Prosec Guards operates.

- 9.2 We also share your information, to the extent necessary, with our professional service advisors including legal, financial, risk management, bankers, accountants/auditors and other advisors used in the ordinary course our business;
- 9.3 Information collected is from time to time shared with our customers as part of our service offering;
- 9.4 Our insurers and insurance brokers;
- 9.5 Other third-party external service providers and or advisers including marketing and Information Technology service providers;
- 9.6 Regulators and law enforcement agencies to the extent required by any law and or regulation.

## **10. CROSS-BORDER/TRANSBORDER FLOWS OF INFORMATION**

- 10.1 Personal information we hold about you may in certain circumstance be transmitted transborder to other countries as some of the technology solutions we use are hosted outside of South Africa. We endeavor to only transfer personal information to countries that have adequate data protection law and if not ensure that all reasonable efforts are made by these service providers, as processors, to secure the confidentiality and integrity of the data.
- 10.2 If a data subject visits Prosec Guards' website from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries. Prosec Guards may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation. These countries may not have data-protection laws which are similar to those of South Africa.

## **11. DISCRPTION OF THE INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY PROSEC GUARDS**

- 11.1 Prosec Guards commits to take extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Prosec Guards

will take appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## **12. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

12.1 Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation (this list is not exhaustive and may be amended from time to time):

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 75 of 1997
- Cybercrimes Act 19 of 2020
- National Bargaining Council of the Private Security Sector Main Agreement (Published by Government Gazette)
- Close Corporations Act 69 of 1984
- Criminal Procedure Act 51 of 1977
- Companies Act 71 of 2008
- Financial Advisory and Intermediary Services Act 37 of 2002
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Pension Funds Act 24 of 1956
- Consumer Protection Act No 68 of 2008
- Employment Equity Act 55 of 1998
- Firearms Control Act No 60 of 2000
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- National Road Traffic Act No 93 of 1996
- Occupational Health & Safety Act 85 of 1993
- Electronic Communications Act 36 of 2005
- Financial Intelligence Centre Act 38 of 2001
- Prevention of Organised Crime Act 121 of 1998
- Protection of Businesses Act 99 of 1978

- Private Security Industry Regulation Act No 56 of 2001
- Promotion of Access to Information Act No 2 of 2000
- Protection of Personal Information Act No 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Copyright Act 98 of 1978
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

### 13. CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

13.1 Prosec Guards maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA. Please note further that many of the records held by Prosec Guards are those of third parties, such as clients and employees, and Prosec Guards takes the protection of third-party confidential information very seriously. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

Category	Records
Company Registration	<ul style="list-style-type: none"> <li>• CK2 Certificate</li> </ul>
Financial Records	<ul style="list-style-type: none"> <li>• Bank Statements</li> <li>• Debtors and Creditors Statements</li> <li>• Invoices</li> <li>• Payroll Reports</li> <li>• Management Accounts and Financial Statements</li> </ul>
South African Revenue Services	<ul style="list-style-type: none"> <li>• Income Tax</li> <li>• PAYE</li> </ul>

	<ul style="list-style-type: none"> <li>• UIF</li> <li>• VAT</li> <li>• SDL</li> </ul>
South African Police Services (SAPS)	<ul style="list-style-type: none"> <li>• Firearm Inspection Reports</li> </ul>
Other Statutory Compliance	<ul style="list-style-type: none"> <li>• COIDA</li> <li>• PSSPF</li> <li>• NBCPSS</li> <li>• PSIRA</li> <li>• Employment Equity</li> </ul>
Industrial Relations	<ul style="list-style-type: none"> <li>• Copies of ID and/or Driver's Licenses</li> <li>• Human Resources Policy Manual</li> <li>• Correspondence</li> <li>• Employment Application Forms and Curriculum Vitae with Training Records/Certificates</li> <li>• Employment Contracts</li> <li>• Biometric Time and Attendance Records</li> <li>• Disciplinary Records</li> <li>• Employee Income Tax Certificates</li> <li>• Provident Fund Claim Forms</li> <li>• Records of Injury on Duty</li> <li>• UIF Claim Forms</li> <li>• CCMA</li> </ul>

	<ul style="list-style-type: none"> <li>• Labour Court</li> <li>• Sick Leave Forms and supporting documents</li> <li>• Family Responsibility Leave Forms with supporting documents.</li> <li>• Loan Application Forms</li> <li>• Acknowledgement of Debt Forms</li> <li>• Union Agreements and Fee Deduction Schedules</li> <li>• SAPS Criminal Clearance</li> <li>• Retrenchment and Employee Contract Termination Records</li> </ul>
Clients	<ul style="list-style-type: none"> <li>• Client Details</li> <li>• Contracts and other Confidential Documents</li> <li>• Correspondence</li> </ul>
Suppliers, Contractors, and Consultants or other Business Advisors	<ul style="list-style-type: none"> <li>• Supplier, Contractor and Consultant or Advisors' Details</li> <li>• Contracts and other Confidential Documents</li> <li>• Correspondence</li> </ul>
Occupational Health & Safety	<ul style="list-style-type: none"> <li>• Occupational Health &amp; Safety File</li> </ul>

	<ul style="list-style-type: none"> <li>• Risk Assessments and Incident Reports</li> </ul>
Information Technology	<ul style="list-style-type: none"> <li>• Software Licenses and Applications</li> <li>• Hardware</li> </ul>
Operations	<ul style="list-style-type: none"> <li>• Operations Management Plan</li> <li>• Pocket Books</li> <li>• Occurrence Books</li> <li>• Access Control Registers</li> <li>• Incident Reports</li> </ul>
Control, Monitoring and Surveillance	<ul style="list-style-type: none"> <li>• CCTV recordings</li> <li>• Vehicle Dashcam Recordings</li> <li>• Vehicle Tracker Reports</li> <li>• Biometrics</li> <li>• Voice/Call Recordings</li> </ul>

13.2 Please note that a request made for records listed above may be refused on grounds set out in paragraph 18 below. If the information relates to a third party, we will require consent to disclose, in addition to the other requirements, when a request is made. Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested. (See Appendix A hereto.) A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.

13.3 POPIA provides that a data subject may, upon proof of identity, request Prosec Guards to confirm, free of charge, all the information it holds about the data subject and may request access



to such information, including information about the identity of third parties who have or have had access to such information.

13.4 POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Prosec Guards must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

13.5 Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

13.6 POPIA provides that a data subject may object, at any time, to the processing of personal information by Prosec Guards, on reasonable grounds relating to his/her situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Appendix C and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

13.7 A data subject may also request Prosec Guards to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Prosec Guards is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

13.8 A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Appendix D.

#### **14. PROTECTION OF PERSONAL INFORMATION PROCESSED BY PROSEC GUARDS**

14.1 The purpose of processing your personal information:

14.1.1 We will only use your personal information when the law also us to use the information.

14.1.2 Most commonly we use your personal information in the following circumstances:

14.1.2.1 Consent: Where you have given us your consent to use the information;

14.1.2.2 Contract Performance: Where the information is necessary to enter into a contract; with you and during our contract performance to you;

14.1.2.3 Legal Obligation: Where it is necessary for us to use your personal information to comply with a legal obligation;

14.1.2.4 Legitimate interest: Where we as a Responsible Party have established a legitimate interest to process the information and our reasons for using the information outweighs the prejudice to your rights as a data subject

## **15. PROOF OF IDENTITY**

15.1 Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

## **16. PAYMENT OF THE PRESCRIBED FEES**

16.1. Section 54 of PAIA entitles Prosec Guards to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. There are two categories of fees which are payable:

- The request fee: R50
- The access fee: This is calculated by considering reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Appendix B.

16.2. Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

## **17. TIMELINES FOR THE CONSIDERATION OF A REQUEST**

17.1. Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

17.2. The requesting party is advised of their responsibility to prove that the request is made to protect or exercise a right and that the request should clearly state what the nature of the right is that the requesting party seeks to exercise or protect. The requesting party must also specify why the record sought is necessary to exercise or protect the right in question (refer to Section 53(2)(d)).

## **18. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION**

18.1. There are various grounds upon which a request for access to a record may be refused. These grounds include:

- If disclosure would constitute an inappropriate disclosure of personal information.
- Where the disclosure would amount to the disclosure of a third party's trade secrets.
- Where the disclosure would result in the disclosure of financial, commercial, scientific, or other confidential information or technical information of a third-party.
- Where such information was provided by a third party in confidence.
- Where disclosure would constitute a breach of a third party's obligation of confidence.
- Where publication would jeopardize an individual's life or bodily safety.
- If the disclosure would be contrary to the Criminal Procedure Act.
- If the disclosure is protected in connection with judicial proceedings or research conducted by or on behalf of the government for the benefit of a third party; and
- Where disclosure would jeopardize an ongoing inquiry.

- The protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- The protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in the breach of a duty of confidence owed to a third party;
- If disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- If the record was produced during legal proceedings, unless that legal privilege has been waived;
- If the record contains trade secrets, financial or sensitive information or any information that would put Prosecutors (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- If the record contains information about research being carried out or about to be carried out on behalf of a third party or by Prosecutors.
- The disclosure is likely to prejudice or impair the security of a building, structure, or system, including a computer or communication system;
- The disclosure may compromise the methods, systems, plans or procedures of an individual that is included in a witness protection scheme;
- The disclosure will compromise the safety of the public, or any part of the public;
- The disclosure would seriously disadvantage research carried by Prosecutors or would identify the identity of a person carrying out the research on behalf of Prosecutors and/or the subject matter of the research;

- Where disclosing such information on a third party would jeopardize future availability of comparable information.
- Where the record contains information relating to the prevention, detection, and prosecution of crime the prosecution of accused criminals.
- Where disclosure would unreasonably divulge consultative material collected during a record of deliberations concerning the development of policy, the exercise of authority, or the performance of a responsibility.
- In the case of a frivolous or vexatious request.

## **19. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS**

19.1 Requesters shall have the right to pursue any external remedies available to them if a request is denied and the requester is dissatisfied with the information officer's or deputy's response.

19.2 If the Information Officer decides to grant you access to the particular record, such access must be granted within Thirty (30) of days of being informed of the decision.

19.3 There is no internal appeal procedure that may be followed after a request to access information has been refused.

19.4 The decision made by the Information Officer is final. If you are not satisfied with the outcome of the request, you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

## **20. AVAILABILITY OF THIS MANUAL**

20.1 Copies of this manual are available for inspection, free of charge, at the offices of South African Human Rights Commission and Prosec Guards offices, as well as at [www.prosecguards.co.za](http://www.prosecguards.co.za)

## 21. APPENDIX A

**FORM C: 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]

**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

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(Address)

E-mail address: \_\_\_\_\_

Fax number: \_\_\_\_\_

Mark with an "X"

<input type="checkbox"/> Request is made in my own name.	<input type="checkbox"/> Request is made on behalf of another person.
--	---

<b>PERSONAL INFORMATION</b>			
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:
	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		
<b>PARTICULARS OF RECORD REQUESTED</b>			
<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	
<b>TYPE OF RECORD</b> <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	<input type="checkbox"/>
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	<input type="checkbox"/>
Record consists of recorded words or information which can be reproduced in sound	<input type="checkbox"/>
Record is held on a computer or in an electronic, or machine-readable form	<input type="checkbox"/>



<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
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	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
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>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>	
<i>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.</i>	
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:	

<b>FEEES</b>	
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**

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

\_\_\_\_\_

***Signature of Information Officer***

## 22. APPENDIX B: PRESCRIBED FEES

22.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

22.2 The fees for reproduction referred to in regulation 11(1) are as follows:

- For every photocopy of an A4-size page or part thereof R1,10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine - readable form R0,75
- For a copy in a computer-readable form on –
  - (i) stiffy disc R7,50
  - (ii) compact disc R70,00
- For a transcription of visual images –
  - (i) for an A4-size page or part thereof R40,00
  - (ii) for a copy of visual images 60,00
- For a transcription of an audio record,
  - (i) for an A4-size page or part thereof R20,00
  - (ii) for a copy of an audio record R30,00

22.3 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

22.4 The access fees payable by a requester referred to in regulation 11(3) are as follows:

- For every photocopy of an A4-size page or part thereof R1,10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form R0,75
- For a copy in a computer-readable form on –
  - (i) stiffy disc R7,50

- (ii) compact disc R70,00
- For a transcription of visual images –
  - (i) for an A4-size page or part thereof R40,00
  - (ii) for a copy of visual images R60,00
- For a transcription of an audio record -
  - (I) for an A4-size page or part thereof R20,00
  - (II) for a copy of an audio record R30,00
- To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

22.5 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.

22.6 The actual postage is payable when a copy of a record must be posted to the requester.

## 23. APPENDIX C

**FORM 1: OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION**

Section 11(3) of the Protection of Personal Information Act, 2013 (Act 4 of 2013)

[Regulation 2(1)]

**Note:**

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

Reference Number....

A	DETAILS OF DATA SUBJECT
Name and surname of data subject:	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name and surname of responsible party (if the responsible party is a natural):	
Residential, postal or business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	

Name of public or private body <i>(if the responsible party is not a natural person)</i> :	
Business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
<b>C</b>	<b>REASONS FOR OBJECTION</b> <i>(Please provide detailed reasons for the objection)</i>

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

.....  
*Signature of data subject (applicant)*

## 24. APPENDIX D

**FORM 2: REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING  
OR DELETION OF RECORD OF PERSONAL INFORMATION**

Section 24(1) of the protection of personal information act, 2013 (act no. 4 of 2013)

[Regulation 3]

**Note:**

- 1. Affidavits or other documentary evidence in support of the objection must be attached.*
- 2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

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 and surname of data subject:		
Residential, postal or business address:		
	Code (    )	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party <i>(if the responsible party is a natural)</i> :		
Residential, postal or business address:		
	Code (    )	
Contact number(s):		
Fax number:		
E-mail address:		



Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code (    )
Contact number(s):	
Fax number:	
E-mail address:	
<b>C</b>	<b>REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)</b>

\* Delete whichever is not applicable

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

.....  
Signature of Data subject