

# PAIA & POPIA Manual

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## DE WATERKANT COTTAGES CC

### TRADING AS

#### De Waterkant Cottages & Apartments

This document is made publicly available in terms of **Section 51** of the Promotion of Access to Information Act, 2 of 2000, as amended by the Protection of Personal Information Act, 4 of 2013, and forms part of the Compliance Framework compiled in terms of Regulation 4 of the Information Regulator Regulations 1383, 14 Dec 2018, relating to the Protection of Personal Information, under Section 112(2) of the Protection of Personal Information Act, 4 Of 2013.

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## Sources & References

1. **Section 10** of the Promotion of Access to Information Act, 2 of 2000, as amended by Section 110 of the Protection of Personal Information, 4 of 2013 and its attached Schedule, with regards to the “Guide on how to use the Promotion of Access to Information Act 2 of 2000” initially published by the South African Human Rights Commission (“Section 10 Guide”) but now the responsibility of the Information Regulator.
2. **Section 51** of the Promotion of Access to Information Act, 2 of 2000, as amended by Section 110 of the Protection of Personal Information, 4 of 2013 and its attached Schedule, in particular with regards to the PAIA manual requirements and the added requirements in terms of the protection of personal information.
3. **Regulation 4(c)** of the Information Regulator Regulations 1383, 14 Dec 2018, relating to the Protection of Personal Information, under Section 112(2) of the Protection of Personal Information Act, 4 Of 2013 - “a manual is developed, monitored, maintained and made available as prescribed in sections 14 and 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)”
4. Any mention of “personal information” and “processing” throughout this document refers to the definitions stipulated in the Protection of Personal Information Act, 4 of 2013.

# 1. Section 51(1)(a) PAIA

AS AMENDED BY POPIA

## 1.1. Introduction

De Waterkant Cottages CC is a privately held company registered in South Africa with tourism as its core business of operations.

## 1.2. Duly authorised persons

The PAIA and POPIA “Information Officer” for De Waterkant Cottages CC is its Director, who has registered with the Information Regulator in terms of section 55(2) POPIA on ...

and may be contacted at PO Box 452 Green Point 8051, South Africa,

TEL+27(0)21 421 2300 or [book@dewaterkantcottages.com](mailto:book@dewaterkantcottages.com)

## 1.3. Company contact details

COMPANY NAME	De Waterkant Cottages CC
COMPANY REGISTRATION	2010/116742/23
POSTAL ADDRESS	PO Box 452 Green Point, 8051, South Africa
STREET ADDRESS	40 Napier Street, De Waterkant, 8001
PHONE NUMBER	+27(0)21 421 2300
E-MAIL ADDRESS	<a href="mailto:book@dewaterkantcottages.com">book@dewaterkantcottages.com</a>

## **2. Section 51(1)(b) PAIA**

AS AMENDED BY POPIA

- **Insofar as the Promotion of Access to Information Act is concerned:**

### **2.1. Section 51(1)(b)(i) PAIA**

The South African Human Rights Commission has made available a “Guide on how to use the Promotion of Access to Information Act 2 of 2000” in terms of section 10 PAIA. The Guide can be downloaded at [sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf](http://sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf) or at [gov.za/sites/default/files/gcis\\_documents/SAHRC-PAIA-guide2014.pdf](http://gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf). Since the amendment of PAIA by POPIA, the Section 10 is now the responsibility of the Information Regulator.

### **2.2. Section 51(1)(b)(ii) PAIA**

Categories of record which are available (at [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com)) without a person having to request access in terms of PAIA:-

- 2.2.1. Website Disclaimer
- 2.2.2. Privacy Policy + PAIA & POPIA Manual

## 2.3. Section 51(1)(b)(iii) PAIA

Description of the records which are available in accordance with any other legislation:-

- 2.1. COMPANIES ACT, 61 OF 1973  
Company registration, internal administrative procedures, financial statements, analysis and reports, budgets, tax and levies, accounting, annual reports, financial year-end results, contracts and agreements, meeting minutes, company structure, directors and shareholders, property leases and agreements, trademark, insurance, internal and external correspondence.
  
- 2.2. OCCUPATIONAL HEALTH & SAFETY ACT, 85 OF 1993 AND COMPENSATION FOR OCCUPATIONAL INJURIES & HEALTH DISEASES ACT, 130 OF 1993  
Employee policies and incident reports, health, medical records.
  
- 2.3. EMPLOYMENT EQUITY ACT, 55 OF 1998  
Employee records, statistics and reports.
  
- 2.4. LABOUR RELATIONS ACT, 66 OF 1995 : CODE OF GOOD PRACTICE)  
Employee records relating to employment agreement, disciplinary action and termination of employment.
  
- 2.5. BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997  
Employee records relating to basic conditions of employment, including employee history, salaries, overtime, and leave.

- 2.6. SKILLS DEVELOPMENT ACT, 97 OF 1998 AND SKILLS DEVELOPMENT LEVIES ACT, 9 OF 1999  
Employee records, statistics and reports on educational background and training attended.
- 2.7. UNEMPLOYMENT INSURANCE ACT, 63 OF 2001 AND UNEMPLOYMENT CONTRIBUTIONS ACT, 4 OF 2002  
Employee records, statistics and reports.
- 2.8. VALUE ADDED TAX ACT, 89 OF 1991  
Accounting, financial statements, reports.
- 2.9. EXTENSION OF SECURITY OF TENURE ACT, 62 OF 1997  
Resident records, statistics and reports.
- 2.10. PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000  
Compliance Framework, POPIA/PAIA manual, impact assessment, procedures and measures, schedule of awareness sessions, documentation of processing of personal information.
- 2.11. PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013  
Schedule of employee awareness sessions, documentation of processing of personal information, schedule of requests in terms of POPIA and PAIA.

## 2.12. Section 51(1)(b)(iv) PAIA

- 2.12.1. SUFFICIENT DETAIL TO FACILITATE A REQUEST FOR ACCESS TO A RECORD HELD BY DE WATERKANT COTTAGES & APARTMENTS  
*See below: "Chapter 4 Requests"*
- 2.12.2. DESCRIPTION OF THE SUBJECTS ON WHICH DE WATERKANT COTTAGES CC HOLDS RECORDS:  
Our core day-to-day business operations necessitate us to hold records on:

- 2.12.2.1. employees;
- 2.12.2.2. guests staying at our properties;
- 2.12.2.3. suppliers and contractors;
- 2.12.2.4. day visitors.

2.12.3. CATEGORIES OF RECORDS HELD ON EACH SUBJECT

- 2.12.3.1. Records contain personal information as defined by POPIA, which may include first name, last name, ID, date of birth, marital status, gender, address, banking details, rate of pay, working days, tax number, type of employment, annual leave days, sick leave, unpaid leave, family responsibility, standard industry classification code, provident fund code, occupation level & function, copy of contract, disciplinary reports, copy of ID or passport, copy of drivers licence if applicable, leave request forms, sick notes, provident fund beneficiary nomination forms, training done, highest qualifications, name and ID of spouse;
- 2.12.3.2. Records contain personal information as defined by POPIA, which may include names, contact details, credit card details, personal, dietary and religious preferences;  
Records contain personal information as defined by POPIA, which may include first name, last name, phone number, email address, personal, dietary and religious preferences;
- 2.12.3.4. Records contain personal information as defined by POPIA, which may include first name, last name, phone number, email address:
- 2.12. 3.5. Records contain personal information as defined by POPIA, which may include name, last name, phone number, email address, schedule of services or products supplied, schedule of payments.



- **Insofar as the Protection of Personal Information Act is concerned:**

## **2.13. Section 51(1)(c)(i) PAIA**

### **2.13.1. The purpose of the processing:-**

De Waterkant Cottages CC processes personal information in the normal operation of its business(es) to:-

- 2.13.1.1. to facilitate the management and payment of rental properties and services to our guests and owners;
- 2.13.1.2. to personalise the products and services we offer;
- 2.13.1.3. to provide or manage any information, products and services requested by data subjects that make use of our products and services;
- 2.13.1.4. to help us identify data subjects when they contact us;
- 2.13.1.5. for recruitment purposes;
- 2.13.1.6. for employment purposes;
- 2.13.1.7. for general administration, financial and tax purposes;
- 2.13.1.8. for legal or contractual purposes;
- 2.13.1.9. for health and safety purposes;
- 2.13.1.10. to retain the records of our suppliers;
- 2.13.1.11. to help us improve the quality of our products and services;
- 2.13.1.12. to analyse the personal information collected for research and statistical purposes;
- 2.13.1.13. to carry out analysis of customer profiling;
- 2.13.1.14. to inform our customers of the products and services we offer.

## **2.13.2. Legal basis for processing personal information:-**

### **2.13.2.1. Section 11(1)(a) POPIA**

The data subject consents to the processing (and only for as long as this consent has not been withdrawn or objected to in terms of Section 11(2)(b) and Section 11(3) POPIA);

### **2.13.2.2. Section 11(1)(b) POPIA**

Processing is necessary to carry out actions for the conclusion or performance of a contract to which the data subject is party;

**2.13.2.3. Section 11(1)(c) of POPIA** Processing is imposed on us by law;

### **2.13.2.4. Section 11(1)(d) POPIA**

Processing protects a legitimate interest of the data subject;

### **2.13.2.5. Section 11(1)(e) POPIA**

Processing is necessary for the proper performance of a public law duty by a public body; or

### **2.13.2.6. Section 11(1)(f) POPIA**

Processing is necessary for pursuing our legitimate interests or those of a third party to whom the information is supplied;

## 2.14. Section 51(1)(c)(ii) PAIA

A description of the categories of data subjects and of the information or categories of information relating thereto: *please refer to our summary under Section 51(1)(b)(iv) PAIA above.*

## 2.15. Section 51(1)(c)(iii) PAIA

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

- 2.15.1. "Hotelier" and "Nightsbridge" are "operators" as defined by sections 1, 20 and 21 of POPIA. We make use of the Hotelier ([hotelier.co.za](http://hotelier.co.za)) booking and reservations Property Management System and of the Nightsbridge ([nightsbridge.com](http://nightsbridge.com)) online availability and reservation Channel Manager system for online bookings. Hotelier and Nightsbridge may only process (personal) information on our behalf with our knowledge and authorisation, and on condition of confidentiality. Any processing of personal information for their own purposes shifts accountability for compliance with POPIA to Hotelier and Nightsbridge.
- 2.15.2. "Paysoft" is an "operator" as defined by sections 1, 20 and 21 of POPIA, and manages our website and email hosting for [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com). Paysoft may not process personal information they manage on our behalf for their own purposes, and must manage any personal information they manage on our behalf only after our prior authorisation and under conditions of confidentiality.

### 2.15.3. Receiving personal information from third parties:

When De Waterkant Cottages CC receives personal information from any third party on behalf of a data subject, we require confirmation that such a third party has written consent from the data subject indicating that the data subject is aware of the transfer of their personal information, the purpose for which it may be used, and the contents of this PAIA Manual and our Data Protection & Privacy Policy, and does not have expressed any objection to our processing their personal information accordingly.

## 2.16. Section 51(1)(c)(iv) PAIA

Planned transborder flows of personal information: all personal information is processed at the De Waterkant Cottages offices or *digitally* on servers hosted in South Africa. We do not transfer personal information outside of South Africa.

## 2.17. Section 51(1)(c)(v) PAIA

A general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed:

We have established the following internal procedures and adequate measures to keep the personal information we process secure:-

- 2.17.1. POPIA / PAIA compliance assessments, compliance framework and ongoing monitoring and support by the Director Information;
- 2.17.2. Staff training, awareness sessions and ongoing legal support;
- 2.17.3. We only contract reputable and compliant suppliers and contractors with a track record of privacy compliance;
- 2.17.4. Physical safeguards: controlled access, office anti-burglar security, computer master password, anti-virus software;
- 2.17.5. Digital safeguards:
  - 2.17.5.1. The Operator for [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com) and email is Paysoft, who are bound by sections 20 and 21 of POPIA, and who maintain software updates, and perform regular manual checks;
  - 2.17.5.2. Specialised automated security software scans our website for intrusions, malicious software or attacks;
  - 2.17.5.3. Only 'operators' (as defined in POPIA) with whom we have written contracts may process personal information on our behalf, on condition of confidentiality and only with our prior knowledge and authorisation;
  - 2.17.5.4. Your connection to [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com) is secured by Hypertext Transfer Protocol Secure (HTTPS), a protocol used for secure communication over a computer network by encrypting communication using Transport Layer Security (TLS) or, formerly, Secure Sockets Layer (SSL). The protocol is therefore also referred to as HTTP over TLS, or HTTP over SSL. HTTPS' bidirectional encryption of communications between a client and server authenticates the accessed website, and protects the privacy and integrity of the exchanged data while in transit against man-in-the-middle attacks, eavesdropping and tampering;

- 2.17.5.5. Our office computers run updated versions of anti-virus software and are access-protected by master passwords.
- 2.17.6. Should there be reasonable grounds for believing that personal information has been accessed by an unauthorised person, we will notify the Information Regulator as soon as reasonably possible after the discovery of the compromise, and we will notify you by e-mail if your information is affected, or place a notification in a prominent position on [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com), unless this notification would compromise the investigation into the data breach.

## **2.18. Section 51(1)(c)(f) PAIA**

In general such other information as may be prescribed.

## **2.19. Section 51(3) PAIA**

This manual is made available as prescribed:-

- (a) on our website at [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com);
- (b) at the principal place of business of De Waterkant Cottages CC for public inspection during normal business hours;
- (c) to any person upon request and upon the payment of a reasonable amount; and
- (d) to the Information Regulator upon request.

# 3. Section 52 PAIA

## AS AMENDED BY POPIA

We have voluntarily chosen to make the following information readily available without a person having to request access in terms of PAIA ('section 52 notice' or a 'voluntary disclosure notice'), subject to a prescribed fee for reproduction as per section 52(3) PAIA:-

- 3.1. Website Terms of Use for [www.dewaterkantcottages.com](http://www.dewaterkantcottages.com)
- 3.2. Data Protection and Privacy Policy - sets out how we process personal information and our compliance procedures with POPIA and PAIA

# 4. Requests

## CHAPTER 3 PAIA AS AMENDED BY POPIA

- **Insofar as the Promotion of Access to Information Act is concerned:**

### 4.1. PAIA Requests

"PAIA requests" are requests for access to any information held by us, whether that information is "personal information" in terms of POPIA or not. Access to information is not a right in itself, but may only be requested if that information is required for the exercise or protection of other rights (section 50 PAIA).

## 4.2. Form of request

A request to access to a record held by De Waterkant Cottages CC must be made by means of a duly completed **Form C** (which may be downloaded here: [justice.gov.za/forms/form\\_paia.htm](https://justice.gov.za/forms/form_paia.htm)) and sent to us by post or email (section 53 PAIA). You can also find the form here: <https://www.dewaterkantcottages.com/uploads/PAIA%20Request%20for%20Access%20Form%20C.pdf>

Your request must be accompanied by:-

- (a) sufficient particulars to enable us to identify- (i) the record(s) requested; and (ii) the requester;
- (b) an indication of which form of access is required;
- (c) your postal address in South Africa, or any other manner you wish to be informed of the decision on the request;
- (d) the identification of the right you are seeking to exercise or protect;
- (e) an explanation of why the requested record is required for the exercise or protection of that right; and
- (f) if the request is made on behalf of a person, proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.

## 4.3. Fees

Anyone, other than a personal requester (this is a requester seeking access to a record containing personal information about the requester), who makes a request for access will be required to pay the prescribed request fee (if any) before the request is further processed. A deposit of one third of the access fee may be required from a requester, other than a personal requester, if the search and preparation of the requested record requires more than the hours prescribed for this purpose.



## 4.4. Refusal

We may refuse access to a record held by us in terms of Chapter 4 of the Promotion of Access to Information Act, including when access would involve the unreasonable disclosure of personal information about a third party (including deceased persons) (section 63), or when access would be in contravention of our mandatory protection of commercial information of a third party as specified in section 68 (section 64), of our mandatory protection of certain confidential information of third party (section 65), of our mandatory protection of safety of individuals, and protection of property (section 66), of our mandatory protection of records privileged from production in legal proceedings (section 67) or of our mandatory protection of research information of third party, and protection of research information of private body (section 69).

## 4.5. Appeal

A requester may lodge an internal appeal against our decision in terms of Part 4, Chapter 1 of the Promotion of Access to Information Act.

- **Insofar as the Protection of Personal Information Act is concerned:**

## 4.6. POPIA requests

“POPIA requests” are requests made by data subjects about personal information we may or may not process about them. Data subjects do not need to show that they need access to their personal information in the exercise or protection of another right; POPIA establishes access to personal information about yourself as a right in itself.

Data subjects may request confirmation about whether or not we process personal information about them, access to that information, objection, amendments or destruction of the information.

## 4.7. Form of request

Section 25 POPIA stipulates that all data subject requests must be made compliant with section 53 PAIA. This implies that all requests must contain at least:

- (a) sufficient particulars to enable us to identify- (i) the record(s) requested; and (ii) the requester;
- (b) an indication of which form of access is required;
- (c) your postal address in South Africa, or any other manner you wish to be informed of the decision on the request;
- (d) the identification of the right you are seeking to exercise or protect;
- (e) an explanation of why the requested record is required for the exercise or protection of that right; and
- (f) if the request is made on behalf of a person, proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.

## 4.8. Request for correction

**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, 4 of 2013, Regulation 3 : Regulations relating to the Protection of Personal Information, 2018

<https://www.dewaterkantcottages.com/uploads/POPIA%20Request%20for%20Correction%20or%20Deletion%20Form%202.pdf>

## 4.9. Objection

**Form 1** : Objection to the Processing of Personal Information

Section 11(3) of the Protection of Personal Information Act, 4 of 2013, Regulation 2 : Regulations relating to the Protection of Personal Information, 2018

<https://www.dewaterkantcottages.com/uploads/POPIA%20Objecting%20of%20Processing%20Form%201.pdf>

## 4.10. Request for deletion

**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, 4 of 2013, Regulation 3 : Regulations relating to the Protection of Personal Information, 2018

<https://www.dewaterkantcottages.com/uploads/POPIA%20Request%20for%20Correction%20or%20Deletion%20Form%202.pdf>

# 5. Complaints

- **Insofar as the Promotion of Access to Information Act is concerned:**

You may within 180 days of our decision in relation to your access to a record held by us, submit a complaint to the Information Regulator in the prescribed manner and form for appropriate relief. You may only submit a complaint to the Information Regulator after you have exhausted our internal appeal procedure. (section 77A PAIA as amended by POPIA)

- **Insofar as the Protection of Personal Information Act is concerned:**

In terms of section 74 POPIA, any person may submit a complaint to the Information Regulator in writing, in the prescribed manner and form

(download **Form 5** from

<https://www.dewaterkantcottages.com/uploads/POPIA%20Complaint%20Form%205.pdf>, alleging interference with the protection of your (or someone else's) personal information.

“Interference” means any breach of the conditions for the lawful processing of personal information as referred to in Chapter 3 of POPIA, non-compliance with sections 22, 54, 69, 70, 71 or 72 POPIA; or a breach of the provisions of a code of conduct issued in terms of section 60 POPIA. In terms of section 99 POPIA, you, or at your request, the Information Regulator, may institute a civil action for damages for breach of any provision of POPIA as referred to in section 73, whether or not there is intent or negligence on our part.

Signed and initialed on every page by the Director of  
De Waterkant Cottages CC, and e-mailed to  
section51.paia@sahrc.org.za

Signed at ..... on .....

Date .....

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