

This is the

# **PAIA MANUAL**

**of**

## **RAC Investment Holdings (Pty) Ltd**

**(“Body” or “Private Body”)**

**Prepared in terms of section 51 of the  
Promotion of Access to Information Act  
2 of 2000 (as amended)**

DATE OF COMPILATION: 01/11/2021

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |                    |  |
|-----|--------------------|--|
| 1.1 | <b>“IO“</b>        | Information Officer;   |
| 1.2 | <b>“Minister”</b>  | Minister of Justice and Correctional Services;                     |
| 1.3 | <b>“PAIA”</b>      | Promotion of Access to Information Act No. 2 of 2000( as Amended); |
| 1.4 | <b>“POPIA”</b>     | Protection of Personal Information Act No.4 of 2013;               |
| 1.5 | <b>“Regulator”</b> | Information Regulator; and   |
| 1.6 | <b>“Republic”</b>  | Republic of South Africa   |

## 2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the records which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;

- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### **3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION**

#### **3.1. Information Officer**

Name: Johannes Cornelis van Niekerk  
Tel: 0832856596  
Email: jan.vanniekerk@recm.co.za

#### **3.2. Access to information general contacts**

Email: guy.simpson@recm.co.za

#### **3.3. National or Head Office**

Postal Address: PO Box 44, Green Point, Cape Town, 8051

Physical Address: 1<sup>st</sup> Floor, The Barracks, 50 Bree Street, Cape Town, 8001

Telephone: 021 203 2808

Email: jan.vanniekerk@recm.co.za/guy.simpson@recm.co.za

Website: www.recm.co.za

#### 4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;

4.3.3. the manner and form of a request for-

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

- 4.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
- 4.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 4.3.4. the assistance available from the IO in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 4.3.6.1. an internal appeal;
  - 4.3.6.2. a complaint to the Regulator; and
  - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

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<sup>3</sup> Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>4</sup> Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

- 4.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
  - 4.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
  - 4.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the IO;
  - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeq/>).
- 4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-
- 4.6.1 English and Afrikaans

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<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

**5. CATEGORIES OF RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**

Not Applicable

**6. RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

Applicable Legislation (as amended/substituted from time to time)
<p>Companies Act 71 of 2008                      Promotion of Access to Information Act 2 of 2000                      Constitution of SA Act 108 of 1996                      Electronic Communications and Transactions Act 25 of 2002                      Financial Intelligence Centre Act 38 of 2001                      Income Tax Act 58 of 1962                      Financial Markets Act 19 of 2012                      Inspection of Financial Institutions Act 18 of 1998                      Other legislation as may be applicable from time to time</p>

**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS DOCUMENTS/RECORDS AND CATEGORIES OF DOCUMENTS/RECORDS HELD ON EACH SUBJECT IN ORDER TO FACILITATE A REQUEST IN TERMS OF PAIA – THESE RECORDS MAY BE HELD IN PHYSICAL FILES OR DIGITAL COPY**

Subjects on which the body holds records	Categories of records
Incorporation documents and records	<ul style="list-style-type: none"> <li>- Documents of incorporation, such as registration certificate, and other company secretarial documentation relating to the registration/incorporation of the Private Body</li> <li>- Shareholder register, CM and CoR forms</li> <li>- Records of board meetings</li> <li>- Directors resolutions/approvals</li> <li>- Records of shareholder meetings</li> <li>- Shareholder resolutions</li> </ul>



Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> <li>- Director records, including ID number, address and other contact details, directorships, curriculum vitae</li> <li>- Shareholder records, including ID/Registration number, address and other contact details</li> </ul>
Financial documents and records	<ul style="list-style-type: none"> <li>- Tax records</li> <li>- Asset inventory</li> <li>- Accounting records and financial statements</li> <li>- Financial reports</li> <li>- General financial documentation</li> </ul>
Operational/service documents and records	<ul style="list-style-type: none"> <li>- Legal records/agreements and correspondence</li> <li>- Insurance records</li> <li>- Business plans/notes</li> <li>- Permits, licences, consents, approvals, authorisations, applications and registrations</li> <li>- Strategic plans/notes</li> <li>- Internal correspondence</li> </ul>

## 8. PROCESSING OF PERSONAL INFORMATION

### The Private Body processes Personal Information –

- 8.1. To discharge obligations under South African law, including but not limited to the Financial Intelligence Centre Act and associated anti-money laundering legislation as applicable;
- 8.2. where service providers, such as bankers, require the Private Body to collect and provide personal information that is necessary for them to discharge their 'know-your-client' legal obligations;
- 8.3. appointments to provide services to the Private Body, such as a director or an employee/contractor;
- 8.4. to register someone as a shareholder of the Private Body.

**8.1 Description of the categories of Data Subjects and of the information or categories of information relating thereto**

<b>Categories of Data Subjects</b>	<b>Personal Information that may be processed</b>
Clients and representatives	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers Suppliers	names, registration number, vat numbers, address, trade secrets and bank details
Employees, staff, Managers, directors	Identity number, address, qualifications, gender, race, bank details, tax details, directorships
Shareholders	Name, address, registration numbers or identity numbers, bank details

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

<b>Category of personal information</b>	<b>Recipients or Categories of Recipients to whom the personal information may be supplied</b>
Identity number and names, for criminal checks	South African Police Services and other regulatory authorities
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Names, identity number, address, qualifications, financial information, gender, race for regulators	South African Revenue Services, Broad Based Black Empowerment Commission
Names, identity number, address for compliance with the Financial Intelligence Centre Act and other anti-money laundering legislation	Banks and other service providers

### **8.3 Planned transborder flows of personal information**

The Private Body has no planned transborder flows of personal information to third parties. In the event that the Private Body does transfer personal information outside of South Africa, it will do so only in accordance with the requirements of POPIA.

### **8.4 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

The Private Body has security measures in place to protect personal information from theft, misuse and unauthorized access. Physical access to the office is controlled. Within the office, access to physical files is limited to certain staff on a need to know basis, and hardware and software systems are password protected, include firewalls and restricted use. Data is backed up daily, is encrypted and password protected.

Where emails containing personal information are deleted, the email is deleted from the user's mailbox, but a copy remains archived on a cloud based platform in South Africa utilized for the security of data and business continuity.

## **9. AVAILABILITY OF THE MANUAL**

9.1 A copy of the Manual is available-

9.1.1 on [www.racltd.co.za](http://www.racltd.co.za);

9.1.2 at the head office of the Private Body for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

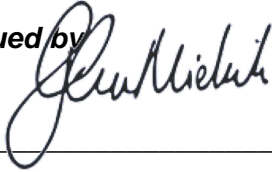
9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## **10. UPDATING OF THE MANUAL**

The head of the Body will update this manual from time to time as may be necessary.

*Issued by*



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**Johannes Cornelis van Niekerk**

**Financial Director**

**Information Officer**