

Section 51 Manual

in terms of

**The Promotions of Access to
Information Act, (Act 2, of 2000)**

**Incorporating additional requirements
of**

**The Protection of Personal Information
Act, No 4 of 2013)**

For

**Tradevest 055 cc trading as Gerald
Francis Jewellers**

**Section 51 Manual for Tradevest 055 cc trading as Gerald Francis Jewellers
(2001/008587/23)**

Description of guide referred to in Section 10: Section 51(1)(b)

This guide has been compiled in terms of Section 10 of PAIA by Tradevest 055 cc trading as Gerald Francis Jewellers. It contains information required by a person wishing to exercise any right, contemplated by PAIA.

This guide is available for inspection, inter alia, at the office of the offices of Tradevest 055 cc trading as Gerald Francis Jewellers and at the SAHRC.

Objectives of the Section 51 Manual

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), which came into effect on the 9th of March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

This manual is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by the company in terms of the Act. Specifically, the manual provides information on:

- the contact details of the information officer, who will deal with a person's request;

- the main business of the company;
- the subjects and categories of records that are held by the company;
- records that are available in terms of any other legislation; and
- the procedure that needs to be followed to obtain access to a record.

Information required under Section 51(1)(a) of the Act:

Postal Address of Tradevest 055 cc trading as Gerald Francis Jewellers

PO Box 2723

Nelspruit

1200

Physical Address of Tradevest 055 cc trading as Gerald Francis Jewellers

8 Dirkie Uys Street

Nelspruit

1200

Tel. No of Tradevest 055 cc trading as Gerald Francis Jewellers

011-467-2596 or 084-225-3935

Email Address of Tradevest 055 cc trading as Gerald Francis Jewellers

rucam@iafrica.com

Latest notice in terms of Section 52(2) if any:

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

Acts and other legislature held at the physical address by Tradevest 055 cc trading as Gerald Francis Jewellers

- Basic Conditions of Employment Act 75 of 1997
- Diamond Act 56 of 1986, 2005

- The Precious Metals Act, 2005

Subjects and categories of records held at physical address by Tradevest 055 cc trading as Gerald Francis Jewellers relating to employees of Tradevest 055 cc trading as Gerald Francis Jewellers

- Correspondence
- Licenses
- Employment contracts
- Remuneration records
- Training records
- Supplier records
- Annual financial statements
- Asset register
- Stock records
- Invoices
- Insurance information
- Tax records (company and employee)
- Employee records including Name, Address, Banking details, Tax details, Contact details, Identity numbers

Subjects and categories of records held at physical address by Tradevest 055 cc trading as Gerald Francis Jewellers relating to customers of Tradevest 055 cc trading as Gerald Francis Jewellers

- Title
- First name and Surname
- Contact number (cell number and/or landline)
- Email address
- Physical or Postal Address (only for insurance appraisals)

Customer personal information shared by Tradevest 055 cc trading as Gerald Francis Jewellers

- Group company – Gerald Francis Jewellers PTY

- 3rd Party service providers to uphold contract service obligations of the client and employee
- All information shared with the Group Company and 3rd Party Service Providers is encrypted and protected by firewall configuration which only allows connections that are pre-configured for access.

IT and security practices by Tradevest 055 cc trading as Gerald Francis Jewellers

- Physical security (PC's and external hard-drives locked in SBSAS approved metal safes)
- Password controls
- Virus and Malware protection
- Software updates
- Premises protected by alarm system

Countries of operation

South Africa

Detail on how to make a request for access to information under Section 51(e)

The requester must complete Form B and submit this form together with a request fee, to the head of the private body at his/her address or email address.

The form must provide sufficient particulars to enable the head of the private body to identify record/s requested and to identify the requester. The requester is required to indicate which form of access is required, specify postal/physical address, identify the right that the requester is seeking to protect or exercise as well as provide a written explanation regarding the requested record/s. In addition, if the request is made on behalf of another person, proof of capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information of a third party;
- mandatory protection of records privileged from production in legal proceedings;
- commercial information of the private body; and
- mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act, the 30-day period may be extended for a further 30-day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30-day notice period is to be extended for a further 30 days.

Should access to the requested information be denied the requestor will need to appeal the decision to deny. The recourse available to a private body will be to approach a court of law in this regard.

Additional Information

Further information regarding the subjects and categories or records listed herein are available from the information officer. Other information as may be prescribed by section 51(1) (f) may be obtained by the Minister of Justice and Constitutional Development.

Useful References related to POPIA and PAIA

The Human Rights Commission	http://www.sahrc.org.za/paia.htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf

POPIA Compliance Officer

Tradevest 055 cc trading as Gerald Francis Jewellers

I, Roelof Johannes Marthinus Kruger Campbell as head of Tradevest 055 cc trading as Gerald Francis Jewellers, hereby confirm I have appointed Sheila Ann Gray to act as POPIA Compliance Officer.

The purpose of this appointment is to give effect to; the right of privacy in terms of our common law, Section 14 of the Constitution and application of the Protection of Personal Information Act, No 4 of 2013.

Specifically, to implement and maintain the provisions of the POPI Act including but not limited to the following:

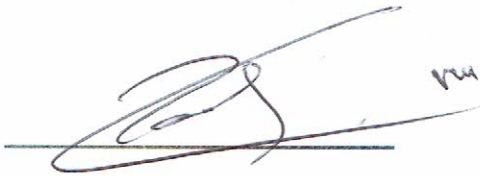
- To give effect to the constitutional right to privacy by safeguarding personal information when processed by a responsible party.
- To regulate the manner in which personal information may be processed, by established conditions, in harmony with international standards that prescribe the minimum threshold requirements for the lawful processing of personal information.
- To provide persons with rights and remedies to protect their personal information from processing that is not in accordance with the POPI Act.

The Act regulates how anyone who processes personal information must handle, store and secure that information. If an individual or a company processes personal information relating to a person, that individual or company must comply with the Act. Failure to comply with the Act may lead to the imposition of certain penalties under the Act.

Punishable offences in terms of the Act if committed are punishable with either/ or both a fine (not exceeding R10 Million), or imprisonment for a period not exceeding 10 years. These offences under the Act include:


- Obstruction of a regulator.
- Failure to comply with enforcement of information notices.
- Offences by witnesses- giving false evidence before the Regulator

- Unlawful acts by a responsible party in connection with information and the use thereof.
- Unlawful acts by third parties in connection with information and the use thereof.
- Any person who sells/ offers to sell information obtained illegally.
- Breach of confidentiality.
- Obstruction of the execution of a warrant.

A handwritten signature in blue ink, appearing to be 'R. J. M. Kruger', written over a horizontal line.

Roelof Johannes Marthinus Kruger Campbell

as Head of Tradevest 055 cc trading as Gerald Francis Jewellers

A handwritten signature in blue ink, appearing to be 'S. Ann Gray', written over a horizontal line.

Sheila Ann Gray

As POPIA Compliance Officer of Tradevest 055 cc trading as Gerald Francis Jewellers

Prescribed forms for access to a record of the company

FORM B

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

[Regulation 10]

FOR DEPARTMENTAL USE

Reference number: _____

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R _____

Deposit (if any): R _____

Access fee: R _____

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of public body

The Information Officer/Deputy Information Officer: _____

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be recorded below.

(b) Furnish an address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

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:

C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

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

1. Description of record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

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

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability:	Form in which record is required:
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Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form -

	copy of record*		inspection of record
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2. If record consists of visual images -

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	view the images		copy of the images*		transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound -

	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form -

	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
A postal fee is payable.		

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.

In which language would you prefer the record?

G. 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 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 thereof 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