

SECTION 51 MANUAL

IN TERMS OF

THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)

INCORPORATING ADDITIONAL REQUIREMENTS OF

PROTECTION OF PERSONAL INFORMATION IN TERMS OF

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

DATE OF COMPILATION MAY 2021

DATE OF UPDATE OCTOBER 2023

FOR

BARUCHS HEALTH & COFFEE SHOPPE

COMPANY CONTACT DETAILS.

SECTION 51 MANUAL FOR BARUCHS HEALTH & COFFEE SHOPPE

INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT

POSTAL ADDRESS OF HEAD OF COMPANY:

6 VIA APPIE STREET, VOORBAAI, MOSSEL BAY

PHYSICAL ADDRESS OF HEAD OF COMPANY:

6 VIA APPIE STREET, VOORBAAI, MOSSEL BAY

TEL. No OF HEAD OF COMPANY:

076 586 3645

EMAIL ADDRESS OF HEAD OF COMPANY:

coffeebaruch@gmail.com

DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51 (1)(b)

A guide has been compiled in terms of Section 10 of PAIA by BARUCHS HEALTH & COFFEE SHOPPE. 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 BARUCHS HEALTH & COFFEE SHOPPE at the physical address above.

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1. INTRODUCTION

Welcome to BARUCHS HEALTH & COFFEE SHOPPE. Baruch's Health and Coffee Shoppe is a roastery of green coffee beans and the selling of retail coffee.

2. INTRODUCTION TO POPI

POPI requires the company to inform their clients as to the manner in which their personal information is used, disclosed, and destroyed. The company guarantees its commitment to protecting its client's privacy and ensuring that their personal information is used appropriately, transparently, securely and in accordance with applicable laws. The Policy sets out the manner in which the company deals with their client's personal information as well as and stipulates the purpose for which said information is used.

2.2 PERSONAL INFORMATION COLLECTED

Section 9 of POPI states that "Personal Information may only be processed if, given the purpose for which it is processed, it is adequate, relevant, and not excessive." The company collects and processes client's personal information pertaining to the client's needs. The type of information will depend on the need for which it is collected and will be processed for that purpose only. Whenever possible, the company will inform the client as to the information required and the information deemed optional. Examples of personal information we collect include, but is not limited to:

- The Client's Identity number, name, surname, address, postal code, marital status, and number of dependants.
- Description of the client's residence, business, assets; financial information, banking details, etc-.

The company also collects and processes the client's personal information for marketing purposes in order to ensure that our products and services remain relevant to our clients and potential clients. The company aims to have agreements in place with all product suppliers, insurers and third party service providers to ensure a mutual understanding with regard to the protection of the client's personal information. The company's suppliers will be subject to the same regulations as applicable to the company. With the client's consent, the company may also supplement the information provided with information the company receives from other providers in order to offer a more consistent and personalized experience in the client's interaction with the company. For purposes of this Policy, clients include potential and existing clients.

2.3 THE USAGE OF PERSONAL INFORMATION

The Client's Personal Information will only be used for the purpose for which it was collected and as agreed.

According to section 10 of POPI, personal information may only be processed if certain conditions, listed below, are met along with supporting information for the companies processing of Personal Information:

- a) The client's consents to the processing: - consent is obtained from clients during the introductory, appointment and needs analysis stage of the relationship;

b) Processing complies with an obligation imposed by law on the company;

2.4 DISCLOSURE OF PERSONAL INFORMATION

The company may disclose a client's personal information to any of the subsidiaries, joint venture companies and or approved product- or third party service providers whose services or products clients elect to use. The company has agreements in place to ensure that compliance with confidentiality and privacy conditions. The company may also disclose a client's information where it has a duty or a right to disclose in terms of applicable legislation, the law, or where it may be deemed necessary in order to protect the company's rights.

2.5 SAFEGUARDING CLIENT INFORMATION

It is a requirement of POPI to adequately protect personal information. The will continuously review its security controls and processes to ensure that personal information is secure. The following procedures are in place in order to protect personal information:

2.5.1 THE COMPANY'S INFORMATION OFFICER is Aharon Baruch whose details are available below and is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of POPI. He is assisted by Sanette De Waal who will function as the companies Deputy Information Officer

2.5.2 THIS POLICY has been put in place and training on this policy and the POPI Act has already taken place.

2.5.3 Each new employee will be required to sign an EMPLOYMENT CONTRACT containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

2.5.4 Every employee currently employed within the company will be required to sign an addendum to their EMPLOYMENT CONTRACTS containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of POPI;

2.5.5 The company's archived client information is stored on site which is also governed by POPI, access is limited to these areas to authorized personal.

CONSENT to process client information is obtained from clients (or a person who has been given authorisation from the client to provide the client's personal information) during the introductory, appointment and needs analysis stage of the relationship.

2.6 ACCESS AND CORRECTION OF PERSONAL INFORMATION

Clients have the right to access the personal information the company holds about them. Clients also have the right to ask the company to update, correct or delete their personal information on reasonable grounds. Once a client objects to the processing of their personal information, the company may no longer process said personal information. The company will take all reasonable steps to confirm its clients' identity before providing details of their personal information or making changes to their personal information.

INFORMATION OFFICER DETAILS:

NAME: AHARON BARUCH

TELEPHONE NUMBER: 076 586 3645

E-MAIL ADDRESS: coffeebaruch@gmail.com

DEPUTY INFORMATION OFFICE DETAILS

NAME: Sanette De Waal

TELEPHONE NUMBER: 076 586 3645

EMAIL ADDRESS: coffeebaruch@gmail.com

HEAD OFFICE DETAILS

TELEPHONE NUMBER: 076 586 3645

POSTAL ADDRESS: 6 VIA APPIE STREET, VOORBAAI, MOSSEL BAY

PHYSICAL ADDRESS: 6 VIA APPIE STREET, VOORBAAI, MOSSEL BAY

E-MAIL ADDRESS: coffeebaruch@gmail.com

3. THE ACT (Section 51(1) (b))

3.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

4. AMENDMENTS TO THIS POLICY

Amendments to, or a review of this Policy, will take place on an ad hoc basis or at least once a year.

5. AVAILABILITY OF THE MANUAL

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

6. INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 51(1)(F)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

7. INFORMATION REQUIRED IN TERMS OF SECTION 52 (2)

The Minister of Justice and Constitutional Development of the Republic of South Africa has not made any regulations in this regard.

8. RECORDS THAT CANNOT BE FOUND

If the company searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken the attempt to locate the record.

9. THE PRESCRIBED FORMS AND FEES

The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at www.doj.gov.za under the regulations section.

9.1. FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

9.1.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

9.1.2 Address your request to the Head of the Company (CEO).

9.1.3 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d)
 - (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

10. PRESCRIBED FEES (Section 51 (1))

The following applies to requests (other than personal requests):

10.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;

10.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

10.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

10.4 Records may be withheld until the fees have been paid.

10.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

11. APPLICABLE LEGISLATION

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 7 of 2018	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 181 of 1993	Occupational Health and Safety Amendment Act
14	No 10 of 2018	Labour Laws Amended Act

12. ACTS AND OTHER LEGISLATION HELD AT PHYSICAL ADDRESS

- Basic Conditions of Employment of 1997
- Basic conditions of Employment Act of 2018
- Occupational Health and Safety Amendment Act of 1993
- Employment Equity Act of 1998
- Labour Laws Amendment Act of 2018

SUBJECTS AND CATEGORIES OF RECORDS HELD AT PHYSICAL ADDRESS

- Attendance registers
- Correspondence
- Licences
- Minutes of Management meetings
- Minutes of staff meetings
- Employee Records
- Employee Contracts
- Medical histories
- General Correspondence
- Industrial and Labour Relation records
- Information relating to Health And Safety Regulations
- Performance Appraisals
- Personnel Guidelines, Policies and Procedures
- Remuneration Records
- Skills requirements
- Statutory Records
- Training Records
- Contracts
- Annual Financial Statements
- Asset Register
- Budgets
- Financial Transactions

- Insurance Information
- Purchase and Order Information
- Stock Records
- Tax Records
- IT Policies and Procedures
- Employee Discipline records
- Vehicle Registration licence

SUBJECTS AND CATEGORIES OF PERSONAL RECORDS HELD AT PHYSICAL ADDRESS

- Identity Numbers
- Dates of birth
- Telephone numbers
- Emails
- Addresses
- Banking details
- Bank account numbers
- Invoices

CUSTOMER / PERSONNEL INFORMATION SHARED BY COMPANY

- Telephone Numbers
- Email addresses
- Banking account information

EMPLOYEE INFORMATION RECEIVED BY COMPANY

- Identity numbers
- Dates of birth
- Telephone numbers
- Emails

- Addresses
- Banking details
- Bank Account numbers

IT PRACTISES BY COMPANY

- Physical security, (PC's locked to fixture/ locked in room)
- Network security control
- Password controls
- Virus & Malware protection
- Software updates
- Disaster recovery & back-up policy

COUNTRIES OF OPERATION

- South Africa

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information 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>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<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 information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive (<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

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>)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

--

4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

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

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

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

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (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)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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.

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:	

FEEES	
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

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

Signature of Information Officer

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY			
Name of Public Body			
Name and Surname of Information Officer:			
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			
Is the internal appeal lodged on behalf of another person?	Yes		No
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>			
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>			
Full Names			
Identity Number			
Postal Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
E-Mail Address			

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED
(mark the appropriate box with an "X")

Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	

GROUNDS FOR APPEAL

(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)

<p>State the grounds on which the internal appeal is based:</p>	
<p>State any other information that may be relevant in considering the appeal:</p>	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Appellant/Third party

FOR OFFICIAL USE
OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>					
Date received:					
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes	
				No	
OUTCOME OF APPEAL					
Refusal of request for access. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Fees (Sec 22). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Extension (Sec 26(1)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Access (Sec 29(3)). Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				
Request for access granted. Confirmed?	Yes		New decision <i>(if not confirmed)</i>		
	No				

Signed at _____ this _____ day of _____ 20 _____

Relevant Authority