**PAIA MANUAL**

**PREPARED IN TERMS OF SECTION 51 OF THE *PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000* (AS AMENDED) AND THE *PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013* (AS AMENDED)**

**OF**

**AJMIV (PTY) LTD t/a AJM**

(“**AJM**”)

**COMPILED: MAY 2023**

1. INTRODUCTION

AJM understands the importance of transparency and the constitutional right of access to information. As such, we will do our outmost best to ensure that anyone who requires access to any record (to fully exercise and protect their rights) also has access to the PAIA Guide prepared by the Regulator as well as assistance from AJM in undertaking the request process. AJM takes extreme care to ensure all the records we hold are protected from unlawful access and are processed in accordance with South African law. To this end, AJM has prepared this PAIA manual in accordance with the requirements of section 51 of PAIA to assist anyone where they seek to request access to information held by AJM under PAIA.

1. DEFINITIONS AND INTERPRETATION

In this Agreement, unless otherwise indicated by context, the following words and expressions bear the meanings assigned to them and cognate expressions bear corresponding meanings:

* 1. "**CEO**" means the Chief Executive Officer;
	2. "**IO**" means Information Officer;
	3. "**PAIA**" means the *Promotion of Access to Information Act, 2 of 2000,* as amended;
	4. "**POPI**" means the *Protection of Personal Information Act, 4 of 2013*, as amended;
	5. "**Regulator**" means the Information Regulator established in terms of section 39 of POPI;
	6. "**Regulations**" means the regulations published in terms of section 92 of PAIA; and
	7. "**South Africa**" means the Republic of South Africa.
1. PURPOSE OF AJM PAIA MANUAL

The purpose of this PAIA manual is to assist anyone to:

* 1. review the categories of records held by AJM, which are available without having to submit a formal PAIA request;
	2. understand how to make a request for access to a record of AJM, by providing a description of the subjects on which we hold records and the categories of records held under each subject;
	3. review the types of records of AJM, which are available in accordance with any other legislation;
	4. access all the relevant contact details of the IO of AJM who will assist with the records anyone intends to access;
	5. understand how to access the guide on how to use PAIA, as updated by the Regulator;
	6. understand whether AJM will process personal information, the purposes for which we process personal information, and the description of the categories of data subjects and of the information or categories of information relating thereto;
	7. distinguish the categories of data subjects and of the information or categories of information relating thereto;
	8. identify the third parties to whom personal information may be supplied by AJM;
	9. identify if AJM has planned to transfer or process personal information outside of South Africa and the parties to whom the personal information may be transferred; and
	10. understand the appropriate security measures which AJM employs to ensure the confidentiality, integrity, and availability of the personal information we process.
1. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE
	1. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guideon how to use PAIA (“**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 POPI.
	2. The Regulator has made the PAIA Guide available in each of the official languages of South Africa and in braille.
	3. The PAIA Guide contains the following:
		1. The objects of PAIA as well as POPI;
		2. How to access the postal address, telephone number, and email address of every registered IO (for both public and private bodies);
		3. The manner and form of request for:
			1. access to a record of a public body contemplated in section 11 of PAIA; and
			2. access to a record of a private body contemplated in section 50 of PAIA.
		4. the assistance available from the IO of a body in terms of PAIA and POPI;
		5. the assistance available from the Regulator in terms of PAIA and POPI;
		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 POPI, including the manner of lodging –
			1. an internal appeal;
			2. a complaint to the Regulator; and
			3. an application with a court against a decision by the IO 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;
		7. the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
		8. the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
		9. the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and
		10. the Regulations.
	4. Anyone can inspect or make copies of the PAIA Guide from AJM's offices as well as the office of the Regulator, during normal working hours.
	5. The PAIA Guide can also be obtained -
		1. upon request to AJM's IO;
		2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
	6. A copy of the PAIA Guide is also available in the following two official languages, for public inspection during normal office hours-
		1. English; and
		2. Afrikaans.
2. AJM CONTACT DETAILS FOR ACCESS TO INFORMATION
	1. **IO**

Name: De Wet de Villiers

Telephone: +27 (0)21 202 1220

Email: dewetdevilliers@ajmtax.co.za

* 1. **GENERAL CONTACT:**

Email: admin@ajmtax.co.za

* 1. **AJM HEAD OFFICE**
	2. Physical Address: Suite 1603, Portside Building 4 Bree Street, Cape Town, 8001
	3. Postal Address: Suite 1603, Portside Building 4 Bree Street, Cape Town, 8001
	4. Telephone number: +27 (0)21 202 1220
	5. Website: <https://ajmtax.co.za/>
1. PROCEDURE TO REQUEST ACCESS TO INFORMATION
	1. A request for access to information for a record held by AJM must be made on a form which corresponds substantially to that of Form 2 of the Regulations (attached hereto as Annexure A) along with proof of payment of the prescribed fee to AJM's IO at the details listed above.
	2. When completing Form 2 or a form substantially similar, a requester must provide clear and accurate information and clearly state the right which the requestor seeks to exercise or protect, the record which they are seeking to access, and an explanation as to how such record will assist them to exercise or protect their rights.
	3. AJM has 30 (thirty) calendar days within which to respond to any request received. Once a decision has been made, AJM's IO will inform a requester of their decision whether to grant or refuse a request and any fees payable on a form that corresponds substantially to that of Form 3 of the Regulations.
	4. AJM may refuse a request for access to a record on any of the grounds listed in Chapter 4 of PAIA (which are listed in the PAIA Guide).
	5. A requestor is required to pay the request fee before a request will be processed. The request fee is listed in Annexure B to the Regulations. The current request fee payable is **R140 (one hundred and forty rand) per request**.
	6. The request fee must be paid into AJM's nominated bank account, which details are available from our IO on request.
2. REMEDIES
	1. If a requestor is unhappy with a decision made by AJM, they may submit a complaint to the Regulator.
	2. A complaint to the Regulator must be made on a form which corresponds substantially to that of Form 5 of the Regulations, which is attached hereto as Annexure B. A complaint to the Regulator must be lodged within 180 (one hundred and eighty) calendar days of receipt of the decision from AJM.
	3. The complaint will then follow the dispute resolution process described in the Regulations as well as the PAIA Guide.
3. RECORDS AVAILABLE WITHOUT REQUEST
	1. The following records are made freely available by AJM and do not require any request to access:

|  |  |  |
| --- | --- | --- |
| **Category of records** | **Types of the Record**  | **Where Available**  |
| AJM Policies | Privacy Policy | On Website |

1. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION
	1. The following records are freely available to the public in accordance with legislation:

|  |  |
| --- | --- |
| **Category** **of Records** | **Applicable Legislation** |
| AJM Memorandum of Incorporation  | Companies Act 71 of 2008 |
| AJM PAIA Manual | Promotion of Access to Information Act 2 of 2000 |
| AJM Privacy Policy | Protection of Personal Information Act 4 of 2013 |

1. SUBJECTS AND CATEGORIES OF RECORDS HELD
	1. AJM holds records on the following subjects:

| **Subject of Records** | **Categories of Records** |
| --- | --- |
| Company Secretarial | Memorandum of Incorporation, share certificates, resolutions, director registrations, minutes of meetings, share register |
| Human Resources | HR policies and procedures, available employment opportunities, employee records |
| Finance  | Banking/bank account records, contractual agreements, accounting records, financial statements and reports, invoices |
| Insurance  | Insurance policy documents |
| Intellectual Property | Trademarks, copyright, knowhow, and contractual agreements, original designs  |
| Tax | Income tax records, contractual agreements |
| Commercial Agreements | Service level agreements, employee agreements, contractor agreements |
| Property | Lease agreements |
| Information Technology | Software licenses, data protection measures, data retention formulae, breach recovery processes |

1. PROCESSING OF PERSONAL INFORMATION
	1. **Purpose of Processing**
		1. AJM processes personal information for legitimate business purposes and as a necessary function of a client's engagement with AJM's services, with such client's express consent. AJM therefore processes personal information in the following circumstances:
			1. to provide our services to a client;
			2. for internal record keeping;
			3. to contact a client regarding current or new AJM services or any other product offered by us;
			4. to inform clients of any new features and special offers offered by AJM, or any of our divisions and/or partners;
			5. to receive and accept services from independent contractors;
			6. to allow client's to participate in any online engagement through the AJM platforms;
			7. to provide information to authorised third party service providers who need personal information to provide services to AJM;
			8. to provide information to mandated government authorities when instructed to do so for legal compliance only (such as the Income Tax Act, FICA);
			9. to improve AJM's product selection and user experiences through analytical data.
	2. **Data Subjects and Information Processed**

As a responsible party, AJM processes the following information from the following list of data subjects:

| **Data Subjects** | **Personal Information that may be processed** |
| --- | --- |
| Clients  | Information from on-boarding which includes personal information, contact details, bank account information, identity documentation, address, and company information. |
| Service Providers  | Company information such as name, registration number, VAT information, registered address, information obtained from service level agreements such as trade secrets, confidential information, and banking information.  |
| Employees / Possible Employees / Directors / Shareholders | Full name, identify documentation, address, contact information, educational qualifications (including curriculum vitae), gender, race, banking information, tax information, and medical information.  |
| Independent Contractors / Sub-Contractors  | Company information such as name, registration number, VAT information, registered address, and/or personal information such as full name, address, identity number, contact information, and information obtained from contractual agreements such as confidential information, banking information, and/or tax information. |

* 1. **Third Party Recipients to whom AJM shares personal information**

In accordance with our operational requirements, AJM shares personal information with the following third parties:

| **Category of personal information**  | **Recipients or Categories of Recipients** **to whom the personal information may be supplied** |
| --- | --- |
| Identity, Contact, Communication, Financial, Transactional, Contractual, Technical and Usage information. | Website provider and developers.  |
| Identity, Contact, Communication, Financial, Transactional, Contractual, Technical and Usage information for client and internal communication.  | Marketing and communication software providers. |
| Identity, Contact, Communication, Financial, Transactional, Contractual, Technical and Usage information for platform management.  | Analytical software providers. |

* 1. **International Transfers**
		1. AJM may transfer personal information outside of South Africa in the following circumstances:
			1. Personal information which is stored using secure cloud severs hosted outside of South Africa.
		2. Whenever AJM transfers any personal information outside of South Africa, we always ensure a similar degree of protection is afforded to it by ensuring at least one of the following safeguards are implemented:
			1. there are contracts in place with all such third parties, providing warranties that they will process the personal information at standards equal to or better than those applied by AJM; and
			2. AJM will only transfer personal information to countries that have been deemed to provide an adequate level of protection for personal information by the Regulator.
	2. **Data Security**
		1. To prevent the personal information AJM processes from being accidentally lost, used, or accessed in an unauthorised way, altered, or disclosed, AJM uses firewalls, antivirus protection, and secure software and operating systems. All information processed is also restricted to only those individuals who need access.
1. AVAILABILITY OF PAIA MANUAL
	1. A copy of this PAIA Manual is available-
		1. on our website <https://ajmtax.co.za/>;
		2. at our offices during ordinary business hours;
		3. to any person upon request and upon the payment of a reasonable prescribed fee; and
		4. to the Information Regulator upon request.
	2. The fee for a copy of this PAIA Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.
2. UPDATE TO THIS PAIA MANUAL
	1. This PAIA Manual will be regularly updated by AJM's IO.
	2. This PAIA Manual was last updated during May 2023.

Thank you for your interest. If you have any questions, please direct them to the IO of AJM.



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**De Wet de Villiers**

Information Officer