

PAIA Manual

**Kovacs Investments 118 (Pty) Ltd
T/A Doran Vineyards**

2000/021533/07

“Private Body” ito. PAIA and POPIA

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 ("PAIA") as amended by the Protection of
Personal Information Act 4 of 2013 ("POPIA")**

SOURCE: <https://inforegulator.org.za/wp-content/uploads/2020/07/PAIA-Manual-Template-Private-Body.pdf>

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1. Acronyms & abbreviations

- 1.1. “CEO” - Chief Executive Officer;
- 1.2. “DIO” - Deputy Information Officer;
- 1.3. “IO” - Information Officer;
- 1.4. “Minister” - Minister of Justice and Correctional Services;
- 1.5. “Operator” - as defined by sections 1, 20 and 21 of POPIA;
- 1.6. “PAIA” - Promotion of Access to Information Act No. 2 of 2000 (as amended);
- 1.7. “PI” - Personal Information as defined in POPIA;
- 1.8. “POPIA” - Protection of Personal Information Act No.4 of 2013;
- 1.9. “Regulator” - Information Regulator; and
- 1.10. “Republic” - 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 description of the records of the body which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the Information Officer and Deputy 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 of the Doran Vineyards

3.1. Information Officer

- 3.1.1. Name: Sann le Grange
- 3.1.2. Tel: +27788271910
- 3.1.3. Email: sann@doranvineyards.co.za
- 3.1.4. Fax number: N/A

3.2. Deputy Information Officer

- 3.2.1. Name: N/A
- 3.2.2. Tel: N/A
- 3.2.3. Email: N/A
- 3.2.4. Fax Number: N/A

3.3. Access to information general contacts

- 3.3.1. To request access to information, email sann@doranvineyards.co.za

3.4. National or Head Office

- 3.4.1. Company Name: Kovacs Investments 118 Pty Ltd T/A Doran Vineyards
- 3.4.2. Company Registration: 2000/021533/07
- 3.4.3. Postal Address: Doran Vineyards, Far Horizons Farm, P.O. Box 2143, Windmeul, Western Cape, South Africa
- 3.4.4. Telephone: +27788271910
- 3.4.5. Email: sann@doranvineyards.co.za
- 3.4.6. Website: www.doranvineyards.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 PAIA¹ and section 56 of POPIA²;
 - 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11;³ and
 - 4.3.3.2. access to a record of a private body contemplated in section 50;⁴
 - 4.3.4. the assistance available from the IO of a public body 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

¹ 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.

² 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.

³ 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.

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

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

- 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 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ 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 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92.¹¹
- 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 Information Officer;
 - 4.5.2. from the website of the Regulator (<https://info regulator.org.za/>).
- 4.6. A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours: (click to download) [Afrikaans](#) / [English](#)

⁵ 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.

⁶ 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.

⁷ 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.

⁸ 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.

⁹ 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.

¹⁰ 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.

¹¹ 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 of Doran Vineyards which are available without a person having to request access

You may (request) access *without completing Form C* to these records:-

5.1. Download from website

- 5.1.1. www.doranvineyards.co.za
- 5.1.2. Accommodation Terms & Conditions
- 5.1.3. Refund and Returns Policy
- 5.1.4. Website Terms of Use
- 5.1.5. Privacy Policy
- 5.1.6. PAIA Manual

5.2. Request by email

- 5.2.1. sann@doranvineyards.co.za

6. Description of the records of Doran Vineyards which are available in accordance with any other legislation

The following records are kept by Doran Vineyards in accordance with South African legislation, and may be requested subject to PAIA requirements (source for "retention period" : SAICA Guide on the Retention of Records, May 2021)

Companies Act, 71 of 2008	Retention Period
General rule for company records: Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act and other public regulation	7 years or longer (as specified in other public regulation)
Notice of Incorporation (Registration certificate)	Indefinite
Memorandum of Incorporation and alterations or amendments Rules	Indefinite
Register of company secretary and auditors	Indefinite

Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) - Register of disclosures of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued	Indefinite
Notice and minutes of all shareholders meeting including resolutions adopted and documents made available to holders of securities	7 years
Copies of reports presented at the annual general meeting of the company	7 years
Copies of annual financial statements required by the Act Copies of accounting records as required by the Act	7 years
Record of directors and past directors, after the director has retired from the company	7 years
Written communication to holders of securities	7 years
Minutes and resolutions of directors' meetings, audit committee and directors' committees	7 years
Securities register and uncertificated securities register	Indefinite

Electronic Communication and Transaction Act, 25 of 2002	Retention Period
Personal information and the purpose for which the data was collected must be kept by the person who electronically requests, collects, collates, processes or stores the information	As long as information is used, and at least 1 year thereafter
A record of any third party to whom the information was disclosed must be kept for as long as the information is used	As long as information is used and at least 1 year thereafter
All personal data which has become obsolete	Destroy

Tax Administration Act, 28 of 2011	Retention Period
Records, books of account, tax returns or documents enable the person to observe the requirements of a Tax Act; are specifically required under a Tax Act or by the Commissioner by public notice; and will enable the South African Revenue Service (SARS) to be satisfied that the person has observed these requirements. In their original form in an orderly fashion at a safe place, in any other form (including electronic) as may be prescribed by the SARS Commissioner in a public notice, or in a form specifically authorised by a senior SARS official, at a place physically located in South Africa.	5 years from date of submission

Income Tax Act, 58 of 1962	Retention Period
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In respect of each employee the employer shall keep a record showing (para 14(1)(a)-(d)): amount of remuneration paid or due by him to the employee, the amount of employees' tax deducted or withheld from the remuneration paid or due, the income tax reference number of that employee, and any further prescribed information	5 years from the date of submission of the return
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Labour Relations Act, 66 of 1995	Retention Period
Collective agreement, arbitration award, determination made in terms of the Wage Act	3 years
Prescribed details of any strike, lock-out or protest action involving its employees. Records for each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions	indefinite

Basic Conditions of Employment Act, 75 of 1997	Retention Period
Written particulars of employee must be kept after termination of employment: name and occupation, time worked, remuneration paid	3 years
Employment Equity Act, 55 of 1998	Retention Period
Employment equity plan must be kept after expiry	5 years

Unemployment Insurance Act, 63 of 2001	Retention Period
Employee names, identification numbers, monthly remuneration, and address where the employee is employed	10 years
Compensation for Occupational Injuries and Diseases Act, 130 of 1993	Retention Period
Earnings and other prescribed particulars of all the employees	4 years

Occupational Health and Safety Act, 85 of 1993	Retention Period
Record of section 24 incidents and incidents which resulted in the person concerned having had to receive medical treatment other than first aid, Inspector reports and recommendations	3 years

Value Added Tax Act, 89 of 1991	Retention Period
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lists of debtors and creditors showing the amounts owing by the debtors and owing to the creditors, record of all goods and services, imported goods, the charts and codes of account, the accounting, instruction manuals and the system and programme documentation which describes the accounting system used for each tax period in the supply of goods and services;	5 years from date of submission of the return
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Promotion Of Access To Information Act, 2 Of 2000	Retention Period
POPIA/PAIA manual, schedule of requests in terms of PAIA	Indefinite

Protection of Personal Information Act, 4 of 2013	Retention Period
Compliance Framework, Impact Assessment, POPIA & PAIA Manual, internal Request Procedures and Schedules, and internal employee awareness sessions.	Indefinite

7. Description of the subjects on which Doran Vineyards hold records and categories of records held on each subject

See 8.2 below.

8. Processing of Personal Information

You may request us to confirm whether or not we hold personal information about you, and request from us the record or a description of that information, including information about the identity of all third parties, who have, or have had, access to that information, subject to the conditions set out in s23 POPIA, 53 PAIA and 62-70 PAIA. You may object ([Form 1](#)) to us processing personal information about you, request us ([Form 2](#)) to correct or delete personal information about you that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully, and request us ([Form 2](#)) to destroy or delete a record of personal information about you that we are no longer authorised to retain in terms of section 14 POPIA.

8.1. Purpose of Processing Personal Information

Doran Vineyards may process personal information in the normal operation of its business, if this processing is necessary:-

- 8.1.1. to negotiate, perform or conclude our contractual obligations and professional transactions with our (prospective) clients;
- 8.1.2. to identify natural and juristic persons when they contact us;
- 8.1.3. to personalise the services and products we offer;
- 8.1.4. to help us improve the quality of our products and services;
- 8.1.5. for general administration, financial and tax purposes, and to comply with legal obligations in this regard;
- 8.1.6. to facilitate the management, payment and delivery of services and products to our clients;
- 8.1.7. for recruitment purposes;
- 8.1.8. for employment purposes;
- 8.1.9. for apprenticeship purposes;
- 8.1.10. for general administration, financial and tax purposes;
- 8.1.11. for legal or contractual purposes;
- 8.1.12. for health and safety purposes;
- 8.1.13. to retain the records of our suppliers: deliveries, payment history;
- 8.1.14. to protect our and/or the data subject's legitimate interests;
- 8.1.15. for the proper performance of a public law duty by a public body;
- 8.1.16. to comply with obligations imposed on us by law or by a court;
- 8.1.17. to analyse our (potential) client base;
- 8.1.18. for statistical purposes;
- 8.1.19. to inform our existing customers of the products and services we offer.

8.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

8.2.1. Board of Directors, Management

Records, including Documents of Incorporation, Memorandum of Incorporation, Minutes of Board of Directors meetings and General Meetings, Written Resolutions;, Records relating to the appointment of directors / auditors / company secretary / public officer and other officers;, Share Register and other Statutory Registers and Other Statutory Records may include first name, last name, phone number, email address, schedule, ID numbers.

8.2.2. Employees

Records, including employment contracts, employment policies and procedures, Tax related records, Employment Equity Plan, Medical Aid records, Pension Fund records, Internal evaluations and disciplinary records, Salary records, Disciplinary codes and reports, Leave records, Training records, CV and manuals, Operating manuals, Personal records provided by personnel, Other statutory records and related correspondence, PAYE Records, Documents issued to employees for income tax purposes, Records of payments made to SARS on behalf of employees, All other statutory compliances, Skills Development Levies, UIF and Workmen's Compensation, may contain 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, 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.

8.2.3. Suppliers

Records, including Annual Financial Statements, Tax Returns, Accounting Records, Banking Records, Bank Statements, Paid Cheques, Electronic Banking Records, Asset Register, Rental Agreements, Regional Services Levies, VAT records, and Invoices, may contain company name and registration, first name, last name, phone number, email address, schedule of services or products supplied, schedule of payments.

8.2.4. Website visitors, customers and subscribers

Records, stored on doranvineyards.co.za, may contain realtime tracking, acquisition, engagement, monetisation, retention, demographics, tech and events information, as well as any personal information voluntarily shared by people contacting us via the website, including newsletter subscriptions and online wine purchases.

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

8.3.1. We generally do not share personal information we process as part of our normal business operations.

8.3.2. If we do share personal information:-

8.3.2.1. We request your consent prior to doing so;

- 8.3.2.2. We de-identify the information where possible;
- 8.3.2.3. We may be compelled to do so by law or court order;
- 8.3.2.4. This may be necessary to protect the legitimate interests of you, us, or a third party;
- 8.3.2.5. This is compatible with the initial purpose of collection of the information;
- 8.3.2.6. You have made the information deliberately public; or
- 8.3.2.7. We share it with Operators that work on our behalf with whom we have signed written contracts that require our authorisation and their confidentiality. These Operators may include accountants, auditors, suppliers and contractors.
- 8.3.3. Receiving personal information from third parties: When Doran Vineyards receive 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 and consents with the transfer of their personal information, the purpose for which it may be used, and does not have expressed any objection to our processing their personal information accordingly.

8.4. Planned transborder flows of personal information

N/A.

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

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

- 8.5.1. We only contract reputable and compliant suppliers and contractors with a track record of data privacy compliance, and 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;
- 8.5.2. Digital safeguards include
 - 8.5.2.1. the Hypertext Transfer Protocol Secure (HTTPS) protocol for our website,

- 8.5.2.2. automated website scanning and monitoring for intrusions, malicious software or attacks, and
- 8.5.2.3. industry-standard protected servers we store information on;
- 8.5.3. Physical safeguards include controlled access to our offices and computer master passwords;

9. Availability of this Manual

- 9.1. A copy of the Manual is available at:-
 - 9.1.1. www.doranvineyards.co.za;
 - 9.1.2. head office of Doran Vineyards 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 this Manual

We monitor amendments to PAIA and POPIA regulations, and will update this manual accordingly.

Issued by
The Information Officer for
Doran Vineyards

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Signed copy available upon request