



## PAIA MANUAL

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

Last Revision: 14/08/2024

# 1. List of acronyms and abbreviations

1.1	<b>“Minister”</b>	Minister of Justice and Correctional Services;
1.2	<b>“PAIA”</b>	Promotion of Access to Information Act No. 2 of 2000( as Amended;
1.3	<b>“POPIA”</b>	Protection of Personal Information Act No.4 of 2013;
1.4	<b>“Regulator”</b>	Information Regulator; and

# 2. Purpose of the PAIA Manual

This manual helps the public to:

- 2.1. Find out which records Fynbos has that you can access without needing to make a formal request.
- 2.2. Understand how to request access to Fynbos's records, including what types of records are available and how they are organized.
- 2.3. See which records Fynbos holds that are available under other laws.
- 2.4. Learn about the guide on how to use PAIA, as updated by the Regulator, and how to get it.
- 2.5. Know if Fynbos handles personal information, why they do it, and what types of personal information they collect.
- 2.6. Understand who might receive your personal information if it's shared.
- 2.7. Find out if Fynbos plans to store or process your personal information outside of South Africa and who might receive that information.
- 2.8. Be assured that Fynbos has proper security measures to keep your personal information safe.

### 3. Contact information to make a request

Information requests must be made via Fynbos email support channel by sending the request to [support@fynbos.app](mailto:support@fynbos.app).

The subject of the request should contain the words "PAIA Request".

All valid requests received in this way will be escalated to the Chief Executive Officer who will determine how the request is handled.

### 4. Information Request Procedure

When making a request, be sure to include enough details so that Fynbos can identify the record you want and your contact information. Specify how you would like to receive the information. Also, explain which right you are trying to exercise or protect and why the record is needed.

If you are making the request on behalf of someone else, provide proof that you have the authority to do so.

Fynbos will respond to your request within 30 days, letting you know if access to the record is granted or denied. Please note that submitting a request does not guarantee access to the record.

Fynbos reserves the right to request payment of a fee before the record will be released to cover the costs of handling the request.

Access to the record will only be granted if:

1. The record is needed to exercise or protect a right.
2. You have followed the correct procedures as required by the law.
3. Access is not denied based on any of the refusal grounds in the law.
4. The fee, if any, has been paid in full.

## 5. Denial of Access

Access to a record may be denied in certain situations, such as:

1. Protecting personal information from being unfairly shared.
2. Protecting a third party's commercial information (like trade secrets).
3. Protecting financial, commercial, scientific, or technical information that could harm a third party's interests.
4. If sharing the information would break a confidentiality agreement.
5. If sharing the information would endanger someone's safety or life.
6. If sharing the information would compromise the security of property.
7. If sharing the information would affect a person under a witness protection program.
8. If sharing the information would affect public safety.
9. If the information is protected by legal privilege (unless this privilege is waived).
10. If sharing the information would put Fynbos at a disadvantage in negotiations or competition.
11. If the information contains trade secrets or sensitive commercial, financial, scientific, or technical information that could harm Fynbos's interests.
12. If the information relates to ongoing or upcoming research and development by Fynbos.

If access is denied, Fynbos will provide:

1. The reasons for the refusal.
2. Information on how you can appeal the decision in court, including the time frame for doing so.

## 6. Guide on how to use PAIA

The Regulator has updated Guide on how to use PAIA (the “Guide”), as required by section 10(1) of PAIA. The Guide is available in all official languages and in braille.

The Guide includes:

- 6.1. An explanation of PAIA and POPIA.
- 6.2. The contact details (address, phone, fax, and email) of the 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>.
- 6.3. Instructions on how to request access to records from public bodies (section 11)<sup>3</sup> and private bodies (section 50)<sup>4</sup>.
- 6.4. Information on the help you can get from the Information Officer or the Regulator under PAIA and POPIA.
- 6.5. Details on legal options if your rights under PAIA or POPIA are not respected, including how to:
  - 6.5.1. File an internal appeal.
  - 6.5.2. Submit a complaint to the Regulator.
  - 6.5.3. Take legal action against decisions made by the Information Officer, the Regulator, or the head of a private body.

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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

<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:

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.

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6.6. Information about the manuals public and private bodies must prepare and how to access them (sections 14 & 51)<sup>5</sup>.

6.7. Information on which records public and private bodies can voluntarily disclose (sections 15 & 52)<sup>6</sup>.

6.8. Notices about fees related to access requests (sections 22 & 54)<sup>7</sup>.

6.9. The regulations made under section 92<sup>8</sup>.

You can view or copy the Guide at the offices of public and private bodies, including the Regulator's office, during normal working hours.

You can also request the Guide from the Information Officer or download it from the Regulator's website: <https://www.justice.gov.za/infoereg/>.

A copy of the Guide is available in multiple official languages for public inspection during normal office hours.

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<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 & 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.

<sup>6</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 & **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>7</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 & **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>8</sup>**Section 92(1) of PAIA:** The Minister may, by notice in the Gazette, make regulations regarding:

1. any matter which is required or permitted by this Act to be prescribed;
2. any matter relating to the fees contemplated in sections 22 and 54;
3. any notice required by this Act;
4. 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
5. any administrative or procedural matter necessary to give effect to the provisions of this Act.

## 7. Categories of records held by Fynbos

### 7.1. Public Records

The following records are available without a person having to request access. All of these records are accessible from the Fynbos website at <https://fynbos.app>.

Category of records	Types of the Record
Policies	Privacy Policy User Terms & Conditions Data Security Policy
Published Content	Learning materials Advertising Marketing material

### 7.2. Protected Records

The following records are available in accordance with applicable legislation.

Category of Records	Applicable Legislation
Memorandum of incorporation Shareholder register Statutory returns	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Employee records Employment contracts Personnel guidelines Policies and procedures Remuneration records	Basic Conditions of Employment 75 of 1997 Labour Relations Act 66 of 1995 Occupational Health & Safety Act 85 of 1993 Unemployment Contributions Act 4 of 2002
Internal design documents Content and advertising plans	Copyright Act 98 of 1978
Digitally signed documents Customer agreements	Electronic Communications and Transactions Act 25 of 2002
Annual financial statements Vendor invoices & receipts Customer invoices & receipts Insurance policy information Customer Register Contracts Disaster recovery guidelines Business continuity guidelines Customer transactions	Financial Advisory and Intermediary Services Act 37 of 2002 Financial Intelligence Centre Amendment Act of 2008 Income Tax Act 95 of 1967 Value Added Tax Act 89 of 1991
Data Security Policy Customer records	Protection of Personal Information Act 2013

## 6. Subjects

The following table provides a description of the subjects on which Fynbos holds records and categories of records held on each subject.

Subjects	Categories
Business Administration	Incorporation documents Minutes of meetings Shareholder register Statutory returns
Human Resources	Employee records Employment contracts Personnel guidelines Remuneration records
Business Operations	Company information Customer register Contracts Information relating to work in progress Product development documentation Marketing strategies Suppliers register Compliance documentation
Finance and Accounting	Financial statements Asset register Banking records Budgets Insurance information Tax information
Information Technology	Disaster recovery plans Business continuity plans Product design materials Software development guidelines Internal training materials



## 7. Processing of personal information

### 7.1. Purpose

Fynbos processes personal information of its customers according to its privacy policy in order to deliver a service and stay compliant of applicable regulations such as the Financial Intelligence Centre Amendment Act of 2008.

### 7.2. Categories of Data Subjects

The following table describes the categories of data subjects and of the information or categories of information relating thereto

<b>Categories</b>	<b>Information that may be processed</b>
Customers	name, address, identity numbers, address, bank details, income and expense data
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details

### 7.3. Categories of Data Recipients

The recipients or categories of recipients to whom the personal information may be supplied are provided in the following table.

<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
Name and address for address verification	Credit Bureaus Persona
Identity number and names, for identity verification	Department of Home Affairs Persona
Names and DOB, for sanctions and related screening	Persona
Bank account details, for initiating debit orders and bank account verification	Precium

## 7.4. Transborder data flows

Personal information may be stored outside South Africa by partners that assist with identity verification.

## 7.5. Information Security Measures

Fynbos takes the security of all records very seriously. It has a data security policy, which is available via the website and can be made available via email on request, which governs how data is secured.

## 8. Availability of the manual

A digital copy of this manual is available:

- 8.1. for download at <https://fynbos.app>; or
- 8.2. to any person upon request; and
- 8.3. to the Information Regulator upon request.

A fee for a copy of this manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made should physical copy be required.

## 9. Updating of the manual

Fynbos will, on a regular basis, update this manual.

Issued by



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Adrian Hope-Bailie  
Director