

**PRIVACY MANUAL IN TERMS OF  
THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000  
AND  
THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013  
OF  
ETNA TRADING 65 (PTY) LTD**

## TABLE OF CONTENTS

1. INTRODUCTION .....	3
2. INFORMATION OFFICER .....	3
3. CONTACT DETAILS FOR THE RESPONSIBLE PARTY .....	3
4. AVAILABILITY OF THE MANUAL.....	4
5. GUIDE ON THE USE OF PAIA IN TERMS OF SECTION 10 OF PAIA.....	4
6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION .....	4
7. RECORDS AUTOMATICALLY AVAILABLE .....	5
8. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD BY THE RESPONSIBLE PARTY .....	5
9. PURPOSE OF THE PROCESSING OF THE RECORDS KEPT BY THE RESPONSIBLE PARTY .....	7
10. CATEGORIES OF RECIPIENTS FOR PROCESSING THE PERSONAL INFORMATION .....	8
11. PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION.....	8
12. THE SUITABILITY OF THE INFORMATION SECURITY MEASURES .....	8
13. RETENTION OF RECORDS .....	9
14. DESTRUCTION OF PRIVATE AND CONFIDENTIAL RECORDS .....	10
15. ACCESS REQUEST PROCEDURE.....	10
16. GROUNDS FOR REFUSAL TO ACCESS TO RECORDS - CHAPTER 4 OF PAIA .....	11
17. PRESCRIBED FEES .....	12
18. COMPLAINT TO THE INFORMATION REGULATOR .....	13

## 1. INTRODUCTION

This manual is published in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (“PAIA”) and in compliance with the Protection of the Personal Information Act 4 of 2013 (“POPI”) together with the regulations to POPI, published under Government Notice R1383 in Government Gazette 42110 dated 14 December 2018.

This manual applies to Etna Trading 65 (Pty) Ltd (“the **Responsible Party**”).

This manual details the categories of information that the Responsible Party collects and holds, how this information is used and stored, the manner in which such information may be accessed and grounds for refusal of access to such information.

## 2. INFORMATION OFFICER

Information Officer: Ms. Sheena Brent

Contact Number: 032 947 0207

Email: [sheena@earth.co.za](mailto:sheena@earth.co.za)

Physical Address: Chairman’s Park, R102 Old Main Road, Umhlali

## 3. CONTACT DETAILS FOR THE RESPONSIBLE PARTY

Name of Entity: Etna Trading 65 (Pty) Ltd

Registration No: 2010/003913/07

Physical address: Chairman’s Park, R102 Old Main Road, Umhlali

Postal address: PO Box 6189, Zimbali, 4418

Telephone: 032 947 0207

Email: [sheena@earth.co.za](mailto:sheena@earth.co.za)

#### **4. AVAILABILITY OF THE MANUAL**

4.1 This manual may be accessed in the following ways:

- 4.1.1 this manual is available for inspection, free of charge, at the offices of the Responsible Party, at the physical address detailed in clause 3 above;
- 4.1.2 copies of the manual may be obtained, subject to payment of the prescribed fees, at the offices of the Responsible Party, at the physical address detailed in clause 3 above;
- 4.1.3 a copy of this manual is available in an electronic format on request from the Information Officer as per the details in clause 2 above;
- 4.1.4 on the Responsible Party's website.

#### **5. GUIDE ON THE USE OF PAIA IN TERMS OF SECTION 10 OF PAIA**

- 5.1 A guide on how to use PAIA has been compiled by the South African Human Rights Commission and updated by the Information Regulator in terms of Section 10 of PAIA.
- 5.2 This guide is available in each of the official languages.
- 5.3 The guide may be accessed by requesting a copy through the following channels:

Information Regulator:

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Email: [enquiries@info regulator.gov.za](mailto:enquiries@info regulator.gov.za)

Telephone: 010 023 5200

Website: <https://www.justice.gov.za/info reg/docs.html>

#### **6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION**

6.1 The Responsible Party holds records in accordance with applicable legislation, including all regulations and rules issued in terms of such legislation. Such legislation may include the following (the below is not an exhaustive list):

- 6.1.1 Consumer Protection Act 68 of 2008;

- 6.1.2 The Companies Act 71 of 2008;
  - 6.1.3 The Labour Relations Act 66 of 1995;
  - 6.1.4 Employment Equity Act 55 of 1998;
  - 6.1.5 The Skills and Development Act 97 of 1998;
  - 6.1.6 Electronic Communications and Transactions Act 25 of 2002;
  - 6.1.7 Basic Conditions of Employment Act 75 of 1997;
  - 6.1.8 Income Tax Act 58 of 1962;
  - 6.1.9 Occupational Health and Safety Act 85 of 1993;
  - 6.1.10 Value-added Tax Act 89 of 1991.
- 6.2 Certain information kept in terms of the above legislation is protected from disclosure in terms of such legislation. Any disclosure of requested information will be subject to the request procedure as detailed in clause 15 below and the grounds for refusal stipulated in clause 16 below.

## **7. RECORDS AUTOMATICALLY AVAILABLE**

The following records are automatically available to the public, without having to submit a formal request to access the information in terms of clause 15 below:

- 7.1 All publication and information made available on the website of the Responsible Party;
- 7.2 List of services provided by the Responsible Party;
- 7.3 The standard terms and conditions of the Responsible Party;
- 7.4 Consent forms;
- 7.5 Information request forms; and
- 7.6 Objection or correction request forms.

## **8. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD BY THE RESPONSIBLE PARTY**

8.1 The following records and information are or may be collected, processed and held by the Responsible Party or on behalf of the Responsible Party by its duly authorised agents:

### **8.1.1 RESPONSIBLE PARTY RECORDS**

- Responsible Party registration documents
- Insurance policy documents

#### 8.1.2 **FINANCIAL RECORDS**

- Annual Financial Statements
- Tax Returns and other tax records
- Accounting Records
- Banking Records
- Bank Statements
- Invoices and statements

#### 8.1.3 **EMPLOYEE RECORDS**

- Employment contracts
- Tax information
- Bank account details
- Contact details and physical and postal addresses
- Name and Identity number
- Medical aid information
- Leave records
- Records of disciplinary action

#### 8.1.4 **ADMINISTRATION & OPERATIONAL RECORDS**

- General Housekeeping information

#### 8.1.5 **CLIENT AND/OR LESSEE DOCUMENTS AND RECORDS**

- Names and Identity numbers
- Entity names and registration numbers
- Contact details and residential and postal addresses
- Consent forms
- Financial and accounts information
- Tax information

The above is a non-exhaustive list.

- 8.2 The listing of the records kept by the Responsible Party does not mean that all such information is available to the public. Certain records listed above are protected from disclosure in terms of legislation. Any disclosure of requested information will be subject to the request procedure as detailed in clause 15 below and the grounds for refusal stipulated in clause 16 below.
- 8.3 Anyone whose personal information is held by the Responsible Party and anyone who has provided written consent to the processing of their personal information may submit a request to the Responsible to withdraw his or her consent or to object to the processing of his or her personal information on reasonable grounds. Such request must be submitted on the prescribed form, which is available on request from the Information Officer.

## **9. PURPOSE OF THE PROCESSING OF THE RECORDS KEPT BY THE RESPONSIBLE PARTY**

- 9.1 The Responsible Party may process the records detailed in clause 8 above for the following purposes *inter alia*:
- 9.1.1 to comply with legislation;
  - 9.1.2 for investment and review of the Responsible Party's assets;
  - 9.1.3 for the day to day administration of the Responsible Party;
  - 9.1.4 for retention of records as required by law or in terms of an agreement with a third party, i.e. service level agreement;
  - 9.1.5 to provide services and products;
  - 9.1.6 to carry on its property letting business;
  - 9.1.7 to facilitate the collection of monies owed to the Responsible Party;
  - 9.1.8 the storage of the personal information with external storage and record management companies;
  - 9.1.9 the storage of the personal information in a secure cloud-based storage facility; and
  - 9.1.10 to verify the accuracy, correctness, completeness of any information provided to the Responsible Party.
- 9.2 The Responsible Party may disclose personal information to its service providers, accountants, legal practitioners and agents where they reasonably require such information in order to process personal information for the purposes for which it was obtained by the Responsible Party.

## **10. CATEGORIES OF RECIPIENTS FOR PROCESSING THE PERSONAL INFORMATION**

- 10.1 The Responsible Party may, subject to authorisation in terms of any applicable legislation or with the data subject's consent, share relevant personal information of a data subject with:
- 10.1.1 any statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data;
  - 10.1.2 the applicable educational institution;
  - 10.1.3 any court, administrative or judicial forum;
  - 10.1.4 estate agents and property managers;
  - 10.1.5 South African Revenue Services;
  - 10.1.6 service providers rendering accounting, administrative, legal services;
  - 10.1.7 service providers who capture, organise and store data; and
  - 10.1.8 a third party when required by law or authorised by court order.
- 10.2 The personal information will be shared in compliance with the legal obligation of the Responsible Party to protect the integrity and confidentiality of the data subject's personal information and only to the extent absolutely necessary to achieve the purposes detailed in clause 9.
- 10.3 The sharing of a data subject's personal information will be subject to the obligation of confidentiality by virtue of the position held by the person with whom the personal information is shared or where such person's position does not impose such an obligation of confidentiality, in terms of a declaration or undertaking which the Responsible Party shall secure with such person.

## **11. PLANNED TRANS-BORDER FLOW OF PERSONAL INFORMATION**

Data may be transferred trans-border in order to (i) store data with third party cloud storage providers and/or (ii) to render services in respect of transactions involving a party or parties located outside South Africa.

## **12. THE SUITABILITY OF THE INFORMATION SECURITY MEASURES**

- 12.1 Personal information collected by the Responsible Party in a physical form shall be stored:



- 12.1.1 securely at the offices of the offices of the Responsible Party, the offices of the Responsible Party's attorneys and/or accountants or at any other secure off-site location;
  - 12.1.2 the storage sites referred to above have strict access control; and
  - 12.1.3 with an offsite document storage and record management company, subject to strict security obligations.
- 12.2 Personal information collected by the Responsible Party in an electronic format shall be stored:
- 12.2.1 on laptops / computers which are password protected;
  - 12.2.2 on data storage systems and emails which are password protected and only designated persons have the password to access such data storage systems and emails;
  - 12.2.3 the laptops / computers of the Responsible Party have a secure setup of hardware and software making up the IT infrastructure, including Firewalls, Virus protection software and update protocols to prevent hacking; and
  - 12.2.4 electronic records are backed up to a third-party cloud storage provider on a password protected account.

### **13. RETENTION OF RECORDS**

- 13.1 Subject to clause 13.2 below, all personal information collected by the Responsible Party will be kept for as long as the Responsible Party is required by law to keep such personal information, whereafter the information may be destroyed in accordance with the procedure as detailed in clause 14 below.
- 13.2 The Responsible Party may retain personal information for longer periods for statistical, historical or research purposes, and should this occur, the Responsible Party shall ensure that appropriate safeguards are in place to ensure that (i) all personal information will continue to be processed in accordance with this manual and all applicable laws and (ii) such personal information shall not be used for any other purposes.

#### **14. DESTRUCTION OF PRIVATE AND CONFIDENTIAL RECORDS**

When destroying documents, the Responsible Party makes use of methods which render personal information unintelligible and incapable of reconstruction. Such methods may include the shredding or incineration of all physical documents containing personal information or the permanent deletion of all electronic documents containing personal information.

#### **15. ACCESS REQUEST PROCEDURE**

- 15.1 To obtain access to information held by the Responsible Party, the requester must complete the prescribed form (which form is available on request from the Information Officer) and submit the completed form to the Information Officer detailed above, together with proof of payment of the fee/s payable as prescribed in terms of PAIA (refer to clause 17 below).
- 15.2 If a requester is unable to complete the prescribed form due to illiteracy or disability, the request may be made verbally to the Information Officer.
- 15.3 If the request is made on behalf of another person, proof must be submitted of the capacity in which the requester is making the request.
- 15.4 Proper identification must be provided before any information will be disclosed. The Responsible Party may take further steps to confirm the authority and identity of the requester.
- 15.5 The Information officer will provide a response as soon as reasonably possible after receipt of the correctly completed form, but by no later than 30 days after the request has been received.
- 15.6 If the Information Officer grants the request for access to information, the Information Officer will advise the requester of the fees payable for access to the requested information (if any) and the form in which access will be given.
- 15.7 The fees payable for access to information are prescribed in terms of PAIA (refer to clause 17 below).

15.8 The Information Officer may refuse a request on the grounds stipulated in clause 16 below. In the event that the Information Officer refuses a request for information, the Information Officer shall provide the requester with written reasons for the refusal.

15.9 In the event that:

15.9.1 the Information Officer fails to respond within the 30 day period;

15.9.2 the requester's request is refused; or

15.9.3 the requester is dissatisfied with the access fee to be paid, the form of access granted, and / or the procedure for obtaining access,

the requester may within 180 days of the expiry of the 30 day period, where the Information Officer has failed to respond, OR within 180 days of receipt by the requester of the notification of the decision of the Information Officer, submit a complaint to the Information Regulator or apply to any Magistrates' Court having jurisdiction, for relief.

15.10 Where a requester has been granted access to records, the requester may submit a request to the Information Officer to correct or delete such record where the record is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or was obtained unlawfully. Such request must be submitted on the prescribed form, which is available on request from the Information Officer.

## **16. GROUNDS FOR REFUSAL TO ACCESS TO RECORDS - CHAPTER 4 OF PAIA**

16.1 In terms of Chapter 4 of PAIA, a request to access information must be refused by the Responsible Party on the following grounds:

16.1.1 Mandatory protection of the privacy of a third party who is natural person;

16.1.2 Mandatory protection of the commercial information of a third party;

16.1.3 Mandatory protection of certain confidential information of a third party (as specified in section 37 of PAIA);

16.1.4 Mandatory protection of safety of individuals and protection of property;

16.1.5 Mandatory protection of records privileged from production in legal proceedings;

16.1.6 Commercial information of a private body; and

- 16.1.7 Mandatory protection of research information of a third party, and protection of research information of a private body.
- 16.2 In terms of Chapter 4 of PAIA, the Information Officer has the discretion to refuse access to information on the following grounds:
- 16.2.1 the disclosure of such information relating to a third party would prejudice the supply of similar information in the future;
- 16.2.2 where the record contains information relating to crime prevention, detection and prosecution of alleged offenders;
- 16.2.3 where the disclosure would unreasonably reveal consultative material obtained on account of deliberations over formulation of policy, exercise of power or performance of a duty by a public body or public bodies (as defined in PAIA); and
- 16.2.4 where the request is frivolous or vexatious.
- 16.3 Please refer to Chapter 4 of PAIA for more information relating to the aforementioned grounds of refusal.

## 17. PRESCRIBED FEES

As at 26 September 2022, the prescribed fees for access to records of a private body (as published in the applicable Government Gazette in accordance with the Regulations promulgated in terms of PAIA) are as follows:

1.	The request fee payable by a requester, other than a personal requester	<b>R50.00</b>
2.	The fee for reproduction of a record, is as follows:	
	a. For every photocopy of an A4-size page or part thereof	<b>R1.10</b>
	b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	<b>R0.75</b>
	c. For a copy in a computer-readable form on a compact disc:	<b>R70.00</b>
	d. For a transcription of visual images, for an A4-size page or part thereof:	<b>R40.00</b>
	e. For a copy of visual images:	<b>R60.00</b>
	f. For transcription of an audio record, for an A4-size page or part thereof:	<b>R20.00</b>
	g. For a copy of an audio record	<b>R30.00</b>
	h. To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation	

The aforementioned fees may be subject to change from time to time in accordance with the applicable tariff published in terms of the Regulations promulgated in terms of PAIA. In the event of a discrepancy between the aforementioned fees as set out in this manual and the legally prescribed fees set out in the applicable tariff, the fees set out in the applicable tariff shall apply.

## **18. COMPLAINT TO THE INFORMATION REGULATOR**

18.1 Any person has the right to submit a complaint to the Information Regulator regarding the alleged interference with the protection of the personal information of any person whose information is collected by the Responsible Party.

18.2 A complaint may be submitted to the Information Regulator through the following channels:

The Information Regulator (South Africa):

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Email: [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

Telephone: 010 023 5200

**END OF MANUAL**