PAIA Manual

Manual of Smit Debt Counselling CC (Private Body)

Prepared in terms of section 51 of the Promotion of Access to Information Act, No. 2 of 2000, as amended.

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Website	www.smitdc.co.za
Information Officer	Martie Smit

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1. Introduction

Smit Debt Counselling CC provides debt counselling and debt review services. Our service is built on confidentiality, integrity and clear communication with clients. Our accredited debt counsellors are registered with the National Credit Regulator (NCR) and participate in the industry framework applicable to debt counselling services.

2. The Act

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) gives effect to the constitutional right of access to information held by the State and to information held by another person or private body where that information is required for the exercise or protection of rights.

PAIA also sets out the procedures, requirements, time periods, fees and lawful grounds on which access may be granted or refused. A private body is not required to release information unless PAIA provides that access may or must be granted.

3. Purpose of this manual

This manual is intended to help members of the public understand the records held by Smit Debt Counselling CC and how to request access to those records. For the purposes of this manual, references to the "Private Body" mean Smit Debt Counselling CC.

This manual assists you to:

1. check which categories of records are available without a formal PAIA request;
2. understand how to make a request for access to a record held by Smit Debt Counselling CC;
3. identify the subjects and categories of records held by Smit Debt Counselling CC;
4. identify records available in terms of other legislation;
5. access contact details for the Information Officer and Deputy Information Officer;
6. understand how to obtain the Information Regulator guide on PAIA;
7. understand the purpose for which personal information is processed;
8. understand the categories of data subjects and personal information processed;
9. understand the recipients or categories of recipients to whom personal information may be supplied; and
10. understand the security measures used to protect personal information.

4. Contact details

Information Officer	Martie Smit
Deputy Information Officer	Martie Smit
Postal address	45 Nassau Street, Bothasig, Cape Town, 7441
Physical address	45 Nassau Street, Bothasig, Cape Town, 7441
Telephone	021 558 5491
Email	martie@smitdc.co.za
Website	www.smitdc.co.za

Name of private body	Smit Debt Counselling CC
Registration number	2009/165833/23
NCR registration	NCRDC1067
Principal place of business	45 Nassau Street, Bothasig, Cape Town, 7441

5. Guide on how to use PAIA

The Information Regulator has made available a guide on how to use PAIA and POPIA in a form and manner intended to be easily understood by people who wish to exercise rights under these laws.

The guide includes information on the objects of PAIA and POPIA, the details of Information Officers, how to make requests, the assistance available from Information Officers and the Regulator, remedies available in law, fees, voluntary disclosure, and regulations made under PAIA.

The guide may be inspected or copied from the offices of public and private bodies, obtained from the Information Officer on request, or accessed through the Information Regulator website at **www.inforegulator.org.za**.

6. Records automatically available to the public

Category	Record	Available on website	Available on request
Company	Company profile	Yes	Yes
Company	PAIA manual	Yes	Yes
Company	Privacy notice	Yes	Yes

7. Records of the private body

The following table sets out categories of records held by Smit Debt Counselling CC. Access to these records may be subject to the lawful grounds of refusal set out in PAIA.

Subject	Categories of records
Strategic documents, plans and proposals	Annual reports, strategic plans, annual performance plans and related business planning records.
Human resources	HR policies and procedures; advertised posts; employee records and related employment documents.
Operational records	Client files, quotes, invoices, service records and client database records.
Finance, tax and administration	VAT records; PAYE records; UIF records; SDL records; management accounts and financial statements.

8. Records required in terms of legislation

Records are kept in accordance with legislation applicable to Smit Debt Counselling CC, including legislation listed below and any subsequent amendments or secondary legislation.

Category of records	Applicable legislation
Entity registration records, including founding or incorporation records	Close Corporations Act 69 of 1984 / Companies Act 71 of 2008, as applicable
PAIA manual and access request records	Promotion of Access to Information Act 2 of 2000
Personal information and privacy records	Protection of Personal Information Act 4 of 2013
Client and debt counselling records	National Credit Act 34 of 2005
Client verification and accountable institution records, where applicable	Financial Intelligence Centre Act 38 of 2001
Financial and tax records	Income Tax Act 58 of 1962; Value-Added Tax Act 89 of 1991; relevant employment tax legislation

9. Processing of personal information

9.1 Purpose of processing

Smit Debt Counselling CC processes personal information to provide debt counselling and debt review services, respond to enquiries, assess clients, administer debt review proposals, communicate with credit providers and other required parties, comply with legal duties, and maintain business records.

9.2 Categories of data subjects and personal information

Categories of data subjects	Personal information that may be processed
Customers / clients	Name, address, identity number, employment status, bank details, credit information, financial information, account references and supporting documents.
Service providers	Name, registration number, VAT number, address, contact details and bank details.

9.3 Recipients of personal information

Category of personal information	Recipients or categories of recipients
Identity number and names, where required for checks	South African Police Service or other lawful verification channels, where applicable
Credit, payment and debt review information	Credit providers, credit bureaux, payment distribution agencies, regulators, courts and legal or administrative service providers where required

9.4 Planned transborder flows

Smit Debt Counselling CC does not plan to transfer personal information outside South Africa as part of its normal debt counselling service.

9.5 Security measures

Smit Debt Counselling CC takes reasonable technical and organisational measures to protect personal information. This includes:

1. treating personal information as confidential;
2. keeping physical records in secure storage and electronic records in password-protected systems;
3. protecting information against unauthorised access, unlawful processing, accidental loss, destruction, damage, alteration or disclosure;

4. notifying affected parties where required if we become aware of unauthorised use, disclosure or processing; and
5. retaining personal information only for as long as needed or legally required.

10. Request procedure for obtaining information

Records held by Smit Debt Counselling CC may be accessed by request once the requirements for access under PAIA have been met. A requester must comply with PAIA, including completion of the prescribed form and payment of any prescribed request fee, access fee or deposit where applicable.

A request must be submitted to the Information Officer at the physical address, postal address or email address stated in this manual. The request must contain enough detail to allow the Information Officer to identify:

- the record or records requested;
- the identity and contact details of the requester;
- the form of access required, if access is granted;
- the right the requester wishes to exercise or protect; and
- why the requested record is needed to exercise or protect that right.

If a request is made on behalf of another person, proof of authority must be provided to the reasonable satisfaction of the Information Officer. A person who is unable to complete the prescribed form due to illiteracy or disability may make the request orally, and reasonable assistance will be provided.

Smit Debt Counselling CC will process requests within 30 days, unless PAIA allows the period to be extended or the requester has given a special reason for urgent consideration.

11. Fees

Where a prescribed request fee, access fee or deposit is payable under PAIA, the Information Officer may require payment before further processing of the request. If the search for or preparation of the record requires more than the prescribed hours, a deposit may be required.

Access to a record may be withheld until the applicable fees have been paid. If a deposit was paid and access is refused, the Information Officer will repay the deposit in accordance with PAIA.

12. Grounds for refusal of access to information

The main grounds on which access to a record may be refused include, but are not limited to:

- mandatory protection of the privacy of a third party who is a natural person;
- mandatory protection of commercial information of a third party, including trade secrets or information that could cause commercial or financial harm;
- mandatory protection of confidential information supplied by a third party;
- protection of records privileged from production in legal proceedings;
- protection of the commercial activities of Smit Debt Counselling CC, including trade secrets, confidential business information and computer programs protected by copyright;
- protection of research information where disclosure would cause serious disadvantage; and
- requests that are frivolous, vexatious or would unreasonably divert resources.

13. Decision, availability and signature

Smit Debt Counselling CC will decide whether to grant or refuse a request within 30 days of receipt of the request, unless PAIA permits an extension. The requester will be notified of the decision and, where required, the reasons for the decision.

The 30-day period may be extended for a further period of not more than 30 days where the request is for a large amount of information, requires a search at another office, or cannot reasonably be completed within the original period. The requester will be notified in writing if an extension is required.

This manual is available at the premises of Smit Debt Counselling CC and on the website of Smit Debt Counselling CC.

Name	Mrs. Martha Smit
Capacity	Information Officer / authorised representative
Signature	
Date	11 October 2022