



PROMOTION OF ACCESS TO INFORMATION MANUAL

Table of Contents

1. INTRODUCTION	3
2. PURPOSE OF THIS MANUAL	3
3. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION	3
4. PROCEDURE FOR REQUESTS	4
5. PAYMENT OF FEES	4
6. THE SECTION 10 GUIDE ON HOW TO USE THE ACT.....	5
7. TYPES OF RECORDS HELD BY TBFS	5
8. INFORMATION THAT IS AUTOMATICALLY AVAILABLE	6
9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION	6
10. GROUNDS FOR REFUSAL	7
11. REMEDIES IN TERMS OF PAIA	8
12. AVAILABILITY OF THE MANUAL	8
ANNEXURE A.....	8
ANNEXURE B.....	10

1. INTRODUCTION

This Manual is published in accordance with section 51 of the Promotion of Access to Information Act, number 2 of 2000 (as amended) ("**PAIA**"). PAIA gives effect to the public's right to have access to information, which right is provided for in the Constitution of the Republic of South Africa, 1996 ("**Constitution**"). Section 9 of PAIA however recognizes that such right of access to information is subject to justifiable limitations, including but not limited to:

- (a) Limitations aimed at the reasonable protection of privacy
- (b) Commercial confidentiality
- (c) Effective, efficient, and good governance and
- (d) The balance between the right of access to information and any other rights, including such rights contained in the Bill of Rights in the Constitution of South Africa.

2. PURPOSE OF THIS MANUAL

This PAIA Manual is intended to ensure that The Best Funeral Society (Pty) Ltd (TBFS) complies with the Act and to foster a culture of transparency and accountability within TBFS by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

It is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

This manual complies with the requirements of section 10 of the Act and recognizes that upon the commencement of the Protection of Personal Information Act 4 of 2013, the appointed information regulator will be responsible to regulate compliance with the Act and its regulations by the public and private bodies.

3. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Contact Details

Any person who wishes to request any information from TBFS in order to protect or exercise a right may contact the Information Officer at the following contact details:

Information Officer: John Turnbull

Deputy Information Officer: Sam Masetle

Postal Address

PO Box 62592
Marshalltown

2107

Physical Address

1st Floor
81 Main Street
Marshalltown
2001
Tel: 011 373 8400
Fax: 011 836 8573
Email: compliance@tbfs.co.za
Website: www.tbfs.co.za

4. PROCEDURE FOR REQUESTS

In terms of PAIA, the following persons may request access to records held by TBFS

- A person requesting information about him/herself
- An agent requesting information on behalf of someone else
- A third party requesting information of someone else or,
- A public body requesting information for the exercise or protection of its rights or in the interest of the public.

A request for access to a record of TBFS must be made in the prescribed form to TBFS at the address, fax or e-mail address provided above. The form must be addressed to the Information Officer using details described above. (*Annexure B*)

Requesters must:

- Provide sufficient particulars to enable the Information Officer to identify the record/s requested and must contain the name and contact details of the requester,
- Indicate which form of access is required,
- Specify a postal address or email address of the requester in South Africa,
- Indicate the right exercised or to be protected and why the record is required to protect or exercise the right,
- Where they need to be informed of the decision on the request in any other manner, state the manner and particulars to be so informed and
- If the request is made on behalf of a person, submit proof in the form of an affidavit or signed letter of consent, of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

5. PAYMENT OF FEES

The Information Officer will notify the requester of the prescribed fee (if any) payable before further processing the request. Should a fee be required, proof of payment must be sent to the Information Officer together with the request.

A requester seeking access to a record containing their own person information will not be charged a request fee.

The schedule of all fees payable for PAIA requests and related access to requested information is attached to this manual as *Annexure A*.

If the request is granted the requester will be accordingly notified and a further fee must be paid. This would be for the search, reproduction, preparation and time that exceed the prescribed hours to search and prepare the disclosure.

6. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

In terms of section 10 of the Act, the South Africa Human Rights Commission (SAHRC) published a guide to assist people to access records and exercise their right to information. The guide is available in all South African official languages free of charge and any person may request a copy of the guide. Please direct any queries regarding a copy of the guide to:

The South African Human Rights Commission: PAIA Unit

Postal Address

Private Bag 2700
Houghton
2041

Telephone: 011 877 3645/3600

Fax: 011 403 0668

Website: www.sahrc.org.za

7. TYPES OF RECORDS HELD BY TBFS

Requests for access to documents held by TBFS will be in accordance with the Act. The following records are available to the requester from the TBFS office:

These include but are not limited to the following:

Human Resources Records

These include but are not limited to the following:

- Any personal records provided to TBFS by their personnel,
- Any records a third party has provided to TBFS about any of their personnel,
- Conditions of employment and other personnel related contractual and quasilegal records,
- Internal correspondence and records, internal evaluation records,
- Disciplinary records,
- Training and development,
- Employee Manual.

Customer Related Records

A customer or client includes any natural or juristic entity who receives services from TBFS. Customer related information includes but is not limited to the following:

- Any records a customer has provided to a third party acting for or on behalf of TBFS; any records a third party has provided to TBFS, and records generated by or within TBFS pertaining to the customer, including transactional records.

Financial, IT and Operational Records

This includes but is not limited to the following:

- Financial records, corporate financial reports,
- Operational records,
- Information technology,
- Marketing records,
- Product records,
- Statutory records,
- Internal policies and procedures,
- Records held by officials at TBFS,
- System related records,
- Disaster recovery and implementation plan.

Other Parties

TBFS may possess records pertaining to other parties, including without limitation, contractors, suppliers, service providers. Alternatively, such other parties may possess records which can be said to belong to TBFS. The following records fall under this category:

- Personnel, customer or TBFS records which are held by another party as opposed to being held by TBFS,
- Records held by TBFS pertaining to other parties, including without limitation financial records,
- Correspondence,
- Contractual records,
- Records provided by the other party,
- Records third parties have provided about the contractors/suppliers.

8. INFORMATION THAT IS AUTOMATICALLY AVAILABLE

The information set out in this section relates to records that are automatically available for inspection, purchase or photocopying in terms of section 52 of the Act. This information need not be requested by a formal request in terms of the Act and can be requested from the Information Officer

Automatically Available Information:

- Information available on TBFS website is voluntarily disclosed

9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records are available in accordance to the following legislation:

- Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 55 of 1998
- National Credit Act 34 of 2005

- Labour Relations Act 66 of 1995
- Consumer Protection Act 68 of 2008
- Companies Act No. 71 of 2008 Act and Companies Amendment Act No. 3 of 2011
- Income Tax Act 89 of 1991 and Amendments
- Value Added Tax Act 89 of 1991
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000a
- Insurance Act 18 of 2017
- Financial Advisory and Intermediary Services Act 32 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Long term insurance Act,
- Occupational Health and Safety Act.

10. GROUNDS FOR REFUSAL

As prescribed in section 25 of PAIA, justifiable grounds exist for TBFS to refuse or limit access to information and will inform the requester accordingly. Grounds for refusal include, but are not limited to:

- a) A mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- b) A mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- c) A mandatory protection of the commercial information of a third party (section 64), if the record contains trade secrets of the third party such as:
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party
 - Information disclosed in confidence by a third party to TBFS, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition
- d) A mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement and a mandatory protection of the safety of individuals and the protection of property (section 66);
- e) A mandatory protection of records privileged from production in legal proceedings;
- f) Protection of commercial information of TBFS;
- g) Mandatory protection of the research information of a third party and of TBFS;

- h) Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

11. REMEDIES IN TERMS OF PAIA

TBFS will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which TBFS has to decide whether to grant or refuse the request may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of TBFS and the information cannot reasonably be obtained within the original 30 day period. TBFS will notify the requester in writing should an extension be sought.

Any requester that is dissatisfied with any decision of TBFS in respect of a request for access to a record of TBFS can approach the High Court or another court of a similar status to seek redress by way of an application to the court within 30 days in terms of section 74 (3)(C) of PAIA.

12. AVAILABILITY OF THE MANUAL

This manual is available for inspection at TBFS's office, free of charge and on the TBFS website at <https://www.tbfs.co.za>

Revision summary

Review every two years or as required

Date of revision May 2024

Prescribed Fees

PAIA sets out two (2) types of fees, namely a request fee and an access fee, that are required to be paid prior to processing the request for access to a record.

1. A personal requestor, that is a requestor who requests access to a record containing personal information about him/herself, is not required to pay the request fee. Any other requestor will be required to pay the request fee.
2. The access fee in respect of the search, preparation and disclosure of records does not apply to the personal record of a requestor.
3. A request fee of R50.00 is payable up front where a requestor submits a request for access to information other than for personal information relating to the requestor himself/ herself.
4. Where a copy of the record needs to be posted the actual postal fee is payable.
5. Where a request for access to information regarding a person other than the requestor him/herself is received and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee will be payable.
6. The applicable fees which will be payable upfront are:

ITEM	RAND
Photocopy of A4-size page or part thereof	R 1.10
Printed copy of A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
Copy in computer-readable form on compact disc	R 70.00
Transcription of visual images, for an A4-size page or part thereof	R 40.00
Copy of visual images	R 60.00
Transcription of an audio record, for A4-size page or part thereof	R 20.00
Copy of an audio record	R 30.00
Search for and preparation of the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R 30.00

Form C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10

A. Particulars of private body

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B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.

(b) The address and/or fax number in the Republic to which the information is to be sent must be given.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

.....

Identity number:

Postal address:

Telephone number: (.....) Fax number: (.....)

E-mail address:

Capacity in which request is made, when made on behalf of another person:

.....

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

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2. Reference number, if available:

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3. Any further particulars of record:

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E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

- 1. If the record is in written or printed form:
 - copy of record* inspection of record

2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):
 - view the images copy of the images* transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:
 - listen to the soundtrack (audio cassette)
 - transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:
 - printed copy of record*
 - printed copy of information derived from the record*
 - copy in computer readable form* (compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

Postage is payable.

YES NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

.

Signed at this day..... ofyear

.....

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE