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# BOTLIERSKOP

Game Reserves & Villas

This is a manual as prescribed by the Act and will be lodged with the Human Rights Council. As it is not a policy, it is not in the standard format.

Botlierskop Game Reserve (PTY) LTD  
(Registration number: 2004/002625/07) T/A Botlierskop Private Game Reserve

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## **MANUAL**

**in terms of**

**Section 51 of**

THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

And

THE PROTECTION OF PERSONAL INFORMATION ACT, 2013

**2/2000**

**(the "ACT")**

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## **1. INTRODUCTION**

Botlierskop Game Reserve (Pty) Limited trading as Botlierskop Private Game Reserve and conducts business in Tourism (international and domestic). We specialize in accommodation and well as variety of activities. Wildlife on the reserve complies with Nature Conservation rules and regulations.

## **2. COMPANY CONTACT DETAILS**

Persons designated/duly authorised persons:

Directors: T A Neethling (Managing)

Postal Address: P.O. Box 565, Little Brak River, 6503

Street Address: Gonna Kraal Road, Little Brak River, 6503

Telephone Number: 044-3330021

Fax Number: 044-6966272

Email: [arnold@botlierskop.co.za](mailto:arnold@botlierskop.co.za)

## **CONTACT DETAILS OF THE INFORMATION OFFICER**

Office Manager: Francina Terblanche

Postal Address: P.O. Box 565, Little Brak River, 6503

Street Address: Gonna Kraal Road, Little Brak River, 6503

Telephone Number: 044-3330021

Fax Number: 044-6966272

Email: [marketing@botlierskop.co.za](mailto:marketing@botlierskop.co.za)

## **3. THE ACT**

- 3.1** The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 10 and form C of the Act.
- 3.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### 4. List of applicable legislation

4.1 The Company retains records which are required in terms of legislation other than PAIA.

4.2 Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the Requester has a right of access to a record other than in terms of the procedure set out in the PAIA

NO	REF	ACT
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 25 of 2002	Electronic Communications and Transactions Act
10	No 2 of 2000	Promotion of Access of Information Act
11	No 30 of 1996	Unemployment Insurance Act
12	No 97 of 1998	Skills Development Act

Although we have used our best endeavors to supply a list of applicable legislation, it is possible that this list may be incomplete.

Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly.

If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

## **5. Schedule of Records**

The company has not submitted any notice of such records in terms of Section 51(1) (C) of the Act. The following information is held by die Company. A classification of the available information and whether such information will be provided is also indicated below:

**Description of the subjects on which the Company holds records, and the categories of records held on each subject. Each of these records are available on request in terms of PAIA**

- Attendance registers
- Correspondence
- Licences
- Minutes of Management meetings
- Minutes of staff meetings
- Employee Records
- Employee Contracts
- Employment Equity Records
- General Correspondence
- Labour Relation records
- Performance Appraisals
- Personnel Guidelines, Policies and Procedures
- Personnel information
- Letter of employment
- Leave records
- UIF returns
- Remuneration Records
- Skills requirements
- Statutory Records
- Training Records
- SDL records
- Contracts
- Annual Financial Statements
- Asset Register
- Budgets
- Financial Transactions
- Insurance Information
- Purchase and Order Information
- Stock Records
- Tax Records
- IT Policies and Procedures

**Subjects and categories of personnel records held at physical address.**

- Identity Numbers
- Dates of birth
- Telephone numbers
- Emails
- Addresses
- Banking details
- Bank account number

**Customer personnel information held by company**

- Name and surname
- Id
- Phone and mail address
- Physical address

### **IT practises by company**

- Physical security, (PC's locked to fixture/ locked in room)
- Network security control
- Password controls
- Virus & Malware protection
- Software updates
- Disaster recovery & back-up policy

### **Marketing and Communication**

- Proposal documents
- Agreements
- New business development
- Client relationship programmes
- Brand information management
- Marketing publications and brochures
- Marketing strategies
- Sustainability programmes.

## **6. Grounds for refusal of access to records in terms of PAIA**

The following are the grounds on which the Company may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:

- 6.1 mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable;
- 6.2 mandatory protection of the commercial information of a third party, if the Records contain:
- (1) trade secrets of that third party;
  - (2) financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
  - (3) information disclosed in confidence by a third party to the Company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 6.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 6.4 mandatory protection of the safety of individuals and the protection of property
- 6.5 mandatory protection of Records that would be regarded as privileged in legal proceedings;

6.6 protection of the commercial information of the Company, which may include:

- (1) trade secrets;
- (2) financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company;
- (3) information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; and/or
- (4) computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws;

6.7 research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and

6.8 Requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

## **7. Information or records not found**

If the Company cannot find the records that the Requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

## **8. Remedies available to the requester upon refusal of a request for access in terms of PAIA**

8.1 The Company does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

8.2 In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

## **9. Procedure for a request for access in terms of PAIA**

9.1 A Requester must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record.

9.2 A Requester must complete the prescribed Request for Access form attached and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the postal or physical address, facsimile number or electronic mail address stated in clause 2 above.

9.3 The Request for Access form must be completed with enough detail so as to enable the Information Officer to identify the following:

- (1) the Record/s requested;
- (2) the identity of the Requester;
- (3) the form of access that is required, if the request is granted;
- (4) the postal address or fax number of the Requester; and
- (5) the right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.

- 9.4 If a Request for Access is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.
- 9.5 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally
- 9.6 The Company will voluntarily provide the requested Records to a Personal Requester (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Personal Requester will be charged in accordance with section 54(6) of PAIA and paragraph 10 (FEES) below.

## **10. Fees**

- 10.1 When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee (if any), before further processing of the Request for Access.
- 10.2 The Information Officer will withhold a Record until the Requester has paid the fees
- 10.3 If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
- 10.4 A Requester whose Request for Access to a Record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the Record for disclosure, including making arrangements to make it available in a requested form provided for in PAIA.
- 10.5 If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.
- 10.6 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

## **11. Decision to grant access to records**



- 11.1 The Company will decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requester with reasons (if required) to that effect.
- 11.2 The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of the Company and the Records cannot reasonably be obtained within the original 30 day period.
- 11.3 The Company will notify the Requester in writing should an extension of time as contemplated above be required.
- 11.4 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

## **12. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY THE COMPANY**

- 12.1 Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.
- 12.2 The Company needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by the Company. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:
  1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by the Company, in the form of privacy or data collection notices. Botlierskop must also have a legal basis (for example, consent) to process Personal Information;
  2. is processed only for the purposes for which it was collected;
  3. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
  4. is adequate, relevant and not excessive for the purposes for which it was collected;
  5. is accurate and kept up to date;
  6. will not be kept for longer than necessary;
  7. is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by the Company, in order to protect against access and acquisition by unauthorized persons and accidental loss, destruction or damage;

8. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
- (a) be notified that their Personal Information is being collected by the Company. The Data Subject also has the right to be notified in the event of a data breach;
  - (b) know whether the Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
  - (c) request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
  - (d) object to the Company's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to the Company's record keeping requirements);
  - (e) object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
  - (f) complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.



**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:

.....  
.....  
.....

2. Reference number, if available:

.....  
.....  
.....

3. Any further particulars of record:

.....  
.....  
.....

**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:

.....  
.....  
.....  
.....

**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 <b>X</b> .	
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.	

<b>1. If the record is in written or printed form:</b>				
	copy of record*		inspection of record	
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>				
	view the images		copy of the images*	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>				
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>				
	printed copy of record*		printed copy of information derived from the record*	copy in computer readable form* (stiffy or 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
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**A.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:

.....

.....

.....

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

.....  
.....  
.....

**G. 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

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

.....  
.....

Signed at ..... this day..... of .....year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE