

Keith Design (Pty) Ltd T/A KM2K Architecture and Interior Design
("The Company")

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL
("PAIA MANUAL")

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

This Manual constitutes the Company's PAIA manual, which gives effect to everyone's Constitutional right to privacy. It promotes the protection of personal information processed by public and private bodies, including certain conditions to the processing of personal information.

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1. INTRODUCTION

The Promotion of Access to Information Act, 2000 ("**PAIA**") gives effect to the Constitutional right of individuals and juristic bodies to access information held by the State or any other person/organisation, where such information is required for the exercise or protection of a right to access records held by a private or public body, subject to certain conditions, in order to enable them to exercise or protect their rights.

Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.

Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such body and stipulates the minimum requirements that the manual has to comply with.

2. ABBREVIATIONS AND DEFINITIONS

1.1. "CEO"	Chief Executive Officer
1.2. "DIO"	Deputy Information Officer
1.3. "IO"	Information Officer
1.4. "Minister"	Minister of Justice and Correctional Services
1.5. "PAIA"	Promotion of Access to Information Act No. 2 of 2000
1.6. "POPIA"	Protection of Personal Information Act No.4 of 2013
1.7. "Regulator"	Information Regulator
1.8. "Republic"	Republic of South Africa
1.9. Processing	The collection, receipt, saving, updating, sharing of information
1.10. Responsible Party	The party processing any personal information
1.11. "Data subject"	Any person whose personal information is being processed
1.12. Requester	The person or body formally requesting access to information

3. ABOUT THE COMPANY

Keith Design (Pty) Ltd T/A KM2K Architecture and Interior Design, based in Cape Town, South Africa, offers architecture and interior design focused on the hospitality and high-end residential industries.

4. INFORMATION OFFICER CONTACT DETAILS

Information Officer:	Belinda Knowles
Telephone:	+27(0)21 426 4556
Email:	belinda@km2k.co.za
Physical address:	76 Church Street, Cape Town, South Africa, 8001

5. INFORMATION REGULATORS GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the Guide should be directed to:

Postal Address: 33 Hoof Street
Forum III, 3rd Floor Braampark
Braamfontein, Johannesburg

Telephone Number: +27 (0) 10 023 5241/2

E-mail Address: enquiries@inforegulator.org.za

Website: <https://inforegulator.org.za/>

6. OBJECTIVES OF THIS MANUAL

The objectives of this Manual are:

- to provide a list of all records held by the legal entity;
- to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by POPIA.

7. RECORDS AUTOMATICALLY AVAILABLE WITHOUT REQUEST

The following records are made freely available by the Company and do not require any request to access:

Category of records	Type of Record	Available on website
Company policies	Privacy Statement	Yes
Company policies	Terms of Use	Yes

8. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- Companies Act 71 of 2008
- Basic Conditions of Employment Act 75 of 1997

- Labour Relations Act, No 66 of 1995
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Occupational Health & Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966

9. RECORDS HELD BY THE COMPANY AND SUBJECT TO REQUEST UNDER PAIA

Business records of the Company which include:

- (a) Financial records
- (b) Minutes of meetings of the executive committee, departmental meetings, and staff meetings.
- (c) Strategic plans and other operational policies
- (d) Annual reports and other statutory reports
- (e) Newsletters, press releases and other publications

10. PROCESSING OF PERSONAL INFORMATION

10.1 The purpose of processing personal information

In terms of POPIA personal information must be processed for a specified purpose and have a legal basis for collecting such information. The Company will process only the minimum amount of information required from Data Subjects to enable the business relationship with employees, independent contractors, suppliers, and clients or customers. The above information will be collected with the consent of the Data Subject.

10.2 Categories of personal information collected by the Company

The Company may collect information relating to an identifiable, living, natural person and where it is applicable, an identifiable existing juristic person including, but not limited to-

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, language, citizenship, bank details, and relevant income tax records;

- b) information relating to the education or the medical, financial, criminal or employment history of the person;
- c) any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier, or other particular assignment to the person;
- d) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- e) Social media insofar as it is publicly available and relevant to the employment of a person.

10.3 The third parties with whom personal information may be shared with

Depending on the nature of the personal information, the Company may supply information or records to the following categories of recipients:

- a) Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information, such as the Department of Employment and Labour, Sector Education Training Authorities (SETAs);
- b) Third parties who are contracted to supply services such as payroll, employee benefits, financial audits, BEE audits, and travel arrangements;
- c) Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- d) South African Revenue Services, or another similar authority;
- e) Anyone making a successful application for access in terms of PAIA or POPIA; and
- f) Subject to the provisions of POPIA and other relevant legislation, the Company may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which the Company operates.

10.4 Transborder flows of personal information

The Company may need to transfer personal information outside of South Africa in the following circumstances:

- a) Personal information which is stored using secure cloud servers hosted outside of South Africa.
- b) Personal information shared with external parties with the consent of the Data Subject for the purpose of a specific function to effect a business relationship.

Whenever such information is shared outside of South Africa, we will ensure that the recipient country has a similar degree of protection of privacy laws.

10.5 General information security measures implemented by The Company

The Company commits to taking extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. The Company takes appropriate technological and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, use, destruction, damage or disclosure.

We have put in place procedures to deal with any suspected personal information breach and will notify you and the Information Regulator of a breach where we are legally required to do so.

11. REQUEST FOR ACCESS TO INFORMATION

11.1 Overview

- 11.1.1 PAIA provides that a person may only make a request for information if the information is required for the exercise or protection of a legitimate right.
- 11.1.2 The Company maintains records on the categories and subject matters as listed in paragraph 10.2. Recording a category or subject matter in this Manual does not imply that a request for access to such records would be granted. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.
- 11.1.3 Please note further that many of the records held by The Company are those of third parties, such as clients and employees, and The Company takes the protection of third-party confidential information seriously. For further information on the grounds of refusal of access to a record please see paragraph 12.3. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are clearly and thoroughly motivated.
- 11.1.4 Information will not be provided unless a person provides sufficient particulars to enable The Company to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of a Data Subject's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.

11.2 Request Procedure

11.2.1 Completion of the Prescribed Form

Any request for access to a record in terms of PAIA must substantially correspond with the prescribed forms provided, as listed below. A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you. These forms are available on Request from the Company's Information Officer:

- Form 2, Regulation 7 - Request For Access To Record Of Private Body Paia Form C.
- Form 2, Regulation 3 - Request Correction Deletion Personal Information.
- Form 1, Regulation 2 – Objection/Withdrawal Of Consent To The Processing Of Personal Information.
- Form 4, Regulation 6 – Consent Of Data Subject For Direct Marketing
- Form 3, Regulation 8– Outcome Of Requests And Fees Payable
- Form 5, Regulation 10 – Complaint Form.

When completing Form 2 or a form substantially similar, a requester must provide clear and accurate information and clearly state the right which the requestor seeks to exercise or protect, the record which they are seeking to access and an explanation as to how such record will assist them to exercise or protect their rights.

11.2.2 Requesting access to information

- a) POPIA provides that a data subject may, upon proof of identity, request The Company to provide a list of all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.
- b) POPIA provides that a data subject may object, at any time, to the processing of personal information by The Company, on reasonable grounds relating to their particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Appendix C and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.
- c) A data subject may also request The Company to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or obtained unlawfully; or destroy or delete a record of personal information about the data subject that the Company is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

- d) A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer via email.

11.2.3 Proof of identity

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document, ID card, or other legal forms of identity.

12. PAYMENT OF THE PRESCRIBED FEES

Section 54 of PAIA entitles The Company to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, The Company must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

12.1 Categories of fees payable:

- **The request fee:** R140.00
- **The access fee:** To be determined at the point of Request. This is calculated by taking into account the time of locating records, reproduction costs, and preparation costs, as well as postal costs where applicable.

Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

12.2 Timelines for consideration of a request for access

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

12.3 Grounds for refusal of access and protection of information

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- a) the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;

- b) the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific, or technical information that may harm the commercial or financial interests of a third party);
- c) if disclosure would result in the breach of a duty of confidence owed to a third party;
- d) if disclosure would jeopardize the safety of an individual or prejudice or impair certain property rights of a third person;
- e) if the record was produced during legal proceedings, unless that legal privilege has been waived;
- f) if the record contains trade secrets, financial or sensitive information or any information that would put The Company (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- g) if the record contains information about research being carried out or about to be carried out on behalf of a third party or by The Company.


Section 70 PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record. In that case, the Responsible Party may only give an outcome of the request within 60 days of the original request.

13. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

If the Information Officer's decision is not to grant access to a record for justifiable reasons, such will be communicated in writing. There is no internal appeal procedure and the Information Officer's decision is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

14. ACCEPTANCE



Chief Operating Officer
Belinda Knowles
5 June 2025