

AMFI AGENCIES CC t/a AMFI FREIGHT INTERNATIONAL  
("AMFI")

# **PAIA MANUAL**

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

**DATE OF COMPILATION: 01/10/2021  
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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |                    |   |
|-----|--------------------|---|
| 1.1 | <b>“CEO”</b>       | Chief Executive Officer   |
| 1.2 | <b>“DIO”</b>       | Deputy Information Officer;                                       |
| 1.3 | <b>“IO“</b>        | Information Officer;  |
| 1.4 | <b>“Minister”</b>  | Minister of Justice and Correctional Services;                    |
| 1.5 | <b>“PAIA”</b>      | Promotion of Access to Information Act No. 2 of 2000( as Amended; |
| 1.6 | <b>“POPIA”</b>     | Protection of Personal Information Act No.4 of 2013;              |
| 1.7 | <b>“Regulator”</b> | Information Regulator; and  |
| 1.8 | <b>“Republic”</b>  | Republic of South Africa  |

## 2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

### **3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF AMFI**

#### **3.1. Chief Information Officer**

Name:	SEAN KING
Tel:	031 563 3049
Email:	sean@amfi.co.za
Fax number:	031 563 3209

#### **3.2 Access to information general contacts**

Email:	sean@amfi.co.za
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### 3.3 National or Head Office

Postal Address: 3 ENNISDALE DRIVE, DURBAN NORTH, 4051

Physical Address: 3 ENNISDALE DRIVE, DURBAN NORTH, 4051

Telephone: 031 563 3049

Email: sean@amfi.co.za

Website: www.amfi.co.za

## **4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE**

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- 4.3.3. the manner and form of a request for-
  - 4.3.3.1. access to a record of a public body contemplated in section 11<sup>3</sup>; and
  - 4.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
  - 4.3.6.1. an internal appeal;
  - 4.3.6.2. a complaint to the Regulator; and
  - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a

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<sup>1</sup> Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

<sup>2</sup> Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

<sup>3</sup> Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

<sup>4</sup> Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

decision by the Regulator or a decision of the head of a private body;

- 4.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15<sup>7</sup> and 52<sup>8</sup> providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92<sup>11</sup>.

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

- 4.5.1. upon request to the Information Officer;

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<sup>5</sup> Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

<sup>6</sup> Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

<sup>7</sup> Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

<sup>8</sup> Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

<sup>9</sup> Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>10</sup> Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

<sup>11</sup> Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeq/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 ENGLISH

4.6.2 AFRIKAANS

## 5. CATEGORIES OF RECORDS OF THE AMFI WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
Website	General information, Contact details	X	
PAIA	Manual	X	X
POPIA	Manual	X	X
Electronic	Email	X	X



**6. DESCRIPTION OF THE RECORDS OF AMFI WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008 Closed Corporations Act No. 69 of 1984
PAIA Manual	Promotion of Access to Information Act 2 of 2000
POPIA Manual	Protection of Personal Information Act No.4 of 2013
Related documents relating to applicable Acts and amendments	<ul style="list-style-type: none"> <li>- Administration of Estates Act, No. 66 of 1965</li> <li>- Arbitration Act No. 42 of 1965</li> <li>- Basic Conditions of Employment No.75 of 1997</li> <li>- Companies Act No. 61 of 1973</li> <li>- Compensation For Occupational Injuries And Health Diseases Act No. 130</li> <li>- Consumer Affairs (unfair Business Practices) Act No. 71 of 1988</li> <li>- Copyright Act No. 98 of 1978</li> <li>- Credit Agreement Act No. 75 of 1980</li> <li>- Currency And Exchanges Act No. 9 of 1933</li> <li>- Debtors Collectors Act No. 114 of 1998</li> <li>- Employment Equity Act No. 55 of 1998</li> <li>- Finance Act No. 35 of 2000</li> <li>- Financial Intelligence Centre Act 38 of 2001</li> <li>- Financial Services Board Act No. 97 of 1990</li> <li>- Financial Relations Act No. 65 of 1976</li> <li>- Harmful Business Practices Act No. 23 of 1999</li> <li>- Income Tax Act No. 95 of 1967</li> <li>- Insolvency Act No. 24 of 1936</li> <li>- Insurance Act No. 27 of 1943</li> <li>- Intellectual Property Laws Amendments Act No. 38 of 1997</li> </ul>

	<ul style="list-style-type: none"> <li>- Labour Regulations Act No. 66 of 1995</li> <li>- Long Term Insurance Act No. 52 of 1998</li> <li>- Medical Schemes Act No. 131 of 1998</li> <li>- Occupational Health and Safety Act No. 85 of 1993</li> <li>- Pension Funds Act No. 24 of 1956</li> <li>- Prevention and Combating of Corrupt Activities Act No. 12 of 2004</li> <li>- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004)</li> <li>- Post Office Act No. 44 of 1958</li> <li>- Regional Services Councils Act No. 109 of 1985</li> <li>- SA Reserve Bank Act No. 90 of 1989</li> <li>- Short Term Insurance Act No. 53 of 1998</li> <li>- Skills Development Levies Act No. 9 of 1999</li> <li>- Skills Development Act No. 97 of 1998</li> <li>- Stamp Duties Act No. 77 of 1968</li> <li>- Stock Exchange Control Act No. 1 of 1985</li> <li>- Tax Administration Act No. 28 of 2011</li> <li>- Tax Administration Laws Amendment Act 21 of 2021</li> <li>- Tax on Retirement Funds Act No. 38 of 1996</li> <li>- Trade Marks Act No. 194 of 1993</li> <li>- Unemployment Contributions Act No. 4 of 2002</li> <li>- Unemployment Insurance Act No. 63 of 2001</li> <li>- Usury Act No. 73 of 1968</li> <li>- Value Added Tax Act No. 89 of 1991</li> <li>- Sectional Titles Act</li> <li>- Trust Property Control Act of 1988</li> </ul>
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**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY AMFI**

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, Annual Performance Plan.
Statutory	<ul style="list-style-type: none"> <li>- Documents of incorporation</li> <li>- Minutes of Members meeting</li> <li>- Records relating to the appointment of directors/auditor/secretary/accounting officers</li> <li>- Share register and other statutory registers</li> <li>- STCs'</li> </ul>
Finance	<ul style="list-style-type: none"> <li>- Financial Statements</li> <li>- Accounting records</li> <li>- Payroll records</li> <li>- Contracts</li> <li>- Client records, application forms, supporting documentation</li> </ul>
Human Resources	<ul style="list-style-type: none"> <li>- Company policies and procedures</li> <li>- Advertised posts</li> <li>- CVs</li> <li>- Organigram</li> <li>- Employees records</li> <li>- Group RA and Risk Benefit records</li> <li>- Disciplinary records</li> <li>- Leave records</li> <li>- Training manuals</li> <li>- Training records</li> </ul>
Income tax records	<ul style="list-style-type: none"> <li>- PAYE Records</li> <li>- Documents issued to employees for income tax purposes</li> <li>- Records of payments made to SARS on behalf of employees</li> <li>- Customs Duty and VAT</li> </ul>

Subjects on which the body holds records	Categories of records
	<ul style="list-style-type: none"> <li>- VAT</li> <li>- Skills Development Levies</li> <li>- UIF</li> <li>- Workmen's Compensation</li> </ul>
IT	<ul style="list-style-type: none"> <li>- Operational software</li> <li>- Training manuals</li> <li>- Emails</li> </ul>
Operations	<ul style="list-style-type: none"> <li>- Operational files/records</li> <li>- Operational documents</li> <li>- Statutory documents and records</li> </ul>

## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1 Purpose of Processing Personal Information

AMFI is a company operating within the Transport/Clearing and Forwarding Industry that is obligated to comply with the POPI Act. Through the provision of services, AMFI is necessarily involved in the collection, use and disclosure of certain aspects of the personal information of clients, customers, employees and other stakeholders.

### 8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	Names, address, qualifications, gender, race and bank details

### 8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number, registration number and names, for criminal checks	South African Police Services
Identity number, registration number, customs code, income tax number , VAT number and names	South African Revenue Service
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Identity number, registration number, customs code, income tax number , VAT number and names	Financial institutions
Identity number, registration number, customs code, income tax number , VAT number and names	IT Service Providers'
Identity number, registration number, customs code, income tax number , VAT number and names	Accounting Officer/Auditor/Consultant
Identity number, registration number, customs code, income tax number , VAT number and names	Agents/Service Providers

### 8.4 Planned transborder flows of personal information

AMFI may not transfer a client's personal information to a third party in a foreign country, unless:

8.4.1 on The client consents to this or request it; or

- 8.4.2 Such third party is subject to a law, binding corporate rules or a binding agreement which protects the personal information in a manner similar to POPI and such third party is governed by similar rules which prohibit the onward transfer of personal information to a third party in another country; or
- 8.4.3 The transfer of the personal information is required for the performance of the contract between AMFI and the client; or
- 8.4.4 The transfer is necessary for the conclusion or performance of a contract for the benefit of the client entered into between AMFI and the third party; or
- 8.4.5 The transfer of the personal information is for the benefit of the client and it is not reasonably possible to obtain their consent and that if it were possible, the client would like to give such consent

**8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information**

AMFI will manage the security of its filing system to ensure that personal information is adequately protected. To this end, security controls will be implemented in order to minimise the risk of loss, unauthorised access, disclosure, interference, modification or destruction.

Security measures also need to be applied in a context-sensitive manner. For example, the more sensitive the personal information the greater the security required.

AMFI will continuously review the security controls which include regular testing of protocols and measures put in place to combat cyber-attacks on the organisation's IT Network.

AMFI will ensure that all paper and electronic records comprising personal information are securely stored and made accessible only to authorised individuals.

The personal information of clients and staff must be destroyed timeously in a manner that de-identifies the person.

Our business premises where records are kept must remain protected by access control, burglar alarms and armed response.

All new employees will be required to sign employment contracts containing contractual terms for the use and storage of employee information. Confidentiality clauses will also be included to reduce the risk of unauthorised disclosures of personal information for which the organisation is responsible.

All existing employees will, after the required consultation process has been followed, be required to sign an addendum to their employment containing the relevant consent and confidentiality clauses.

The digital work profiles and privileges of staff who have left our employ must be properly terminated.

AMFI's third party service providers will be required to enter into service level agreements with the organisation where both parties pledge their mutual commitment to POPI and the lawful processing of any personal information pursuant to the agreement.

Our current debtor and client information is stored on site by a Third party service Provider, whose premises our AMFI Compliance officer has toured and with whom AMFI has a Service Level Agreement in place with.

AMFI captures all files electronically for back up purposes, and all files will be archived at the AMFI disaster site which will be available in case of a breach.

All electronic files or data are backed up by the AMFI IT Service Provider who is also responsible for system security which protects against third party access and physical threats.

A third party service provider is responsible for Electronic Information security.

## **9. AVAILABILITY OF THE MANUAL**

9.1 A copy of the Manual is available-

9.1.1 on [www.amfi.co.za](http://www.amfi.co.za) if any;

9.1.2 head office of the AMFI for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

## **10. UPDATING OF THE MANUAL**

The head of AMFI will on a regular basis update this manual.

***Issued by***

**SEAN KING**

**FINANCIAL MANAGER**