



## **PAIA MANUAL**

Compiled in accordance with section 51 of the Promotion of Access to Information Act  
(Act No. 2 of 2000) (“PAIA”)

## 1. Background

- 1.1. Sewe Gewels Afslalers CC (registration number 2000/045982/23) trading as Ambassador Auctioneers performs the services of auctioneers and collects personal information for a specific, explicitly defined and lawful purpose related to the functions or activities being performed by Ambassador Auctioneers, as set out in its Privacy Policy, accessible on its website [www.ambassadorauctions.co.za](http://www.ambassadorauctions.co.za).
- 1.2. Whilst the Protection of Personal Information Act 4 of 2013 (“POPIA”) gives effect to the right to privacy as constitutionally entrenched in the South African Bill of Rights<sup>1</sup>, the Promotion of Access to Information Act (Act No. 2 of 200) (“**PAIA**”), on the other hand, gives effect to another constitutional right which provides for the right of access to information<sup>2</sup>, particularly when such information is required for the exercise or protection of any rights. PAIA aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information. PAIA therefore requires all public and private bodies (the latter includes an existing juristic person, such as our close corporation), to compile a PAIA Manual.

## 2. Purpose of this PAIA Manual

- 2.1. The purpose of this manual is to regulate and facilitate a request for access to a record of Ambassador Auctioneers in accordance with the provisions of PAIA.
- 2.2. It is also the purpose of this manual to provide a description of the guide which the Information Regulator is required to publish under section 10 of PAIA, and how to obtain access to it.

## 3. Records held by Ambassador Auctioneers

- 3.1. It is hereby confirmed that Ambassador Auctioneer keep the following records of such persons (both natural and juristic persons) for such reasons as specified below:

---

<sup>1</sup> Section 14 of the Constitution of the Republic of South Africa, 1996

<sup>2</sup> Section 32 of the Constitution of the Republic of South Africa, 1996

### **3.1.1. Clients (Insurance Companies, Sellers and Bidders)**

Client records are kept in accordance with the requirements of POPIA, the Consumer Protection Act, No. 68 of 2008, the Financial Intelligence Centre Act, No. 38 of 2008 and Electronic Communications and Transactions Act 25 of 2002. Such information includes, but is not limited to, their full names, surnames, identity number, address, company name, registration number, contact particulars, banking details, VAT number, income tax number and naturally, the particulars pertaining to the items being auctioned, such as the description, GRN/Stock ID, quantity, and claim/reference numbers (associated with a client and/or asset). The personal information of its clients is retained and processed for the purpose confirmed in the Privacy Policy.

### **3.1.2. Employees**

Employee records are kept in accordance with South Africa labour laws (such as the Labour Relations Act, No. 66 of 1995, The Basic Conditions of Employment Act, No. 75 of 1997, The Employment Equity Act, No. 55 of 1998, The Skills Development Act, No. 97 of 1998, Unemployment Insurance Act, No 63 of 2001, The Occupational Health and Safety Act, No. 85 of 1993, etc.) and all laws pertaining to employee tax (Income Tax Act, No. 52 of 1962). Such information includes, but is not limited to, the employee's full names, surname, identity number, contact particulars, education, employment history, references, experience, skills, salary record, income tax number, IRP5, banking details, leave records, disciplinary records, resumé and employment contracts.

The personal information of employees is retained and processed for the following purposes:

- (i) For the performance and administration of employment contracts;
- (ii) For the maintenance of a personnel file;
- (iii) For the payment of remuneration, PAYE, UIF, SDL and/or any other deductions required by law.

### **3.1.3. External Service Providers, independent contractors and suppliers**

Records of external service providers, independent contractors and/or suppliers are kept in accordance with the terms of sale agreements, service level agreements, non-disclosure agreements, supplier agreements, etc. and also in accordance with any legislation or common law applicable to the industry in which such service provider, independent contractor and/or supplier operates. Such information depends entirely on the type of agreement concluded, which shall only be processed if, given the purpose for which it is processed, it is adequate, relevant and not excessive.

### **3.1.4. Accounting Records and Financial Statements**

The accounting records, management accounts and financial statements are maintained in accordance with the prescribed financial reporting standards in South Africa and the necessary returns are filed with the South African Revenue Service (SARS).

### **3.1.5. Close Corporation Records**

The close corporation-records of Ambassador Auctioneers are kept in accordance with the Close Corporations Act, No. 69 of 1984, the Companies Act, No. 71 of 2008, the Broad-based Black Economic Empowerment Act 53 of 2003, the Copyright Act, No. 98 of 1978, Trade Mark Act, No. 194 of 1994, which includes, but is not limited to, statutory records filed with CIPC, annual returns, minutes of meetings, register of members, written resolutions, internal policies and procedures, business reports, marketing records, registered/unregistered trade marks, etc.

3.2. All such information is retained, processed and safeguarded in compliance with the Protection of Personal Information Act (Act No. 4 of 2013) (“**POPIA**”).

## **4. Records Automatically Available**

4.1. The following categories of records are automatically available without a person having to request access in terms of PAIA:

- 4.1.1. The statutory records maintained by CIPC, as well as an official CIPC disclosure certificate can be ordered by any person, directly from CIPC;
- 4.1.2. This PAIA Manual or the Privacy Policy which is accessible by any person on Ambassador Auctioneers' website;
- 4.1.3. The B-BBEE Level 4 Certificate/Affidavit which can be requested from the information officer via e-mail;
- 4.1.4. Clients may request access to their own records kept by Ambassador Auctioneers, however they shall be required to provide proof of identity for verification purposes, before such a request shall be accepted, in order to prevent access by unauthorised persons. A client may request such records in person by visiting the offices of Ambassador Auctioneers during business hours at corner Lanham and Meeu Street, East Lynne, Extension 1, Pretoria, 0186, Gauteng or via e-mail to the information officer; and/or
- 4.1.5. All other records of a public nature, typically those disclosed on Ambassador Auctioneers' website are available and accessible by any person visiting its website.

## **5. Right of Access**

- 5.1. Any natural person or juristic person may submit a request in terms of PAIA, for access to a record containing personal information about the requester himself/herself/itself or about the person on whose behalf the request is made (if the requester is duly authorised to do so) and if that record is required for the exercise or protection of such person's rights.
- 5.2. If a public body or an official thereof (e.g. department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government or any authorised person/functionary/institution acting on their behalf), requests access to a record of the Ambassador Auctioneers for the protection of any rights, other than its own rights, it must be acting in the public interest.

## 6. The Information Officers' Contact Details

- 6.1. Ambassador Auctioneers have, in terms of PAIA, registered the following persons as its information officers:

Information Officer:	Gerrit Roel Bouwmeester
Deputy Information Officer:	Albert Bouwmeester
Business Address:	41 Meeu Street, East Lynne, Pretoria
Tel:	012 800 4034
E-mail:	<a href="mailto:info@ambassadorauctions.co.za">info@ambassadorauctions.co.za</a> ;

- 6.2. Any request made in terms of PAIA, must be submitted by using **Form C** (Attached hereto), which must be sent to any one of the information officers via e-mail or by hand.

## 7. Decision on request and notice thereof

- 7.1. The respective information officer to whom the request is made, shall, as soon as reasonably possible, but in any event within 30 days after the request has been received, decide in accordance with PAIA whether to grant the request and notify the requester of his decision.
- 7.2. The information officer may extend the period for a further period of not more than 30 days if it is permitted in accordance with PAIA, or the requester consents in writing to such extension.
- 7.3. If the request for access is granted, the information officer shall confirm the prescribed access fee to be paid as well as the form in which access will be given.
- 7.4. If the request for access is refused, the information officer shall state adequate reasons for the refusal, including the provisions of relevant legislation relied on. The requester may, within 30 days, lodge a complaint to the Information Regulator or an application to court against the refusal of the request.

## 8. Grounds for refusal

- 8.1. The information officer must refuse a request for access to a record if –

- 8.1.1. its disclosure would involve the unreasonable disclosure of personal information about a third party, unless the relevant third party has consented in writing to such disclosure or as otherwise permitted in terms of PAIA;
  - 8.1.2. its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;
  - 8.1.3. its disclosure could reasonably be expected to endanger the life or physical safety of an individual;
  - 8.1.4. its disclosure would be likely to prejudice or impair the security of the building, structure or systems of Ambassador Auctioneers;
  - 8.1.5. a record constitutes privileged information for the purpose of legal proceedings unless the person entitled to the privilege has waived the privilege; or
  - 8.1.6. any such disclosure is prohibited in terms of PAIA or any other legislation.
- 8.2. The information officer may also refuse a request for access to a record if the request is manifestly frivolous or vexatious or the record contains trade secrets, financial, commercial, scientific or technical information of Ambassador Auctioneers, the disclosure of which would be likely to cause harm to the commercial or financial interests of Ambassador Auctioneers or which could reasonably be expected to put Ambassador Auctioneers at a disadvantage in contractual or other negotiations.
- 8.3. If a record cannot be found or does not exist, the information officer shall, by way of affidavit or affirmation, notify the requester that it is not possible to give access to that record. Such affidavit or affirmation shall give a full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including communications with every person who conducted the search.

## **9. Fees payable**

- 9.1. If a requester seeks access to a record containing information which does not relate to him/her personally, or itself, then the requester has to pay a request fee of R50.00 (fifty rand). This request fee may be paid at the time a request is made or the information officer may notify the requester to pay the request fee before the request shall be processed any further.

- 9.2. In addition, if the search for and preparation of the record requested, takes more than six hours, the Information Officer may charge R30.00 (thirty rand) for each hour or part thereof, which is required for the search and preparation of the requested record.
- 9.3. If the Information Officer is of the opinion that the search and preparation of the requested record will require more than six hours, the Information Officer shall be entitled to request a deposit of one third of the access fees payable in respect of the records requested.
- 9.4. The requester may, within 30 days, after receiving the Information Officer's request for payment of the request fee, lodge a complaint to the Information Regulator or an application with a court to be exempted from the requirement to pay such request fee.
- 9.5. A requester whose request for access to a record held by Ambassador Auctioneers, is granted, is also required to pay a reproduction fee as follows:

	<b>Reproduction method</b>	<b>Fee</b>
(a)	Photocopy of an A4-size page or part thereof (per page)	R1,10
(b)	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form (per page)	R0,75
(c)	Copy in a computer-readable form on compact disc	R70,00
(d)	Transcription of visual images for an A4-size page or part thereof (per page)	R40,00
(e)	Copy of visual images	R60,00
(f)	Transcription of an audio record, for an A4-size page or part thereof (per page)	R20,00
(g)	Copy of an audio record	R30,00

## **10. The Information Regulator's Guide**

- 10.1. It is hereby advised that the Information Regulator is, in terms of section 10 of PAIA, required to compile a guide which shall provide the necessary information, in an easy comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA or the Protection of Information Act (Act No. 4 of 2013) ("POPIA").

10.2. The guide (if available) shall be freely accessible on the Information Regulator's website, namely <https://www.justice.gov.za/infoereg/> or at its offices located at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

## **11. Planned Transborder Flows**

11.1. Ambassador Auctioneers do not plan on disclosing any personal information to third parties outside of the borders of South Africa, unless –

11.1.1. it is required for the performance of its services and the client consented to such disclosure; and/or

11.1.2. the personal information is de-identified in such a manner that a person's identity is no longer apparent or cannot be reasonably ascertained from the information or data, for research, audit or statistical purposes.

11.2. If personal information is transferred outside the borders of the Republic of South Africa, it shall be done in accordance with the procedures set out in the Privacy Policy.

## **12. Safeguarding Personal Information**

12.1. Ambassador Auctioneers shall take all appropriate and reasonable technical and organisational steps to protect personal information in accordance with industry best practices.

12.2. In addition to the security safeguard measures confirmed in its Privacy Policy, Ambassador Auctioneers undertake to –

12.2.1. store its records securely, implement strict access control measures and maintain anti-virus software;

12.2.2. implement reasonable security safeguards against unauthorised access to its building;

12.2.3. ensure that personal information is deleted from any item being auctioned;

12.2.4. ensure that assessments are conducted and possible risks identified to verify that security safeguards are effectively implemented.

### 13. Complaints to the Information Regulator

13.1. Any complaints may be submitted to the Information Regulator via e-mail to [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za) or by hand at its offices located at JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001.

13.2. Please refer to the Information Regulator's Guide for further information.

---

This PAIA Manual is hereby adopted by Ambassador Auctioneers by way of signature at  
\_\_\_\_\_ Pretoria \_\_\_\_\_ on this 15 day of June \_\_\_\_\_ 20 21



---

**G R Bouwmeester**  
Director & Information Officer



---

**A Bouwmeester**  
General Manager



**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
--	-----	----

**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. <b>The requester must sign all the additional folios.</b>
---

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:

.....

.....

.....

**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..... of .....year .....

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