

## PROMOTION OF ACCESS TO INFORMATION MANUAL (PRIVATE BODY)

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 2 OF 2000

Date of Revision: 5 December 2023

CHARTERED INSTITUTE FOR BUSINESS ACCOUNTANTS NPC 1990/005364/08

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**PRETORIA:** Spaces, Byls Bridge Office Park, Building 14 Block B, Cnr of Olievenhoutbosch Road and Jean Avenue, Centurion, 0157

**CAPE TOWN:** Spaces Century City, No. 1 Bridgeway Road, Bridgeways Precinct, Century City 7441

**NAMIBIA:** Regus Office Building, 3rd Floor, Maerua Mall, Windhoek

**ICFOA:** DFCG, 13 rue Paul Valéry 75116 Paris

## 1 Introduction

- 1.1 This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2 of 2000 ("PAIA") and to address requirements of the Protection of Personal Information Act, 4 of 2013 ("POPI").
- 1.2 PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by any person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, 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 (a) if the requester is able to show that the record is required for the exercise or protection of any rights; and (b) no grounds of refusal contained in PAIA are applicable.
- 1.3 This manual has been compiled in accordance with section 51 of PAIA, as amended by POPIA, which promotes the protection of personal information processed by both private and public bodies. This manual includes information regarding the lodging of objections to the processing of personal information and requests to destroy or delete personal information held by CIBA.
- 1.4 The objectives of this manual are to list of all records held by the Chartered Institute for Business Accountants NPC ("CIBA"), set out the requirements with regard to who may request information in terms of PAIA and the grounds on which such a request may be denied, define the manner and form in which a request for information must be submitted and to comply with the additional requirements imposed by POPIA.

## 2 Information Regulator Guide

- 2.1 The Information Regulator (established in terms of POPIA) has compiled an official guide which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. Copies of the updated Guide are available from the Information Regulator free of charge.
- 2.2 The contact details of the Information Regulator are as follows:
  - 2.2.1 Physical address: The Information Regulator (South Africa) JD House, 27 Stiemens Street Braamfontein 2001
  - 2.2.2 Postal address: PO Box 31533, Braamfontein, 2017
  - 2.2.3 Telephone number: +27 10 023 5207
  - 2.2.4 Fax number: +27 11 403 0668
  - 2.2.5 PAIA Complaints email: [PAIAComplaints@inforegulator.org.za](mailto:PAIAComplaints@inforegulator.org.za)
  - 2.2.6 POPIA Complaints email: [POPIAComplaints@inforegulator.org.za](mailto:POPIAComplaints@inforegulator.org.za)
  - 2.2.7 General enquiries email: [enquiries@inforegulator.org.za](mailto:enquiries@inforegulator.org.za)

## 3 CIBA

- 3.1 CIBA is a non-profit company with members incorporated under registration number 1990/005364/08.

3.2 CIBA is a voluntary professional body for accounting professionals, which offers a range of professional designations to its members. Approximately 44% of CIBA's members are employed in business, the public sector or academia. The remaining members manage their own small, medium or large accountancy practices.

3.3 CIBA supports an open access model to the accounting profession. This principle is reflected in our logo of four circles representing our commitment to diversity, openness, being community driven and being inclusive.

#### 4 Contact Details and Information Officer

4.1 The Chief Executive Officer, Mr. Nicolaas Filippus van Wyk, is the duly appointed head of CIBA for the purposes of PAIA as well as CIBA's Information Officer for purposes of POPIA and is the person to whom requests for access to records should be addressed. His contact details are as follows:

4.1.1 Physical Address: Sandton Close 2, Block A, 1<sup>st</sup> Floor  
Corner Norwich Lane & 5<sup>th</sup> Street  
Sandton, Johannesburg  
2196

4.1.2 Postal Address: PO Box 7905  
Centurion  
0046

4.1.3 Telephone: 012 643 1800

4.1.4 Email: [nvanwyk@myciba.org](mailto:nvanwyk@myciba.org)

4.1.5 Website Address: [www.myciba.org](http://www.myciba.org)

4.1.6 CEO: Nicolaas van Wyk

4.2 CIBA has also appointed the following deputy information officers of CIBA for the purposes of PAIA and POPIA and are the persons to whom requests for access to records can additionally be addressed to. Their contact details are as follows:

Names:	Chantelle Booyens	Wendy Mutshena
Designations:	CFO	Membership and Compliance Manager
Physical Address:	Sandton Close 2, Block A, 1 <sup>st</sup> Floor, Corner Norwich Lane & 5 <sup>th</sup> Street, Sandton, Johannesburg, 2196	Sandton Close 2, Block A, 1 <sup>st</sup> Floor, Corner Norwich Lane & 5 <sup>th</sup> Street, Sandton, Johannesburg, 2196
Postal Address:	PO Box 7905, Centurion, 0046	PO Box 7905, Centurion, 0046
Telephone:	012 643 1800	012 643 1800
Email:	<a href="mailto:cbooyens@myciba.org">cbooyens@myciba.org</a>	<a href="mailto:wendym@myciba.org">wendym@myciba.org</a>

## **5 Notice in terms of section 52(2) of PAIA**

As of the date of publication of this manual, no notice has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

## **6 Records available in terms of other legislation**

Records are kept by CIBA in accordance with the following legislation:

- 6.1 Basic Conditions of Employment Act, 75 of 1997;
- 6.2 Close Corporations Act, 69 of 1984;
- 6.3 Companies Act, 71 of 2008;
- 6.4 Compensation for Occupational Injuries and Diseases Act, 130 of 1993;
- 6.5 Consumer Protection Act, 68 of 2008;
- 6.6 Electronic Communications and Transactions Act, 25 of 2002;
- 6.7 Employment Equity Act, 55 of 1998;
- 6.8 Financial Intelligence Centre Act, 38 of 2001;
- 6.9 Fund Raising Act, 107 of 1978;
- 6.10 Income Tax Act; 58 of 1962;
- 6.11 Labour Relations Act, 66 of 1995;
- 6.12 National Credit Act, 34 of 2005;
- 6.13 National Qualifications Framework Act, 67 of 2008;
- 6.14 Non-Profit Organisations Act, 71 of 1997;
- 6.15 SA Schools Act, 84 of 1996;
- 6.16 Skills Development Act, 97 of 1998;
- 6.17 Skills Development Levies Act, 9 of 1999;
- 6.18 Unemployment Insurance Act, 63 of 2001;
- 6.19 Unemployment Insurance Contributions Act, 4 of 2002;
- 6.20 Value-Added Tax Act, 89 of 1991.

## **7 Subjects and Categories of Records Held**

This section of the manual sets out the subjects and categories of records held by CIBA. The inclusion of any

subject or category of records should not be construed as an indication that records falling within that subject or category shall be made available. In particular, certain grounds of refusal as set out in the PAIA may be applicable to such records.

7.1 Statutory company documents

7.1.1 Memorandum of incorporation and registration certificate of CIBA.

7.1.2 Membership register.

7.2 Accounting records

7.2.1 Accounting records, books and documents.

7.2.2 Interim and annual financial reports.

7.2.3 Invoices in respect of creditors and debtors.

7.2.4 Tax returns.

7.2.5 Banking information.

7.2.6 Other financial records

7.3 Information technology

7.3.1 Computer and telecommunications software, support and maintenance agreements.

7.3.2 Other documentation pertaining to computer and printer systems, telecommunications and computer programmes.

7.4 Intellectual Property

7.4.1 Trademarks and copyright.

7.4.2 Records relating to domain names.

7.4.3 Licenses and other agreements relating to intellectual property rights.

7.5 Personnel records

7.5.1 List of employees.

7.5.2 Contracts and/or documentation pertaining to arrangements with directors.

7.5.3 Personnel files in respect of the employees.

7.5.4 Other information relating to employees.

7.5.5 Internal phone lists.

7.6 Governance records

- 7.6.1 Minutes of meetings.
- 7.6.2 Policies.
- 7.6.3 Directives.
- 7.6.4 Resolutions.
- 7.7 Marketing
  - 7.7.1 Articles and newsletters.
  - 7.7.2 Educational resources and training materials.
  - 7.7.3 Educational and training content.
  - 7.7.4 Circulars and communications.
- 7.8 Membership database
  - 7.8.1 Names, addresses and contact details of members.
  - 7.8.2 Members' bank details.
  - 7.8.3 Members' qualifications and work experience.
  - 7.8.4 Continued professional development records.
  - 7.8.5 Complaints against members.
  - 7.8.6 Correspondence with members.
- 7.9 Miscellaneous Agreements
- 7.10 Movable and immovable property
  - 7.10.1 Agreements for the lease of immovable property.
  - 7.10.2 Agreements for the purchase of movable property.
  - 7.10.3 Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.

## **8 Requests for Information**

- 8.1 A request for information may only be made if the information is required for the exercise or protection of a legitimate right.
- 8.2 All requests for information must include sufficient particulars to enable CIBA to identify the right that the requester is seeking to protect together with an explanation as to why the information requested is required to exercise or protect such right.
- 8.3 Requests for information in terms of this manual may not be used to access a record for criminal or civil proceedings, nor should a record be requested after the commencement of such proceedings.

## 9 Records available in terms of POPIA

Personal information is collected and processed by CIBA for the specified purpose ordinarily disclosed when the information is collected. For more information on the purposes for which personal information is collected and processed, please refer to CIBA's privacy policy (which is available at <https://saiba.org.za/privacy> ("the Privacy Policy").

## 10 Right to Refuse Access to Information

10.1 Records of a public nature, typically those disclosed on CIBA's website, may be accessed without the need to submit a formal application.

10.2 CIBA has the right to refuse access to records where:

10.2.1 the record would unreasonably disclose personal information about a natural person, including a deceased individual (unless written permission for access is granted); and

10.2.2 the record contains one of the following:

10.2.2.1 *trade secrets*;

10.2.2.2 financial, commercial, scientific or technical information whereby the disclosure thereof could likely cause harm to the financial or commercial interests of a third party or CIBA;

10.2.2.3 information about research by a third party or CIBA which could put that third party or the entity at a disadvantage in a negotiation or prejudice him in competition, unless written consent is given;

10.2.2.4 access would put the entity in breach of a duty of confidence which we owe a third party unless that third party gives written consent for access to be granted;

10.2.2.5 access could be expected to endanger someone's life or physical safety, prejudice or impair the security of a building, structure, system, means of transport or other property;

10.2.2.6 the record is privileged from being produced as evidence in legal proceeding, unless the person protected has waived that protection;

10.2.2.7 if the request is for access to your personal information and you could not provide adequate proof of identity to CIBA; and

10.2.2.8 requests for information that are frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## 11 Procedure for Requesting Documents

11.1 Form of request

11.2 The requester is required to use the prescribed form annexed hereto as **Form 2** to submit a request for access to a record held by CIBA. The request is required to be made to the address or fax number or e-mail address of the information officer of CIBA and should be clearly addressed to the information officer.

11.2.1 The requester is required to provide sufficient particularity on the request form to enable the information officer to identify the record and the requester. The requester should also indicate which

form of access to the record is required and if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

11.2.2 The requester is required to state the right that he or she is seeking to exercise or protect and provide a written explanation as to why the requested record is required for the exercise or protection of that right.

11.2.3 The requester will be informed whether or not the request has been granted in accordance with **Form 3** annexed hereto.

### 11.3 Fees

11.3.1 The fee for a copy of this manual is R1.10 for every photocopy of an A4-size page or part thereof.

11.3.2 The request fee payable by a requester, other than a person seeking access to a record containing his or her personal information, is R50.00.

11.3.3 The access fees payable by a requester whose request for access to a record of CIBA has been granted are as follows:

11.3.3.1	For every photocopy of an A4-size page or part thereof	R1.10
11.3.3.2	For every printed copy of an A4- size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
11.3.3.3	For a copy in a computer-readable form on:  (a) Flash drive • To be provided by requester  (b) Compact disc • If provided by requester • If provided to the requester	R40.00     R40.00 R60.00
11.3.3.4	For a transcription of visual images, for an A4-size page or part thereof	R40.00
11.3.3.5	For a copy of visual images	R60.00
11.3.3.6	For a transcription of an audio record, for an A4-size page or part thereof	R20.00
11.3.3.7	For a copy of an audio record (a) Flash drive	



	<ul style="list-style-type: none"> <li>• To be provided by requester</li> </ul>	R40.00
	(b) Compact disc	
	<ul style="list-style-type: none"> <li>• If provided by requester</li> <li>• If provided to the requester</li> </ul>	R40.00 R60.00
11.3.3.8	Postage, e-mail or any other electronic transfer	Actual costs

11.3.4 To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

11.3.5 For purposes of section 54(2) of PAIA, the following applies:

11.3.5.1 Six hours as the hours to be exceeded before a deposit is payable; and

11.3.5.2 One third of the access fee is payable as a deposit by the requester.

11.3.6 The actual postage is payable when a copy of a record must be posted to a requester.

## 12 Availability of the Manual

The manual will be available for inspection at the offices of CIBA free of charge or on CIBA's website [www.myciba.org](http://www.myciba.org).

**PRESCRIBED REQUEST FORM**



J752

REPUBLIC OF SOUTH AFRICA

**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**

The Head:

**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: 

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

**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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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

**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:  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.	Form in which record is required:
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<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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**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>
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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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.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

**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