



***MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION  
OF ACCESS TO INFORMATION ACT ("PAIA")***

BALULENI SAFARI LODGE (PTY) LTD ("Baluleni") with Registration Number  
2012/162553/07

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## 1. INTRODUCTION

- 1.1. BALULENI SAFARI LODGE (PTY) LTD (“Baluleni”) is a private company with registration number 2012/162553/07. Baluleni is a safari lodge situated inside Balule Nature Reserve (Grietjie Gate), which is part of the greater Kruger National Park. We offer luxury and fully catered accommodation and guided tours.
- 1.2. The objective of the Promotion of Access to Information Act, 2000 (“PAIA”) is to give effect to the constitutional right to access to information, which is held by a public or private body and which is required for the exercise or protection of any rights. PAIA recognises the right entrenched in Section 32 of the Constitution of the Republic of South Africa, 1996, and aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.
- 1.3. This manual is published in terms of Section 51 of PAIA and provides an outline of the type of records and personal information which we hold. The manual also explains how to submit requests for access to these records, and explains how to access, or object to, personal information held by us, or request correction of the personal information, in terms of the Protection of Personal Information Act, 2013 (“POPIA”).
- 1.4. This manual further describes how we use your information when you utilise our services and sets out the requirements with which we undertake to comply when processing personal information pursuant to undertaking our operations.

## 2. AVAILABILITY OF MANUAL

This manual is available at our place of business at Plot 13, Grietjie Nature Reserve, Ba-Phalaborwa, 1390, and an electronic copy can be requested by email to [info@baluleni.com](mailto:info@baluleni.com).

## 3. CONTACT DETAILS

### Information Officer:

Name: Carla Baasden

Email address: [info@baluleni.com](mailto:info@baluleni.com)

## 4. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

- 4.1. The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of PAIA. The Guide contains such information as may reasonably be required by a

person who wishes to exercise any right contemplated in PAIA and accordingly it contains information on understanding and how to use PAIA and includes the objectives of PAIA, the manner and form for requests, and contents of the Regulations promulgated under PAIA.

- 4.2. The Guide is available in all the official languages of the Republic of South Africa and can be obtained from the South African Human Rights Commission, at:

PAIA Unit (The Research and Documentation Department)

29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown, Johannesburg

Private Bag X2700, Houghton, 2041

Telephone Number: 011 877-3803

Facsimile Number: 011 403-0625

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

E-mail Address: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

## 5. **INFORMATION REGULATOR**

- 5.1. The Information Regulator has jurisdiction over PAIA and POPIA to educate, guide, monitor and enforce PAIA and POPIA.

- 5.2. Queries and complaints can be directed to the Office of the Information Regulator at:

The Office of the Information Regulator

Braampark Forum, 33 Hoofd Street, Braamfontein, Johannesburg

Po Box 31533, Braamfontein, Johannesburg, 2017

Telephone Number: 082 746 4173 / 010 023 5207

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

Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## 6. **NOTICE ITO SECTION 52(2) OF PAIA**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

## **7. RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION**

7.1. Where applicable, we retain records in terms of the following legislation:

7.1.1. Basic Conditions of Employment Act, No. 75 of 1997

7.1.2. Companies Act, No. 71 of 2008

7.1.3. Income Tax Act, No. 58 of 1962

7.1.4. Labour Relations Act, No. 66 of 1995

7.1.5. Promotion of Access to Information Act No. 2 of 2000

7.1.6. Protection of Personal Information Act No. 4 of 2013

7.1.7. Unemployment Equity Act, No. 63 of 2001

7.1.8. Value-Added Tax Act, No. 89 of 1991

7.2. Access to records may be refused on the grounds as set out in this PAIA manual.

## **8. RECORDS AVAILABLE WITH A REQUEST TO ACCESS**

8.1. The following records are held by us and available only on a request to access in terms of this PAIA manual. The information is classified and grouped according to records relating to the following subjects and categories:

8.1.1. Guest records:

8.1.1.1. information provided by guests;

8.1.1.2. contracts concluded with guests;

8.1.1.3. correspondence;

8.1.1.4. other guest-related records.

8.1.2. Employees and prospective employees:

8.1.2.1. information provided by employees/prospective employees;

8.1.2.2. information provided by third parties relating to employees/prospective employees;

8.1.2.3. conditions of employment;

8.1.2.4. internal evaluation records;

- 8.1.2.5. correspondence;
- 8.1.2.6. other employee/prospective employee-related records.
- 8.1.3. Service providers;
  - 8.1.3.1. records provided by our service providers;
  - 8.1.3.2. correspondence;
  - 8.1.3.3. other service provider-related records.
- 8.1.4. Company records:
  - 8.1.4.1. financial records;
  - 8.1.4.2. statutory records;
  - 8.1.4.3. internal policies and procedures;
  - 8.1.4.4. correspondence;
  - 8.1.4.5. other company-related records.

## 9. HOW TO REQUEST ACCESS TO A RECORD

- 9.1. Records held by us may be accessed by requests only once the prerequisite requirements for access have been met. A requester is any person making a request for access to a record. There are two types of requesters:
  - 9.1.1. Personal Requester: a requester who is seeking access to a record containing personal information about the requester. We will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. We will not charge a request fee, however the prescribed fee for reproduction of the information requested will be charged.
  - 9.1.2. Other Requester: This requester (other than a personal requester) is entitled to request access to information on third parties. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record. In considering such a request, we will adhere to the provisions of PAIA and the Information Officer will take all reasonable steps to inform a third party to whom the requested record relates of the request, informing the third party that he/she may make a written or oral representation to the Information Officer why the request should be

refused or, where required, give written consent for the disclosure of the Information. We are not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements as stated herein. The prescribed fees will be charged.

- 9.2. The requester must complete the prescribed form. Refer to Annexure 1 – Request for access to record of a private body. A requester may need to pay a fee to enable us to respond to a request. These fees will be charged in terms of PAIA as set out hereinbelow. Where these fees are applicable, the requester will be given a written estimate of the fee before providing the services.
- 9.3. The requester must submit the completed form, together with payment of a fee, to the Information Officer, whose details appear hereinabove.
- 9.4. The prescribed form must be filled in with sufficient information to enable the Information Officer to identify the record or records requested and the identity of the requester.
- 9.5. The requester should indicate which form of access is required and specify a postal address or fax number of the requester in South Africa.
- 9.6. The requester must state that the requester requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right.
- 9.7. We will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 9.8. The 30 (thirty) day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of information and the information cannot reasonably be obtained within the original 30 (thirty) day period. We will notify the requester in writing should an extension be sought.
- 9.9. The requester shall be advised whether access is granted or denied in writing. If denied, the requester will be provided with reasons for the refusal.
- 9.10. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 9.11. If a requester is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

9.12. The requester must pay the prescribed fee before any further processing can take place.

## 10. PRESCRIBED FEES

Requesters are required to pay a fee for requesting access to records as well as for accessing records. The prescribed fees are as follows:

Requesting access to a record*	R50.00
Copy per A4 page	R1.10
Printing per A4 page	R0.70
Copy on a CD	R70.00
Transcript of visual images per A4 page	R40.00
Copy of a visual image	R60.00
Transcription of an audio recording per A4 page	R20.00
Copy of an audio recording	R30.00
Search & preparation of the record for disclosure, per hour or part thereof (excluding the first hour)	R30.00
Actual postage fee	

*\*Requesters who are requesting access to their personal information and requesters earning less than R14,712 (if single) and R27,192 per annum (if married or have a life partner) are exempt from paying a request fee*

## 11. REFUSAL OF A REQUEST TO ACCESS TO RECORDS

11.1. We are entitled to refuse a request for information in accordance with PAIA. The main grounds for the refuse a request for information relates to the:

- 11.1.1. mandatory protection of the privacy of a third party who is a natural person or a deceased person or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- 11.1.2. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;
- 11.1.3. mandatory protection of the commercial information of a third party, if the record contains trade secrets of that party; financial, commercial, scientific or technical information which disclosure would likely cause harm to the financial or commercial interest of that party; information disclosed in confidence by a third party to IAM if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;

- 11.1.4. mandatory protection of confidential information of third parties if it is protected in terms of ant agreement;
  - 11.1.5. mandatory protection of the safety of individuals and the protection of property;
  - 11.1.6. mandatory protection of records which could be regarded as privileged in legal proceedings;
  - 11.1.7. the commercial activities of IAM may include trade secrets and financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of IAM.
- 11.2. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources will be refused.
  - 11.3. All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.
  - 11.4. If a requested record cannot be found or if the record does not exist, we will notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of PAPIA. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless we refuse access to such record.

## 12. **REMEDIES AVAILABLE WHEN A REQUEST IS REFUSED**

We do not have an internal appeal procedure. The decision made to refuse access to a record is final. A requestor or a third party that is dissatisfied with our refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

## 13. **PROCESSING PERSONAL INFORMATION**

- 13.1. Our Information Officer (whose details appear hereinabove) is responsible and accountable for ensuring that we comply with the provisions of PAIA and POPIA.
- 13.2. We abide by strict principles when collecting, recording, storing, disseminating and destroying personal information and responding to requests for our information. We place a high premium on the privacy of every person or organisation with whom we interact or engage with and therefore acknowledge the need to ensure that personal information is handled with reasonable

standard of care as may be expected from us. We are therefore committed to ensuring that we comply with the requirements of POPIA.

- 13.3. We ensure that we only process personal information that we actually require for the purposes of running our business, executing our contracts and protecting our legitimate interests. We will only process personal information if, given the purpose for which it is processed, it is adequate, relevant and not excessive.
- 13.4. We will only collect personal information for a specific, explicitly defined and lawful purpose related to a legitimate function or activity.
- 13.5. We will only process personal information for reasons other than those for which it was obtained if it is in accordance or compatible with the purpose for which it was originally collected.
- 13.6. We take reasonably practicable steps to ensure that the personal information is complete, accurate, not misleading and updated where necessary. Data subjects may access (refer to the Request for access to record of a private body attached) and contest (refer to Annexure 2 – Request for correction or deletion of personal information) their personal information, in which case we will restrict the processing of personal information in these instances in order to verify the accuracy of the information.
- 13.7. We take all reasonably practicable measures to inform data subjects about the personal information being processed. Any data subject may, having provided adequate proof of identity, request us to confirm whether or not we hold personal information about them and the identity of third parties who have, or have had access to the information.
- 13.8. We secure the integrity and confidentiality of personal information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information, and unlawful access to or processing of personal information.
- 13.9. We have performed a personal information impact assessment to ensure that adequate measures and standards exist in order to comply with the conditions of lawful processing of personal information as set out in POPIA.

#### 14. **PURPOSE OF PROCESSING PERSONAL INFORMATION**

- 14.1. We process personal information for the following purposes:

- 14.1.1. General administration purposes

- 14.1.2. Company secretarial purposes
- 14.1.3. Recruitment and employment purposes
- 14.1.4. In the execution of our contracts with our guests

## 15. CATEGORIES OF PERSONAL INFORMATION

We process the following personal information:

<u>Categories of Data Subjects</u>	<u>Categories of Information we Process</u>
Guests	Name, ID, contact information, location information
Employees/prospective employees	Name, gender, age, ID number, contact information, location information, education history, employment history
Service Providers	Identification information, contact information
Owners	Name, ID, contact information

## 16. SHARING OF PERSONAL INFORMATION

- 16.1. In processing your personal information, we may share it with third party processors under an operator's agreement. These include but are not limited to online project management services, data storage providers and server hosts.
- 16.2. As an operator, these service providers will not be able to process or use any personal information for any reason other than to provide the service as required by us. In terms of our agreements with our operators, our operators are obliged to implement proper safeguards to ensure the personal information is secured at all times.
- 16.3. We do not share any personal information with any third parties other than our operators.

## 17. TRANSBORDER FLOWS OF PERSONAL INFORMATION

- 17.1. We will not transfer personal information about a data subject to a foreign country unless the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection similar to POPIA and includes provisions that similarly limit the further transborder transfers of personal, or the data subject consents to the transfer.
- 17.2. We do not have any planned transborder flows of personal information.

## 18. SECURITY OF PERSONAL INFORMATION

- 18.1. We secure the integrity and confidentiality of personal information in our possession or under our control by taking appropriate, reasonable technical and organisational measures to prevent any

loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information.

- 18.2. We have performed a risk assessment to identify internal and external risks to personal information in our possession or under our control and have implemented safeguards to mitigate the risks, such as internal policies, antivirus software, firewalls and access controls.

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***Annexure 1: Request for access to record of a private body***





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***Annexure 2: Request for correction or deletion of personal information***