



PROMOTION OF ACCESS TO INFORMATION MANUAL

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1. INTRODUCTION

This Manual is published in accordance with section 51 of the Promotion of Access to Information Act, number 2 of 2000 (as amended) ("PAIA"). PAIA gives effect to the public's right to have access to information, which right is provided for in the Constitution of the Republic of South Africa, 1996 ("**Constitution**"). Section 9 of PAIA however recognizes that such right of access to information is subject to justifiable limitations, including but not limited to:

- (a) Limitations aimed at the reasonable protection of privacy
- (b) Commercial confidentiality
- (c) Effective, efficient, and good governance and
- (d) The balance between the right of access to information and any other rights, including such rights contained in the Bill of Rights in the Constitution of South Africa.

2. PURPOSE OF THIS MANUAL

This PAIA Manual is intended to ensure that The Best Funeral Society (Pty) Ltd (TBFS) complies with the Act and to foster a culture of transparency and accountability within TBFS by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

It is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

This manual complies with the requirements of section 10 of the Act and recognizes that upon the commencement of the Protection of Personal Information Act 4 of 2013, the appointed information regulator will be responsible to regulate compliance with the Act and its regulations by the public and private bodies.

3. PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Contact Details

Any person who wishes to request any information from TBFS in order to protect or exercise a right may contact the Information Officer at the following contact details:

Information Officer: John Turnbull

Deputy Information Officer: Kwena Sepuru

Postal Address

PO Box 62592
Marshalltown
2107

Physical Address

1st Floor
81 Main Street
Marshalltown
2001
Tel: 011 373 8400

Fax: 011 836 8573
Email: compliance@tbfs.co.za
Website: www.tbfs.co.za

4. PROCEDURE FOR REQUESTS

In terms of PAIA, the following persons may request access to records held by TBFS

- A person requesting information about him/herself
- An agent requesting information on behalf of someone else
- A third party requesting information of someone else or,
- A public body requesting information for the exercise or protection of its rights or in the interest of the public.

A request for access to a record of TBFS must be made in the prescribed form to TBFS at the address, fax or e-mail address provided above. The form must be addressed to the Information Officer using details described above. (*Annexure A*)

Requesters must:

- Provide sufficient particulars to enable the Information Officer to identify the record/s requested and must contain the name and contact details of the requester,
- Indicate which form of access is required,
- Specify a postal address or email address of the requester in South Africa,
- Indicate the right exercised or to be protected and why the record is required to protect or exercise the right,
- Where they need to be informed of the decision on the request in any other manner, state the manner and particulars to be so informed and
- If the request is made on behalf of a person, submit proof in the form of an affidavit or signed letter of consent, of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

5. PAYMENT OF FEES

The Information Officer will notify the requester of the prescribed fee (if any) payable before further processing the request. Should a fee be required, proof of payment must be sent to the Information Officer together with the request.

A requester seeking access to a record containing their own person information will not be charged a request fee.

The schedule of all fees payable for PAIA requests and related access to requested information is attached to this manual as *Annexure A*.

If the request is granted the requester will be accordingly notified and a further fee must be paid. This would be for the search, reproduction, preparation and time that exceed the prescribed hours to search and prepare the disclosure.

6. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

In terms of section 10 of the Act a guide is published to assist people to access records and exercise their right to information. The guide is available in all South African official languages free of charge and any person may request a copy of the guide. Please

contact the Information Regulator or visit their website for more information on how you can get access to information under PAIA, and to access the Guide.

The contact details of the Information Regulator are:

Postal address:

P.O Box 31533
Braamfontein
Johannesburg
2017

Physical address:

Woodmead North Office Park
54 Maxwell Drive
Woodmead
Johannesburg

Tel: 010 023 5200

Web site: www.inforegulator.org.za

E-Mail addresses:

enquiries@inforegulator.org.za (general enquiries)

POPIAComplaints@inforegulator.org.za (POPIA complaints)

PAIAComplaints@inforegulator.org.za (PAIA complaints)

7. TYPES OF RECORDS HELD BY TBFS

Requests for access to documents held by TBFS will be in accordance with the Act. The following records are available to the requester from the TBFS office:

These include but are not limited to the following:

Human Resources Records

These include but are not limited to the following:

- Any personal records provided to TBFS by their personnel,
- Any records a third party has provided to TBFS about any of their personnel,
- Conditions of employment and other personnel related contractual and quasilegal records,
- Internal correspondence and records, internal evaluation records,
- Disciplinary records,
- Training and development,
- Employee Manual.

Customer Related Records

A customer or client includes any natural or juristic entity who receives services from TBFS. Customer related information includes but is not limited to the following:

- Any records a customer has provided to a third party acting for or on behalf of TBFS; any records a third party has provided to TBFS, and records generated by or within TBFS pertaining to the customer, including transactional records.

Financial, IT and Operational Records

This includes but is not limited to the following:

- Financial records, corporate financial reports,
- Operational records,
- Information technology,
- Marketing records,

- Product records,
- Statutory records,
- Internal policies and procedures,
- Records held by officials at TBFS,
- System related records,
- Disaster recovery and implementation plan.

Other Parties

TBFS may possess records pertaining to other parties, including without limitation, contractors, suppliers, service providers. Alternatively, such other parties may possess records which can be said to belong to TBFS. The following records fall under this category:

- Personnel, customer or TBFS records which are held by another party as opposed to being held by TBFS,
- Records held by TBFS pertaining to other parties, including without limitation financial records,
- Correspondence,
- Contractual records,
- Records provided by the other party,
- Records third parties have provided about the contractors/suppliers.

8. INFORMATION THAT IS AUTOMATICALLY AVAILABLE

The information set out in this section relates to records that are automatically available for inspection, purchase or photocopying in terms of section 52 of the Act. This information need not be requested by a formal request in terms of the Act and can be requested from the Information Officer

Automatically Available Information:

- Information available on TBFS website is voluntarily disclosed

9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records are available in accordance to the following legislation:

- Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 55 of 1998
- National Credit Act 34 of 2005
- Labour Relations Act 66 of 1995
- Consumer Protection Act 68 of 2008
- Companies Act No. 71 of 2008 Act and Companies Amendment Act No. 3 of 2011
- Income Tax Act 89 of 1991 and Amendments
- Value Added Tax Act 89 of 1991
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000a
- Insurance Act 18 of 2017
- Financial Advisory and Intermediary Services Act 32 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Long term insurance Act,
- Occupational Health and Safety Act.

10. GROUNDS FOR REFUSAL

As prescribed in section 25 of PAIA, justifiable grounds exist for TBFS to refuse or limit access to information and will inform the requester accordingly. Grounds for refusal include, but are not limited to:

- a) A mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- b) A 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 the Protection of Personal Information Act 4 of 2013;
- c) A mandatory protection of the commercial information of a third party (section 64), if the record contains trade secrets of the third party such as:
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party
 - Information disclosed in confidence by a third party to TBFS, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition
- d) A mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement and a mandatory protection of the safety of individuals and the protection of property (section 66);
- e) A mandatory protection of records privileged from production in legal proceedings;
- f) Protection of commercial information of TBFS;
- g) Mandatory protection of the research information of a third party and of TBFS;
- h) Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, 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 the Act. 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 the Information Officer refuses access to such record.

11. REMEDIES IN TERMS OF PAIA

TBFS will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which TBFS has to decide whether to grant or refuse the request may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of TBFS and the information cannot reasonably be obtained within the original 30 day period. TBFS will notify the requester in writing should an extension be sought.

There is no internal appeal procedure within TBFS against a decision of the Information Officer / Deputy Information Officer. If the requester does not agree with the way in which the request was handled or believe that TBFS is unlawfully processing the Personal Information, a complaint may be sent to the Information Regulator at:

complaints.IR@justice.gov.za

12. AVAILABILITY OF THE MANUAL

This manual is available for inspection at TBFS's office, free of charge and on the TBFS website at <https://www.tbfs.co.za>

Revision summary

Review every two years or as required

Date of revision October 2027

Links to Information Regulator website for forms to be completed:

Form 02: [Request for Access to Record](#) [Regulation 7]- **Public & Private Bodies.**

[InfoRegSA-PAIA-Form02-Reg7.pdf \(inforegulator.org.za\)](#)

Form 03: [Outcome of request and of fees payable](#) [Regulation 8]- **Public & Private Bodies.**

[Form-3-PAIA.pdf \(inforegulator.org.za\)](#)