

# MANUAL in terms of THE PROMOTION OF ACCESS TO INFORMATION ACT (No.2 of 2000) (the “Act”)

## Applies only to Navigare

Copies of this manual are available for inspection, free of charge, at the offices of Navigare. Alternatively, the manual can be downloaded from Navigare’s website: [www.navigare.co.za](http://www.navigare.co.za)

For a description of how Navigare processes personal information, refer to the Navigare Privacy Statement located under <http://www.navigare.co.za/disclaimer-and-confidentiality-notice/>



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## Key Definitions

<b>Commission:</b> South African Human Rights Commission.
<b>Consent:</b> means any voluntary, specific, and informed expression agreeing to the processing of PI
<b>Constitution:</b> The Constitution of the Republic of South Africa Act, No. 108 of 1996.
<b>Data Subject:</b> A person to whom personal information relates. The person can be a natural or juristic person.
<b>De-identify</b> means the deletion or manipulation of information to such a degree that it cannot be linked to the identity of a data subject, even if reconstructed.
<b>Deputy Information Officer:</b> The person to whom any power or duty imposed on an Information Officer by POPIA has been delegated.
<b>Direct marketing:</b> Sending a data subject an electronic communication about goods and services that you are promoting or offering to supply in the ordinary course of business or requesting a donation of any kind for any reason.
<b>Electronic Communication:</b> Any text, voice, sound or image message sent over an electronic communications network which is stored in the network or in the recipient's terminal equipment until it is collected by the recipient.
<b>Head: A "Head" encompasses the following:</b> In the case of a natural person, that person or their duly authorised representative. In the case of a partnership, any of the partners or their duly authorised representatives. In the case of a juristic person, the CEO, a person acting in a capacity equivalent to the CEO or their authorised representatives.
<b>Information Officer (IO):</b> The Head of a Private Body or to whom the head of the private body has delegated such role to.
<b>Minister:</b> The Cabinet member responsible for the administration of justice.
<b>Operator:</b> means a third party that processes information for or on behalf of Navigare in terms of a contractual agreement.
<b>PAIA: The Promotion of Access to Information Act of 2000.</b>
<b>Person:</b> A natural person or a juristic person
<b>Personal Information (PI):</b> Information relating to a natural person or juristic person which can include, but is not limited to: Race; Gender; Sexual affiliation and activity; Pregnancy; Marital status; National, ethnic, or social groups; Age; Physical and mental Health; Disability status; Personal/Private correspondence;



Religious and personal beliefs (including matters of conscience); Language; Birth dates; ID numbers; Physical and email addresses; Contact numbers; Personal/Private correspondence; and Biometric information.
<b>POPIA:</b> The Protection of Personal Information Act of 2013 or the Act.
<b>Private Body:</b> A “Private Body” encompasses the following: A person who carries on a business, trade, or profession in his/her personal capacity. A partnership which carries on a business, trade, or profession. Any former or existing juristic person, specifically excluding Public Bodies.
<b>Processing:</b> Any activity or set of operations (whether automatic or manual) concerning a person’s personal information. This will include collection, receipt, recording, organising, collation, storage, updating or modification, retrieval, alteration, consultation or use, dissemination by means of transmission, distribution or making available in any other form, or merging. Linking, as well as restriction, degradation, erasure, or destruction of information.
<b>Record:</b> A record of information in the possession of a Public or Private Body.
<b>Regulator:</b> The Information Regulator (IR) established in terms of POPIA.
<b>Requester:</b> Any person acting in their own capacity or as a representative of a Public Body making a Request for Access.
<b>Request for Access:</b> A request for access to a record of an organization in terms of section 50 of PAIA.
<b>Responsible Party:</b> means we or us at Navigare who determine the purpose of and means for processing personal information.
<b>Third Party:</b> In relation to a request for information, a “third party” is any person other than the requester.



## Preamble

The Promotion of Access to Information Act, No.2 of 2000 ("the Act or PAIA") is an Act that was passed to give effect to the constitutional right of everyone to access information held by the State or by another person, that is required for the exercise or protection of any rights.

Where a request is made in terms of the Act, the body to which the request is made must grant access to any record, unless the Act permits or requires refusal of access.

This Manual applies to any person requesting access to a record of a private body where the record is required for the exercise or protection of any rights (as contemplated in section 50 of PAIA). It is important to note that the Act recognises limitations to the right of access to information, including, but not limited to, the reasonable protection of privacy, commercial confidentiality, and effective and efficient good governance, and requires that this right be balanced against other rights, including those contained in the Constitution's Bill of Rights.

PAIA grants a requester access to records of a private body where the record is required for the exercise or protection of any rights subject to the Act's prescribed procedures and fees.

## Objective

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This manual is compiled in accordance with Section 51 of the Act. It is intended to:

- Describe the records held by the Company on its behalf;
- Set out grounds on which access may be refused; and
- Outline the procedures to be followed and the fees payable when requesting access to records, to enable requesters to obtain records to which they are entitled to, in a timely and accessible manner.

## Policy Statement and Contact details

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Navigare has compiled this PAIA manual in terms of section 51 of the Promotion of Access to Information Act, 2000 (PAIA) to facilitate requesters' exercise of their rights of access to records under PAIA and the Constitution. The Information Officer is responsible for overseeing implementation of this Manual, assisting requesters, and ensuring compliance with the Act.

<b>Information Officer:</b>	Jennifer Titus
Physical Address:	51 West Street, Houghton, JHB, 2041
Telephone Number:	011 853 8702
Email:	<a href="mailto:compliance@navigare.co.za">compliance@navigare.co.za</a>

<b>Deputy Information Officer:</b>	Christopher Beilings
Physical Address:	51 West Street, Houghton, JHB, 2041
Telephone Number:	011 853 8712
Email:	<a href="mailto:compliance@navigare.co.za">compliance@navigare.co.za</a>



## Key Principles

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- Access to information is a constitutional right that applies to everyone.
- Requests should be handled through clear, simple procedures within legally prescribed timeframes.
- Navigare may, where appropriate and lawful, proactively publish information in the public's interest. PAIA does not generally oblige private bodies to do so.
- Information should be provided in an accessible format and at accessible location, subject to reasonable technical and cost limitations.
- Access to information may be limited only where PAIA grounds for refusal applies and the harm of disclosure outweighs the right of access.

## Inherent Risks

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Navigare has identified the following potential key risks, which this policy aims to mitigate:

- Unnecessarily preventing requesters from accessing information which could result in protracted disputes, complaints to the Information Regulator, or litigation over the right to access to information.
- Failure to comply with the requirements of PAIA and POPIA which could have serious regulatory, legal, and reputational consequences for Navigare.

## The Role of the Information Regulator

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The POPIA established an Information Regulator (IR) as an independent juristic person accountable to the National Assembly.

The Information Regulator regulates both the Protection of Personal Information Act (POPIA) and the Promotion of Access to Information Act, 2000 (PAIA). The IR is empowered to conduct investigations, issue information and enforcement notices, approve and enforce codes of conduct, apply to a court for appropriate relief, and refer matters for prosecution. (In certain circumstances under POPIA, administrative fines may be issued; criminal fines and imprisonment are imposed by a court upon conviction). Data subjects may lodge complaints with the IR, and the IR may take enforcement action following investigation.

Duties and functions include:

- Protecting data subjects from harm and ensuring responsible parties protect Personal Information appropriately;
- Providing education and public guidance;
- Monitoring and enforcing compliance with POPIA and PAIA ;
- Consulting with interested parties and issuing guidance / codes where applicable;
- Handling complaints and conducting investigations;
- Conducting research and to reporting to Parliament;
- Facilitating cross-border cooperation on privacy enforcement, and
- Performing other functions in section 40(1) of POPIA.



Powers include:

- Holding responsible parties to account for non-compliance;
- Issuing information and enforcement notices, including in relation to codes of conduct;
- Compelling testimony and documents (e.g. calling witnesses, requiring information);
- Conducting search and seizure under warrant, including entry and inspection of premises, and
- Pursuing civil and criminal enforcement pathways.

**A data subject may institute a civil action for damages under POPIA without having to prove intent or negligence; the IR may apply to court to enforce compliance and refer offences for prosecution.**

For further information, see the IR's website at the following link –

[Home - Information Regulator \(info regulator.org.za\)](https://info regulator.org.za)

## The PAIA Guide

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The Information Regulator is required in terms of the Act to compile a guide in each official language, containing information reasonably required by a person who wishes to exercise any right contemplated in the Act, presented in an easily comprehensible form.

The guide is available on the Information Regulator's website: - [PAIA Guidelines - Information Regulator \(info regulator.org.za\)](https://info regulator.org.za) .

## Legislation applicable to Navigare (the Company)

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### Who is Navigare

Navigare Securities (Pty) Ltd ("Navigare" or "NVG") is a black owned and managed boutique firm with a strong entrepreneurial and partnership culture, positioned to compete with dominant market players.

Navigare is an authorised user of the Johannesburg Stock Exchange, under the Financial Markets Act, 2012, and is authorised to provide trading services to controlled and non-controlled clients. Certain clients may be accountable institutions as defined in the Financial Intelligence Centre Act.

### Records available in terms of legislation

Navigare keeps and makes available records as required by applicable legislation to which it is subject, including legislation governing the Financial Services Industry. Access to such records is provided in accordance with the relevant statute.

Note: The list of legislation below is not exhaustive. Some legislation may not apply to Navigare at a given time, and additional legislation may apply from time to time as the business or legal framework evolves.



No.	Applicable Act/Legislation
1.	Basic Conditions of Employment Act 57 of 1997
2.	Broad-based Black Economic Empowerment Act 53 of 2003
3.	Companies Act 71 of 2008
4.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
5.	Employment Equity Act 55 of 1998
6.	Financial Intelligence Centre Act 38 of 2001
7.	Financial Advisory and Intermediary Services Act 7 No 37 of 2002
8.	Financial Institutions (Protection of Funds) Act 28 of 2001
9.	Financial Markets Act, 19 of 2012
10.	Financial Services Board Act 97 of 1990
11.	Financial Sector Regulation Act No. 9 of 2017
12.	Income Tax Act 58 of 1962
13.	Labour Relations Act 66 of 1995
14.	Occupational Health and Safety Act 85 of 1993
15.	Prevention of Organised Crime Act 121 of 1998
16.	Prevention and Combating of Corrupt Activities Act 12 of 2004
17.	Promotion of Access to Information Act 2 of 2000
18.	Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
19.	Skills Development Act 97 of 1998
20.	Skills Development Levy Act 9 of 1999
21.	Securities Transfer Tax Act 25 of 2007
22.	Unemployment Insurance Act and Contributions Act 4 of 2002
23.	Value Added Tax Act 89 of 1991

### Records available without requesting access in terms of the Act

In terms of section 52 of PAIA, Navigare may, on a voluntary and periodic basis, submit to the Minister a description of categories of records that are automatically available without a person having to request access in terms of the Act. The Minister must publish any description submitted in the Government Gazette.

For the moment any information that Navigare elects to make publicly available, without a PAIA request will be published on its website – [www.navigare.co.za]

CATEGORIES OF RECORDS FOR EACH SUBJECT FORM HELD	FORM HELD	AVAILABILITY
<b>COMPANY RECORDS</b>		
Company incorporation	Electronic and physical	Available from CIPC website
Names of directors	Electronic and physical	Available from CIPC website
Records relating to the appointment of directors / auditor / secretary / public officer and other officers	Electronic and physical	Available from CIPC website
<b>RECORDS AVAILABLE ON COMPANY WEBSITE</b>		
Public Product Information	Electronic	Freely available from NVG website
Public Corporate Records	Electronic	Freely available from NVG website
Media Releases	Electronic	Freely available from NVG website
Published Newsletters	Electronic	Freely available from NVG website
Any other information made available on the NVG website	Electronic	Freely available from NVG website





## Records available on request

Below is a non-exhaustive list of subjects and categories of records that may be requested in terms of the Act (PAIA). Access is subject to the provisions of the Act, including any applicable grounds of refusal and lawful limitations.

Please note the following:

- The inclusion of a category or subject in this Manual does not guarantee that access will be granted.
- Each request will be assessed on a case-by-case basis in accordance with the Act's prescribed procedures (and fees, where applicable).
- Operational / administrative records are maintained for the day to day running of Navigare and are generally intended for internal use, access is typically limited to authorised staff unless such records are published on the Navigare website. Any external request for these records will be considered under PAIA on its merits.

## Company confidential information

"Confidential Information" includes but is not limited to any of the Company's trade secrets and, other confidential information relating to the Business and/or the Company; including (but not limited to): Client lists and information, the Business and contractual arrangements between the Company and its associates, and agreement with Employees, financial information of the Company and its Clients, financial methods, policies and philosophies, marketing methods, research methods, incentive schemes, formulae, processes, systems, business methods, inventions, specialised know-how, training material and training programmes, personnel information, details of suppliers of financial products and insurance policies, internal control systems, policies and strategies, salary and wage policies, security methods, financing techniques, strategic plans, software, database and other electronically stored information and other information relating to the Company's business that is not readily available to the public in the ordinary course.

Access to records containing Navigare's Confidential information will ordinarily be refused under PAIA's grounds of refusal (including section 64 – commercial information of a private body), unless disclosure is required by law, consent is obtained, or another lawful exception applies.

### COMPANY'S OWN/INTERNAL AFFAIRS

CATEGORIES OF RECORDS HELD	PURPOSE	FORM HELD	AVAILABILITY
<b>1. COMPANY SECRETARIAL RECORDS</b>			
Salaries of directors	Internal Business Requirement	Electronic and physical	Not automatically available
Minutes of Board and Director meetings	Internal Business Requirement	Electronic and physical	Not automatically available
Board agendas and attendance registers	Internal Business Requirement	Electronic and physical	Not automatically available
Share Register and other statutory registers	Internal Business Requirement	Electronic and physical	Not automatically available



<b>2. FINANCIAL RECORDS</b>			
Financial statements, accounting records, Audit records	Statutory Requirement	Electronic and physical	Not automatically available
Documents relating to taxation of the company	Statutory Requirement	Electronic and physical	Not automatically available
Management accounts	Statutory Requirement	Electronic and physical	Not automatically available
Financial Agreements and Leases	Internal Business Requirement	Physical	Not automatically available
Banking Details and banking records	Internal Business Requirement	Electronic and physical	Not automatically available
<b>3. INSURANCE POLICES/RECORDS</b>			
Insurance Policies held by the Company	Risk Management	Electronic and physical	Not automatically available
Insurance claims and arrangements	Internal Business Requirement	Electronic and physical	Not automatically available
Register of all fixed assets owned/rented by NVG	Internal Business Requirement	Electronic and physical	Not automatically available
<b>MARKETING RECORDS</b>			
Marketing Information	Internal Business Requirement	Electronic and physical	Not automatically available
Product Brochures	Internal Business Requirement	Electronic and physical	Not automatically available
Advertisements	Internal Business Requirement	Electronic and physical	Not automatically available
Product/Service Sales Records	Internal Business Requirement	Electronic and physical	Not automatically available
Marketing Strategies	Internal Business Requirement	Electronic and physical	Not automatically available
<b>SYSTEMS, SOLUTIONS, INFORMATION TECHNOLOGY RECORDS</b>			
Intellectual property pertaining to solutions and products developed.	Internal Business Requirement	Electronic	Not available
Usage of solutions and products	Internal Business Requirement	Electronic and physical	Not automatically available
<b>COMPANY ADMINISTRATION RECORDS</b>			
Policies and procedures - Internal relating to employees and the company	Internal Business Requirement	Electronic and physical	Not automatically available
Policies and Procedures - External relating to clients and other third parties	Statutory Requirement	Electronic and physical	Not automatically available
Licenses or Authorities	Statutory Requirement	Physical	Not automatically available
<b>AGREEMENTS OR CONTRACTS</b>			
NVG may possess records pertaining to other parties, including without limitation: Contractors, suppliers, subsidiary/holding company, joint venture companies, service providers.			
Standard Agreements	Internal Business Requirement	Electronic and physical	Not automatically available
Contracts concluded with customers	Internal Business Requirement	Electronic and physical	Not automatically available



Third party and Supplier contracts (such as Service Level Agreements, CSA etc.)	Internal Business Requirement	Electronic and physical	Not automatically available
Rental Agreements	Internal Business Requirement	Electronic and physical	Not automatically available
Non-Disclosure Agreements	Internal Business Requirement	Electronic and physical	Not automatically available
Financial records of 3 <sup>rd</sup> parties	Internal Business Requirement	Electronic and physical	Not automatically available
Correspondence with 3 <sup>rd</sup> parties	Communications	Electronic and physical	Not automatically available

#### HUMAN RESOURCES / EMPLOYEE RECORDS

CATEGORIES OF RECORDS HELD	PURPOSE	FORM HELD	AVAILABILITY
<p>“Personnel” refers to any person who works for or provides services to or on behalf of NVG and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of NVG. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. Personnel information/records related to employment shall remain strictly confidential to protect the constitutional rights of individuals.</p> <p>Personnel records include the following:</p>			
Employment applications	Internal Business Requirement	Electronic and physical	Not automatically available
List of Employees and organisational structure	Internal Business Requirement	Electronic and physical	Not automatically available
Personal information of employees and internal evaluation	Internal Business Requirement	Electronic and physical	Not automatically available
Employee contracts of employment and other personnel-related contractual and quasi-legal records	Employment contract	Electronic and physical	Not automatically available
Employee salaries and benefits payable, travel claims, PAYE records, SETA records	Statutory requirement	Electronic and physical	Not automatically available
Leave records and Training records	Statutory requirement	Physical	Not automatically available
Disciplinary code and records	Statutory requirement	Electronic and physical	Not automatically available
Other internal records and correspondence	Internal Business Requirement	Electronic and physical	Not automatically available
Any records a third party has provided to NVG about any of their personnel	Internal Business Requirement	Physical	Not automatically available

#### CUSTOMER INFORMATION/RECORDS

CATEGORIES OF RECORDS HELD	PURPOSE	FORM HELD	AVAILABILITY
<p>A client includes any natural or juristic entity who receives services from NVG. Client related information, includes but is not limited to the following:</p>			
Customer Details/Database	Internal Business Requirement	Electronic and physical	Not automatically available
Contact details of individuals within customers	Internal Business Requirement	Electronic and physical	Not automatically available
Client instructions	Internal Communications	Electronic and physical	Not automatically available
Account opening documents	Internal Business Requirement	Electronic and physical	Not automatically available
FICA documents	Statutory requirement	Electronic and physical	Not automatically available
Investment and transactional details/records	Internal Business Requirement	Electronic and physical	Not automatically available
Communications with customers	External Communications	Electronic and physical	Not automatically available
Any records a client has provided to a third party acting for or behalf of NVG	Internal Business Requirement	Electronic and physical	Not automatically available
Any records a third party has provided to NVG	Internal Business Requirement	Electronic and physical	Not automatically available



## Grounds for Refusal

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- Mandatory protection of third-party privacy (natural persons), where disclosure would amount to the unreasonable disclosure of Personal Information.
- Mandatory protection of third-party commercial information, if the record contains:
  - Trade secrets of that third party;
  - Financial, Commercial, Scientific or Technical information the disclosure of which could reasonably be expected to cause harm to that third party's commercial or financial interests; or
  - Information supplied in confidence by a third party to Navigare, the disclosure of which could reasonably be expected to put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties that is protected in terms of any agreement or legislation;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records privileged in legal proceedings;
- Protection of Navigare's commercial information, which may include:
  - Trade secrets of Navigare; or
  - Information which, if disclosed, could reasonably be expected to put Navigare at a disadvantage in negotiations or commercial competition.
- Protection of research information of Navigare or a third party, if its disclosure would reveal the identity of the institution, the researcher or the subject matter or would place the research at a serious disadvantage;
- Frivolous or vexatious / unreasonable diversion of resources: requests that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, may be refused.

## Request Procedure and Links to Forms

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The Information Regulator's prescribed PAIA forms can be downloaded from its website (PAIA forms page). Requesters may access the forms by clicking on the provided link below:

<https://infoeregulator.org.za/paia-forms/>

This link is also available on Navigare's website.

### Promotion of Access to Information (PAIA) Forms

- Form 01: [Request for a Guide from the Regulator](#) [Regulation 2]
- Form 01: [Request for a Copy of the Guide from an Information Officer](#) [Regulations 3]
- Form 02: [Request for Access to Record](#) [Regulation 7]
- Form 03: [Outcome of request and of fees payable](#) [Regulation 8]
- Form 04: [Internal Appeal Form](#) [Regulation 9]
- Form 05: [Complaint Form](#) [Regulation 10]
- Form 13: [PAIA Request for Compliance Assessment Form](#) [Regulation 14(1)]



The following forms can also be printed from the Annexures at the end as follows:

- **Annexure 1 – Form 02: Request for Access to Record (Regulation 7)**

Any person requesting access to information held by Navigare must complete the prescribed form [\(Form 02\)](#) (Regulation 7) and submit it to the Information Officer at the physical address, or electronic mail address provided. The requester must also pay the prescribed request fee (where applicable under PAIA) and, if required, a deposit.

**Note:** The fees described in this PAIA Manual apply **only to PAIA access requests**. They **do not** apply to POPIA rights requests (e.g., objections, corrections, deletions), for which **no fees may be charged**. Please refer to Navigare's **Privacy Statement** for POPIA rights processes and timelines.

The requester must complete Form 02 carefully, providing sufficient detail to enable the Information Officer to identify:

- The records requested;
- The identity number of the person requesting the records;
- The contact details of the person requesting the records;
- The form of access required, if the request is granted;
- The right the requester seeks to exercise or protect, together with the reasons why the records required for the exercise of that right;

Where a request for information is made on behalf of another person, the requester must provide adequate proof of the necessary authorisation.

- **Annexure 2 – Form 03: Outcome of request and of fees payable (Regulation 8)**

The Information Officer must, within 30 days of receipt of the request, decide whether to grant or refuse the request and provide written notice to the requester including reasons for the decision.

For requests other than personal requests, the requester **must take note** of the fees that may be applicable and must be paid before access to the requested information is provided. These fees are set out in Form 3 ([Form-3-PAIA.pdf \(info regulator.org.za\)](#)).

Any waiver of fees will be at the sole discretion of the Information Officer and the Board of Navigare.

## Prescribed Fees

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The following applies to requests other than personal requests:

- A requester may be required to pay the prescribed fee before a request will be processed. (The amount will be advised by Navigare and will depend on the administration required to process the request).



- If the preparation of the requested record requires more than the prescribed six (6) hours, a deposit (of not more than one- third of the access fee (which would be payable if the request were granted) will be required;
- A requester may lodge an application with a court against the requirement to pay the request fee and/or deposit;
- Access to records may be withheld until the applicable fees have been paid.
- The fee structure is available on the Information Regulator's website at [Form-3-PAIA.pdf \(inforegulator.org.za\)](https://www.inforegulator.org.za/Form-3-PAIA.pdf)

**Note:** The fees described in this PAIA Manual apply **only to PAIA access requests**. They **do not** apply to POPIA rights requests (e.g., objections, corrections, deletions), for which **no fees may be charged**. Please refer to Navigare's **Privacy Statement** for POPIA rights processes and timelines.

## Navigare's Decision Process

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The Information Officer will, within 30 (thirty) days of receipt of the request, decide whether to grant or refuse access and will notify the requester in writing, including reasons for the decision (if required), unless special circumstances exist which justify that the prescribed timeframes cannot be met.

The requester will be informed in writing whether access has been granted or refused. If the requester requires the reasons for the decision in a manner other than in writing, he or she must indicate the preferred manner and provide sufficient particulars.

If an individual is unable to complete the prescribed form because of illiteracy or disability, the request may be made orally.

The requester must pay the prescribed fee (if applicable) before any further processing of the request can take place.

The initial 30-day period may be extended for a further period of not more than 30 (thirty) days if:

- the request relates to a large volume of information, or
- the request requires a search for information held at another office of Navigare or by a 3<sup>rd</sup> party service provider, and the information cannot reasonably be obtained within the original 30-day period.
- The Information Officer will notify the requester in writing if such an extension is required

## Remedies available to the requester

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### Internal Remedies:

Navigare does not have internal appeal procedures. Accordingly, the decision made by the Information Officer or Deputy officer (with input from the Board) is final. Requesters who are dissatisfied with such decision must exercise the external remedies available to them, as detailed below.



### External Remedies:

A requester or a third party who is dissatisfied with an Information Officer's decision to refuse access to a record, or with the form of access granted, may, within 30 (thirty) days of being notified of the decision, apply to the Constitutional Court, the High Court, or another court of similar status for appropriate relief.

The requester may make use of the Form 05 (Regulation 10), which is available on the Information Regulator's website at: [InfoRegSA-PAIA-Form05-Reg10-1.pdf \(infoRegulator.org.za\)](https://infoRegulator.org.za/InfoRegSA-PAIA-Form05-Reg10-1.pdf).



## ANNEXURE 1 (FORM 2)

### FORM 2

## REQUEST FOR ACCESS TO RECORD

[Regulation 7]

#### NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

**TO:** The Information Officer


(Address)

E-mail address: 

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Fax number: 

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**Mark with an "X"**

☐ Request is made in my own name

☐ Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made (when made on behalf of another person)			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made (if applicable):			
Identity Number			
Postal Address			





Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center"><b>PARTICULARS OF RECORD REQUESTED</b></p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center"><b>TYPE OF RECORD</b></p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			



<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal service to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	



### PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.*

Indicate which right is to be exercised or protected	
Explain why the record requested is required for the exercise or protection of the aforementioned right:	

### FEES

Reason	<p>a) A request fee must be paid before the request will be considered.</p> <p>b) You will be notified of the amount of the access fee to be paid.</p> <p>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.</p> <p>d) If you qualify for exemption of the payment of any fee, please state the reason for exemption</p>

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication ( <i>Please specify</i> )

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
**Signature of Requester / person on whose behalf request is made**



**FOR OFFICIAL USE**

<b>Reference number:</b>	
<b>Request received by: (State Rank, Name And Surname of Information Officer)</b>	
<b>Date received:</b>	
<b>Access fees:</b>	
<b>Deposit (if any):</b>	

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**Signature of Information Officer**



## ANNEXURE 2 (FORM 3)

### FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

**Note:**

1. If your request is granted the —
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: \_\_\_\_\_

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your request dated \_\_\_\_\_, refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body ( <i>including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form</i> ) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

**2. You requested:**

Printed copies of the information ( <i>including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form</i> )	
Written or printed transcription of virtual images ( <i>this includes photographs, slides, video recordings, computer-generated images, sketches, etc</i> )	
Transcription of soundtrack ( <i>written or printed document</i> )	
Copy of information on flash drive ( <i>including virtual images and soundtracks</i> )	
Copy of information on compact disc drive ( <i>including virtual images and soundtracks</i> )	
Copy of record saved on cloud storage server	

**3. To be submitted:**

Postal service to postal address	
Postal service to street address	
Courier service to street address	
Facsimile of information in written or printed format ( <i>including transcriptions</i> )	
E-mail of information ( <i>including soundtracks if possible</i> )	
Cloud share/file transfer	
Preferred language: ( <i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available</i> )	



Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

☐ Yes

☐ No



Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_

Name of account holder: \_\_\_\_\_

Type of account: \_\_\_\_\_

Account number: \_\_\_\_\_

Branch Code: \_\_\_\_\_

Reference Nr: \_\_\_\_\_

Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Information officer



## **ANNEXURE 3: Guidance on Procedures for making Information Available Electronically**

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Since PAIA sets strict time limits for providing access to information, the ability to locate information quickly and accurately is essential for compliance.

In March 2022, the Information Regulator issued guidance on procedures for making information available electronically. For information to be accessible, it must first be properly located, which often requires efficient record-keeping. Without effective documentation, both public and private bodies are unable to respond promptly to requests or to provide the public with required information.

The guidance provides a framework for public and private bodies to make information available electronically in a manner that enables individuals to access records quickly, easily, and at minimal cost.

### **Key Recommendations**

- Ensure efficient and systematic control over the creation, receipt, maintenance, management, use, and disposal of records in an electronic environment, aligned with international standards.
- Manage electronic records effectively to ensure information is readily available to users and that authentic and reliable records are preserved for the long term.
- Maintain the reliability, usability, authenticity, and integrity of records.
- Ensure that reliable records of business activities are generated, maintained, and available to those who need them, for as long as necessary, to support:
  - improved transparency and accountability;
  - effective policy formulation;
  - informed decision-making;
  - management of business risks;
  - continuity in the event of disaster;
  - protection of the rights and obligations of organisations and individuals;
  - protection and support in litigation;
  - compliance with legislation and regulations;
  - demonstration of corporate responsibility, including sustainability goals;
  - reduced costs through greater business efficiency;
  - protection of intellectual property;
  - evidence-based research and development activities;
  - the formation of business, personal, and cultural identity.

As with physical records, electronic records must be managed continuously. Effective management includes:

- Defining retention and disposal guidelines to determine how long records should be kept and the appropriate disposal methods.
- Identifying who is authorised to access and use records.
- Determining whether a record is official and ensuring it is removed when no longer required.





This procedure supports creators and users of electronic records, IT staff, records management staff, and managers in managing electronic records effectively and cost-efficiently, while ensuring compliance with PAIA and other relevant legislation.

## **Electronic Records Management**

PAIA requires that all records, including electronic records, are managed properly to ensure they are accessible, securely protected, retained for the required period, and disposed of lawfully. While the Act does not specifically use the term “*Electronic Records Management*”, it obliges organisations to establish effective practices for managing electronic records in order to uphold the constitutional right of access to information.

### **Best Practices for Electronic Records Housekeeping**

- Consistent and ongoing management of shared and personal drives, as well as paper filing systems, is essential to maintaining the long-term integrity and accessibility of records.
- Staff members who handle or store client personal information must review their records periodically to remove non-official materials and eliminate unnecessary duplicates.
- Staff must review and declutter filing systems, local drives, personal workspaces, and other paper or electronic storage areas. They must also avoid using local or personal drives for the long-term storage of client personal information.

### **Retention and Disposal of Records**

In accordance with section 14(1) of the Protection of Personal Information Act (POPIA), records containing personal information must not be retained longer than necessary to fulfil the purpose for which it was collected or processed, unless:

- retention is required or authorised by law;
- the record is needed for lawful purposes related to Navigare’s functions or activities;
- retention is required by a contract between the parties; or
- the data subject, or a competent person in the case of a child, has consented to retention.

Navigare is committed to managing records responsibly, ensuring transparency, accessibility, and the protection of personal and sensitive information. Records are retained only for as long as necessary to meet their intended purpose, comply with legal requirements, or respond to information requests. When records are no longer required, they are securely disposed of to prevent unauthorised access and to maintain confidentiality.

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