

# SA Company Formations (Pty) Ltd

REGISTRATION NUMBER: 2012/078059/07



PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 of 2000  
PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013

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## FOREWORD

### MANUAL OF SA Company Formations (Pty) Ltd

Registration Number : 2012/078059/07

Prepared in accordance with Section 51 of the Promotion of Access to Information Act. No. 2 of 2000 and updated in accordance with the provisions of the Protection of Personal Information Act No. 4 of 2013.

## INTRODUCTION

On 9 March 2001, the Promotion of Access to Information Act. No. 2 of 2000 ("PAIA") became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in PAIA, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as the company's information manual and provides reference to the records held by the company and the process to request access to such records.

In addition, this document serves as the manual which explains how to access, object to processing, or request correction of personal information held by the company, in terms of the Protection of Personal Information Act No. 4 of 2013 ("POPIA").

## SCOPE OF THE MANUAL

Nature of Business:

SA Company Formations (Pty) Ltd is a company which provides company secretarial services to its clients.

SA Company Formations (Pty) Ltd.'s mission is to provide the highest standard of service to clients and to perform professional services with due care, competence and diligence. The company has a continuing duty to maintain professional knowledge and skill at a level required to ensure that clients receive the advantage of competent professional service based on up-to-date developments in practice, legislation and techniques.

The scope of the manual is limited to the records held by SA Company Formations (Pty) Ltd

AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection on the Company’s website at [www.bdo.co.za](http://www.bdo.co.za) or on request from the designated contact person referred to in this manual.

CONTACT PERSON

CONTACT DETAILS

Head of Business: Mark Stewart  
Contact Number: 011 488 1700  
Email: mstewart@bdo.co.za

The responsibility for administration of, and compliance with PAIA and POPIA has been delegated to the Information Officer. Requests pursuant to the provisions of PAIA and POPIA should be directed as follows:

Contact person Mark Stewart  
Postal Address PO Box Private Bad X60500, Houghton, 2041  
Physical Address Wanderers Office Park, 52 Corlett Drive, Illovo, Johannesburg, 2196  
Phone number 011 488 1700  
E-mail mstewart@bdo.co.za

## HRC GUIDE

## GUIDE FOR REQUESTERS ON HOW TO USE PAIA AND POPIA

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of PAIA and POPIA. The Guide is available for inspection, inter alia, as follows:

The Information Regulator  
Braampark Forum 3, 33 Hoofd Street  
Braamfontein

Kindly direct queries to

**Postal Address:** Private Bag 2700  
Houghton 2041

**Phone number:** 010 023 5207

**E-mail:** [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

Website :  
[www.justice.gov.za/infoereg/index.html](http://www.justice.gov.za/infoereg/index.html)

## AUTOMATIC DISCLOSURE

Brochures,  
Pricelists,  
Pamphlets

## LEGISLATIVE RECORDS

## RECORDS HELD IN ACCORDANCE WITH LEGISLATION

Records are held in accordance with the following legislation:

- \* Basic Conditions of Employment Act, 1997
- \* Broad Based Black Economic Empowerment Act, 2003
- \* Companies Act 1973
- \* Companies Act 2008 (Act No. 71 of 2008)
- \* Compensation for Occupational Injuries and Diseases Act, 1993

- \* Employment Equity Act, 1998
- \* Finance Act, 2007
- \* Income Tax Act, 1962
- \* Labour Relations Act, 1995
- \* Occupational Health and Safety Act, 1993
- \* Pension Funds Act, 1956 (Act No. 24 of 1956)
- \* Promotion of Access to Information Act, 2000
- \* Skills Development Act, 1998
- \* Skills Development Levies Act, 1999
- \* Unemployment Insurance Act, 2001
- \* Unemployment Insurance Contributions Act, 2002
- \* Value-Added Tax Act, 1991

## CATEGORIES AND PROCESSING OF RECORDS

CATEGORY OF DATA SUBJECT	TYPE OF PERSONAL INFORMATION	PURPOSE OF PROCESSING	RECIPIENTS OF PERSONAL INFORMATION
Clients, potential clients and previous clients	Name, ID or registration number, client address, client financial information, contracts, client third party information (CIPC records), shareholder and director names, ID numbers and addresses.	<p>To provide the services as set out in the engagement letter.</p> <p>To market similar services or relevant events to the client.</p> <p>To comply with legal, risk and compliance requirements.</p> <p>To communicate with clients, and to carry out instructions and requests.</p>	<p>Service providers or operators who provide software or systems to process the personal information. This includes cloud service providers and cloud storage.</p> <p>To government agencies or professional bodies where we are required to disclose under a legal obligation.</p> <p>To CIPC or other government agencies on the client's instructions.</p>
Current and previous employees	Name, ID number, address, medical information, disability	To give effect to the employment contract.	Service providers or operators who provide software or systems to

	information, provident fund and employee benefit information, bank details, tax registration number, employment contracts, beneficiary information, vehicle registration information, performance records, payroll records, electronic access records, health and safety records, CCTV surveillance records, training records, background checks, criminal record checks, employment history, CV, records of qualifications.	<p>To pay salaries.</p> <p>To submit information as per our legal obligations imposed on us.</p> <p>To monitor performance.</p> <p>To ensure a safe working environment.</p>	<p>process the personal information. This includes cloud service providers and cloud storage.</p> <p>To government agencies or professional bodies where we are required to disclose under a legal obligation.</p>
Job applicants	Name, CV and application information, criminal checks, background checks, qualification records, psychometric testing results.	Recruitment and employment purposes, including background checks, reference checks, criminal record checks, Home Affairs checks and qualification checks.	Service providers or operators who provide software or systems to process the personal information. This includes cloud service providers and cloud storage.
Family members of employees	Names, ID numbers or dates of birth, address	For employee emergency contacts and for employee benefits claims.	To employee benefit funds for the purposes of processing a claim.
Visitors to office locations	CCTV records and vehicle registration information (where applicable)	To detect, prevent and report theft and other crimes. For the safety of staff and visitors to our buildings.	To law enforcement agencies, where necessary. Service providers or operators who provide software or systems to

			process the personal information. This includes cloud service providers and cloud storage.
Suppliers/vendors	Supplier name and company information, bank details, personal information of supplier representatives.	To manage and maintain your accounts with us.  To give effect to and enforce any contract which may exist between the vendor and BDO.	Service providers or operators who provide software or systems to process the personal information. This includes cloud service providers and cloud storage.

**TRANSBORDER FLOWS OF PERSONAL INFORMATION**

Where it is necessary, for the purposes of processing, to transfer personal information outside of South Africa, we will only do so in accordance with the provisions of POPIA.

We anticipate that personal information may be transferred outside of South Africa for purposes of cloud storage, and where we do so, we will ensure that the necessary safeguards are in place to protect personal information.

**SECURITY OF PERSONAL INFORMATION**

The company takes appropriate and reasonable technical and organisational measures to protect personal information which it processes, so as to prevent:

- a) The loss of, damage to, or unauthorised destruction of personal information;
- b) The unlawful access to or processing of personal information.

For further information, please see our [Privacy Statement](#)

**ACCESS REQUESTS**

**ACCESS REQUEST PROCEDURE**



*It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application to access to a record is subject to certain limitations if the requested record falls within a certain category as specified with Part 3 and Chapter 4 of PAIA.*

## COMPLETION OF ACCESS REQUEST FORM

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- \* The Access Request Form must be completed
- \* Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document.
- \* Complete the form in BLOCK LETTERS and answer every question.
- \* If a question does not apply state N/A in response to that question
- \* If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
- \* If there is insufficient space on a printed form, additional information may be provided on an attached folio
- \* When the use of an attached folio is required, precede each answer with the applicable title.

## SUBMISSION OF ACCESS REQUEST FORM

The complete Access Request Form together with a copy of the identity document must be submitted either via post, e-mail or fax and must be addressed to the contact person as indicated above.

This fee is not applicable to personal requesters referring to any person seeking to access records that contain their personal information

An initial, request fee of R57.00 (including VAT) is payable on submission

## PAYMENT OF FEES

Payment details can be obtained from the contact person as indicated above and can be

If the request for access is successful an access fee may be required for the search, reproduction

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made either via a direct deposit, by bank guaranteed cheque or by postal order. Proof of payment must be supplied

The access fee must be paid prior to access being given to the requested record.

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and/or preparation of the record(s) and will be calculated based on the Prescribed Fees.

If a deposit has been paid in respect of a request for access which is refused then the information officer must refund the deposit to the requestor

## ACCESS REQUESTS

### ACCESS REQUEST PROCEDURE

#### NOTIFICATION

The company will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which the company 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 volume of information and the information cannot be reasonably obtained within the original 30 day period. The company will notify the requester in writing should an extension be sought.

#### GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS


The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- 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 could likely cause harm to the financial or commercial interests of that party
  - Information disclosed in confidence by a third party to the company if the disclosure could put that third party to a disadvantage in negotiations or commercial competition
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of the company which may include:
  - Trade secrets of the company
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the company.

SIGNED AT Johannesburg ON THIS DAY THE 21 OF May 2020

FULL NAMES Mark Stewart

CAPACITY/DESIGNATION CEO BDO South Africa

SIGNATURE  6040405ABECF4DD...

FORMS

ACCESS REQUEST FORM

(Section 53(1) of the Promotion of Access of Information Act, 2000 (Act No 2 of 2000)

[Regulation 10]

Particulars of Private Body

Requests can be submitted either via post, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Contact person	Mark Stewart
Postal Address	PO Box Private Bad X60500, Houghton, 2041
Physical Address	Wanderers Office Park, 52 Corlett Drive, Illovo, Johannesburg, 2196
Phone number	011 488 1700
E-mail	mstewart@bdo.co.za

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 capacity in which request is made, if applicable, must be attached.

Full names and surname :

Identity number :  
Postal address :  
Fax number :  
Telephone number :  
E-mail address :

Capacity in which request is made, when made on behalf of another person:

**Particulars of person requesting access to the record (if a legal entity)**

- (a) *The particulars of the entity 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 capacity in which request is made, if applicable, must be attached.*

**Name of entity :**

**Registration number :**

**Postal address :**

**Fax number :**

**Telephone number :**

**E-mail address :**

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**Particulars of person on whose behalf request is made**

This section must ONLY be completed if a request for information is made on behalf of another person

**Full names and surname:**

**Identity number:**

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**Particulars of record**

- (a) *Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested*
- (b) *If the provide space is inadequate, please use a separate folio and attach it to this form. Please sign additional folios.*

**Description of record of relevant part of the record:**

**Reference number (if available):**

**Any further particulars of record:**

**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 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 of payment of fees:**

**FORM OF ACCESS TO RECORD**

Form in which record is required

Mark the appropriate box with an X

**NOTES**

- (a) *Compliance with your request in the specified form may depend on the form in which the record is available*
- (b) *Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether 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.*

1. If the record is in written or printed form

☐ Copy of record ☐ Inspection of record

2. If record consists of visual images

☐ View the images ☐ Copy of the images ☐ Transcription of the images

3. If the record consists of recorded information that can be reproduced in sound:

☐ Listen to the soundtrack (audio) ☐ Transcription of soundtrack

4. If the record is held on computer or in an electronic or machine-readable form

(this includes photographs, slides, video recordings, computer generated images, sketches etc.)

☐ Printed copy of record ☐ Printed copy of information derived from the record ☐ Copy in computer readable form

If you requested a copy or transcription of a record (above) do you wish the copy of transcription to be posted to you? Postage is payable

Yes

No

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.

In which language would you prefer the record:

**In the event of a disability**

*If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required*

**Disability:**

**Form in which record is required:**

**PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all folios*

- 1. **Indicate the right to be exercised or protected:**
- 2. **Explain why the record requested is required for the exercise or protection of the aforementioned right:**

**NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

*You will be notified in writing whether your request has been approved or 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 .....on this ..... day of..... 20 .....

SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE



YOU MUST	SEND WITH THIS APPLICATION
1. Complete all necessary spaces	1. The request fee (if not personal requester)
2. Sign the access request form	2. Any additional folios completed
3. Sign additional folios completed	3. Copy of Identity Document

## FEES

## PRESCRIBED FEES

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)  
[Fees for record of Private Body]

## PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE INCLUSIVE OF VALUE ADDED TAX

(a) For every photocopy of an A4 size page or part thereof	R	1.10
(b) For every printed copy of an A4 size page or part thereof held on computer or in an electronic or machine readable form	R	0.75
(c) For a copy in a computer-readable form on (i) compact disc	R	70.00
(d) (i) For a transcription of visual images, for an A4 size page or part thereof	R	40.00
(ii) For a copy of visual images	R	60.00
(e) (i) For a transcription of an audio record, for an A4 size page or part thereof	R	20.00
(ii) For a copy of audio record	R	30.00
(f) To search for and prepare the record for disclosure – R50.00 for each hour or part thereof reasonably required for such search and preparation		

(Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)  
[Regulation 11(3)]

**PLEASE NOTE THAT ALL PRICES LISTED ABOVE ARE INCLUSIVE OF VALUE ADDED TAX**

- (a) Six hours as the hours to be exceeded before a deposit is payable; and
- (b) One third of the access fee is payable as a deposit by the requester

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000)  
[Regulation 11(3)]

**PLEASE NOTE THAT ALL PRICES LISTED ABOVE ARE INCLUSIVE OF VALUE ADDED TAX**

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