



DISABILITY EMPOWERMENT CONCERNS TRUST

Registration number: IT3700/1997

and

DEC INVESTMENT HOLDING COMPANY (PTY) LTD,

Registration number: 1997/010461/07

a related entity wholly owned by the DEC Trust

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information
Act 2 of 2000 (as amended)**

DATE OF COMPILATION: 05/12/2023

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1. "CEO" Chief Executive Officer
- 1.2. "DEC Trust" Disability Empowerment Concerns Trust;
- 1.3. "DIO" Deputy Information Officer;
- 1.4. "IO" Information Officer;
- 1.5. "Minister" Minister of Justice and Correctional Services;
- 1.6. "PAIA" Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- 1.7. "POPIA" Protection of Personal Information Act No.4 of 2013;
- 1.8. "Regulator" Information Regulator;
- 1.9. "Republic" Republic of South Africa;
- 1.10. "Subject" the specific topics, areas or entities for which records are held by the body.

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2. have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3. know the description of the records of the body which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the Information Officer and Deputy Information Officer (where relevant) who will assist the public with the records they intend to access;
- 2.5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6. know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto. **NOTE:** This is also referenced in [DEC Trust's Data Protection & Privacy Notice](#);

- 2.7. know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8. know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9. know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10. know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed. **NOTE:** This is also referenced in [DEC Trust's Data Protection & Privacy Notice](#);

3. KEY CONTACT DETAILS OF DEC TRUST

3.1. Information Officer

Name: Pumeza Phillips

Email: info@detrust.co.za

3.2. Access to information general contacts: As above, below and [DEC Website](#)

3.3. Business Office

Postal Address: POSTNET 129, Private Bag X3, Beacon Bay, 5241

Street Address: 103 Neptune Road, Sunrise-on-Sea, 5259

Telephone: +27 (0) 43 737 4893

Email: lindsay@norfolk.co.za

4 KEY CONTACT DETAILS OF THE INFORMATION REGULATOR

4.1. Information Regulator General Enquiries

Phone +27 (0) 10 023 5200

E-mail: enquiries@info regulator.org.za

5 GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 5.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 5.2. The Guide is available in each of the official languages and in Braille.
- 5.3. The aforesaid Guide contains the description of-
 - 5.3.1. the objects of PAIA and POPIA;
 - 5.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of:
 - 5.3.2.1. the Information Officer of every public body, and
 - 5.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA² (where relevant).
 - 5.3.3. the manner and form of a request for-
 - 5.3.3.1. access to a record of a public body contemplated in section 11³ of PAIA;
 - 5.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 5.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 5.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging:
- 5.3.6.1. an internal appeal;
 - 5.3.6.2. a complaint to the Regulator; and
 - 5.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 5.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 5.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 5.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 5.3.10. the regulations made in terms of section 92¹¹.
- 5.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 5.5. The Guide can also be obtained-
- 5.5.1. upon request to the Information Officer;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

6 CATEGORIES OF RECORDS OF DEC TRUST WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

<u>CATEGORY OF RECORDS</u>	<u>TYPES OF RECORDS</u>
Legal and Regulatory Compliance	Trust registration and governance; Legal and contracts; Terms and Conditions
Financial and Accounting	Financial records
Financial and Investment	Investment and shareholding documents
Transparency and Public Communication	Public disclosures
Corporate Governance	Records of board meetings
Privacy and Data Protection	Privacy policy
Public Communication and Disclosure	Public announcements or notices

7 DESCRIPTION OF THE RECORDS OF DEC TRUST WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

<u>CATEGORY OF RECORDS</u>	<u>APPLICABLE LEGISLATION</u>
Trust deed Letters of Authority & records of financial transactions	Trust Property Control Act, 1988 (Act No. 57 of 1988)
Tax Compliance documents; Tax returns and supporting documents	Income Tax Act, 1962 (Act No.58 of 1962)
B-BBEE Certificate or Affidavit and records of initiatives and transactions	Broad-Based Black Economic Empowerment Act (B-BBEE)
Privacy Policies and POPI compliance documents	Protection of Personal Information Act (POPIA)
PAIA Manual & Guide	Promotion of Access to Information Act (PAIA)

Employment Equity compliance documents	Employment Equity Act
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8 RECORDS AND CATEGORIES OF RECORDS TO WHICH DEC MAY REFUSE ACCESS

<u>CATEGORIES OF RECORDS</u>	<u>RECORDS</u>
Commercial and Legal	Contracts and Agreements Company Confidential – Historical significance Meeting Minutes Shareholders Property Leases and Agreements Insurance Resolutions – Directors Correspondence
Financial	Financial Year-end Results Financial Analysis and Reports Budgets Tax and Levies
Human Resources	Employees Personnel Information Employees History (skills and experience) Educational Background Training and Development Health Salaries and Wages Contracts and Agreements Employment Equity
Marketing	Advertising Contracts with Suppliers Product Ranges and Pricing
Health & Safety	Policies Accidents and Incidents Reports

9 DESCRIPTION OF THE SUBJECTS ON WHICH DEC TRUST HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE COMPANY

<u>SUBJECTS ON WHICH THE BODY HOLDS RECORDS</u>	<u>CATEGORIES OF RECORDS</u>
Trust Deed Letters of Authority; Register of Trustees; Board Resolutions; Corporate Governance Policies	Trust Registration and Governance
Annual Financial Statements; Budgets and Financial Plans; Audited Financial Reports; Investment Portfolio Reports; Transaction Records	Financial Records
Information on Beneficiary Criteria; Records of Distributions to Beneficiaries; Policies Regarding Beneficiary Allocations	Beneficiary Information
Records of Shareholdings in Other Companies; Agreements for Buying and Selling Shares; Investment Strategies and Policies; Investment Committee Reports	Investment Documents
Contracts and Agreements with Other Companies; Investment Agreements; Service Agreements; Partnership Agreements	Contractual Agreements
Details on how DEC Trust collects, uses, and protects personal information; Information on data sharing practices; data breach incident response plan	Privacy and Data Protection
Public announcements or notices; annual reports	Public Disclosures
Minutes of Board Meetings; Resolutions Passed at Board Meetings	Records of Board Meetings
Legal documentation outlining the terms and conditions of services; Rules and regulations governing the relationship with its clients or beneficiaries.	Terms and Conditions

10 PROCESSING OF PERSONAL INFORMATION

10.1. Purpose of Processing Personal Information

DEC Trust processes Personal Information for various purposes including –

- To fulfil our obligations to you.
- To contact and liaise with you and manage our relationship with you so that we can carry out our services at the agreed upon and required standards.
- To store e-mails and documents that have been generated by and received from you, on systems that we administer.
- To manage services as included in **DEC Trust's** scope of work, such as: buying and selling of shares in other companies or assets; seeking to make money for our beneficiaries and managing the DEC Investment Holding company.
- For security purposes and for trustee authentication.
- To facilitate business travel and travel-related support.
- For internal and external auditing, insurance and risk management purposes.
- For statistical analysis and research purposes in the context of investments.

10.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

NB: Specify the categories of data subjects in respect of whom the body processes personal information and the nature or categories of the personal information being processed.

<u>CATEGORIES OF DATA SUBJECTS</u>	<u>PERSONAL INFORMATION THAT MAY BE PROCESSED</u>
Trustees, partners and members of non-governmental organisations	Name, address, identity numbers, gender and race; bank details, company statutory details, business information.
Service Providers	Names, registration number, vat numbers, address, bank details, trade information.
Third Parties	Beneficiary information, financial information, tax information, communication details, contracts

	and agreements and identity verification information.
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10.3. The recipients or categories of recipients to whom the personal information may be supplied.

<u>CATEGORIES OF PERSONAL INFORMATION (refer to 9.2 above)</u>	<u>RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL INFORMATION MAY BE SUPPLIED</u>
Details about investments & other relevant information	Beneficiaries
Financial transactions, investments and related activities	Financial institutions
Legal and regulatory information	Legal advisors and professionals
Personal and financial information related to investment activities	Investment Managers
IT related information, personal information	Third-party service providers
Identity numbers, names & related information	Government Authorities or Regulatory bodies
Personal information related to the management of the holding company	DEC Investment Holding Company

10.4. Planned transborder flows of Personal Information

There are no envisaged cross-border flows of information outside of cloud server storage.

10.5. General description of Information Security Measures to be implemented by DEC Trust to ensure the confidentiality, integrity and availability of the information.

Maintaining the security, confidentiality and integrity of personal data and special personal information, is a high priority for us and we strive to maintain appropriate administrative, personnel, technical and physical measures to safeguard personal data against loss, theft and unauthorised uses or modifications.

We always do our best to comply with applicable data protection laws and to implement safeguards against identified risks relating to special personal information. We only authorise access to personal information for those who require it to fulfil their job responsibilities.

We expect our trustees to contribute to the security culture of the trust by following appropriate security policies and procedures and completing all assigned trainings.

We implement disaster recovery procedures where necessary and appropriate.

11 AVAILABILITY OF THE MANUAL

11.1. A copy of the Manual is available-

11.1.1. at our business premises, for public inspection during normal business hours;

11.1.2. to any person upon request and upon the payment of a reasonable prescribed fee;

11.1.3. to the Information Regulator upon request.

11.2. A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

12 UPDATING OF THE MANUAL

12.1. The IO of the company will on a regular basis update this manual.

12.2. The request for access to record forms and the outcome of request and fees payable forms are available as Annexures hereto.

13 PROCEDURE FOR REQUESTING ACCESS

- 13.1. Requests for access to DEC records and information are subject to PAIA and, in respect of personal information, POPIA.
- 13.2. In terms of PAIA, requests for access must be made by means of completing the [Request for Access to Record](#) form, which can be downloaded, and which is replicated in Annexure A of this manual.
- 13.3. The form must be completed in full, providing sufficient detail about the particulars of the records/information sought. The form must be submitted to the Information Officer at the postal or physical address, fax number or e-mail address detailed above.
- 13.4. The person requesting the information must state how the information requested is necessary for the purpose of protecting or exercising a right.
- 13.5. The person requesting the information must indicate the capacity in which the request is made if the request is being made on behalf of a third party.
- 13.6. Once received, the Information Officer will process the request within 30 working days and inform the requester in writing by means of the [Outcome of request and of fees payable form](#), indicating whether or not access has been granted, along with costs associated with reproducing the requested information.

Issued by

Pumeza Phillips
Information Officer

14 ANNEXURE A: REQUEST FOR ACCESS TO RECORD FORM

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:

Fax number:

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 <i>(when made on behalf of another person)</i>			
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		

PARTICULARS OF RECORD REQUESTED

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.)

Description of record or relevant part of the record:	

Reference number, if available	
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Any further particulars of record	

TYPE OF RECORD
(Mark the applicable box with an "X")

Record is in written or printed form	
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
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	

FORM OF ACCESS
(Mark the applicable box with an "X")

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

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (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)	
Postal services to postal address	

Postal services 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

- a) A request fee must be paid before the request will be considered.
- b) You will be notified of the amount of the access fee to be paid.
- 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	

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 (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

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

Signature of Information Officer