

Ruzow Diamonds

PAIA MANUAL

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

1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CIO”	Chief Information Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

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 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;
- 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.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF M Ruzow Diamonds (Pty) Ltd

3.1. Chief Information Officer

Name:	Jonathan Ruzow
Tel:	011-334-6243
Email:	diaminer@gmail.com

- 3.2. Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details of every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*

Name: Jonathan Ruzow
Tel: 011-334-6243
Email: diaminer@gmail.com

- 3.3 Access to information general contacts

Email: diaminer@gmail.com

3.4 National or Head Office

Postal Address: 25 Greene Street, Johannesburg, Johannesburg, Gauteng, 2001

Physical Address: 25 Greene Street, Johannesburg, Johannesburg, Gauteng, 2001

Telephone: 011-334-6243

Email: diaminer@gmail.com

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. 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.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-

- 4.3.1. the objects of PAIA and POPIA;
- 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 4.3.2.1. the Information Officer of every public body, and
 - 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. 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-

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.*

- 4.3.6.1. an internal appeal;
- 4.3.6.2. a complaint to the Regulator; and
- 4.3.6.3. 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;
- 4.3.7. 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;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.

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.”

4.4. 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.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

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

5. CATEGORIES OF RECORDS OF M Ruzow Diamonds (Pty) Ltd WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

NB: Please specify the categories of records held by the body which are available without a person having to request access by completing Form C, types of the records and how the records can be accessed. These are mostly records that maybe available on the website and a person may download or request telephonically or by sending an email or a letter.

Below is an example of the table that can be used.

Category of records	Types of the Record	Available on Website	Available upon request
		X	X

6. DESCRIPTION OF THE RECORDS OF Ruzow Diamonds WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

NB: Please specify all the records which are created and available in accordance with any of the South African legislation. Below is an example of the table that can be used in describing the records and applicable legislation.

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Founding Statement and Amended Founding Statement (Forms CK1 and CK2)	Close Corporations Act 69 of 1984
Annual financial statements and accounting records	Companies Act 71 of 2008 and Close Corporations Act 69 of 1984
Diamond dealer's licence and the prescribed registers of diamonds bought, sold and held	Diamonds Act 56 of 1986
Income tax, VAT and PAYE returns and supporting records	Income Tax Act 58 of 1962; Value-Added Tax Act 89 of 1991; Tax Administration Act 28 of 2011
Customer due diligence and verification (FICA) records	Financial Intelligence Centre Act 38 of 2001
Contracts of employment, payroll and other employee records	Basic Conditions of Employment Act 75 of 1997 and Labour Relations Act 66 of 1995
Unemployment insurance (UIF) records	Unemployment Insurance Act 63 of 2001
Occupational health and safety records	Occupational Health and Safety Act 85 of 1993
Records relating to the processing of personal information	Protection of Personal Information Act 4 of 2013

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY M Ruzow Diamonds (Pty) Ltd

NB: Describe the subjects (i.e. Finance, SCM or HR), in respect of which the body holds records and the categories of records held on each subject. Below is an example of the table that can be used. .

Subjects on which the body holds records	Categories of records
Corporate and governance	Founding statement and amended founding statement, members' resolutions, statutory registers, member interest records and the PAIA Manual
Finance and accounting	Annual financial statements, accounting records, invoices, bank statements and tax returns (income tax, VAT and PAYE)
Diamond trade and inventory	Diamond dealer's licence, registers of diamonds bought, sold and held, valuations and certificates, and import, export and Kimberley Process documentation
Sales and customer records	Customer contracts, orders and invoices, FICA verification records and customer correspondence
Procurement and suppliers	Supplier contracts, purchase orders, supplier verification records and payment records
Human resources	Contracts of employment, HR policies and procedures, payroll and leave records, disciplinary records and employee personal information
Health, safety and security	Occupational health and safety records, incident reports and premises security and access records
Information and data protection	POPIA processing records, data subject and information requests and information security policies

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

NB: Describe the purpose or reasons for processing personal information in your organisation.

Ruzow Diamonds processes personal information for the proper conduct of its business as a dealer in diamonds and for related operational, legal and regulatory purposes. Personal information is processed for, among others, the following purposes:

- Concluding and managing transactions for the purchase and sale of diamonds with customers and suppliers;
- Verifying the identity of customers and suppliers and conducting customer due diligence as required by the Financial Intelligence Centre Act;
- Complying with the body's obligations under the Diamonds Act and the requirements of the regulators of the diamond trade;

- Invoicing, processing payments and maintaining accounting and financial records;
- Complying with tax obligations and submitting returns to the South African Revenue Service;
- Recruiting, employing and administering employees, including payroll, benefits and statutory deductions;
- Managing relationships with suppliers and service providers;
- Complying with applicable laws and regulations and responding to lawful requests from regulatory authorities, courts and law enforcement; and
- Maintaining the security of the body's information and pursuing or defending its legal rights.

8.2 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.

Below is the template that can be used to set out the categories of data subjects and the description of the nature or categories of the personal information to be processed. Note that the nature or categories of the personal information is dependent on the purpose of the body in performing its functions or services. .

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Full names, contact details, physical and postal address, identity or passport number, company or close corporation registration number, VAT number, banking details, FICA verification documents (proof of identity and proof of address) and transaction history
Suppliers / Service Providers	Names, contact details, address, company or close corporation registration number, VAT number, tax clearance information, banking details and trade references
Employees	Names, contact details, residential address, identity number, date of birth, gender, race, qualifications, employment history, remuneration and banking details, tax and UIF reference numbers, next of kin and medical information and disciplinary records
Members of the close	Names, identity numbers, contact details, address and

corporation	details of members' interest
Job applicants	Names, contact details, curriculum vitae, qualifications, employment history and references

8.3 The recipients or categories of recipients to whom the personal information may be supplied

NB: Specify the person or category of persons to whom the body may disseminate personal information. Below is an example of the category of personal information which may be disseminated and the recipient or category of recipients of the personal information.

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity numbers and names, for customer due diligence (FICA)	Financial Intelligence Centre (FIC)
Tax information (PAYE, income tax and VAT)	South African Revenue Service (SARS)
Identity numbers and names, for criminal or background checks	South African Police Services (SAPS)
Qualifications, for qualification verifications	South African Qualifications Authority (SAQA)
Credit and payment history, for credit information	Credit Bureaus
Unemployment insurance contribution information	Department of Employment and Labour
Banking details, for processing of payments	Banks and other financial institutions
Personal information, for accounting and audit purposes	External accountants and auditors
Information required in respect of the regulated diamond trade	South African Diamond and Precious Metals Regulator (SADPMR)
Personal information required by law or court order	Courts, the Information Regulator and other regulatory authorities

8.4 Planned transborder flows of personal information

M Ruzow Diamonds (Pty) Ltd does not currently plan to transfer or process personal information outside the Republic of South Africa. Should it become necessary to transfer personal information across the borders of the Republic, such transfer will be effected in accordance with the requirements of section 72 of POPIA.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

NB: Specify the nature of the security safeguards to be implemented or under implementation to ensure the confidentiality and integrity of the personal information under the care of the body. This may, for example, include Data Encryption; Anti-

virus and Anti-malware Solutions.

M Ruzow Diamonds (Pty) Ltd has implemented reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control and to protect it against loss, damage, unauthorised destruction and unlawful access or processing. These measures include the following:

- Physical security measures, including secured business premises, restricted access to the areas and storage facilities where records are kept, lockable cabinets and safes, alarm systems and surveillance;
- Technical security measures, including password protection and access controls on computers and information systems, firewalls, anti-virus and anti-malware software, regular software updates and secure, encrypted backups of electronic records;
- Restriction of access to personal information to authorised personnel only, on a need-to-know basis;
- Confidentiality undertakings by employees and, where applicable, by third-party operators who process personal information on behalf of the body;
- Secure storage and disposal of records, including the shredding or permanent deletion of personal information that is no longer required; and
- Regular review of the security measures to ensure that they remain effective and appropriate.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on ruzowdiamonds.com , if any;

9.1.2 head office of the M.Ruzow Diamonds (pty) Ltd for public inspection during normal business hours;

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

9.1.4 to the Information Regulator upon request.

9.2 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.

10. UPDATING OF THE MANUAL

The head of M.Ruzow Diamonds (pty) Ltd will on a regular basis update this manual.

Issued by

Jonathan Ruzow

Jonathan Ruzow

CIO