



**HERDRIK SMIT MAKELAARS BK**

FSP 29627 Reg : 2006/205407/23

248 Joubert street Rustenburg 0299

Tel 014 533068 e mail : [smitbrok@mweb.co.za](mailto:smitbrok@mweb.co.za)

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# **PAIA MANUAL**

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

DATE OF COMPILATION: 17/02/2022  
DATE OF REVISION: 01/10/2022

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## 1. LIST OF ACRONYMS AND ABBREVIATIONS

- |     |                    |  |
|-----|--------------------|--|
| 1.1 | <b>“CEO”</b>       | Chief Executive Officer  |
| 1.2 | <b>“DIO”</b>       | Deputy Information Officer;  |
| 1.3 | <b>“IO“</b>        | Information Officer;   |
| 1.4 | <b>“Minister”</b>  | Minister of Justice and Correctional Services;                     |
| 1.5 | <b>“PAIA”</b>      | Promotion of Access to Information Act No. 2 of 2000( as Amended); |
| 1.6 | <b>“POPIA”</b>     | Protection of Personal Information Act No.4 of 2013;               |
| 1.7 | <b>“Regulator”</b> | Information Regulator; and   |
| 1.8 | <b>“Republic”</b>  | 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 HENDRIK SMIT MAKELAARS BK**

#### **3.1. Chief Information Officer**

Name: HENDRIK SMIT  
Tel: 0832396126  
Email: hendriksmitb@mweb.co.za

- 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: Aletta Smit  
Tel: 014 533 3068

Email: alettasmitb@mweb.co.za

3.3 Access to information general contacts

Email: smitbrok@mweb.co.za

3.4 **National or Head Office**

Postal Address:

248 Joubert street Rustenburg 0299

Physical Address:

248 Joubert street Rustenburg 0299

Telephone:

014 533 3068

Email:

smitbrok@mweb.co.za

Website:

www.hsmfa.co.za

**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 , 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 PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
- 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 11<sup>3</sup>; and
  - 4.3.3.2. access to a record of a private body contemplated in section 50<sup>4</sup>;
- 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-
  - 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

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

decision by the Regulator or a decision of the head of a private body;

- 4.3.7. the provisions of sections 14<sup>5</sup> and 51<sup>6</sup> 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 15<sup>7</sup> and 52<sup>8</sup> 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 22<sup>9</sup> and 54<sup>10</sup> regarding fees to be paid in relation to requests for access; and
  - 4.3.10. the regulations made in terms of section 92<sup>11</sup>.
- 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;

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<sup>5</sup> 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.

<sup>6</sup> 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.

<sup>7</sup> 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

<sup>8</sup> 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

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 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.”

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

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 (Afrikaans and English)

**5. CATEGORIES OF RECORDS OF HENDRIK SMIT MAKELAARS BK 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.*

Category of records	Types of the Record		Available upon request
Personal	ID, Names, Bank accounts		X
Legislative	Disclosure letter		X
	Copy of license		X
	Marketing material		X
	Annual Financial Statements		X
	Tax Returns		X
	Accounting records		X
	Competence records		X
	Conflict of Interest policy		X
	Complaints policy		X
	FICA RMCP		X

**6. DESCRIPTION OF THE RECORDS OF HENDRIK SMIT MAKELAARS BK 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.

<b>Category of Records</b>	<b>Applicable Legislation</b>
CIPC records	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Complaints Policy	FAIS legislation
Conflict of Interest Policy	FAIS legislation
TCF policy	FAIS legislation
POPI Privacy statement	POPIA
RMCP	FICA

**7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY THE HENDRIK SMIT MAKELAARS BK**

**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.

<b>Subjects on which the body holds records</b>	<b>Categories of records</b>
Strategic Documents, Plans, Proposals	Annual Reports, Strategic Plan, (Refer point 5 as well)
Finance	Bank statements



Subjects on which the body holds records	Categories of records
	Budgets Management accounts Limited Asset register Debtor and creditor's list Invoices Financial statements Tax records
Information Technology	Computer Software Licenses
Risk and compliance	Policies and procedures Risk registers FSCA requirements FICA requirements
Human Resources	HR policies and procedures Advertised posts Employee records

## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1 Purpose of Processing Personal Information

The FSP will collect personal information directly from the data subject, and process it in the course of providing services (advice and intermediary, wills, etc) and compliance function.

### 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 (individual and legal entities)	Name
	Last name
	Identity number
	Passport number
	Birth certificate number
	Date of birth (not age)
	Age (not date of birth)
	Gender
	Mother's maiden name
	Nationality
	Photographs
	Race, ethnic origin or colour
	Marital status
	Education records, student grades and evaluations, etc.
	Home / residential address
	First name of children under 18 years of age
	Last name of children under 18 years of age
	Birth information of children under 18 years of age
	Identity number of children under 18 years of age
	Home / residential address of children under 18 years of age
	E-mail address
	Home facsimile number
	Home postal address
	Home telephone number
	Personal cellular, mobile or wireless number
	Business e-mail address
	Business facsimile number
	Business postal address
	Business telephone number
	Business cellular, mobile or wireless number
	Medical record, including information about physical or psychological state of health, well-being, disability, disease state, medical history or medical treatment or diagnosis by a health care professional
Prescription information such as prescription number and prescribed drug	
Health insurance identification or member number	
Drugs, therapies, or medical products or equipment used	
Family health or morbidity history	
Pregnancy status	
Financial institution account number, credit or debit card number [NB: Note Section 105 - 107 Offences and Penalties!]	
Details of financial transactions or house account information (e.g., account balance information, payment history, overdraft history, and credit or debit card purchase information)	
Professional licenses and professional memberships	

Categories of Data Subjects	Personal Information that may be processed													
	<table border="1"> <tr><td data-bbox="671 309 1262 342">Professional license numbers</td></tr> <tr><td data-bbox="671 342 1262 376">Income/Salary/Service Fees/Other Compensation</td></tr> <tr><td data-bbox="671 376 1262 443">User Identification and/or Employee number as assigned by an employer</td></tr> <tr><td data-bbox="671 443 1262 510">Employment history, performance evaluations and disciplinary actions</td></tr> <tr><td data-bbox="671 510 1262 544">Employer or taxpayer identification number</td></tr> <tr><td data-bbox="671 544 1262 577">Digitized or other electronic signature</td></tr> <tr><td data-bbox="671 577 1262 611">Background checks</td></tr> <tr><td data-bbox="671 611 1262 790">Calling Line Identification (CLI), Dialed Number Identifier (DNI), International Mobile Subscription Identity (IMSI), International Mobile Equipment Identity (IMEI), Mobile Station International Subscriber Directory Number (MSISDN)</td></tr> <tr><td data-bbox="671 790 1262 824">Copyrighted and/or Trademarked</td></tr> <tr><td data-bbox="671 824 1262 857">Trade Secrets</td></tr> <tr><td data-bbox="671 857 1262 925">Data that is / has been de-identified or masked to protect it's full details</td></tr> <tr><td data-bbox="671 925 1262 992">Data being shared or received across South African borders (Specify Countries)</td></tr> <tr><td data-bbox="671 992 1262 1048">Personal Information of European Citizens governed by the EU General Data Protection Regulation</td></tr> </table>	Professional license numbers	Income/Salary/Service Fees/Other Compensation	User Identification and/or Employee number as assigned by an employer	Employment history, performance evaluations and disciplinary actions	Employer or taxpayer identification number	Digitized or other electronic signature	Background checks	Calling Line Identification (CLI), Dialed Number Identifier (DNI), International Mobile Subscription Identity (IMSI), International Mobile Equipment Identity (IMEI), Mobile Station International Subscriber Directory Number (MSISDN)	Copyrighted and/or Trademarked	Trade Secrets	Data that is / has been de-identified or masked to protect it's full details	Data being shared or received across South African borders (Specify Countries)	Personal Information of European Citizens governed by the EU General Data Protection Regulation
Professional license numbers														
Income/Salary/Service Fees/Other Compensation														
User Identification and/or Employee number as assigned by an employer														
Employment history, performance evaluations and disciplinary actions														
Employer or taxpayer identification number														
Digitized or other electronic signature														
Background checks														
Calling Line Identification (CLI), Dialed Number Identifier (DNI), International Mobile Subscription Identity (IMSI), International Mobile Equipment Identity (IMEI), Mobile Station International Subscriber Directory Number (MSISDN)														
Copyrighted and/or Trademarked														
Trade Secrets														
Data that is / has been de-identified or masked to protect it's full details														
Data being shared or received across South African borders (Specify Countries)														
Personal Information of European Citizens governed by the EU General Data Protection Regulation														
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details, email addresses, Cell phone and landline numbers, contractual agreements and Service level agreements													
Employees	address, qualifications, gender and race, bank account, payslip, contact details, emergency contact details, contract, residential and postal address, tax number, ID													

**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
Full names and surname	FICA screening
Qualifications, for qualification verifications	South African Qualifications Authority
<p>Client (Individual)</p> <p>Name, surname, identity number or passport number, date of birth, age, marital status, citizenship, telephone numbers, email address, physical and postal addresses, income tax number, financial information, banking information including account numbers, FICA documentation, employment status.</p> <p>Client (Legal entity)</p> <p>Entity name, registration number, tax-related information, contact details for representatives, banking information including account numbers, financial information, FICA documentation.</p>	<p>Product providers</p> <p>Masthead (Pty) Ltd</p> <p>Financial Intelligence Centre</p> <p>Financial Sector Conduct Authority</p>

#### 8.4 Planned transborder flows of personal information

Client information is stored on cloud; Drop Box.

Drop Box is protected by in log Codes.

#### 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

- Office building alarm system Connected with Wes Alarms services.
- Security Gates and burglar bars on all opening doors and windows.
- All inside doors locked outside of working hours
- All Desktop Computers and Laptops protected by passwords.
- Laptops placed in locked cabinets after working hours
- Client documentation protected by encryption passwords.

- **Kaspersky antivirus program active on all computers .**

## **9. AVAILABILITY OF THE MANUAL**

9.1 A copy of the Manual is available-

9.1.1 on [www.hsmfa.co.za](http://www.hsmfa.co.za);

9.1.2 head office of **HENDRIK SMIT MAKELAARS BK** 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 a **HENDRIK SMIT MAKELAARS BK** will on a regular basis update this manual.

**Issued by**



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**HENDRIK SMIT  
MEMBER**

