

Cape Town Tourism

PROMOTION OF ACCESS TO INFORMATION ACT ("PAIA") MANUAL

**In terms of Section 51 of the Promotion of Access to Information
Act No 2 of 2000
as amended by
THE PROTECTION OF PERSONAL INFORMATION ACT ,4 OF 2013
("POPIA")
FOR
Cape Town Tourism, a registered Non-Profit Organisation
herein after referred to as
"CTT"**

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Definitions and abbreviations

- **Access fee** means a fee prescribed for the purposes of requesting- and being granted access to information in terms section 22(6) or 54(6) of PAIA, as the case may be;
- **Conditions for Lawful Processing** means the conditions for the lawful processing of Personal Information as fully set out in chapter 3 of POPIA;
- **Constitution** means the Constitution of the Republic of South Africa, 1996;
- **Data Subject** has the meaning ascribed thereto in section 1 of POPIA;
- **Deputy Information Officer** means the designated person to perform certain responsibilities delegated by the IO;
- **Information Officer (IO)** means the person duly authorised and responsible for encouraging compliance with the conditions for the lawful processing of PI compliance, and as referenced in section 1 of POPIA;
- **Information Regulator/Regulator (IR)** has the meaning ascribed thereto in section 1 of POPIA, as established in terms of section 39 of POPIA;
- **Manual** means this manual prepared in accordance with section 51 of PAIA and regulation 4(1) of the POPIA Regulations;
- **PAIA** means the Promotion of Access to Information Act, 2000;
- **Personal Information (PI)** has the meaning ascribed thereto in section 1 of POPIA;
- **POPIA** means the Protection of Personal Information Act, 2013;
- **POPIA Regulations** mean the regulations relating to the protection of personal information, as promulgated in terms of section 112(2) of POPIA;
- **Processing** has the meaning ascribed thereto in section 1 of POPIA;
- **Record** has the meaning ascribed thereto in section 1 of PAIA and includes Personal Information;
- **Record** means any recorder information as described in section 1 of POPIA
- **Request for Access** has the meaning ascribed thereto in section 1 of PAIA
- **Requester** is any person making a request for access to a record of the Regulator and has the meaning ascribed thereto in section 1 of PAIA;
- **Responsible Party** has the meaning ascribed thereto in section 1 of POPIA;
- **Special Personal Information** has the meaning ascribed thereto in section 26 of POPIA;

Introduction

CTT is a Non-Profit Organisation (NPO) incorporated in the Republic of South Africa under registration number 930014839 and whose registered office is at 33 Martin Hammerschlag Way, Cape Town City Centre, Cape Town, 8000

It is dedicated to promoting tourism in the region, offering support and resources to numerous members, and being responsible for tourism marketing, visitor and industry services. As one of the largest voluntary tourism associations in the world, CTT focuses on marketing Cape Town as a travel destination, enhancing the visitor experience, and contributing to the sustainable development of the local tourism industry.

CTT is committed to compliance with the directives of the South African Constitution and national legislation.

CTT, in compliance with the Promotion of Access to Information Act 2 of 2000, as amended (PAIA), has prepared this PAIA Manual (which Manual must be read in conjunction with the Guide on how to use PAIA) to facilitate access to information held by the organisation.

The aim of PAIA is to foster a culture of transparency and accountability by public and private bodies and assist in realising South Africa's goals of an open and participatory democracy. PAIA also gives effect to the right of access to information and actively promotes a society in which any person has effective access to information. This will enable any person to fully exercise their rights.

Section 51 of POPIA requires that CTT compile a manual giving information to the public regarding the records held and the procedures to be followed in requesting information.

POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for (i) the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, (ii) providing for the issuing of codes of conduct, (iii) providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and (iv) to provide for matters concerned therewith.

This PAIA manual therefore also includes information on the submission of objections to the processing of personal information and requests to delete or destroy or correct personal information or records thereof in terms of POPIA.

Purpose of the Manual

This Manual is useful for the public to:

- establish the categories of records held by CTT which are available without a person having to submit a formal PAIA request,
- have a sufficient understanding of how to make a request for access to a record held by CTT, by providing a description of the subjects on which CTT holds records and the categories of records held on each subject,
- know the description of the records of CTT which are available in accordance with any other legislation,
- access all the relevant contact details of the IO and DIO who will assist the public with the records they intend to access,
- know all the remedies available from CTT regarding request for access to the records, before approaching the Courts;
- describe the services available to members of the public from CTT and how to gain access to those services;
- know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it,
- understand if CTT will process personal information, the purpose of processing of personal information, the description of the categories of data subjects and of the information or categories of information relating thereto;
- know if CTT 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
- know whether CTT has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

Key contact details

Below noted are key contact details for access to information held by CTT:

Information Officer

- Contact person: Nzima Soci
- E-mail: nzima@capetown.travel

Deputy Information Officer

- Contact person: Sulaiman Fredericks
- E-mail: sulaiman@capetown.travel

General

- Contact person: Information
- Postal address: PO Box 1403, Cape Town, 8000
- Physical address: 33 Martin Hammerschlag Way, Cape Town, 8000
- Phone number: +27 861 322 223
- E-mail: info@capetown.travel
- Website: <https://www.capetown.travel/>

Who may request access to records

Any person who requires information for the exercise or protection of any rights, may request information from CTT. Section 50 of PAIA states that:

A requester must be given access to any record of a private body if-

- that record is required for the exercise or protection of any rights;
- that person complies with 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 (PAIA).

How to request access to records

In terms of section 53, a request for access to a record held by CTT must be made on the prescribed form to CTT at the address, or electronic mail address given above. The form requires the requester to provide the following information:

- identification of the requester;
- sufficient information to enable the identification of the record(s) requested;
- the form of access required;
- the requester's contact details;
- identification of the right sought to be exercised or protected;
- an explanation as to why the record is required to exercise or protect that right;
- the manner in which the requester wishes to be informed of the decision on the request, if in a manner additional to written notification; and
- if the request is made on behalf of a person, the submission of proof of the capacity in which the requester makes the request, to the satisfaction of the CTT's Information Office.

A person who requests access to records must complete the necessary request form (**FORM 2 REQUEST FOR ACCESS TO RECORD** [Regulation 7]). The application form can be obtained at <https://infoeregulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>.

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 Love Cape Town  @lovecapetown  @lovecapetown | info@capetown.travel | www.capetown.travel

The completed form must be marked for the attention of the IO and submitted by hand, post or E-mail:

- Physical address: 33 Martin Hammerschlag Way, Cape Town, 8000xx
- Postal address: PO Box 1403, Cape Town, 8000
- E-mail address: info@capetown.travel

An initial response to a request may take up to 30 days from the date of receipt. The IO may extend the period by an additional 30 days depending on the complexity of the request requirements.

If access to a record/information is granted, the requestor will be notified and will include the following:

- An indication of the access fee that should be paid upon gaining access (if any).
- An indication of the form in which the access will be granted.

If access to a record/information is denied, the requestor will be notified and will include the following:

- Adequate reasons for the refusal.
- Advice on how to lodge an appeal, once the Requestor has exhausted all available remedies with CTT.

Records held by CTT

CTT holds records on the below noted categories of information in as part of its operations:

Strategic Documents

- Annual Reports
- Strategic Plan
- Annual Performance Plan

Company Secretarial / Legal

- General contracts
- Statutory records
- Incorporation documents
- Licences
- Insurance details
- Minutes of meetings
- Title Deeds
- Leases

Human Resources

- Employee records
- Job applicant records
- Attendance registers
- Employee remuneration
- Contracts of employment
- Pension and Provident Fund details
- Medical Aid details
- Unemployment Insurance

Financial

- Audited financial statements
- Taxation records
- Debtor records and agreements
- Creditor records and agreements
- Asset register
- Banking details
- Treasury documents
- Insurance documentation

Information Technology

- Incidents and Service Requests
- System Event and performance Logs
- Monthly Operations Reports
- Service Level Agreements
- Policies and Procedures

Marketing

- Events data
- Guest lists
- Membership database
- Visitor database

Visitors Services

- Visitor history
- Visitor bookings
- Statistical data

Records available without a request

The following general information is available in the public domain and does not require an official request in terms of the Act. These records are mostly records that may be available on our website. The following information is available from the IO or from the website:

- Policy Documents
- Company Profile and Information
- Newsletters
- News
- Member brochures
- Member rates and prices

Records available in accordance with other legislation

CTT keeps information and records in accordance with the following legislation, which includes, but is not limited to the following legislation:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Competition Act No. 89 of 1998
- Consumer Protection Act No. 68 of 2008
- Constitution of the Republic of South Africa 108 of 1996
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No.38 of 2001
- Hospitality Sectoral Determination No 14 Income Tax Act No.58 of 1962
- Insolvency Act No.24 of 1936
- Labour Relations Act No.66 of 1995
- Liquor Act 59 of 2003
- National Credit Act No.34 of 2005
- Occupational Health and Safety Act No.85 of 199
- Pension Funds Act No.24 of 1956
- Prevention of Organised Crime Act No.121 of 1998
- Promotion of Access to Information Act No.2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination
- Act No.4 of 2000 Protected Disclosures Act No.26 of 2000
- Skills Development Act No.97 of 1998
- Skills Development Levies Act No.9 of 1999
- Transfer Duty Act No.40 of 1949
- Unemployment Contributions Act No.4 of 2002
- Unemployment Insurance Act No.63 of 2001

- Value-added Tax Act No.89 of 1991

Processing of Personal Information

CTT needs personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by CTT.

CTT is accordingly a responsible party for the purposes of POPIA and will ensure that the personal information of a data subject:

- is processed lawfully, fairly and transparently. This includes the provision of appropriate information to data subjects when their data is collected, in the form of privacy or data collection notices. CTT must also have a legal basis (for example, consent) to process personal information;
- is processed only for the purposes for which it was collected;
- will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
- is adequate, relevant and not excessive for the purposes for which it was collected;
- is accurate and kept up to date;
- will not be kept for longer than necessary;
- is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that personal information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by CTT, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
- where required to be processed or stored outside of the Republic of South Africa, will not be sent to a country that does not have information protection legislation similar to that of the RSA, unless we have ensured that the recipient agrees to effectively adhere to the principles for processing of information in accordance with the Protection of Personal Information Act No 4 of 2013. Where appropriate, we request the third parties with whom we share information, to take adequate measures and comply with applicable data protection laws and protect the information we are disclosing to them. We do this through contractual arrangements with these third parties. We also take internal measures to ensure that the third parties we appoint have appropriate measures to protect the information we provide to them.
- is processed in accordance with the rights of data subjects, where applicable. Data subjects have the right to:

- be notified that their personal information is being collected. The data subject also has the right to be notified in the event of a data breach;
- know whether CTT holds personal information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
- request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
- object to the use of their personal information and request the deletion of such personal information (deletion would be subject to CTT's record keeping requirements);
- object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
- complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.

Prescribed fees

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

- Request fee: This is a non- refundable administration fee paid by all requesters. It is paid before the request is considered.
- Access fee: This is paid by all requesters only when access is granted. This fee is intended to re- imburse the private body for the costs involved in searching for a record and preparing it for delivery to the requester.

CTT may withhold a record until the request fee and the deposit (if applicable) have been paid. Please see **FORM 3** OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8] which can be obtained from the Information Regulator's website: <https://info regulator.org.za/wp-content/uploads/2020/07/Form-3-PAIA.pdf>.

Grounds for refusal of a request

In terms of PAIA, there are specific grounds on which access to information can be refused by CTT:

- Mandatory protection of privacy where information disclosure would unreasonably infringe on a third party's personal privacy, including deceased individuals;

- Commercially Sensitive Information which includes details that could harm the financial or commercial interests of a third party or the state;
- Confidential Information that is legally protected from disclosure, such as trade secrets, proprietary information, or privileged communication;
- Information that could endanger the safety or security of individuals, including law enforcement, national defence, or public safety matters;
- Information that could prejudice ongoing legal proceedings, law enforcement investigations, or regulatory functions.
- Information generated for research purposes or that could harm the competitive position of an individual, group, or organization.
- Information relating to the functions and interests of the state in areas such as policy formulation, decision-making, and implementation (more related to public bodies).

Notwithstanding any of the above-mentioned provisions, a record must be disclosed if its disclosure would:

- reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- if the public interest in the disclosure clearly outweighs the harm.

Right to appeal

CTT does not have internal appeal procedures. As such, requester that is dissatisfied with the refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the decision;
- requiring the IO to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or an order as to costs.

Remedies for data subjects

Data subjects have the following remedies where there's interference with the protection of their personal information by CTT.

- Lodge a complaint with CTT at info@capetown.travel or lodge the complaint with the Information Office at helpdesk@inforegulator.org.za and where

unsatisfied, lodge the complaint with the Information Regulator in the prescribed manner and form.

- Institute civil action for damages in a court having jurisdiction.

Availability of the Manual

The PAIA Manual of CTT is made available in English only. A copy will be available:

- on the website of CTT at <https://www.capetown.travel/paia>
- at the head office of CTT for public inspection during normal office hours;
- to any person upon request and upon payment of a reasonable amount.

Updating of the PAIA Manual

CTT will, if necessary, update and publish this Manual annually.

The Manual as described herein is approved at Cape Town on 31 July 2024.

Information Officer

Nzima Soci