Manual

Of

KV Art Pty Ltd
(Private Body)

Prepared and compiled on 2023-10-23 in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 (as amended) in respect of KV Art Pty Ltd.

Registration number: 2002/007241/07

Update: 2023-10-23

Table of Contents

1. INTRODUCTION..... 3
2. THE ACT..... 3
3. PURPOSE OF THE MANUAL..... 3
4. CONTACT DETAILS:..... 5
5. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE..... 7
6. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC..... 9
7. RECORDS OF THE PRIVATE BODY..... 10
8. RECORDS REQUIRED IN TERMS OF LEGISLATION..... 12
9. PROCESSING OF PERSONAL INFORMATION..... 13
10. REQUEST PROCEDURE FOR OBTAINING INFORMATION..... 17
11. FEES..... 18
12. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION..... 19
13. DECISION..... 20
ANNEXURE A:..... 21
ANNEXURE B: FORM 2..... 22
ANNEXURE B: FORM 3..... 27

1. INTRODUCTION

KV Art (Pty) Limited conducts business as a Art supply Manufacture, Wholesaler and Retailer. We are an industry expert, ready to assist any client in Art Supplies.

2. THE ACT

The Promotion of Access to Information Act, No 2 of 2000 ("The Act" or "PAIA") was enacted on 3 February 2000, giving effect to the right of access to any information held by Government, as well as any information held by another person who is required for the exercising or protection of any rights. This right is entrenched in the Bill of Rights in the Constitution of South Africa. Where a request is made in terms of The Act, the body to which the request is made is not obliged to release the information, except where The Act expressly provides that the information may or must be released. The Act sets out the requisite procedural issues attached to such request.

3. PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of The Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance

And in a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

This PAIA Manual assist you to-

3.1 check the categories of records held by KV Art Pty Ltd which are available without a person having to submit a formal PAIA request;

3.2 have a sufficient understanding of how to make a request for access to a record of KV Art Pty Ltd, by providing a description of the subjects on which KV Art Pty Ltd holds records and the categories of records held on each subject;

3.3 know the description of the records of KV Art Pty Ltd which are available in accordance with any other legislation;

3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer(s) who will assist you with the records you intend to access;

3.5 know the description of the guide on how to use PAIA, as updated by the Information Regulator, and how to obtain access to it;

3.6 know if KV Art Pty Ltd processes personal information and the purpose of processing of personal information;

3.7 know the description of the categories of data subjects and the information or categories of information relating thereto;

3.8 know the recipients or categories of recipients to whom the personal information may be supplied;

3.9 know if KV Art Pty Ltd plans 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

3.10 know whether KV Art Pty Ltd has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. CONTACT DETAILS:

Information Officer:
Kevin O'Sullivan

Postal Address:
PO Box 430
Table View
7439

Physical Address:
23 Donnington Road
Killarney Gardens
Cape Town
7441

Telephone No:
021 557 8003

E-mail:
kevin@dala.co.za

Deputy Information Officer:

N/A

GENERAL INFORMATION:

Name of Private Body:
KV Art Pty Ltd

Registration No:
2002/007241/07

Postal Address:
PO Box 430

Table View
7439

Physical Address (or principal place of business):
23 Donnington Road
Killarney Gardens
Cape Town
7441

Telephone No:
021 557 8003

E-mail:
kevin@dala.co.za

Website:
www.dala.co.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 PAIA and Section 56 of POPIA;

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 11 of PAIA; and

5.3.3.2 access to a record of a private body contemplated in Section 50 of PAIA;

5.3.4 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

5.3.5 the assistance available from the Information Regulator in terms of PAIA and POPIA;

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 14 and 51 of PAIA 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 15 and 52 of PAIA 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 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and

5.3.10 the regulations made in terms of Section 92 of PAIA.

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;

5.5.2 from the website of the Information Regulator (https://inforegulator.org.za/).

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

6. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

None

7. RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that KV Art Pty Ltd holds in order to facilitate a request in terms of The Act.

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

Company Documentation

Documents of incorporation
Memorandum and Articles of Association
Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
Share Register and other statutory registers

Financial Records

Annual Financial Statements
Tax Returns
Accounting Records
Banking Records
Bank Statements
Electronic Banking Records
Asset Register
Rental Agreements
Invoices

Income Tax Records

PAYE Records
Documents issued to employees for income tax purposes
Records of payments made to SARS on behalf of employees
All other statutory compliances
VAT
Skill Development Levies
UIF
Workmen's Compensation

Personnel Records and Documentation

Employment contracts
Employment Equity Plan
Disciplinary records
Salary records
SETA records
Disciplinary code
Leave records
Training records

8. RECORDS REQUIRED IN TERMS OF LEGISLATION

Records are kept in accordance with legislation applicable to KV Art Pty Ltd, which includes but is not limited to, the following –

Records are kept in accordance with legislation applicable to KV Art Pty Ltd, which includes but is not limited to, the following –

Labour Relations Act, 66 of 1995
Employment Equity Act, 55 of 1998
Basic Conditions of Employment Act, 75 of 1997
Compensation for Occupational Injuries and Diseases Act, 130 of 1993
Constitution of the Republic of South Africa, 108 of 1996
Companies Act, 61 of 1973
Unemployment Insurance Act, 63 of 2001
Consumer Protection Act, 68 of 2008
Value Added Tax Act, 89 of 1991
Skills Development Act, 9 of 1997
Skills Development Levy Act, 9 of 1999
Income Tax Act, 58 of 1962
Protection of Personal Information Act, 4 of 2013

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

Reference to the above-mentioned legislation shall include subsequent amendments and secondary legislation to such legislation.

9. PROCESSING OF PERSONAL INFORMATION

9.1 Purpose of Processing Personal Information

We only process personal information for:

- Employees - Employment Contracts, Payroll, SARS, Department of Labour, UIF/WCC, Provident Fund
- Customers - Credit Applications, Invoicing, Delivery, Comply with SARS
- Suppliers - Credit Application, Purchases, Collections, Comply with SARS

9.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, contact details, registration numbers or identity numbers, VAT numbers, bank details
Service Providers	names, registration number, vat numbers, address, contact deails, bank details, product details
Employees	address, gender and race, banking details, Tax numbers, ID numbers, contact details, next of kin

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

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services

9.4 Planned transborder flows of personal information

We do not transfer information to other countries

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

Company information security policies are in place;
Computers are controlled through security group policies;
Anti-virus active on all computers;
Staff been trained on physical and cyber security measures;
Regular audits done on security status.

10. REQUEST PROCEDURE FOR OBTAINING INFORMATION

Access to records held by KV Art Pty Ltd

Records held by KV Art Pty Ltd may be accessed by request only once the prerequisites for access have been met.

The requester must fulfil the prerequisites for access in terms of The Act, including the payment of a requested access fee.

The requester must comply with all the procedural requirements contained in The Act relating to the request for access to a record.

The requester must complete the prescribed Form 2 (Annexure B) and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the postal or physical address, fax number or electronic mail address as stated herein.

The prescribed form must be filled in with enough particulars to at least enable the Information Officer to identify –

- The record or records requested;
- The identity of the requester,
- Which form of access is required, if the request is granted;
- The postal address or fax number or email address of the requester.

The requester must state that they require the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

KV Art Pty Ltd will process the request within 30 days, unless the requester has stated a special reason that would satisfy the Information Officer that circumstances dictate that the above time periods are not complied with.

The requester shall be informed whether access has been granted or denied in the form of Form 3 (Annexure C). If, in addition, the requester requires the reason for the decision in any other manner, they must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed Form because of illiteracy or disability, such a person may make the request orally.

11. FEES

When the Information Officer receives the request, such Officer shall, by notice, require the requester to pay the prescribed request fee (if any), before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make it available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the Fees as indicated.

A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

The fees applicable to a request for information are set out in Annexure A hereto.

The requester must pay the prescribed fee before any further processing can take place.

12. GROUNDS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for KV Art Pty Ltd to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party that is a natural person that 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 third party;
    - Financial, commercial, scientific or technical information, disclosure of which could likely cause harm to the financial or commercial interests of that third party;
    - Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at 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 confidential information of the protection of property;
- Mandatory protection of records that would be regarded as privileged in legal proceedings;
- The commercial activities of KV Art Pty Ltd which may include:
    - Trade secrets of KV Art Pty Ltd
    - Financial, commercial, scientific or technical information, disclosure which could likely cause harm to the financial or commercial interest of KV Art Pty Ltd ;
    - Information which, if disclosed could put KV Art Pty Ltd at a disadvantage in negotiations or commercial competition;
    - A computer program, owned by KV Art Pty Ltd and protected by copyright.
- The research information of KV Art Pty Ltd or a third party, if its disclosure would reveal the identity of KV Art Pty Ltd, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

13. DECISION

KV Art Pty Ltd will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The requester shall be informed whether access has been granted or denied in the form of Form 3 (Annexure C). If, in addition, the requester requires the reason for the decision in any other manner, they must state the manner and the particulars so required.

The 30 day period within which KV Art Pty Ltd has to decide whether to grant or refuse the request, may be extended for further period of not more than 30 days if the request is for a large amount of information, or the request requires a search for information held at another office of KV Art Pty Ltd and the information cannot reasonably be obtained within the original 30 day period. KV Art Pty Ltd will notify the requester in writing should an extension be sought.

AVAILABILITY OF THE MANUAL

The manual of KV Art Pty Ltd is available at the premises of KV Art Pty Ltd as well as on the website of KV Art Pty Ltd.

Signed by: Kevin O'Sullivan

Date: 1 June 2024

ANNEXURE A:

The table below sets out the fees applicable to any request for a record of information held by

Item	**Description**	**Amount**
1.	The request fee payable by every requester	R 140.00
2.	Photocopy/printed black & white copy of A4-size page	R 2.00 per page or part thereof
3.	Printed copy of A4-size page	R 2.00 per page or part thereof
4.	For a copy of computer-readable form on: (i) Flash drive (to be provided by the requestor) (ii) Compact Disk: a. If provided by requester b. If provided to the requester	 R 40.00 R 40.00 R 60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	For a copy of visual images	
7.	Transcription of an audio record, per A4-size page	R 24.00
8.	For a copy of audio recording on: (i) Flash drive (to be provided by the requestor) (ii) Compact Disk: a. If provided by requester b. If provided to the requester	 R 40.00 R 40.00 R 60.00
9.	To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. Not to exceed a total cost of	R 145.00 R 435.00
10.	Deposit: If search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.
11.	Postage, email or any other electronic transfer	Actual expense, if any.

ANNEXURE B: 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 *(when made on behalf of another person)*				
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	
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 *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	

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

ANNEXURE B: FORM 3

OUTCOME OF REQUEST AND FEES PAYABLE

[Regulation 8]

Note:

1. *If your request is granted the—*
   (a) amount of the deposit, (if any), is payable before your request is processed; and
   (b) requested record/portion of the record will only be released once proof of full payment is received.
2. *Please use the reference number hereunder in all future correspondence.*

Reference number: _____

TO: _____
_____
_____
_____

Your request dated _____, refers.

1. You requested:

Personal inspection of information 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)* is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure A.	

OR

2. You requested:

Printed copies of the information *(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 information on flash drive *(including virtual images and soundtracks)*	
Copy of information on compact disc drive*(including virtual images and soundtracks)*	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format *(including transcriptions)*	
E-mail of information *(including soundtracks if possible)*	
Cloud share/file transfer	
Preferred language: *(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)*	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

4. Fees payable with regard to your request:

Item	Description	Amount	Number of pages/items	Total:
1.	The request fee payable by every requester	R 140.00		
2.	Photocopy/printed black & white copy of A4-size page	R 2.00 per page or part thereof		
3.	Printed copy of A4-size page	R 2.00 per page or part thereof		
4.	For a copy of computer-readable form on: (i) Flash drive (to be provided by the requestor) (ii) Compact Disk: a. If provided by requester b. If provided to the requester	R 40.00 R 40.00 R 60.00		
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.		
6.	For a copy of visual images			
7.	Transcription of an audio record, per A4-size page	R 24.00		
8.	For a copy of audio recording on: (i) Flash drive (to be provided by the requestor) (ii) Compact Disk: a. If provided by requester b. If provided to the requester	R 40.00 R 40.00 R 60.00		
9.	To search for and prepare the record for disclosure, for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. Not to exceed a total cost of	R 145.00 R 435.00		
10.	Deposit: If search exceeds 6 hours	One third of the amount per request calculated in terms of items 2 to 8.		
11.	Postage, email or any other electronic transfer	Actual expense, if any.		
	TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐ Yes ☐ No

Hours of search		Amount of deposit *(calculated on one third of total amount per request)*	

The amount must be paid into the following Bank account:

Name of Bank: _____
Name of account holder: _____
Type of account: _____
Account number: _____
Branch Code: _____
Reference No.: _____
Submit proof of payment to: _____

Signed at _____this _____day of _____20 _____

_____
Information officer