



DREAM

HOTELS & RESORTS

**PROTECTION OF PERSONAL INFORMATION ACT (PAIA)
MANUAL
DREAM HOTELS & RESORTS (PTY) LTD**

**DREAM HOTELS & RESORTS
(DHR)
MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS
TO INFORMATION ACT 2 OF 2000 ("PAIA")
AS AMENDED BY THE PROTECTION OF PERSONAL INFORMATION ACT, 4 OF 2013
("POPIA")**

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1. AN INTRODUCTION TO PAIA

The Promotion of Access to Information Act, 2000 ("**PAIA**") came into operation on 9 March 2001.

PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, to enable them to exercise or protect their rights.

PAIA sets out the requisite procedural issues attached to information requests, including the obligation to compile a PAIA Manual.

Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such body and stipulates the minimum requirements that the manual must comply with. Where a person is desirous of obtaining information from a private

body, in terms of PAIA such request must be made in the format as prescribed and described under the private body's PAIA Manual, and following receipt of the request, such private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable.

2. OUR PAIA MANUAL

This Manual constitutes the DHR PAIA manual.

This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("**POPIA**"), which gives effect to everyone's Constitutional right to privacy and largely commenced on 1 July 2020. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions to establish minimum requirements for the processing of personal 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 the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.

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

For purposes of this Manual, we refer to ourselves as "DHR", "we", "us" or "our".

We have compiled this Manual to inform you of, and guide you through, the procedural and other requirements with which a PAIA request must comply.

3. WHO ARE WE - ABOUT US AND OUR BUSINESS

DHR delivers dynamic and exceptional hospitality solutions in Africa that connect local and global travelers to our communities in a sustainable manner.

If you would like to find out more about us, including our main business activities, our company profile is available at www.dreamvacations.co.za

4. LEGAL STRUCTURE

The Club is an association not for gain, capable of owning its own property and of suing and being sued in its own name and having perpetual succession.

5. OUR CHIEF EXECUTIVE OFFICER

Our CEO is: Nick Dickson

6. OUR CONTACT DETAILS

Our general contact details are as follows:

Email: info@dreamresorts.co.za

310 Main Road

Bryanston 2021

Gauteng

South Africa

+27 112678300

7. DETAILS OF OUR INFORMATION OFFICER AND DEPUTY INFORMATION OFFICERS

The details of our Information and Deputy Information Officer/s are as follows:

Information Officer:

Nick Dickson

Email: info@dreamresorts.co.zq

310 Main Road

Bryanston 2021

Gauteng

South Africa

+27 112678300

Deputy Information Officer:

TBA

310 Main Road

Bryanston 2021

Gauteng

South Africa

+27 112678300

Correspondence:

info@dreamresorts.co.za

8 PAIA GUIDE

In order to assist those who are not familiar with PAIA or POPIA, a Guide that contains information to assist you in understanding how to exercise your rights under PAIA (“the Guide”) is available in all the South African official languages.

If you have any queries, or need a copy of the Guide, please contact the Information Regulator directly at:

The Information Regulator (South Africa)
Woodmead North Office Park
54 Maxwell Drive, Woodmead, Johannesburg 2191
Complaints email: complaints.IR@justice.gov.za
General enquiries email: infoereg@justice.gov.za.

9. INFORMATION THAT IS AUTOMATICALLY AVAILABLE WITHOUT A PAIA REQUEST

The information available on our website, may be automatically accessed by you without having to go through the formal PAIA request process.

10. RECORDS KEPT IN TERMS OF LEGISLATION

DHR is subject to many laws and regulations, some of which require us to keep certain records. Details of these are contained in Appendix 1. This list is not exhaustive

11 A DESCRIPTION OF SUBJECTS WE HOLD RECORDS ON AND CATEGORIES OF RECORDS

Described below are the records which we hold, divided into categories for ease of reference:

Governance Records

- Constitution
- Scheme Rules
- Minutes of Board of Trustees meetings and General Meetings;
- Written Resolutions;
- Records relating to the appointment of Trustees/ auditors / company secretary / public officer and other officers;
- Other Statutory Records.

Financial Records

- Annual Financial Statements;
- Tax Returns;
- Accounting Records;
- Banking Records;
- Bank Statements;
- Paid Cheques;
- Electronic Banking Records;
- Asset Register;
- Rental Agreements; and
- 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;
- Regional Services Levies;
- Skills Development Levies;
- UIF; and
- Workmen's Compensation.

Personnel Documents and Records

- Employment contracts;
- Employment policies and procedures;
- Employment Equity Plan;
- Medical Aid records;
- Pension Fund records;

- Internal evaluations and disciplinary records;
- Salary records;
- Disciplinary codes;
- Leave records;
- Training records and manuals;
- Operating manuals;
- Personal records provided by personnel;
- Other statutory records; and
- Related correspondence.

12. INFORMATION RELATED TO POPIA

Introduction

POPIA requires us to provide you with certain information relating to how personal information that we process is, amongst others, used, disclosed and destroyed.

We have set out the required information below.

Information on how you can request your personal information under POPIA

Requests for personal information under POPIA must be made in accordance with the provisions of PAIA. This process is outlined in paragraph 13 below.

If we provide you with your personal information, you have the right to request the correction, deletion or destruction of your personal information, in the prescribed form. You may also object to the processing of your personal information in the prescribed form.

We have attached the prescribed forms to this Manual for your convenience.

We will give you a written estimate of the fee for providing you with your personal information, before providing you with the services. We may also require you to provide us with a deposit for all or part of the fee prior to giving you the requested personal information.

Purpose of processing

POPIA provides that personal information may only be processed lawfully and in a reasonable manner that does not infringe your (the data subject's) privacy.

The type of personal information that we process will depend on the purpose for which it is collected. We will disclose to you why the personal information is being collected and will process the personal information for that purpose only.

Personal information that is processed; category of data subject; and category of personal information

The information provided under this section refers to broad categories of information.

This list is not exhaustive.

Clients - Natural persons: names; contact details; physical and postal addresses; date of birth; ID number; tax related information; nationality; gender; confidential correspondence.

Clients – Juristic persons / entities: names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories; beneficiaries; ultimate beneficial owners.

Clients – Foreign persons / entities: names; contact details; physical and postal, financial information addresses; date of birth; passport number tax related information; nationality; gender; confidential correspondence; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

Contracted Service Providers: Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; tax related information; authorised signatories, beneficiaries, ultimate beneficial owners

Employees / Trustees/ Potential Personnel / Shareholders / Volunteers / Employees' family members / Temporary Staff: gender, pregnancy; marital status; race, age, language, education information; financial information; employment history; ID number; next of kin; children's name, gender, age, school, grades; physical and postal address; contact details; opinions, criminal behaviour and/or criminal records; well-being; trade union membership; external commercial interests; medical information.

Website end-users / Application end-users: names, electronic identification data: IP address; log-in data, cookies, electronic localization data; cell phone details, GPS data.

Categories of recipients for purposes of processing personal information

We may supply personal Information to these potential recipients:

- Management;
- Employees;
- Temporary Staff;
- Sub-contracted Operators; and
- Other recipients in our international network.

We may disclose personal information we collected to any of our associate entities or third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions.

We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where

we have a legal duty or a legal right to do so.

Actual or planned trans-border flows of personal information

We may disclose personal information we collected to our shareholders, any of our overseas networks, associated entities or third-party service providers, with whom we engage in business or whose services or products we elect to use, including cloud services hosted in international jurisdictions.

We endeavour to enter into written agreements to ensure that other parties comply with our confidentiality and privacy requirements. Personal information may also be disclosed where we have a legal duty or a legal right to do so.

General description of information security measures

DHR employs appropriate, reasonable technical and organisational measures to prevent loss of, damage to or unauthorised destruction of personal information and unlawful access to or processing of personal information. These measures include:

- Firewalls;
- Virus protection software and update protocols;
- Logical and physical access control;
- De-identification of personal information so that it can never be re-identified;
- Various destruction methodologies;
- Secure setup of hardware and software making up our information technology infrastructure; and
- Outsourced service providers who are contracted to implement security controls.

13. REQUEST PROCEDURE

Completion of the prescribed form

Any request for access to a record from a public body in terms of PAIA must substantially correspond with *FORM C - Request for access to record of private body (Section 53(1) of PAIA)* [Regulation 10 which can be obtained from our Deputy Information Officer or the Information Regulators website at www.justice.gov.za].

A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.

Payment of the prescribed fees

A Fee may be payable, depending on the type of information requested, as described under *Appendix B - Fees in respect of private bodies*.

There are two categories of fees which are payable:

- **The request fee:** R50
- **The access fee:** This is calculated by considering reproduction costs, search and preparation costs, as well as postal costs.

Section 54 of PAIA entitles DHR to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Regulation 9(2)(c) promulgated under PAIA.

Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

POPIA provides that a data subject may, upon proof of identity, request DHR to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, DHR must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

14. OBJECTION

POPIA provides that a data subject may object, at any time, to the processing of personal information by DHR on reasonable grounds relating to his/her situation, unless legislation provides for such processing. The data subject must complete *FORM 1 - Objection to the processing of personal information in terms of section 11(3) of POPIA Regulations relating to the protection of personal information, 2018 [Regulation 2]* also available from our Deputy Information Officer or the Information Regulator's website available and submit the completed form to the Deputy Information Officer at the postal or physical address, or electronic mail address set out above.

15. CORRECTION

A data subject may also request DHR to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that DHR is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Deputy Information Officer at the postal or physical address, using *FORM 2 - Request for correction*

or deletion of personal information or destroying or deletion of record of personal information in terms of section 24(1) of POPIA's Regulations relating to the protection of personal information, 2018 [Regulation 3] also available from the Deputy Information Officer and the Information Regulator's website.

16. PROOF OF IDENTITY

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

17. TIMELINES FOR CONSIDERATION OF A REQUEST FOR ACCESS

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

18. GROUNDS FOR REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put DHR at a disadvantage in negotiations or prejudice it in commercial competition; and/or,
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by DHR.

Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record.

19. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS

If the Information Officer decides to grant a requester access to the record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is an appeal procedure that may be followed a request to access information has been refused, which will be described in the correspondence addressed to you by the Deputy Information Officer

If you are not satisfied with the outcome of the appeal, you are entitled to apply to the Information Regulator or a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Deputy Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

20. AVAILABILITY OF THIS MANUAL

Copies of this Manual are available for inspection, free of charge, at our registered office.

APPENDIX 1

of these laws are detailed in Appendix 1. The list is not exhaustive.

- Accreditation for Conformity Assessment, Calibration and Good Laboratory Practice Act 19 of 2006 (Science)
- Administrative Adjudication of Road Traffic Offences Act 46 of 1998 (Transport)
- Advertising on Roads and Ribbon Development Act 2 of 1940 (Environment and Conservation)
- Alienation of Land Act 68 of 1981 (Contract and Delict)
- Appeals Amendment Act 105 of 1982 (Procedural Law)
- Apportionment of Damages Act 34 of 1956 (Contract and Delict)
- Arbitration Act 42 of 1965 (Procedural Law)
- Atmospheric Pollution Prevention Act 45 of 1965 (Environment and Conservation)
- Basic Conditions of Employment Act 75 of 1997 (Labour)
- Bills of Exchange Act 34 of 1964 (Commercial Law)
- Broad-Based Black Economic Empowerment Act 53 of 2003 (Constitutional Law)
- Business Names Act 27 of 1960 (Commercial Law)
- Carriage of Goods by Sea Act 1 of 1986 (Shipping)
- Companies Act 61 of 1973 (Corporate Law)
- Companies Act 71 of 2008 (Corporate Law)
- Compensation for Occupational Injuries and Diseases Act 130 of 1993 (Labour)
- Competition Act 89 of 1998 (Commercial Law)
- Computer Evidence Act 57 of 1983 (Procedural Law)
- Constitution of the Republic of South Africa 108 of 1996 (Constitutional Law)
- Consumer Affairs (Unfair Business Practices) Act 71 of 1988 (Commercial Law)
- Consumer Protection Act 68 of 2008 (Commercial Law)
- Contingency Fees Act 66 of 1997 (Legal Administration)
- Convention on Agency in the International Sale of Goods Act 4 of 1986 (Commercial Law)
- Conventional Penalties Act 15 of 1962 (Contract and Delict)
- Copyright Act 98 of 1978 (Commercial Law)
- Corporate Amendment Act 24 of 2006 and Trustees Liability

- Corruption Act 94 of 1992 (Criminal Law)
- Cross-Border Road Transport Act 4 of 1998 (Transport)
- Customs and Excise Act 91 of 1964 (Revenue)
- Debt Collectors Act 114 of 1998 (Legal Administration)
- Deeds Registries Act 47 of 1937 (Legal Administration)
- Designs Act 195 of 1993 (Commercial Law)
- Documentary Evidence from Countries in Africa Act 62 of 1993 (Procedural Law)
- Electronic Communications Act 36 of 2005 (Communication)
- Electronic Communications and Transactions Act 25 of 2002 (Communications)
- Employment Equity Act 55 of 1998 (Labour)
- Enforcement of Foreign Civil Judgments Act 32 of 1988 (Legal Administration)
- Expropriation Act 63 of 1975 Legal (Administration)
- Finance Act 42 of 2008 (Finance)
- Financial Intelligence Centre Act 38 of 2001 (Criminal Law)
- Foreign Courts Evidence Act 80 of 1962 (Procedural Law)
- Formalities in respect of Leases of Land Act 18 of 1969 (Contract and Delict)
- Hazardous Substances Act 15 of 1973 (Health)
- Health Act 63 of 1977 (Health)
- Identification Act 68 of 1997 (Citizenship)
- Immigration Act 13 of 2002 (Citizenship)
- Import and Export Control Act 45 of 1963 (Commercial Law)
- Income Tax Act 58 of 1962 (Income Tax)
- Insolvency Act 24 of 1936 (Estates)
- Institution of Legal Proceedings against certain Organs of State Act 40 of 2002(Procedural Law)
- Interpretation Act 33 of 1957 (Procedural Law)
- Investigation of Serious Economic Offences Amendment Act 46 of 1995 (Criminal Law)
- Justices of the Peace and Commissioners of Oaths Act 16 of 1963 (Legal Administration)
- Labour Relations Act 66 of 1995 (Labour)

- Land Alienation Act
- Law of Evidence Amendment Act 45 of 1998 (Procedural Law)
- Marine Pollution (Control and Civil Liability) Act 6 of 1981 (Environment and Conservation)
- Marine Pollution (Intervention) Act 64 of 1987 (Environment and Conservation)
- Marine Traffic Act 2 of 1981 (Shipping)
- Measurement Units and Measurement Standards Act 18 of 2006 (Science)
- Medical Schemes Act 131 of 1998 (Health)
- Mental Health Care Act 17 of 2002 (Health)
- Merchandise Marks Act 17 of 1941 (Commercial Law)
- National Building Regulations and Building Standards Act 49 of 1995 (Legal Administration)
- National Environmental Laws Amendment Act 14 of 2009 (Environment and Conservation)
- National Environmental Management Act 107 of 1998 (Environment and Conservation)
- National Environmental Management Amendment Act 62 of 2008 (Environment and Conservation)
- National Environmental Management: Air Quality Act 39 of 2004 (Environment and Conservation)
- National Environmental Management: Integrated Coastal Management Act 24 of 2008 (Environment and Conservation)
- National Environmental Management: Protected Areas Act 57 of 2003 (Environment and Conservation)
- National Environmental Management: Protected Areas Amendment Act 15 of 2009 (Environment and Conservation)
- National Environmental Management: Protected Areas Amendment act 31 of 2004 (Environment and Conservation)
- Tobacco Products Control Act 83 of 1993 (Health)
- National Environmental Management: Waste Act 59 of 2008 (Environment and Conservation)
- National Health Act 61 of 2003 (Health)
- National Roads Act 54 of 1971 (Transport)

- National Road Safety Act 9 of 1972 (Transport)
- National Road Traffic Act 93 of 1996 (Transport)
- Occupational Health and Safety Act 85 of 1993 (Labour)
- Patents Act 57 of 1978 (Commercial Law)
- Pension Funds Act 24 of 1956 (Welfare and Pensions)
- Physical Planning Act 88 of 1967 (Environment and Conservation)
- Prescription Act 68 of 1969 (Procedural Law)
- Prescribed Rate of Interest Act 55 of 1975 (Contract and Delict)
- Private Security Industry Regulation Act 56 of 2001 (Professions)
- Promotion of Access to Information Act 2 of 2000 (Constitutional Law)
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (Constitutional Law)
- Property Time-Sharing Control Act 75 of 1983 (Commercial Law)
- Protection of Businesses Act 99 of 1978 (Commercial Law)
- Rationalisation of Corporate Laws Act 45 of 1996 (Corporate Law)
- Recognition and Enforcement of Foreign Arbitral Awards Act 40 of 1997 (Courts)
- Regulation of Interception of Communication and Provision of Communications-Related Information Act 70 of 2002 (Communication)
- Security by means of Movable Property Act 57 of 1993 (Contract and Delict)
- Share Block Control Act 59 of 1987 (Commercial Law)
- Skills Development Act 97 of 1998 (Labour)
- Skills Development Amendment Act 37 of 2008 (Labour)
- Skills Development Levies Act 9 of 1999 (Labour)
- South African Passports and Travel Documents Act (Citizenship)
- Standards Act 8 of 2008 (Science)
- Temporary Employees Pension Fund Act 75 of 1979 (Welfare Pensions)
- Trade Marks Act 94 of 1993 (Commercial Law)
- Trade Metrology Act 77 of 1973 (Science)
- Trade Practices Act 76 of 1976 (Commercial Law)
- Transfer Duty Act 40 of 1949 (Revenue)

- Unemployment Insurance Act 63 of 2001 (Labour)
- Unemployment Insurance Contributions Act 4 of 2002 (Labour)
- Value-Added Tax Act 89 of 1991 (Revenue)
- Vexatious Proceedings Act 3 of 1956 (Courts)