



PROMOTION OF ACCESS TO INFORMATION (PAIA) MANUAL

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

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1. List of Acronyms and Abbreviations

Constellation	Constellation Asset Management (Pty) Ltd and Constellation Capital (Pty) Ltd, collectively referred to as "Constellation" for purposes of this Manual.
CEO	Chief Executive Officer
DIO	Deputy Information Officer
IO	Information Officer
Minister	Minister of Justice and Correctional Services
PAIA	Promotion of Access to Information Act No. 2 of 2000, as amended
POPIA	Protection of Personal Information Act No. 4 of 2013
Regulator	Information Regulator
Republic	Republic of South Africa
The Act	Promotion of Access to Information Act No. 2 of 2000, as amended

2. Introduction

2.1. The provisions of the Act

The Promotion of Access to Information Act No. 2 of 2000 (the "Act") was enacted on 3 February 2000 and came into effect in part on 9 March 2001, with section 51 and other sections pertaining to the manuals to be prepared by public and private bodies coming into effect on 15 February 2002.

The object of the Act is to give effect to the constitutional right of access to information held by another and required for the exercise or protection of any right, while protecting privacy, commercial confidentiality, and professional privilege. When a request is made by a requester in accordance with the procedure provided for in the Act, for access to information held by a body (being either a public body or a private body), that body is obliged to deal with such a request in the manner prescribed in the Act. More specifically, that body is obliged to release the information except in those cases where the Act expressly provides that the information may not, or must not, be released.

2.2 Constellation

In the case of private companies, the provisions dealing with the form of the request, the fees payable, and the procedure to be followed regarding a request are contained in sections 53-60 of the Act. The grounds on which access to information may or must be refused are set out in sections 62-70 of the Act.

3. Purpose of the PAIA Manual

3.1 This PAIA Manual is useful for the public to:

3.1.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

3.1.2 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;

3.1.3 know the description of the records of the body which are available in accordance with applicable legislation;

3.1.4 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;

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

3.1.6 know whether the body processes personal information, the purpose of processing personal information, and the description of the categories of data subjects and of the information or categories of information relating thereto;

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

3.1.8 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

3.1.9 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. Key Contact Details for Access to Information at Constellation.

4.1 Information Officer

Name: Frank Cadiz
Contact Number: 021673 1311
Email: frank@constellationsa.co.za

4.2 Deputy Information Officer

Name: Philip Thompson
Contact Number: 021 673 1311
Email: philip@constellationsa.co.za

4.3 Deputy Information Officer

Name: Christiaan van Zyl
Contact Number: 021 673 1301
Email: doc@constellationsa.co.za

4.4 Access to Information General Contacts

Email: info@constellationsa.co.za

4.5 Head Office

Postal Address: Fernwood House, The Oval
1 Oakdale Road
Newlands
7700

Physical Address: Fernwood House, The Oval
1 Oakdale Road
Newlands
7700

Telephone: 021 673 1301

Email: info@constellationsa.co.za

Website: <https://www.constellationsa.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, telephone 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 PAIA¹ and section 56 of POPIA²;
 - 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 11³; and
 - 5.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 5.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
 - 5.3.5. the assistance available from the 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-

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

- 5.3.6.1. an internal appeal;
- 5.3.6.2. a complaint to the Regulator; and
- 5.3.6.3. an application to 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 14⁵ and 51⁶ 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 15⁷ and 52⁸ 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 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 5.3.10. the regulations made in terms of section 92¹¹.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that -"The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act."

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 Regulator (<https://www.inforegulator.org.za>).

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

5.6.1 Afrikaans

5.6.2 English

6. Categories of records of Constellation which are available without a person having to request access.

Category of records	Types of the Record	Available on Website	Available on request
Information about the entity	Contact details and address	X	X
Legal	Disclosure and Disclaimer	X	X
Legal	Privacy Policy	X	X
Legal	POPI Policy	X	X
Legal	Complaints Resolution Policy	X	X
Legal	Terms and Conditions	X	X

7. Description of the records of Constellation that are available in accordance with applicable legislation.

Category of Records	Applicable Legislation
Memorandum of Incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Prevention of Money Laundering Plan	Financial Intelligence Centre Act 38 of 2001
Financial Services Provider Certificate	Financial Advisory and Intermediary Services Act 37 of 2002
Confirmation of Authorisation of Representatives	Financial Advisory and Intermediary Services Act 37 of 2002
Statutory Disclosure Information	Financial Advisory and Intermediary Services Act 37 of 2002

8. Description of the subjects on which the body holds records and categories of records held on each subject by Constellation.

Subjects on which the body holds records	Categories of records
Statutory Company Information	- Memorandum of Incorporation - Certificate of Incorporation - Share register - List of Directors - Minutes of general meetings - Internal Resolutions - A list of persons authorised to bind Constellation
Financial and Tax Records	- Accounting records, books and documents - Annual financial statements - Auditor's details - External auditor's details - Other documents and agreements relating to taxation
Licences and Authorisation	- Regulatory licences and certificates
Insurance	- Insurance policies taken out for the benefit of Constellation
Strategic Documents, Plans and Proposals	- Annual reports - Strategic plan - Annual performance plans
Human Resources	- Employee contracts - Personnel records - Staff policies and procedures - Training and development documents and records
Client Records	- Client service and communication records - Client identification and verification records - Client files
Policy Documents	- Relevant policies governed by the applicable laws and regulations and business activities in which the company operates
Third Party Records	- Records of engagements with third-party providers, suppliers and contractors

9. Processing of Personal Information

9.1 Constellation processes personal information to fulfil its contractual obligations or to provide services to individuals. When individuals engage with the organisation, such as by becoming customers, employees or users of their products or services, the organisation may need to process personal information to carry out its duties effectively. This could involve tasks such as;

- 9.1.1 Providing requested products or services: Processing personal information is often necessary to fulfil orders, deliver products, or provide services as agreed with the individual;
- 9.1.2 Managing customer or user accounts: Organisations may collect and process personal information to create and maintain user accounts, enabling individuals to access certain features, personalize their experiences, or track their interactions with the organisation;
- 9.1.3 Communicating and responding to inquiries: Processing personal information allows organisations to communicate with individuals, respond to inquiries, address customer support requests, and provide relevant information or updates;
- 9.1.4 Administering transactions and payments: Personal information may be processed to facilitate financial transactions, invoicing, billing, and other related activities necessary for the organisation's business operations;
- 9.1.5 Analysing and improving services: Organisations may process personal information to conduct analytics, gather feedback, and assess user behaviour to improve their products or services, enhance user experience, and make informed business decisions;
- 9.1.6 Compliance with legal and regulatory obligations: Processing personal information may be required to fulfil legal or regulatory requirements, such as tax reporting, record-keeping, fraud prevention or complying with industry-specific regulations.

It is important to note that organisations should have a lawful basis for processing personal information and must adhere to applicable data protection and privacy laws, ensuring they handle personal information responsibly, securely and with respect for individuals' privacy rights.

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, registration numbers or identity numbers, employment status, personal financial details and history and banking details, details of beneficiaries (if applicable).
Service Providers	Name, registration number/identity number, VAT number, trade information and bank details.
Employees	Name, address, identity numbers, employment history, details of emergency contact, qualifications, gender and race, bank details, criminal history, performance reviews, disciplinary records.
Prospective Employees	Name, address, identity numbers, employment history, qualifications, gender and race.
Directors and Shareholders	Name, address, contact details, identity numbers.

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 Service
Qualifications, for qualification verification	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Prospective employee data	Employment Agencies
Employee payment and personal identification information	- SARS for calculation and reporting of PAYE - Accountants and auditors for financial recordkeeping and verification
Employee personal identification information and service history	Attorneys for defence or pursuit of legal action
Client Information	- Third party product suppliers where clients' business is placed - Administrative solution provider where client records are maintained

9.4 Planned transborder flows of personal information

The organisation does not have any planned transborder flows of personal information. Information may be stored with cloud service providers where some of the data storage and/or backup takes place outside the borders of South Africa. In all cases, the organisation shall comply with the requirements of POPIA.

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.

Constellation has implemented various information security measures to protect the confidentiality, integrity and availability of our data and systems. Below is a general description of information security systems implemented:

- 9.5.1 Access controls: The organisation enforces access controls to ensure that only authorised individuals have access to sensitive information. This includes measures like strong passwords, user authentication, role-based access control and least privilege principles to limit access rights to only what is necessary.
- 9.5.2 Encryption: Encryption is used to protect sensitive data both in transit and at rest. It involves converting data into a coded form that can only be decrypted with the appropriate encryption keys, making it unreadable to unauthorised individuals in case of unauthorised access.
- 9.5.3 Firewalls and network security: Firewalls are deployed to monitor and control network traffic, preventing unauthorised access and protecting against malicious activities. Intrusion Detection Systems (IDS) and Intrusion Prevention Systems (IPS) are employed to detect and respond to network attacks.
- 9.5.4 Malware protection: The organisation has implemented anti-malware solutions such as antivirus software, anti-spyware and anti-phishing tools to detect and remove malicious software that could compromise their systems and data.
- 9.5.5 Patch management: The organization ensures regular patches and updates to software and systems to help address known vulnerabilities and protect against potential exploits.
- 9.5.6 Data backups and disaster recovery: Constellation performs regular data backups and has developed a comprehensive disaster recovery plan to ensure that critical data can be recovered in case of system failure, natural disasters or other incidents.
- 9.5.7 Employee training and awareness: Constellation conducts training programmes to educate employees about security best practices, such as recognizing phishing attempts, using strong passwords, and maintaining the security of their devices. This helps create a security-conscious culture and reduces the risk of human error.
- 9.5.8 Physical security: Physical security measures, such as access control systems, surveillance cameras, and secure storage facilities, are implemented to protect physical assets like servers, data centres, and other infrastructure.
- 9.5.9 Security policies and governance: The organisation has established

security policies and frameworks that outline their security objectives, responsibilities, and procedures. They also conduct periodic security audits and risk assessments to identify vulnerabilities and ensure compliance with relevant regulations and standards.

10. Procedure to follow to Access Information

10.1 Requester

10.1.1 Personal Requester

A Personal Requester is a requester who is seeking access to a record containing Personal Information about himself/herself/themselves. Access will be granted by Constellation, subject to applicable legislation.

10.1.2 Other Requester

If a person other than the Personal Requester is seeking access to a record containing Personal Information, then Constellation is not obliged to grant access to such record, unless such person fulfils the requirements for access as provided for in terms of PAIA.

10.2 Fees

The applicable fees are prescribed in terms of the Regulations promulgated under PAIA.

10.2.1 This does not apply if the request is for personal records of the person requesting them, in this instance, no fee is payable.

10.2.2 Access fee

An access fee is payable prior to being granted access to the records in the form required. These fees are prescribed in Part III of Annexure A, as defined in Government Gazette Notice No. 187, Regulation 11.

10.3 Request Procedures

- Access to records with Personal Information is subject to the procedural requirements contained in PAIA.
- A Requester must complete the prescribed form enclosed as Annexure 1, and payment of the required fee (if applicable) must be made.
- The completed and signed Annexure 1 form together with proof of payment must either be posted, submitted by hand or emailed to the Information Officer at the email address stated in section 4.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.
- If a request is made on behalf of another person, the Requester must submit proof of the capacity in which the Requester is making the request on behalf of the other person to the satisfaction of the Information Officer.
- All required information must be provided on the Annexure 1 form and the information must be true, complete and correct with enough particularity to enable the Information Officer to identify:
 - the Requester's identity;
 - contact details of the Requester;
 - the requested record(s); and
 - the form of access required by the Requester.
- A Requester may only request access to a record in order to exercise or protect a right and must clearly state what the nature of the right is to be exercised or protected. The requester is further required to provide an explanation of why the requested record is required for the exercise or protection of that right.
- Constellation will process a request to access a record within 30 (thirty) days of receipt of the completed Annexure 1 form together with proof of payment, if applicable.
- Constellation shall inform the Requester in writing whether access has been granted or denied together with reasons for the decision.
- If the Requester requires access to the records in another manner, the Requester must state the manner and the particulars so required.

10.4 Grounds for Refusal

PAIA provides several grounds on which a request for access to information must be refused, and a complete list of the grounds for refusal is available in Part 3, Chapter 4 of the Promotion of Access to Information Act (PAIA).

10.4.1 These grounds mainly concern instances that may include where:

- The privacy and interests of other individuals are protected;
- Such records are already otherwise publicly available;
- Public interests are not served;
- The mandatory protection of commercial information of a third party; and
- The mandatory protection of certain confidential information of a third party.

11. Availability of the Manual

11.1 A copy of the Manual is available-

11.1.1 on <https://www.constellationsa.co.za>

11.1.2 at the head office of Constellation for public inspection during normal business hours;

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

11.1.4 to the Information Regulator upon request.

11.2 A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per A4-size photocopy.

12. Updating of the Manual

12.1 The head of Constellation will, on a regular basis, update this Manual.

Annexure 1 - Personal Information Request Form



PERSONAL INFORMATION REQUEST FORM

Note:

1. Affidavits and/or other documentary evidence in support of the request must be attached.
2. If the space provided in this Form is inadequate, submit information as an Annexure to this form and sign each page.
3. Please submit completed forms and any other affidavits and/or other documents to the Information Officer: info@constellationsa.co.za
4. Please be aware that we may require you to provide proof of identification prior to processing your request.
5. Please note that there may also be a reasonable charge for providing copies of the information requested.

Please submit the completed form to the Information Officer:

Name and Surname	
Contact Number	
Email Address	

A. PARTICULARS OF DATA SUBJECT

Name and Surname			
Identity Number			
Postal Address		Postal code	
Contact Number			
Email Address			

B. REQUEST	
I request Constellation :	
Inform me whether it holds any of my personal information	☐
Correct or update my personal information	☐
Provide me with a record or description of my personal information	☐
Destroy or delete a record of my personal information in accordance with the Protection of Personal Information Act.	☐
C. INSTRUCTIONS	
D. NOTICE OF APPROVAL / REJECTION OF REQUEST	
Please note: You will be notified via email and/or post whether your request has been approved or denied. If you wish to be informed in another manner, please specify the manner and provide the necessary details:	
E. DECLARATION	
Signature: _____	
Date: _____	

V2.

Annexure 2- Charge Sheet for Access to Information



A. REQUESTER'S DETAILS		
Name and Surname:		
Address:		
Ref Number:		
B. PREPARED BY		
Name and Surname:		
Date:		
Signature:		
Approved (Manager):		
C. ACCESS FEES FOR REPRODUCTION	PRICE	BILLED
1.1 For every photocopy of an A4-size page or part thereof.	R2.00	
1.2 For every printed A4-size black and white copy or part thereof.	R2.00	
1.3 For a copy in a computer-readable form on memory stick (provided by requester).	R40.00	
1.4 For a copy in a computer-readable form on compact disc- I. If provided by requester. II. If provided to the requester.	R40.00 R60.00	
1.5 For a copy of an audio record.	R24.00	
1.6 Request fee payable by every requester.	R140.00	
1.7 Transcription of an audio record, per A4-size page.	R24.00	
TOTAL		
D. ACCESS FEE FOR TIME SPENT	PRICE	BILLED
2. 1 The time reasonably required to search for the record for disclosure and preparation. To not exceed a total cost of R435.00	R145.00/hr or part thereof	
TOTAL		
E. POSTAL FEE	PRICE	BILLED
3.1 Postage, e-mail or any other electronic transfer	Actual expense	
TOTAL		
		R

Annexure 3- Complaints Regarding the Interference with the Protection of Personal Information

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Please submit completed forms and any other Affidavits and or other documents to the information officer: info@constellationsa.co.za

Mark the appropriate box with an "x"	
	Alleged interference with the protection of personal information
	Determinator of an adjudicator
ART I	ALLEGED INTERFERENCE WITH THE PROTECTION OF THE PERSONAL INFORMATION (Section 74(1) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013))
A	PARTICULARS OF COMPLAINANT
Surname of complainant:	
Full names of complainant:	
Identity number of complainant:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
B	PARTICULARS OF BODY/RESPONSIBLE PARTY INTERFERING WITH PERSONAL INFORMATION
Full names and surname of person interfering with personal information (if the person is a natural person)	
Name of public or private body (if not a natural person):	
Residential address (if applicable,;: postal address or business address:	
	(Code)
Contact number(s):	
Fax number:	
E-mail address:	

C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the complaint)</i>
PART II	GRIEVANCE REGARDING DETERMINATION OF ADJUDICATOR <i>(Section 74(2) of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013))</i>
A	PARTICULARS OF COMPLAINANT
Surname of complainant:	
Full names of complainant:	
Identity number of complainant:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
B	PARTICULARS OF ADJUDICATOR
Full names and surname of adjudicator	
Name and surname of responsible party <i>(if it is a public or private body)</i> :	
Name of responsible party <i>(if it is a public or private body)</i> :	
Residential, postal or business address:	
	(Code.....)
Contact number(s):	
E-mail address:	

C	REASONS FOR COMPLAINT <i>(Please provide detailed reasons for the grievance)</i>

Signed at this day of 20.....

.....
Signature of complainant/person aggrieved