



Association of Certified Fraud Examiners

South Africa Chapter

ACFE SA

THE PROMOTION OF ACCESS TO INFORMATION MANUAL

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1. *Preamble*

The Promotion of Access to Information Act, 2000 ("**PAIA**") came into operation on 9 March 2001. PAIA seeks to give natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

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

This Manual constitutes the ACFE SA PAIA manual. This Manual is compiled in accordance with section 51 of Promotion of Access to Information Act, 2000 ("**PAIA**") as amended by the Protection of Personal Information Act, 2013 ("**POPIA**").

2. *About the ACFE SA*

The Association of Certified Fraud Examiners South African Chapter (ACFE SA) is an official national Chapter of the ACFE International, and is a recognised professional body for fraud examination practitioners in South Africa. ACFE SA is registered by the South African Qualifications Authority (SAQA), in terms of the National Qualifications Framework Act, Act 67 of 2008, which officially affords professional status to everybody with the CFE qualification, and recognises the ACFE SA as constituted to represent and regulate anti-fraud professionals who are members of ACFE SA.

3. *Contact details*

Name of Private Body:	ASSOCIATION OF CERTIFIED FRAUD EXAMINERS NPO T/A ACFE SA (Registration Number: 1999/014890/08)
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Information Officer:	Adv. Minette Niemann
Email address of Information Officer:	minette@acfesa.co.za
Postal address:	Block A, De Goedehoop Close Office Park, 121 Sovereign Drive, Route 21 Corporate Park, Irene, 0157
Street address:	Block A, De Goedehoop Close Office Park, 121 Sovereign Drive, Route 21 Corporate Park, Irene, 0157
Phone number:	012 346 1913

4. *Information Regulators Guide*

An Official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the Guide should be directed to:

Postal Address: **33 Hoofd Street**
Forum III, 3rd Floor Braampark
Braamfontein, Johannesburg

E-mail Address: **inforeg@justice.gov.za**

Website: **<https://www.justice.gov.za/inforeg/>**

5. *Objectives of this Manual*

The objectives of this Manual are:

- to provide a list of all records held by the legal entity;

- to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by POPIA.

6. *Entry point for requests*

PAIA provides that a person may only request information if the information is required for the exercise or protection of a legitimate right.

Information will therefore not be furnished unless a person provides sufficient particulars to enable the ACFE SA to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should the information be requested after the commencement of such proceedings.

The Information Officer has been delegated with the task of receiving and coordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

The Information Officer will facilitate the liaison with the internal legal team on all of these requests.

All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details in paragraph 3 above.

7. *Automatically available information*

Information that is obtainable via the ACFE SA's website about the ACFE SA is automatically

available and need not be formally requested in terms of this Manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- brochures
- press releases; and
- publications.

8. *Information available in terms of POPIA*

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by the ACFE SA will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to the ACFE SA's privacy policy which can be found on the ACFE SA's website for further information.

8.1. Categories of personal information collected by the ACFE SA

The ACFE SA collects the following categories of personal information:

- contact details;
- company information;
- date of birth;
- education;
- employment history;
- gender;
- identity number and passport numbers;
- language;
- medical Information
- names;
- nationality;

- physical and postal addresses; and
- other designation information.

8.2. The purpose of processing personal information

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.

8.3. A description of the categories of data subjects and the information or categories of information relating thereto

The ACFE SA holds information and records on the following categories of data subjects:

- personnel of the ACFE SA;
- members of the ACFE SA;
- MoU partners of the ACFE SA
- sponsors of the ACFE SA;
- suppliers of the ACFE SA; and
- service providers of the ACFE SA.

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

Depending on the nature of the personal information, the ACFE SA may supply information or records to the following categories of recipients:

- statutory oversight bodies, regulators or judicial commissions of enquiry requesting data;
- any court, administrative or judicial forum, arbitration making a request for data or discovery in terms of the applicable rules (i.e. South African Revenue Services, or another similar authority and anyone making a successful application for access in terms of PAIA; and

- any person who conducts business with the ACFE SA, in the ordinary course of business.

8.5. Planned transborder flows of personal information

The ACFE SA may need to transfer a data subject's information to service providers in countries outside South Africa, in which case the ACFE SA will fully comply with applicable data privacy and protection legislation. This may happen if the ACFE SA's servers or suppliers and service providers are based outside South Africa, or if the ACFE SA's services are hosted in systems or servers outside South Africa and/or if a data subject uses the ACFE SA's services while visiting countries outside this area. These countries may not have data protection laws which are similar to those of South Africa.

8.6. A general description of information security measures to be implemented by the ACFE SA

The ACFE SA takes appropriate technical and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

9. *Information available in terms of other legislation*

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- *Basic Conditions of Employment Act 75 of 1997*
- *Companies Act 61 of 1973*
- *Compensation for Occupational Injuries and Health Diseases Act 130 of 1993*
- *Employment Equity Act 55 of 1998*
- *Electronic Communications and Transactions Act 25 of 2002*
- *Income Tax Act 58 of 1962*
- *Labour Relations Act 66 of 1995*

- *Non-Profit Organisations Act 71 of 1997*
- *Non-Profit Organisations Amendment Act of 2000*
- *Occupational Health & Safety Act 85 of 1993*
- *Skills Development Act 97 of 1998* *Skills Development Levies Act 9 of 1999*
- *Unemployment Contributions Act 4 of 2002*
- *Unemployment Insurance Act 30 of 1966*
- *Value Added Tax Act 89 of 1991*

10. *Categories of records available upon request*

The ACFE SA maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All access requests will be evaluated on a case by case basis in accordance with the provisions of PAIA.

Please note further that many of the records held by the ACFE SA are those of third parties, such as employees, members and sponsors, and the ACFE SA takes the protection of third party confidential information very seriously. For further information on the grounds of refusal of access to a record please see paragraph 11.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

CATEGORY OF RECORDS	RECORDS
<p>Internal records</p> <p>The records listed pertain to the ACFE SA’s own affairs</p>	<ul style="list-style-type: none"> • Certificate of incorporation and memorandum of incorporation; • Financial records • Operational records • Intellectual property • Fundraising records; • Internal correspondence; • Service records; • Statutory records; • Internal policies and procedures; • Minutes of meetings; • Charters, codes of conduct and policies (both internal and external) to which the ACFE SA and its personnel and members subscribe; and • Records held by officials of the ACFE SA.
<p>Personnel records</p> <p>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of the ACFE SA and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the ACFE SA. This includes directors, all permanent, temporary and part-time staff as well as</p>	<ul style="list-style-type: none"> • Any personal records provided to us by our personnel; • Any records a third party has provided to us about any of their personnel; • Conditions of employment and other personnel-related contractual and quasi legal records; • Employment policies and procedures; • Internal evaluation and disciplinary

consultants and contract workers.	<p>records; and</p> <ul style="list-style-type: none"> • Other internal records and correspondence.
Member-related records	<ul style="list-style-type: none"> • Any member records provided to us by our members; • Any member records provided to us by ACFE International; • Any records corporate members provided to us about any of their personnel;
MoU Partner-related records	<ul style="list-style-type: none"> • Records, reports, designs and the like generated for MoU Partners; and • Records generated pertaining to MoU Partners, including transactional records
Sponsor-related records	<ul style="list-style-type: none"> • Fundraising agreements with sponsors; • Records, reports, designs and the like generated for sponsors; and • Records generated pertaining to the sponsor, including transactional records
Other records	<ul style="list-style-type: none"> • Procurement and administration for the ACFE SA; and • Research information belonging to the ACFE SA; ACFE International or carried out on behalf of a third party.

11. Request procedure

If you are satisfied that you are entitled to request access to certain information under PAIA, the request procedure outlined below must be followed.

11.1. Completion of the prescribed form

Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to Government Notice No. R.187 dated 15 February 2002 and should be specific in terms of the record requested.

The prescribed form is attached to this Manual for ease of reference in Annexure A.

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

11.2. 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.

11.3. Payment of the prescribed fees

There are two categories of fees which are payable:

- **The request fee:** R50
- **The access fee:** This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Annexure B.

Section 54 of PAIA entitles the ACFE SA 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.

11.4. 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.

11.5. 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; 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 the ACFE SA.

Section 70 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 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.

12. *Remedies available to a Requester on refusal of access*

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

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the 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.

13. *Availability of this Manual*

Copies of this Manual are available for inspection, free of charge, at the offices of the ACFE SA and www.acfesa.co.za.

ANNEXURE A

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

A. PARTICULARS OF THE ACFE SA'S INFORMATION OFFICER

Requests can be submitted either via post or e-mail and should be addressed to the Information Officer as indicated below:

Information Officer	Adv. Minette Niemann
Street Address	Block A, De Goedehoop Close Office Park, 121 Sovereign Drive, Route 21 Corporate Park, Irene, 0157
Postal Address	Block A, De Goedehoop Close Office Park, 121 Sovereign Drive, Route 21 Corporate Park, Irene, 0157
Telephone	087 004 0000
Email	minette@acfesa.co.za
Website	www.acfesa.co.za

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- a) *The particulars of the person who requests access to the record must be given below.*
- b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- c) *Proof of capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

**Identity number: Postal address: Fax
number:**

Telephone number:

E-mail address:

Capacity in which the request is made, when made on behalf of another person:

C. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD (IF A LEGAL ENTITY)

- a) *The particulars of the entity who requests access to the record must be given below.*
- b) *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- c) *Proof of capacity in which the request is made, if applicable, must be attached.*

Name of entity: Registration number:

Postal address:

Fax number:

Telephone number:

E-mail address:

D. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must ONLY be completed if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

E. PARTICULARS OF RECORD

- a) *Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested.*
- b) *If the space provided is inadequate, please use a separate folio and attach it to this form. Please sign any additional folios.*

Description of record or relevant part of the record:

Reference number (if available):

Any further particulars of record:

F. FEES

- a) *A request for access to a record will be processed only after a request fee has been paid.*
- b) *You will be notified of the amount to be paid as the request fee.*
- 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.*

G. FORM OF ACCESS TO RECORD

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		transcription of the images*
		copy of the images"	
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		copy in computer readable form* (stiffy or compact disc)
		printed copy of information derived from the record"	
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES NO

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.

In which language would you prefer the record?

In the event of a disability

If you are prevented by a disability from reading, viewing or listening to the record, state your disability and indicate in the form in which the record is required:

Disability

Form in which record is required

<hr/>	<hr/>
<hr/>	<hr/>

H. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all folios

1. Indicate the right to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

I. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing 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 particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... on this day of..... 20....

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

PRINT NAME:

YOU MUST

SEND WITH THIS APPLICATION

- 1 Complete all necessary spaces
- 2 Sign the access request form Sign
- 3 Sign additional folios completed

- 1 The request fee
- 2 Any additional folios completed
- 3 Copy of Identity Document

ANNEXURE B

FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION		RAND
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	1,10
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c)	For a copy in a computer-readable form on -	
(i)	stiffy disc	7,50
(ii)	compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)	For a copy of an audio record	30,00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
4	The access fees payable by a requester referred to in regulation 11(3) are as follows:	
4.1(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c)	For a copy in a computer-readable form on -	
(i)	stiffy disc	7,50

(ii)	compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)	For a copy of an audio record	30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
4.2	For purposes of section 54(2) of the Act, the following applies:	
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	one third of the access fee is payable as a deposit by the requester.	
4.3	The actual postage is payable when a copy of a record must be posted to a requester.	