

## **MIRFIN VALUATION SERVICES (PTY) LTD PROMOTION OF ACCESS TO INFORMATION MANUAL**

### **Background**

Mirfin Valuation Services (Pty) Ltd Promotion of Access to Information Manual ("Manual") is published in terms of Section 51 of the Promotion of Access to Information Act, Act No. 2 of 2000 ("PAIA") and Sections 23 and 24 of the Protection of Personal Information Act, Act No. 4 of 2014 ("POPI").

PAIA came into operation on 23 November 2001. Section 51(1) of PAIA requires that Mirfin Valuation Services (Pty) Ltd, as a private body, compiles a manual giving information to the public regarding the subjects and categories of records in its possession and the procedure to be followed by any member of the public in requesting information from it for the purpose of exercising or protecting his or her constitutional right of access to any information that is held by another person and that is required for the exercise or protection of rights of the member of the public.

POPI came into operation on 1 July 2021. Sections 23 and 24 of POPI requires that Mirfin Valuation Services (Pty) Ltd, as a responsible party who processes personal information, notify the person or entities to whom the collected personal information relates, of the way they can access their personal information held by Mirfin Valuation Services (Pty) Ltd and request a correction, reduction or deletion thereof.

### **Introduction**

Mirfin Valuation Services (Pty) Ltd is a private limited company, registered in accordance with the laws of the Republic of South Africa with registration number 2012/117580/07. Mirfin Valuation Services (Pty) Ltd is a countrywide provider of property, building and content valuations for replacement cost and market value and offers other valuation and risk assessment services. Mirfin Valuation Services (Pty) Ltd, as a private body, has compiled this Manual in compliance with the provisions of both PAIA and POPI, and as a means to foster a culture of transparency and accountability and to ensure that members of the public have effective access to information in Mirfin Valuation Services (Pty) Ltd's possession which will assist them in the exercise and protection of their rights.

### **South African Human Rights Commission – Guide on the Act**

In terms of Section 10 of PAIA, the South African Human Rights Commission has compiled a guide on the use of PAIA. It is available from the South African Human Rights Commission on their website, [www.sahrc.org.za](http://www.sahrc.org.za). Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, Braampark Forum III, 33 Hoofd Street, Braamfontein, Johannesburg, Gauteng, 2041. Telephone (011) 877 3600, Fax (011) 403 0625, email [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za).

### **Availability of Manual and Content of Requests**

This Manual will enable you to view the categories of information in the possession of Mirfin Valuation Services (Pty) Ltd and to follow the correct procedure when requiring access to any of the information in Mirfin Valuation Services (Pty) Ltd's possession. All requests for access to information should be addressed to the contact person referred to below.

This Manual will be available for inspection at the offices of Mirfin Valuation Services (Pty) Ltd or via its website, [www.mirfin.co.za](http://www.mirfin.co.za), and at the South African Human Rights Commission. Copies can be obtained at the prescribed fee at the offices of Mirfin Valuation Services (Pty) Ltd.

Requests for access to records must be made on the request form, the prescribed Form C, which is annexed hereto as Annexure A, and can also be downloaded from the South African Human Rights Commission website, [www.sahrc.org.za](http://www.sahrc.org.za). All requests will only be processed once payment of the prescribed fee has been made.

The requester must provide sufficient detail on the request form to enable Mirfin Valuation Services (Pty) Ltd to identify the record and the requester. The requester should also indicate which form of access is required and indicate whether he or she in addition wishes to be informed in any manner other than in writing of the decision on his or her request and state the necessary particulars to be so informed, in addition to a postal address and/or fax number in the Republic of South Africa.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a third party, the requester must then submit proof of the capacity in which the requester is making the request, to the satisfaction of Mirfin Valuation Services (Pty) Ltd.

Kindly note that all requests to Mirfin Valuation Services (Pty) Ltd will be evaluated and considered in accordance with PAIA and POPI. Publication of this Manual and the description of the categories and subject matter of the information held by Mirfin Valuation Services (Pty) Ltd does not give rise to any rights to access such information or records except in terms of PAIA and POPI.

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

#### Contact Details:

All requests for access to records relating to Mirfin Valuation Services (Pty) Ltd should be addressed to:

Name of body:	Mirfin Valuation Services (Pty) Ltd
Head of the body or designated Information Officer:	Constant Björn Laubscher
Physical address:	60 Carol Ave., Lynnwood Manor 0081, Pretoria 0081
Postal address:	Suite 276, Private Bag X025, Lynnwood Ridge, 0040
Telephone number:	+27 10 595 3883
Email address:	bjorn@mirfin.co.za
Website:	www.mirfin.co.za

#### Information available in terms of the Act

Mirfin Valuation Services (Pty) Ltd holds the following categories of information:

##### **Customer Records**

- Orders and Quotations
- Records provided by customers
- Records provided by a customer to a third party acting for or on behalf of Mirfin Valuation Services (Pty) Ltd
- Records provided by third parties
- Records generated by or within Mirfin Valuation Services (Pty) Ltd

##### **Employment Records**

- Personal records provided by employees
- Records provided by individuals and other employees
- Employment contracts and conditions of employment
- Disciplinary and performance appraisal records
- Correspondence relating to personnel
- Training material
- Leave requests
- Leave and sick days records
- Personnel files

##### **General Records**

- Newsletters
- Insurance records
- Customer, Supplier and Document Databases
- Marketing Records
- Website Information
- Internal Correspondence
- External Correspondence
- Commercial Agreements
- Company documents, minutes of meetings and resolutions

##### **Financial Records**

- Financial and Accounting Records (source documents, working papers and financial statements and reports)
- Tax compliance documents
- Asset register

##### **Product-Related Records**

- Terms and Conditions
- Privacy Policy
- Statutory Compliance documents
- Supplier Contracts and Correspondence

All information requested will only be made available subject to the provisions of PAIA, in particular Sections 62 to 69 of PAIA.

#### Information available in terms of other Legislation

- Where applicable to its operations, information is also available in terms of certain provisions of the following statutes:
- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Companies Act 61 of 1973
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Council for the Built Environment Act 43 of 2000
- Credit Agreements Act 75 of 1980
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Marketing Act 59 of 1968
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Property Valuers Act 47 of 2000
- Short-term Insurance Act 53 of 1998
- Skills Development Act, No 97 of 1998
- Trade Marks Act 194 of 1993
- Value-added Tax Act 89 of 1991
- Unemployment Insurance Act 63 of 2001

#### Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee (this does not mean that the requester will be granted access to such record, which request will be evaluated by Mirfin Valuation Services (Pty) Ltd as per the requirements under PAIA). Every other requester must pay the required request fee of R50.00. The fee structure can be obtained on the website of the South African Human Rights Commission (SAHRC) at [www.sahrc.org.za](http://www.sahrc.org.za).

If the request is granted, the requester must pay a further access fee for the search, reproduction, and preparation of the record, as well as for any time that has exceeded the prescribed hours to search and prepare the record requested to be accessed. Information on the structure of access fees is available at [www.sahrc.org.za](http://www.sahrc.org.za), or in the Government Notice Number R187 of 15 February 2002, which is available at [www.doj.gov.za](http://www.doj.gov.za).

#### Protection of the personal information processed by Mirfin Valuation Services (Pty) Ltd

The minimum conditions for lawful processing of personal information by a responsible party is set out in Chapter 3 of POPI. These conditions may not be derogated from unless the specific exclusions apply as set out in POPI. The way Mirfin Valuation Services (Pty) Ltd processes personal information and the purpose for which it is processed is determined by Mirfin Valuation Services (Pty) Ltd. Mirfin Valuation Services (Pty) Ltd is accordingly a Responsible Party for the purposes of POPI and will ensure that the personal information of a data subject:

- is processed lawfully, fairly and transparently;
- is processed only for the purposes for which it was collected;
- will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- is adequate, relevant and not excessive for the purposes for which it was collected;
- is accurate and kept up to date;
- will not be kept for longer than necessary;
- is processed in accordance with integrity and confidentiality principles;
- is processed in accordance with the rights of data subjects. Data subjects have the right to:
  - be notified that their personal information is being collected by Mirfin Valuation Services (Pty) Ltd. The data subject also has the right to be notified in the event of a data breach;
  - know whether Mirfin Valuation Services (Pty) Ltd holds personal information about them;
  - request the correction or deletion of personal information held by Mirfin Valuation Services (Pty) Ltd;
  - object to Mirfin Valuation Services (Pty) Ltd 's use of their personal information and request the deletion of such personal information (subject to Mirfin Valuation Services (Pty) Ltd 's record keeping requirements);
  - object to the processing of personal information for purposes of direct marketing by means of unsolicited electronic communications; and
  - complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPI and to institute civil proceedings regarding the alleged non- compliance with the protection of his, her or its personal information.

#### Purpose of the processing of personal information

The purposes for which Mirfin Valuation Services (Pty) Ltd processes or will process personal information is set out in Part 1 of Annexure B.

#### Categories of data subjects and personal information relating thereto

Part 2 of Annexure B sets out the various categories of data subjects that Mirfin Valuation Services (Pty) Ltd processes personal information on and the types of personal information relating thereto.

#### Recipients of Personal information

Part 3 of Annexure B sets out the recipients to whom Mirfin Valuation Services (Pty) Ltd may provide a data subjects' personal information to.

#### Cross-border flows of Personal information

Section 72 of POPI sets out the conditions on which personal information may be transferred out of the Republic of South Africa. Part 4 of Annexure B sets out the planned cross-border transfers of personal information and the condition that applies thereto.

#### Information security measures

The types of security measures implemented by Mirfin Valuation Services (Pty) Ltd to ensure that personal information is respected and protected is set out in Part 5 of Annexure B.

#### Objection to the processing of personal information by a data subject

In accordance with Section 11 (3) of POPI and regulation 2 of the POPI Regulations, an objection to the processing of personal information must be made on the prescribed form, which is annexed hereto as Annexure C.

#### Request for correction or deletion of personal information

In accordance with Section 24 of POPI and regulation 3 of the POPI Regulations, a request for personal information to be corrected/deleted must be made in the prescribed form, which is annexed hereto as Annexure D.

**ANNEXURE A**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(Section 53(1) of the Promotion of Access to Information Act No. 2 of 2000)  
[Regulation 10]**

**A. Particulars of private body**

The Head: \_\_\_\_\_

**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 the capacity in which the request is made, if applicable, must be attached.

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

Fax number: \_\_\_\_\_

E-mail address: \_\_\_\_\_ Telephone number: \_\_\_\_\_

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

**C. Particulars of person on whose behalf request is made**

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

Full names and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

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

1. Description of record or relevant part of the record: \_\_\_\_\_
2. Reference number, if available: \_\_\_\_\_
3. Any further particulars of record: \_\_\_\_\_

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required 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.

Reason for exemption from payment of fees: \_\_\_\_\_

**F. 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: (tick the appropriate box)

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:
 

<input type="checkbox"/> copy of record	<input type="checkbox"/> inspection of record
---	---
  
2. If record consists of visual images  
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)
 

<input type="checkbox"/> view images	<input type="checkbox"/> copy of images	<input type="checkbox"/> transcription of images
--------------------------------------	---	--
  
3. If record consists of recorded words or information which can be reproduced in sound:
 

<input type="checkbox"/> listen to soundtrack	<input type="checkbox"/> audio CD
<input type="checkbox"/> transcription of soundtrack	<input type="checkbox"/> written or printed document
  
4. If record is held on computer or in an electronic or machine-readable form: printed
 

<input type="checkbox"/> copy of record	<input type="checkbox"/> printed copy of information
<input type="checkbox"/> derived from the record	<input type="checkbox"/> copy in computer readable form (compact disc)
  
5. Do you wish the requested copy or transcription of a record to be posted to you? (Postage is payable.) yes
 

<input type="checkbox"/> (postage payable)	<input type="checkbox"/> no
--	-----------------------------

**G. Particulars of right to be exercised or protected**

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

1. Indicate which right is to be exercised or protected: \_\_\_\_\_
  
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:  
\_\_\_\_\_

**H. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved/ 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 \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

## ANNEXURE B

### Part 1: Processing of personal information in accordance with POPI

#### For customers and clients:

- Performing duties in terms of any agreement with customers and clients
- Rendering requested services to customers and clients
- Communicating (including direct marketing) with customers and clients by email, SMS, letter, telephone or in any other way
- Conducting site surveys.

#### For employees:

- Verification of applicant employees' information during recruitment process
- Management of employment relationship
- General matters relating to employees such as payroll, disciplinary action and training

#### For contractors and sub-contractors:

- Verification of sub-contractor's information during appointment process
- Management of working relationship
- General matters relating to appointment such as disciplinary action and training.

#### For vendors /suppliers:

- Managing the working relationship
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties
- Payment of invoices

### Part 2: Categories of data subjects and categories of personal information relating thereto

#### For customers and clients:

- Name and contact details
- Job title/function
- Banking and financial information
- Company details
- Property details

#### Employees

- Name and contact details
- Identity number and identity documents including passports
- Employment history and references
- Banking and financial details
- Details of payments to third parties (deductions from salary)
- Employment contracts
- Employment equity plans
- Remuneration/salary records
- Performance appraisals
- Disciplinary records
- Leave records
- Training records

#### Contractors and sub-contractors:

- Name and contact details
- Identity number and identity documents including passports
- Employment history and references
- Banking and financial details
- Qualification certificates
- Professional certificates
- Service contracts
- Remuneration records
- Performance appraisals



- Disciplinary records
- Training records

**Vendors /suppliers /other businesses:**

- Name and contact details
- Banking and financial details
- Service contracts

**Part 3: Recipients of personal information**

- Employees, contractors and temporary staff of Mirfin Valuation Services (Pty) Ltd
- Any firm, organisation or person that/who provides Mirfin Valuation Services (Pty) Ltd with products or services
- Any payment system Mirfin Valuation Services (Pty) Ltd uses
- Any regulatory or governmental authorities Mirfin Valuation Services (Pty) Ltd has a duty to share information to

**Part 4: Cross border transfers of personal information**

Personal information may be transferred to, and stored at, a destination outside the Republic of South Africa, which may not have adequate data protection laws. Mirfin Valuation Services (Pty) Ltd will take all steps reasonably necessary to ensure that the personal information is treated securely and in accordance with Mirfin Valuation Services (Pty) Ltd.'s Privacy Policy.

**Part 5: Description of information security measures**

Mirfin Valuation Services (Pty) Ltd have adopted the following data protection measures to ensure the protection of all personal information. Mirfin Valuation Services (Pty) Ltd may adapt these data protection measures as needed.

**Physical access to personal information**

Mirfin Valuation Services (Pty) Ltd have implemented suitable measures to prevent unauthorized persons from gaining access to the personal information processing equipment where the personal information is processed as well as where the physical records are kept.

**Electronical access to personal information**

Mirfin Valuation Services (Pty) represents that the persons entitled to use Mirfin Valuation Services (Pty)'s data processing system are only able to access the personal information within the scope and to the extent covered by their respective access permissions.

Mirfin Valuation Services have implemented suitable information technology security measures to prevent its data processing systems from being accessed, copied, edited or used by unauthorised persons.

**Transport control**

Mirfin Valuation Services (Pty) Ltd shall implement suitable measures to prevent personal information from being read, copied, altered or deleted by unauthorized persons during the transmission thereof.

**ANNEXURE C**

**OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may 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. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
Signature of data subject/designated person

**ANNEXURE D**

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018  
[Regulation 3]**

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may 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. *Complete as is applicable.*

Mark the appropriate box with an "x".

**Request for:**

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information

<b>A</b>	<b>Details of Data Subject</b>
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	
<b>B</b>	<b>DETAILS OF RESPONSIBLE PARTY</b>
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / E-mail address:	

---

<b>C</b>	<b>Reasons for Objection in Terms of Section 11(1)(D) to (F)</b> <i>(Please Provide Detailed Reasons for The Objection)</i>
<b>D</b>	<b>Reasons for *Correction or Deletion of the Personal Information about the Data Subject in Terms of Section 24(1)(a) which is in Possession or Under the Control of the Responsible Party; and or</b> <b>Reasons for *Destruction or Deletion of a Record of Personal Information about the Data Subject in Terms of Section 24(1)(b) which the Responsible Party is no longer Authorised to Retain.</b> <i>(Please Provide Detailed Reasons for the Request)</i>