



FS SOUTH AFRICA HOTEL
MANAGEMENT COMPANY (PTY) LTD

PAIA MANUAL

Prepared in terms of section 51 of the
Promotion of Access to Information Act
No. 2 of 2000 (as amended).

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1. DEFINITIONS

The following expressions have the meanings assigned to them hereunder and cognate expressions bear corresponding meanings, namely -

- 1.1 “**INFORMATION OFFICER**” means the person referred to in paragraph 5.1;
- 1.2 “**PAIA**” shall mean the Promotion of Access to Information Act No. 2 of 2000 (as amended);
- 1.3 “**POPIA**” shall mean the Protection of Personal Information Act No.4 of 2013;
- 1.4 “**REGULATOR**” shall mean the Information Regulator of the **REPUBLIC**; and
- 1.5 “**REPUBLIC**” shall mean the **REPUBLIC OF SOUTH AFRICA**.

2. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- 2.1 **PAIA** was enacted on 3 February 2000 and aims to:
 - 2.1.1 Foster and maintain a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, as contained in Section 32 of the Constitution of the **REPUBLIC**; and
 - 2.1.2 Actively promote a society in which the people of South Africa have effective access to information, in order to cultivate the full exercise and protection of their rights.
- 2.2 Pursuant to Section 51 of **PAIA**, all private bodies are required to compile a manual.
- 2.3 Reference to, and inclusion of, any information herein, in addition to the information which is specifically required in terms of Section 51 of **PAIA**, does not have the effect of creating any rights or entitlements to receive such information, unless it is so prescribed in terms of **PAIA**.
- 2.4 **PAIA** gives any person who seeks access to a record of a private or public body (hereinafter referred to as a “**REQUESTER**”), a right to lodge a request for access to the information officer of a public or private body.
- 2.5 **PAIA** provides that requests for access to a company’s prescribed information may be made to the company, and that the company is obliged to make such

information available, subject to applicable legislative and/or regulatory requirements, unless such information is prohibited from release, in terms of **PAIA**.

3. **PURPOSE OF THE MANUAL**

This **PAIA** Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal **PAIA** request;
- 3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer who will assist the public with the records they intend to access;
- 3.5 know the description of the guide on how to use **PAIA**, as updated by the **REGULATOR** and how to obtain access to it;
- 3.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know if the body has planned to transfer or process personal information outside the **REPUBLIC** and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 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. FOUR SEASONS INTRODUCTION

4.1 FS South Africa Hotel Management Company (Pty) Ltd with registration number 2013/045971/07 (hereinafter referred to as the “**FOUR SEASONS**”) is a private company duly incorporated and registered in South Africa in accordance with the provisions of the Companies Act 71 of 2008, as amended, with its registered office at 3rd Floor, 200 on Main, Cnr Bowwood and Main Roads, Claremont, Western Cape 7708.

4.2 The **FOUR SEASONS** is a luxury 5-star hotel, that includes a restaurant, fitness centre and spa and is an exemplary icon in Johannesburg offering a unique experience for leisure and business travellers alike.

4.3 This manual of the **FOUR SEASONS** is available for viewing at its premises situated at 67 Jan Smuts Avenue, Westcliff, Johannesburg, 2193, as well as on the websites related to the **FOUR SEASONS**, which may be accessed at: -

4.3.1 <https://www.fourseasons.com/johannesburg/>

4.3.2 <https://www.flamesrestaurant.co.za/>

4.3.3 <https://www.artonthehill.co.za/>

4.3.4 <https://westclifflife.co.za/>; and

4.3.5 <http://www.fourseasonsspa.co.za/>

5. KEY CONTACT DETAILS (SECTION 51(1)(a))

5.1 Information Officer

Name: Mr. Martin Cody

Tel: +27 11 481 6161

Email: martin.cody@fourseasons.com

5.2 National or Head Office

Postal Address: PO Box 2700, Saxonwold, Gauteng, 2132.

Registered Address: 3rd Floor, 200 On Main, Cnr Bowwood and Main Roads, Claremont, Western Cape, 7708

Physical Address: 67 Jan Smuts Ave, Westcliff, Johannesburg, 2132.

Telephone: +27 11 481 6000

- 5.3 Websites: <https://fourseasons.com/johannesburg>;
<https://www.flamesrestaurant.co.za/>;
<https://www.artonthehill.co.za/>
<https://westclifflife.co.za/>; and
<http://www.fourseasonsspa.co.za/>

6. THE GUIDE REFERRED TO IN SECTION 10 OF THE ACT (SECTION 51(1)(b)(i))

- 6.1 The **REGULATOR** has, in terms of section 10(1) of **PAIA**, updated the Guide on how to use **PAIA** ("**Guide**"), that was originally compiled by the South African Human Rights Commission. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in **PAIA** and **POPIA**.
- 6.2 The Guide is available in each of the official languages and in braille.
- 6.3 Members of the public may access the Guide:
- 6.3.1 from the website of the **REGULATOR** (<https://www.justice.gov.za/inforeg/>);
- 6.3.2 from the offices of the **REGULATOR**, during normal business hours; and/or
- 6.3.3 from the **INFORMATION OFFICER** (in English and Afrikaans, only) during normal business hours.

7. NOTICE REGARDING CATEGORIES OF RECORDS AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS (SECTION 51(1)(b)(ii))

- 7.1 At this stage, no notice has been published on the categories of records that are automatically available, without a person having to request access in terms of **PAIA**.
- 7.2 However, records and information published on websites related to **FOUR SEASONS** are automatically available.

8. INFORMATION/DOCUMENTATION HELD IN ACCORDANCE WITH OTHER LEGISLATION (SECTION 51(1)(b)(iii))

8.1 **FOUR SEASONS** holds records and information in accordance with legislation applicable to it, which includes but is not limited to the following:

- 8.1.1 Basic Conditions of Employment Act, 1997;
- 8.1.2 Broad-based Black Economic Empowerment Act, 2003;
- 8.1.3 Companies Act, 2008;
- 8.1.4 Compensation of Occupational Injuries and Diseases Act, 1993;
- 8.1.5 Consumer Protection Act, 1978;
- 8.1.6 Copyright Act, 1978;
- 8.1.7 Electronic Communications and Transactions Act, 2002;
- 8.1.8 Employment Equity Act, 1998;
- 8.1.9 Financial Intelligence Centre Act, 2001;
- 8.1.10 Immigration Act, 2002;
- 8.1.11 Income Tax Act, 1962;
- 8.1.12 Labour Relations Act, 1995;
- 8.1.13 Occupational Health and Safety Act, 1993;
- 8.1.14 Promotion of Access to Information Act, 2000;
- 8.1.15 Protection of Personal Information Act, 2013;
- 8.1.16 Pensions Funds Act, 1956;
- 8.1.17 Skills Development Act, 1998;
- 8.1.18 Tax Administration Act, 2011;

- 8.1.19 Trade Marks Act, 1993;
- 8.1.20 Unemployment Insurance Act, 2001; and
- 8.1.21 Value-Added Tax Act, 2001.

9. **PROCEDURE TO REQUEST RECORDS (SECTION 51(1)(B)(IV))**

- 9.1 Records held by **FOUR SEASONS** will be made available to a **REQUESTER** in accordance with the provisions of **PAIA**. Please note that certain grounds of refusal (as set out below) may apply.
- 9.2 A request for access to records held by **FOUR SEASONS** must be made by:
 - 9.2.1 completing the prescribed form, a copy of which is annexed hereto marked Appendix 1; and
 - 9.2.2 delivering, posting or submitting it to the **INFORMATION OFFICER** at the addresses referred to in paragraph 5.1.
- 9.3 **The prescribed request fee will be charged. No fee will be charged or payable if the request relates to records containing personal information of the REQUESTER.**
- 9.4 The request must contain sufficient details to enable **FOUR SEASONS** to identify:
 - 9.4.1 The record(s) requested;
 - 9.4.2 The **REQUESTER** (and if an agent is lodging the request, proof of capacity to the satisfaction of the **INFORMATION OFFICER**);
 - 9.4.3 The form of access which is required;
 - 9.4.4 The postal address, fax number, email address or other relevant information of the **REQUESTER** in the Republic of South Africa, and if the requester wishes to be informed of the decision in any specific manner (other than in writing) the manner and particulars thereof; and
 - 9.4.5 The right, which the **REQUESTER** is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

- 9.5 **FOUR SEASONS** may refuse, and in certain instances must refuse, access to records. These grounds include:
- 9.5.1 That access would have the effect of unreasonably disclosing **PERSONAL INFORMATION** about a third party who is a natural person;
- 9.5.2 The necessity of protecting commercial information of a third party;
- 9.5.3 The necessity of protecting certain confidential information of a third party;
- 9.5.4 The necessity of protecting the safety of individuals and protecting property;
and
- 9.5.5 That the record constitutes privileged information.
- 9.6 The **INFORMATION OFFICER** will notify the **REQUESTER** of the decision to grant access to the records or not, within 30 (Thirty) days from the date of receipt of the request, unless third parties are required to be notified or the 30 (Thirty) day period is extended as provided for in **PAIA**. **FOUR SEASONS** will notify the **REQUESTER** accordingly.
- 9.7 If the request is granted, the prescribed fees will be charged and once paid, actual access to the records will be granted.
- 9.8 If the request is refused, the **INFORMATION OFFICER** will notify the **REQUESTER** in writing and provide reasons for the refusal.
- 9.9 Records may be withheld until the fees have been paid.
- 9.10 The fee structure is available on the website of the **REGULATOR** at <https://www.justice.gov.za/infoereg/legal/20210827-gg45057gon757-PAIAregulations.pdf>, an excerpt of which is annexed hereto marked **Appendix 2**.

10. **SUBJECTS AND CATEGORIES OF RECORDS HELD (SECTION 51(1)(B)(IV))**

FOUR SEASONS holds the following records:

- 10.1 *Company Records:* Memorandum of Incorporation, share register, shareholders agreements, minutes of general meetings, lists of directors, special and ordinary resolutions.
- 10.2 *Property:* Asset registers, insurance records in respect of moveable and immovable property.

- 10.3 *Financial Records:* Accounting records, debtors' records, creditors records, insurance reports, Auditors reports, invoices, billing information, reconciliations, credit/debit notes, journals, annual financial statements, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs and cash flow statements, interim and annual financial statements.
- 10.4 *Publications:* Updates, newsletters, company information, product information and other publications prepared by **FOUR SEASONS**.
- 10.5 *Taxation Records:* Pay as you earn records, documents issued to hotel staff pertaining to income tax, records of payments to SARS on behalf of hotel staff, company Tax Returns, company VAT records, Unemployment Insurance Fund Records, Regional Services Levies, Workmen's Compensation.
- 10.6 *Administration Records:* Minutes of meetings of **FOUR SEASONS**, minutes of meetings of the committees and sub committees of **FOUR SEASONS**, general correspondence, lease agreements, copies and correspondence relating to various insurance policies, salary work-papers, security systems and operational records.
- 10.7 *Human Resources Records:* Contracts of employment between hotel staff and hotel owner, list of hotel staff, conditions of employment, payroll records, disciplinary records, leave records, remuneration records, job specifications, performance evaluations, health and safety records, personnel files, records provided by third parties relating to personnel, information relating to prospective hotel staff including curricula vitae and application forms, hotel staff tax information, insurance fund contributions, documents relating to disciplinary and grievance procedures, remuneration policy, Medical Aid Records, Pension Fund records, leave records, training and qualification records and manuals, HR policies and procedures.
- 10.8 *Marketing:* Content for websites related to **FOUR SEASONS**, customer records, databases, product records, mailing lists for clients and potential clients and general correspondence.
- 10.9 *Customers:* Customer information, including name, surname, address, email address, province and country including whether resident within the **REPUBLIC** or otherwise, financial information, correspondence with customers, booking dates, invoices, and statements in respect of customers and payment of any deposits among other things.

- 10.10 *Suppliers:* Supplier lists and details, agreements with suppliers, programmes including software license agreements.
- 10.11 *Information Technology:* The network and the systems on it, Information technology computer and cloud software, records relating to computer systems.

11. PERSONAL INFORMATION (SECTIONS 51(1)(c)(i) - 51(1)(c)(iv))

- 11.1 **FOUR SEASONS** may collect personal information of individuals and juristic entities in the course of its business, including through use of its website, when a person contacts or requests information from **FOUR SEASONS**, when a person seeks the services or products of **FOUR SEASONS** or as a result of a person's relationship with **FOUR SEASONS** or one or more of hotel staff, suppliers, contractors, consultants or similar.
- 11.2 Please refer to the **FOUR SEASONS** Privacy Policy which can be found at www.fourseasons.com/privacy, for details on:
- 11.2.1.1 The purpose(s) for which **FOUR SEASONS** processes personal information;
- 11.2.1.2 The categories of data subjects and what personal information **FOUR SEASONS** collects;
- 11.2.1.3 The categories of recipients to whom personal information may be supplied by **FOUR SEASONS**;
- 11.2.1.4 Planned cross-border flows of personal information; and
- 11.2.1.5 How **FOUR SEASONS** protects personal information.
- 11.3 To the extent that personal information may be requested under **PAIA**, **FOUR SEASONS** reserves the right to conduct a preliminary assessment of the suitability of the information security measures to be implemented by the **REQUESTER** to ensure the confidentiality, integrity and availability of the personal information to be processed.

FORM 2
REQUEST FOR ACCESS TO RECORD
 [Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

Request is made in my own name Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable)</i> :			
Identity Number			
Postal Address			
Street Address			

E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

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

FEES

- a) *A request fee must be paid before the request will be considered.*
- b) *You will be notified of the amount of the access fee to be paid.*
- c) *The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
- d) *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (<i>Please specify</i>)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

FEES IN RESPECT OF PRIVATE BODIES

ITEM	DESCRIPTION	AMOUNT
1.	The request fee payable by every requester	R140.00
2.	Photocopy/printed black & white copy of A4-size page	R2.00 per page or part thereof.
3.	Printed copy of A4-size page	R2.00 per page or part thereof.
4.	For a copy in a computer-readable format on: (iii) Flashdrive (to be provided by requester) (iv) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to requester 	R40.00 R40.00 R60.00
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from Service Provider.
6.	Copy of visual images	
7.	Transcription of an audio record, per A4-size page	R24.00
8.	Copy of an audio record on: (v) Flash drive (to be provided by requester) (vi) Compact disc <ul style="list-style-type: none"> • If provided by requester • If provided to requester 	R40.00 R40.00 R60.00
9.	To search for and prepare the record for disclosure for each hour or part or an hour, excluding the first hour, reasonably required for such search and preparation To not exceed a total cost of	R 145.00 R 435.00
10.	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, email or any other electronic transfer	Actual expense, if any.