



**MELLA
FIDUCIARY**

Estates | Wills | Trusts

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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Table Of Contents

1.	List Of Acronyms And Abbreviations.....	3
2.	Purpose Of PAIA Manual	3
3.	Key Contact Details For Access To Information Of Mella Fiduciary	4
4.	Guide On How To Use PAIA And How To Obtain Access To The Guide	5
6.	Description Of The Records Of Mella Fiduciary Which Are Available In Accordance With Any Other Legislation.....	9
7.	Description Of The Subjects On Which The Body Holds Records And Categories Of Records Held On Each Subject By Mella Fiduciary	10
8.	Processing Of Personal Information	10
9.	Request For Information	12
10.	Availability Of The Manual.....	12
11.	Updating Of The Manual	12
12.	Annexure A (Form 2 – Request For Access To Record)	13

1. LIST OF ACRONYMS AND ABBREVIATIONS

- | | | |
|-----|--------------------|--|
| 1.1 | “CEO” | Chief Executive Officer; |
| 1.2 | “DIO” | Deputy Information Officer; |
| 1.3 | “IO” | Information Officer; |
| 1.4 | “Minister” | Minister of Justice and Correctional Services; |
| 1.5 | “PAIA” | Promotion of Access to Information Act No. 2 of 2000 (as amended); |
| 1.6 | “POPIA” | Protection of Personal Information Act No.4 of 2013; |
| 1.7 | “Regulator” | Information Regulator; and |
| 1.8 | “Republic” | Republic of South Africa. |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 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;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;

- 2.4 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;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 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;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 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
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MELLA FIDUCIARY

3.1. Chief Information Officer

Name: Nicola Moore
Tel: 031 020 0619
Email: nikki@mellafiduciary.co.za

3.2. Access to Information General Contact

Email: admin@mellafiduciary.co.za

3.3 National or Head Office

Postal Address: PO BOX 29275 Maytime Centre 3624
Physical Address: 68 On Main
68 Old Main Road
Kloof
3610
Telephone: 031 832 4555
Email: admin@mellafiduciary.co.za
Website: www.mellafiduciary.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

- 4.1. 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.
- 4.2. The Guide is available in each of the three official languages and in braille.
- 4.3. The aforesaid Guide contains the description of:
- 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. The postal and street address, phone and fax number, and, if available, electronic mail address of:
 - 4.3.2.1. The Information Officer of every public body, and
 - 4.3.2.2. the Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

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.*

- 4.3.3. The manner and form of a request for:
- 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. 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:
- 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with 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;
- 4.3.7. 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;

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.

- 4.3.8. The provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. The notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. The regulations made in terms of section 92¹¹.
- 4.4. 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.
- 4.5. The Guide can also be obtained:
- 4.5.1. upon request to the Information Officer;
- 4.5.2. from the website of the Regulator (<https://inforegulator.org.za/paia/>).
- 4.6 A copy of the Guide is also available in the following three official languages, for public inspection during normal office hours: -
- 4.6.1 English
- 4.6.2 Afrikaans
- 4.6.3 Zulu

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. CATEGORIES OF RECORDS OF MELLA FIDUCIARY WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of Record	Available on the Website	Available upon Request
Company Profile	An overview of the company's structure, history, services offered, and key contact information.	X	X
Services Offered	A general description of the trust services, estate administration and related services provided by Mella Fiduciary.	X	X
Policy and Procedures	Copies of selected general policies and procedures, including this PAIA Manual and Privacy Policy. These documents are available to demonstrate our commitment to compliance, transparency, and the protection of personal information.	X	X
Newsletters	Copies of newsletters, circulars, or general updates that Mella Fiduciary publishes from time to time to inform clients, beneficiaries, or the public about our services, industry developments, or general estate administration topics.	X	X

6. DESCRIPTION OF THE RECORDS OF MELLA FIDUCIARY WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Mella Fiduciary holds records which are available in accordance with, but not limited to, the following 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
Administration of Estates	Administration of Estates Act 66 of 1965
Employment records	Basic Conditions of Employment 75 of 1997
Employment records	Compensation of Occupational Injuries and Diseases Act 130 of 1993
Treating Customers Fairly	Consumer Protection Act 68 of 2008
Electronic communications	Electronic Communications and Transactions Act 25 of 2002
Employment records	Employment Equity Act 55 of 1998
Financial services	Financial Advisory and Intermediary Services Act 37 of 2002
Financial services	Financial Intelligence Centre Act 38 of 2001
Income Tax	Income Tax Act 58 of 1991
Administration of Estates	Insolvency Act 24 of 1936
Financial Services	Inspection of Financial Institutions Act 80 of 1998
Employment Records	Labour Relations Act 66 of 1995
Employment Records	Occupational Health & Safety Act 85 of 1993
Employment Records and Customer protection	Protection of Personal Information Act 4 of 2013
Employment Records	Skills Development Levies Act 9 of 1999
Employment Records	Skills Development Act 97 of 1998
Employment Records	Unemployment Contributions Act 4 of 2002
Employment Records	Unemployment Insurance Act 63 of 2001
Financial Services	Value Added Tax Act 89 of 1991

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY MELLA FIDUCIARY

Subjects on which the body holds records	Categories of Records
Strategic Documents, Plans, Proposals	- Annual Reports - Strategic Plan - Annual Performance Plan
Human Resources	- HR policies and procedures - Advertised posts - Employees records
Operational Information	- Client personal details - Beneficiary personal details - Financial Information - Client Wills

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Personal Information obtained and retained by Mella Fiduciary is for the express purposes of providing fiduciary services and to promote and market Mella Fiduciary offerings.

8.2 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
Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

8.3 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 Services
Qualifications, for qualification verifications.	South African Qualifications Authority
Credit and payment history, for credit information.	Credit Bureaus
Customer contact details	Distribution partners
Identity number and names, residential addresses, financial information	Master of the High Court, other applicable Regulatory Authorities

8.4 Planned transborder flows of personal information

Mella Fiduciary does not have any personal information stored outside the Republic. There are no planned transborder flows of personal information.

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

Mella Fiduciary implements appropriate physical, electronic, and administrative safeguards to protect the confidentiality, integrity, and availability of personal information. These include secure office premises, controlled physical and electronic access, data encryption, password protection, up-to-date antivirus software, staff training, confidentiality undertakings, and incident response procedures in line with applicable data protection laws.

9. REQUEST FOR INFORMATION

Any request for access to a record in terms of PAIA must be submitted using Form 2 (refer to Annexure A).

10. AVAILABILITY OF THE MANUAL

10.1 A copy of the Manual is available-

10.1.1 on www.mellafiduciary.co.za;

10.1.2 the offices of Mella Fiduciary for public inspection during normal business hours;

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

10.1.4 to the Information Regulator upon request.

10.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable for each A4-size photocopy made.

11. UPDATING OF THE MANUAL

The head of Mella Fiduciary will, on a regular basis, update this manual.

Issued by

Nicola Moore

Information Officer

12. ANNEXURE A (FORM 2 – REQUEST FOR ACCESS TO RECORD)

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:

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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 (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
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 <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(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)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(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)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>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.</i>	
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)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
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 (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

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

Signature of Information Officer