



YOUR GYM.

**VIVA GYM SA PROPRIETARY LIMITED**

*Registration No 2011/129325/07*

**MANUAL COMPILED IN ACCORDANCE  
WITH SECTION 51 OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT, 2 OF 2000  
("PAIA") AND THE REQUIREMENTS OF THE  
PROTECTION OF PERSONAL INFORMATION  
ACT, 4 OF 2013 ("POPIA")**



## **PART I**

*(Information required by Section 51(1)(a) of the Act)*

<b>Name of the Private Body</b>	VIVA GYM SA PROPRIETARY LIMITED
<b>Head of the Private Body</b>	MR R WILLIAMS
<b>Physical Address</b>	BLOCK D GREENFORD OFFICE ESTATE PUNTER'S WAY KENILWORTH CAPE TOWN 7708
<b>Postal Address</b>	P O BOX 5344 KENILWORTH 7745
<b>Telephone Number</b>	021-671-8634
<b>Telefax Number</b>	N/A
<b>Designated Information Officer</b>	<i>Jo-Ann Thomas</i>
<b>Telephone Number</b>	021-671-8634
<b>Telefax Number</b>	N/A
<b>E-mail Address</b>	<i>Jo-ann.thomas@vivagym.co.za</i>
<b>Website</b>	<i>www.vivagym.co.za</i>

## **PART II**

*(Information required by Section 51(1)(b) of the Act)*

Section 51(1)(b) of the Act calls for a description of the guide referred to in Section 10 of the Act, if available, and how to obtain access to it.

The guide referred to in Section 10 of the Act is a set of guidelines that must be compiled by the South African Human Rights Commission ("SAHRC") within a period of 18 months from the commencement date of the Act, however, this date



has been extended to August 2003. The guideline will contain such information as may be reasonably required by a person who wishes to access specific information required for the exercise or protection of a right in terms of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The details of the SAHRC are as follows:

The SAHRC  
PAIA Unit  
The Research and Documentation Department  
Postal Address : Private Bag 2700  
Houghton  
2041  
Telephone : +27 11 484 8300  
Telefax : +27 11 484 0582  
Website : [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail : [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

### **PART III**

(Copy of Notice, if any, required under Section 51(1)(c) of the Act)

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of Section 52(2) of PAIA.

### **PART IV**

(Information required under Section 51(1)(d) of the Act)

Records are kept in accordance with the following legislation:

Income Tax Act 58 of 1962 (Section 75(1)).  
Unemployment Insurance Act 30 of 1966 (Sections 32 and 33).  
Value-Added Tax Act 89 of 1991 (Section 55).  
Compensation for Occupational Injuries and Diseases Act 130 of 1993.  
Labour Relations Act 66 of 1995 (Section 205).  
Basic Conditions of Employment Act 75 of 1997 (Sections 29(4) and 31).  
Employment Equity Act 55 of 1998 (Section 26).  
Skills Development Levies Act 9 of 1999 (Section 13).  
Mine Health and Safety Act 29 of 1996.  
Pension Funds Act, 24 of 1956  
Tax on Retirement Funds Act, 38 of 1996



Occupational Health and Safety Act; 85 of 1993

## **PART V**

(Information required under Section 51(1)(e) of the Act)

### **RECORDS**

#### **Company Act Records**

*Documents of Incorporation;  
Index of names of Directors;  
Memorandum of Incorporation;  
Minutes of meetings of the Board of Directors;  
Minutes of meetings of Shareholders;  
Proxy forms;  
Register of debenture-holders;  
Register of directors' shareholdings;  
Share certificates;  
Share Register and other statutory registers and/or records and/or documents;  
Special resolutions/Resolutions passed at General and Class meetings;  
Records relating to the appointment of Auditors, Directors, Prescribed Officer, Public Officer and Secretary*

#### **Human Resources**

*Accident books and records;  
Address Lists;  
Disciplinary Code and Records;  
Employee benefits arrangements rules and records;  
Employment Contracts;  
Employment Equity Plan  
Forms and Applications;  
Grievance Procedures;  
Leave Records;  
Medical Aid Records;  
Payroll reports/ Wage register;  
Pension Fund Records;  
Safety, Health and Environmental records;  
Salary Records;  
SETA records  
Standard letters and notices  
Training Manuals;  
Training Records;  
Workplace and Union agreements and records.*

#### **Finance, tax Administration**

**and** *Accounting Records;  
Annual Financial Reports;  
Annual Financial Statements  
Asset Registers;  
Bank Statements;  
Banking details and bank accounts;*



*Banking Records;*  
*Debtors / Creditors statements and invoices;*  
*General ledgers and subsidiary ledgers;*  
*General reconciliation;*  
*Invoices;*  
*Tax Returns*  
*PAYE Records;*  
*Documents issued to employees for income tax purposes;*  
*Records of payments made to SARS on behalf of employees;*  
*All other statutory compliances:*  
*VAT*  
*Skills Development Levies*  
*UIF*  
*Workmen's Compensation*  
*Agreements and contracts*

***Health, Safety and Security***

*Risk Assessments*  
*Inquiries, inspections, examinations by*  
*environmental authorities*  
*Site operating procedures*

***Procurement and Sales***

*Standard Terms and Conditions for supply of services and products;*  
*Contractor, client and supplier agreements;*  
*Lists of suppliers, products, services and distribution;*  
*Customer details;*  
*Credit application information; and,*  
*Information and records provided by a third party*

***Marketing***

*Advertising and promotional material*

***PART VI***

*(Other information as may be prescribed under Section 51(1)(f) of the Act)*

*The Minister of Justice and Constitutional Development has not made any regulations under this provision of the Act.*



## **PART VII**

### **(Request procedure)**

#### **Form of Request**

*A requester must use the prescribed form set out in Regulation 10 of the Regulations (See: Government Notice R187 of 15 February 2002) to the Act in order to make a request for access to a record. The request must be made to the Designated Information Officer, Mr V Bellingham, whose details are contained in Part One of this manual.*

*It is important for the requester to complete the prescribed form, a copy of which appears in this manual (see Form "A") to enable the Designated Information Officer to identify the record sought and the type of access required. The requester must explain the right which is sought to be exercised or to be protected and explain fully why such record is required and for what purpose.*

*If the request is made on behalf of another person, then the requester must submit proof of capacity made by such other person and to the satisfaction of the Designated Information Officer.*

#### **Fees**

*A requester who seeks access to a record containing personal information about himself or herself is not required to pay the prescribed fee before the request is processed. Every other requester who is not a personal requester must pay the prescribed fee before the request can be processed. The schedule of fees is set out in this manual. (See "Fees List").*

### **THE PROTECTION OF PERSONAL INFORMATION**

*Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA.*

*Viva Gym SA Proprietary Limited needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed is determined by management and set out in its Privacy Policy.*

*Viva Gym SA Proprietary Limited is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:*

*is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by Adept Advisory, in the form of privacy or data collection notices. Adept*



- *Advisory must also have a legal basis (for example, consent) to process Personal Information;*
- *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; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used and communicated by Adept Advisory, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;*
- *is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:*

*(a) be notified that their Personal Information is being collected. The Data Subject also has the right to be notified in the event of a data breach;*

*(b) know whether Viva Gym SA Proprietary Limited holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;*

*(c) request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;*

*(d) object to Viva Gym SA Proprietary Limited's use of their Personal Information and request the deletion of such Personal Information subject to statutory record keeping requirements;*

*(e) object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and*

*(f) complain to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged non-compliance with the protection of his, her or its personal information.*

## **GENERAL**

### Copyright

*Where copyright subsists in the information and other resources contained in this manual, Viva Gym SA Proprietary Limited is the holder thereof and disclosure will not be permitted in the absence of the written permission of the Managing Director.*

*Unauthorised reproduction, adaptation, distribution or commercial exploitation of the work beyond the limited use of information permitted by law is prohibited.*



### Liability

*While every effort is made to publish reliable information in this manual, it cannot guarantee that this information is both complete and accurate and makes no representation in that regard. All users of this resource are therefore cautioned to use the information entirely at their own risk.*

*Viva Gym SA Proprietary Limited will not be liable for any loss or damage, action, proceedings, claims, demands, liability, damages, costs, charges or expenses, howsoever arising, as a result of the use of the website or the information contained in this manual. All users agree to submit exclusively to the laws of the Republic of South Africa and the jurisdiction of the Courts of the Republic of South Africa in respect of any dispute arising out of the use of the website or the information contained in this manual.*

*The accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual and PAIA. Records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before access will be considered. Viva Gym SA Proprietary Limited reserves the right to refuse to disclose information that is the subject of a request where there are grounds for refusal of access to such records in terms of Chapter 4, Part 3 of the Act.*

*This PAIA Manual is available to view at its premises, on its website and at the offices of the SAHRC.*

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**INFORMATION OFFICER**

**DATE:**





## **FEES LIST**

### **FEES IN RESPECT OF PRIVATE BODIES**

1. *The fee for a copy of the manual is contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.*

2. *The fees for reproduction referred to in regulation 11(1) are as follows:*

	<i>Rand/Cents</i>
(a) <i>For every photocopy of an A4-size page or part thereof</i>	<i>1,10</i>
(b) <i>For every printed copy of an A-4 size page or part thereof held on a computer or in electronic machine – readable form</i>	<i>0,75</i>
(c) <i>For a copy on a computer – readable form on-</i>	
(i) <i>flashdisc</i>	<i>7,50</i>
(ii) <i>compact disc</i>	<i>70,00</i>
(d) (i) <i>for a transcription of visual images, for an A4-size page or part thereof</i>	<i>40,00</i>
(ii) <i>for a copy of visual images</i>	<i>60,00</i>
(e) (i) <i>for a transcription of an audio record, for an A4-size page or part thereof</i>	<i>20,00</i>
(ii) <i>for a copy of an audio record</i>	<i>30,00</i>

3. *The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.*



4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	Rand/Cents
1(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A-4 size page or part thereof held on a computer or in electronic machine – readable form	0,75
(c) For a copy on a computer – readable form on-	
(i) flashdisc	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 and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
(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.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

**The fees in respect of private bodies appears in Government Notice R187 of 15 February 2002. The fees so payable may be increased by the Department of Justice and Constitutional Development in which event this private body and any Group companies, shall be entitled to charge the increased amount per regulation.**