

Manual of Aqua Spas (Pty) Ltd

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 and incorporating the record of processing activities required by section 17 of the Protection of Personal Information Act 4 of 2013

Registration number 2023/549450/07 | Effective date: 05/10/2026 | Next review: 05/10/2027

1. INTRODUCTION AND PURPOSE OF THIS MANUAL

The Promotion of Access to Information Act 2 of 2000 gives effect to section 32 of the Constitution of the Republic of South Africa, which grants everyone the right of access to information held by the State, and to information held by another person where that information is required for the exercise or protection of any right.

Section 51 of the Promotion of Access to Information Act requires the head of every private body to compile a manual explaining how a person may request access to the records that body holds. Aqua Spas (Pty) Ltd is a private body for the purposes of that Act, because it is a juristic person that carries on a trade and business.

This manual is published so that any person who wishes to request a record held by Aqua Spas (Pty) Ltd can understand what records exist, who to approach, how to make the request, what it may cost, and what to do if the request is refused.

This manual also contains the description of processing activities required of a responsible party by section 17 of the Protection of Personal Information Act 4 of 2013.

Nothing in this manual limits or is intended to limit any right a requester has under the Promotion of Access to Information Act, the Protection of Personal Information Act, the Consumer Protection Act 68 of 2008, or any other law.

2. PARTICULARS OF THE PRIVATE BODY

Section 51(1)(a) of the Promotion of Access to Information Act.

Item	Detail
Registered name	Aqua Spas (Pty) Ltd
Trading name	Aqua Spas
Registration number	2023/549450/07
VAT number	4270315551
Nature of business	Retail supply, delivery and installation of spas, jacuzzis, wood-fired hot tubs, ice baths, walk-in baths, saunas, splash pools, covers, parts and accessories
Registered office and showroom	Hibernian Tower, 120 Beach Road, Strand, Western Cape, 7139
Assembly factory and address for returns	39A Clarendon Road, Strand, Western Cape, 7140
Postal address	39A Clarendon Road, Strand, Western Cape, 7140
Telephone	+27 21 023 0305 / +27 87 550 2268
Email	office@aquaspas.co.za
Website	https://aquaspas.co.za

Head of the private body

For the purposes of the Promotion of Access to Information Act, the head of the private body is the chief executive officer or equivalent officer, or a person duly authorised by that officer.

Item	Detail
Head of the private body	Ruben Labuschagne
Capacity	Director
Email	ceo@aquaspas.co.za
Telephone	+27 21 023 0305

Item	Detail
Physical address	Hibernian Towers, 120 Beach Road, Strand, Western Cape, 7139

Information Officer

The Information Officer is responsible for this manual, for dealing with requests made under the Promotion of Access to Information Act, and for the duties placed on an Information Officer by the Protection of Personal Information Act.

Item	Detail
Information Officer	Ruben Labuschagne
Capacity	Director
Email	ceo@aquaspas.co.za
Telephone	+27 21 023 0305
Registration with the Information Regulator	2026-068439

Deputy Information Officer

No Deputy Information Officer has been designated. The Information Officer performs these functions.

3. THE GUIDE PUBLISHED BY THE INFORMATION REGULATOR

Section 51(1)(b) of the Promotion of Access to Information Act.

The Information Regulator has published a guide, in terms of section 10 of the Promotion of Access to Information Act, containing the information a person may need in order to exercise their rights under that Act. The guide is available in each official language.

The guide may be obtained from the Information Regulator at the contact details in section 9 of this manual, or downloaded from the Regulator's website at <https://infoeregulator.org.za/paia-guidelines/>.

A person who requires a copy of the guide from Aqua Spas (Pty) Ltd may request it from the Information Officer, who will make it available.

4. RECORDS AVAILABLE WITHOUT A FORMAL REQUEST

Records available in terms of section 52(2)

Aqua Spas (Pty) Ltd has not published a notice in the Government Gazette in terms of section 52(2) of the Promotion of Access to Information Act listing categories of records that are automatically available without a request.

Records available without a request as a matter of practice

The following records are made freely available, without a request under the Promotion of Access to Information Act, and may be obtained from the Aqua Spas website or on request from the Information Officer:

- Product brochures, specifications and marketing material
- Published price lists and quotations issued to the person requesting them
- Terms and Conditions of Sale
- Returns and refund policy
- Privacy policy
- Installation manuals and product care guides
- Warranty documentation applicable to a product purchased by the requester
- This manual

Records available in terms of other legislation

Section 51(1)(d) of the Promotion of Access to Information Act. Certain records are accessible in terms of other legislation, subject to the conditions in that legislation. These include records held or made available under:

- Companies Act 71 of 2008
- Consumer Protection Act 68 of 2008
- Protection of Personal Information Act 4 of 2013
- Income Tax Act 58 of 1962
- Value-Added Tax Act 89 of 1991
- Tax Administration Act 28 of 2011
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Unemployment Insurance Act 63 of 2001
- Electronic Communications and Transactions Act 25 of 2002
- Skills Development Levies Act 9 of 1999

5. DESCRIPTION OF THE RECORDS HELD BY AQUA SPAS (PTY) LTD

Section 51(1)(e) of the Promotion of Access to Information Act. The subjects and categories of records held are listed below. Listing a record here does not mean that access to it will automatically be granted; each request is assessed against the grounds for refusal in Chapter 4 of Part 3 of the Act, summarised in section 7 of this manual.

Subject	Categories of records held
Company and statutory records	Memorandum of Incorporation, CIPC filings, share and director registers, minutes and resolutions, statutory registers, licences and registrations
Customer and sales records	Quotations, orders, order confirmations and configuration summaries, invoices, proof of payment, delivery notes, commissioning checklists, correspondence with customers

Warranty, service and complaint records	Warranty claim forms and supporting evidence, service and repair reports, technician reports, factory pre-dispatch test records, complaint correspondence, regulatory correspondence
Supplier and subcontractor records	Supply and indemnity agreements, installer and service provider agreements, purchase orders, supplier invoices, certificates of insurance, Certificates of Compliance.
Logistics and delivery records	Waybills, courier instructions and confirmations, transit damage claims and supporting photographs, insurance claim correspondence
Financial and tax records	Accounting records, annual financial statements, management accounts, bank records, VAT and PAYE returns and assessments, SARS correspondence, asset register
Employee and human resources records	Employment contracts, personnel files, payroll records, leave records, disciplinary and grievance records, training records, statutory deductions and returns
Health, safety and compliance records	Safety files, risk assessments, method statements, incident reports, injury on duty records, Certificates of Compliance
Marketing and website records	Website content and source files, product photography and video, social media content, campaign material, customer enquiry and chat records
Information technology records	Customer relationship management records, help desk and ticketing records, email records, system access logs, backup records
Insurance records	Policies, schedules, premium records, claims and claims correspondence
Intellectual property records	Trade mark and brand correspondence, design files, licensing and permission records

6. HOW TO REQUEST ACCESS TO A RECORD

The prescribed form

A request for access to a record held by Aqua Spas (Pty) Ltd must be made on the prescribed form, being Form 02, Request for Access to Record, prescribed under regulation 7 of the Regulations made under the Promotion of Access to Information Act.

Form 02 and the other prescribed forms are available on the Information Regulator's website at <https://inforegulator.org.za/paia-forms/>, and are also linked separately from the Aqua Spas website so that a requester can obtain a form without first downloading this manual. The forms on the Regulator's website are editable and are always the current version.

Where to send the request

A completed Form 02 must be submitted to the Information Officer by email to ceo@aquaspas.co.za, or delivered to Hibernian Towers, 120 Beach Road, Strand, Western Cape, 7139.

What the request must contain

In terms of section 53 of the Promotion of Access to Information Act, the request must:

- provide sufficient particulars to enable the Information Officer to identify the record and to identify the requester
 - indicate the form of access required, for example a copy, an inspection, or an extract •
- specify a postal address, email address or fax number in the Republic
- identify the right that the requester is seeking to exercise or protect, and explain why the record requested is required for the exercise or protection of that right

- if the request is made on behalf of another person, include proof of the capacity in which the requester is making the request, to the satisfaction of the Information Officer
- state whether, and how, the requester wishes to be informed of the decision

Decision and timelines

The Information Officer will decide on the request within 30 days of receipt, and will notify the requester in writing of the decision. That period may be extended by a further period of not more than 30 days in the circumstances permitted by section 57 of the Act, in which case the requester will be notified of the extension and the reasons for it.

If the request is granted, the notice will state the access fee payable, the form in which access will be given, and that the requester may lodge a complaint with the Information Regulator or an application with a court against the fee or the form of access, together with the procedure and period for doing so.

If the request is refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied on, and will inform the requester that they may lodge a complaint with the Information Regulator or an application with a court, together with the procedure and period for doing so.

Fees

Two fees may be payable. A request fee, payable by every requester who is not a personal requester, before the request is processed. And an access fee, payable where the request is granted, calculated according to the reproduction time, the form in which access is given, and the cost of postage or electronic transmission where applicable.

A personal requester, being someone requesting a record that contains their own personal information, is not required to pay a request fee.

The applicable fees are those prescribed from time to time by regulation under the Promotion of Access to Information Act and published by the Information Regulator. The Information Officer will advise the requester of the fees payable in the particular case, and no record will be released until the applicable access fee has been paid.

The Information Officer may require a deposit where the Information Officer reasonably believes that preparing the record for disclosure will take more than six hours.

7. GROUNDS ON WHICH ACCESS MAY OR MUST BE REFUSED

Chapter 4 of Part 3 of the Promotion of Access to Information Act sets out the grounds on which a private body may or must refuse a request. In summary, access may be refused where granting it would involve:

- the unreasonable disclosure of personal information about a third party, including a deceased person (section 63)
- the disclosure of commercial information of a third party, including trade secrets, financial, commercial, scientific or technical information the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or information supplied in confidence the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice them in commercial competition (section 64)
- a breach of a duty of confidence owed to a third party in terms of an agreement (section 65)
- the endangerment of the life or physical safety of an individual, or prejudice to the security of property or a means of transport (section 66)
- the disclosure of records privileged from production in legal proceedings, unless that privilege has been waived (section 67)
- the disclosure of the commercial information of Aqua Spas (Pty) Ltd itself, including trade secrets, information the disclosure of which would be likely to cause harm to its commercial or financial interests, or information the disclosure of which could put it at a disadvantage in negotiations or prejudice it in commercial competition (section 68)
- the disclosure of records of research information of a third party or of Aqua Spas (Pty) Ltd, where disclosure would be likely to expose the researcher, the subject matter of the research or its contractor to serious disadvantage (section 69)

A request may also be refused where the record does not exist or cannot be found after a diligent search, in which case the requester will be notified by way of an affidavit or affirmation in terms of section 55 of the

Act.

In terms of section 70, access must nevertheless be granted where the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law, or an imminent and serious public safety or environmental risk, and the public interest in disclosure clearly outweighs the harm contemplated in the relevant provision.

Where a record contains information that may be refused together with information that may not, access will be granted to that part of the record which does not contain, and can reasonably be severed from, the information that may be refused, in terms of section 28 as applied by section 61.

8. RECORD OF PROCESSING ACTIVITIES UNDER THE PROTECTION OF PERSONAL INFORMATION ACT

This section records the processing activities of Aqua Spas (Pty) Ltd as responsible party, as contemplated in section 17 of the Protection of Personal Information Act 4 of 2013, read with section 51 of the Promotion of Access to Information Act.

Purposes of processing

- Preparing and issuing quotations and invoices
- Concluding and performing contracts of sale, delivery and installation
- Arranging delivery, installation, commissioning and collection
- Administering warranty claims, repairs and after-sales service
- Handling complaints, disputes and regulatory correspondence
- Processing payments and administering credit control
- Complying with tax, company law, employment and health and safety obligations
- Administering employment and human resources functions
- Managing supplier and subcontractor relationships
- Direct marketing, where the data subject has consented or where the law otherwise permits
- Protecting the legitimate interests of Aqua Spas (Pty) Ltd, its customers and its employees, including fraud prevention

Categories of data subjects and of personal information

Category of data subject	Categories of personal information processed
Customers and prospective customers	Name, identity or passport number where required, contact details, physical and delivery address, site and property information, order and purchase history, payment and banking reference information, correspondence, complaint and warranty records
Employees and job applicants	Name, identity number, contact details, address, banking details, tax reference number, qualifications, employment history, remuneration and benefits information, leave and attendance records, disciplinary records, next of kin details
Suppliers, subcontractors and their personnel	Business and contact details, registration and VAT numbers, identity numbers where the supplier is a natural person, banking details, insurance and compliance documentation, technician names and registration details
Website visitors and enquirers	Name, contact details, enquiry content, chat and help desk records, and technical information collected by the website
Third parties named in records	Contact and identifying details of persons named in correspondence, delivery instructions, body corporate or homeowners association approvals, or claims documentation

Recipients of personal information

Personal information may be shared, to the extent necessary for the purposes above, with:

- the manufacturer of the product concerned
 - couriers, transport contractors and installers engaged in relation to an order
 - payment processors and the company's bankers
 - the company's accountants, auditors, attorneys and other professional advisers
 - insurers, loss adjusters and brokers in connection with a claim
 - information technology and cloud service providers hosting the company's systems
 - regulators, ombud schemes and authorities where required by law, including the South African Revenue Service, the National Consumer Commission, the Consumer Goods and Services Ombud and the Information Regulator

Cross-border transfers

Some of the cloud-based systems that Aqua Spas (Pty) Ltd uses to run its business, such as customer relationship management, accounting, project management, help desk and email systems, may store or process personal information on servers located outside the Republic of South Africa. Where this happens, personal information is transferred only to a service provider that is subject to a law, binding corporate rules or a binding agreement that provides an adequate level of protection, substantially similar to the conditions for lawful processing in the Protection of Personal Information Act, or where the transfer is otherwise permitted by section 72 of that Act.

Security safeguards

Aqua Spas (Pty) Ltd secures the integrity and confidentiality of personal information in its possession by taking appropriate, reasonable technical and organisational measures to prevent loss of, damage to, or unauthorised destruction of personal information, and unlawful access to or processing of personal information, as required by section 19 of the Protection of Personal Information Act. These measures include access controls on systems and premises, password protection, backups, confidentiality obligations in employment and supplier contracts, and the restriction of access to personal information to those who require it to perform their duties.

Rights of data subjects

A data subject has the right to:

- be notified that their personal information is being collected, and that it has been accessed or acquired by an unauthorised person
- request confirmation, free of charge, of whether Aqua Spas (Pty) Ltd holds personal information about them, and to request a record or description of that information
- request the correction, destruction or deletion of personal information that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully
- object, on reasonable grounds, to the processing of their personal information
- object at any time to the processing of their personal information for purposes of direct marketing
 - submit a complaint to the Information Regulator regarding an alleged interference with the protection of their personal information, and to institute civil proceedings regarding an alleged breach

A request for access to, correction or deletion of personal information must be made to the Information Officer using the applicable form published on the Information Regulator's website at <https://info regulator.org.za/popia/forms/>, being Form 1 for an objection to processing and Form 2 for a request for correction or deletion. These forms are also linked separately from the Aqua Spas website.

9. REMEDIES AND THE INFORMATION REGULATOR

A requester who is dissatisfied with a decision of the Information Officer, including a refusal of access, the fee payable, the form of access given, or the extension of the period for dealing with the request, may lodge a complaint with the Information Regulator in terms of section 77A of the Promotion of Access to Information Act, using Form 05, Complaint Form, prescribed under regulation 10.

A complaint must be lodged within 180 days of the decision concerned, or of becoming aware of it. The Information Regulator may condone a late complaint on good cause shown.

A requester or third party may also apply to a court for appropriate relief in terms of section 78 of the Act.

There is no internal appeal procedure against a decision of the Information Officer of a private body. The decision of the Information Officer is final within Aqua Spas (Pty) Ltd, and the remedies above are external.

Contact details of the Information Regulator

Item	Detail
Body	Information Regulator (South Africa)
Telephone	010 023 5200
General enquiries	enquiries@inforegulator.org.za
PAIA complaints	PAIAComplaints@inforegulator.org.za
POPIA complaints	POPIAComplaints@inforegulator.org.za
Website	https://inforegulator.org.za

10. AVAILABILITY OF THIS MANUAL

This manual is available:

- on the Aqua Spas website at <https://aquaspas.co.za>
- for inspection at the registered office at Hibernian Towers, 120 Beach Road, Strand, during normal business hours, free of charge
- from the Information Officer on request, by email
- to the Information Regulator on request

A copy of this manual will be provided to any person who requests it, against payment of the prescribed fee where applicable.

11. UPDATING OF THIS MANUAL

This manual will be reviewed and updated whenever there is a material change to the structure, functions or records of Aqua Spas (Pty) Ltd, to the identity or contact details of the head of the private body or the Information Officer, or to the applicable legislation, and in any event at least once a year.

Approved and issued by:

Signature: _____

Name: Ruben Labuschagne

Capacity: Director, Head of the Private Body and Information Officer

Date: _____ 05/10/2026 _____