

Siyangqoba's Promotion of Access to Information Act ("PAIA") Manual

UNLOCKING THE CODE TO GOVERNANCE, RISK AND COMPLIANCE

Policy Owner	Information Officer
Policy Custodian	EOH Head of Compliance
Approved by	LD Group Board of directors
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1. Right of Access to Information

1.1. Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Promotion of Access to Information Act 2 of 2000 (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record. The Act establishes the following statutory rights of requesters to any record of a private body if:

That record is required for the exercise or protection of any of his or her legal rights; that requester complies with all the procedural requirements; and access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

1.2. Availability of the SIYANQOBA PAIA Manual and Entry Point for requests

This document serves as the SIYANQOBA manual (“the Manual”) in accordance with the requirements of section 51 of the Act to facilitate access to records held by SIYANQOBA. A copy of this Manual is available to the public in a PDF (“Portable Document Format”) version on the website of SIYANQOBA at www.SIYANQOBA.co.za or on request from the Information Officer referred to in this Manual. SIYANQOBA endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

In summary, the Manual provides information on the:

- Contact details of the Information Officer;
- Structure and functions of SIYANQOBA;
- Subjects and categories of records that are held by SIYANQOBA; and
- Procedure that needs to be followed and criteria that have to be met by a requester to request access to a record

1.3. Who may request access to information:

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- A personal requester who requests a record about him/herself;
- An agent requester who requests a record on behalf of someone else with that person’s consent and where it is required for the protection of that person’s legal right;
- A third-party requester who requests a record about someone else with that person’s consent and where it is required for the protection of that person’s legal right; and a public body who may request a record if:

It fulfills the requirements of procedural compliance.

The record is required for the exercise or protection of a right; and no grounds for refusal exist.

1.4. Contact Details of Information Officers: Sec 51 (1) (a)

The Chief Executive Officer of EOH has delegated his powers to the Information Officer below in Terms of the Act to handle all requests on SIYANQOBA's behalf and ensure that the requirements of the Act are administered in a fair, objective, and unbiased manner.

BU contact details

Information Officer: Brent Richard Oakes
Deputy Information Officer: Tobie Oosthuizen

EOH contact details

Group Information Officer: Zanele Mazibuko
Information Coordinator: Garreth Young

Physical Address:

Block D, SIYANQOBA Business Park,
Gillooly's View
1 Osborne Lane
Bedfordview, 2008

Postal Address:

PO BOX 59
BRUMA
2026

Tel: +27 (0) 11 607 8100

Fax: +27 (0) 11 616 9929

E-mail: privacy@EOH.com

E-mail: Garreth.Young@EOH.com;

Zanele.Mazibuko@EOH.com; brent.oakes@eoh.com; Tobie.oosthuizen@eoh.com

1.5. Policy about Confidentiality and Access to Information:

SIYANQOBA will protect the confidentiality of information provided to it by third parties, subject to SIYANQOBA's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, SIYANQOBA is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

1.6. Information Regulator guidance to Requesters on how to use the Act:

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. This guide can be found on the information regulator website in all 11 official languages: <https://infoeregulator.org.za/paia-guidelines/>

Information Regulator

The Information Regulator of South Africa is based at:

Postal Address: P O Box 31533

Braamfontein

Johannesburg

2017

Physical Address: JD house

27 Stiemens Street

Braamfontein

Johannesburg

2001

General enquiries: enquiries@infoeregulator.org.za

Complaints: POPIAComplaints@infoeregulator.org.za; and

PAIAComplaints@infoeregulator.org.za

2. Classes of Records

2.1. Automatic Disclosure: Sec 51 (1) (c) – Records automatically available to the Public

No notice has been published in terms of section 52 of the Act. However, the following records are automatically available at the registered office of SIYANQOBA on payment of the prescribed fee for reproduction.

- Documentation and information relating to SIYANQOBA which is held by the Companies and Intellectual
- Properties Commission in accordance with the requirements set out in set out in section 25 of the Companies Act 71 of 2008.
- Product and Promotional Brochures
- News and other Marketing Information

2.2. Legislative requirements:

Records are kept in accordance with such other legislation as applicable to SIYANQOBA, which includes, but is not limited to:

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008
- Customs and Excise Act, 1964
- Debt Collectors Act 114 of 1998
- Electronic Communications and Trans-actions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Insider Trading Act 135 of 1998
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Non Profit Organisations Act 71 of 1997
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 14 of 1998
- Protection of Information Act, No. 84 of 1982
- Regulation of Interception of Communications and Provision of Communication Related Information Act 70 of 2002
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although SIYANQOBA has used its best endeavours to supply you with a list of applicable legislation it is possible that the above list may be incomplete.

Wherever it comes to SIYANQOBA's attention that existing or new legislation allows a requester access on a basis other than that set out in the Act, we shall update the list accordingly.

2.3. Records held by SIYANQOBA

Corporate Affairs and Investor Relations / Communications

- Media Releases
- Newsletters and Publications
- Corporate Social Investment

- Public Corporate Records
- SENS releases

Corporate Secretariat and Governance

- Applicable Statutory Documents
- Annual Reports
- Board of Directors and Board Committee Terms of Reference
- Codes of Conduct
- Executive Committee Meeting Minutes
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of Board of Directors and Board Committee Meetings
- Minutes of Shareholders' Meetings
- Group Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Share Registers (SIYANQOBA's official share register is however maintained by its transfer secretary)
- Strategic plans
- Statutory Returns to Relevant Authorities

Finance and Taxation:

- Policies and Procedures
- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Purchasing Records
- Sale and Supply Records
- Tax Records and Returns
- Treasury Dealing
- Transactional Records

Human Resources:

- Education and Training Records
- Employee Benefit Records
- Employment Contracts
- Employment Equity Records
- Employee Information
- Employee Share Option Scheme
- Policies and Procedures
- Group Life
- Leave Records
- Medical Records
- Pension and Retirement Funding Records
- Study assistance scheme/s
- Tax Returns of employees
- UIF Returns

Information Technology

- Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

Intellectual Property

- Trademark applications
- Agreements relating to intellectual property
- Copyrights

Legal

- Complaints, pleadings, briefs, and other documents pertaining to any actual or pending litigation, arbitration or investigation
- Material licenses, permits and authorizations

Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material
- Client Information
- Marketing Brochures
- Marketing Strategies
- Product Brochures
- Policies and Procedures

3. Access Procedure and Requests

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by SIYANQOBA.

It is important to note that an application for access to information can be refused if the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to SIYANQOBA's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

3.1. Guidance on Completion of Prescribed Access Form:

For SIYANQOBA to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure B. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. SIYANQOBA will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

1. The Access Request Form must be completed in the English language.

2. Proof of identity is required to authenticate the requester's identify. If the requester acts as an agent requester, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.
3. Type or print in BLOCK LETTERS an answer to every question.
4. If a question does not apply, state "N/A" in response to that question.
5. If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
6. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
7. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

3.2. Submission of Prescribed Access Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the Information Officer.

3.3. Payment of Prescribed Fees

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- **Request fee:** An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.
- **Reproduction fee:** This fee is payable with respect to all records that are automatically available.
- **Access fee:** If the request for access is successful an access fee may be required to re-imburse SIYANQOBA for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- **Deposit:** A deposit of one third (1/3) of the amount of the applicable access fee, is payable if SIYANQOBA receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

3.4. Notification

SIYANQOBA will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which SIYANQOBA has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of SIYANQOBA and the information cannot be reasonably be obtained within the original thirty (30) day period. SIYANQOBA will notify the requester in writer should an extension be sought.

If the request for access to a record is **successful**, the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record;
- An indication of the form in which the access will be granted; and
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
- If the request for access to a record is **not successful**, the requester will be notified of the following:
- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal); and

- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

3.5. Records that cannot be found or do not exist

If SIYANQOBA has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

4. Grounds for refusal of access to records and appeal

4.1. Grounds for Refusal

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of commercial information of a third party or SIYANQOBA, if the record contains:
 - Trade secrets of the third party or SIYANQOBA;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or SIYANQOBA; and
 - Information disclosed in confidence by a third party to SIYANQOBA if the disclosure could put that third party to a disadvantage or commercial competition.
- Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of SIYANQOBA.

4.2. Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

5. Prescribed Fees:

Reproduction Fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

Category	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
i. For a copy of visual images	60.00

ii.	A transcription of an audio record, for an A4-size page or part thereof	20.00
iii.	For a copy of an audio record	30.00

5.1. Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requestor.

5.2. Access Fee

The applicable fees (excluding VAT) which will be payable are:

Category	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
For a copy of visual images	60.00
A transcription of an audio record, for an A4-size page or part thereof	20.00
For a copy of an audio record	30.00

5.3. Postage Fee

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

5.4. Certification and other reproduction fees

The organisation reserves the right to charge a prescribed fee (that may change from time to time) if it receives a request to re-issue certificates or other proof of attendance/completion certificates.

6. Sharing of Personal Information

6.1. SIYANQOBA may share personal information with:

- Other companies forming part of the EOH Group of companies located outside of South Africa;
- Services providers who perform services on behalf of the EOH Group; and
- Third party suppliers

6.2. SIYANQOBA Security measures to protect personal information with:

SIYANQOBA takes the security of your data seriously and therefore reasonable technical and organisational measures have been implemented to protect to protect personal information. SIYANQOBA has internal policies and controls in place to ensure that you data is not lost, accidentally destroyed, misused, or disclosed, and is not accessed except by our employees in the proper performance of their duties.

SIYANQOBA will take steps to ensure that third party providers who process personal information on behalf of SIYANQOBA apply adequate safeguards as required in terms POPIA.

6.3. Transborder Flows of Personal Information

SIYANQOBA may from time to time transfer personal information to another country for the purposes of rendering services to employees and customers. SIYANQOBA will take the necessary steps to ensure that services providers and third-party operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

6.4. Purpose of Processing of Personal Information

SIYANQOBA processes Personal Information which includes but it is not limited to the following purposes:

- Rendering of services to our customers
- Employee administration
- Providing or managing any information on products
- Transacting with our suppliers
- Maintaining customer records
- Recruitment purposes
- Apprenticeship and bursary purposes
- Travel purposes
- General administration
- Financial and tax purposes
- Legal purposes
- Health and safety purposes
- Visitor access monitoring purposes
- Managing the premises and facilities
- Investigating of and preventing fraud
- Debt recovery and responding to website enquires

6.5. Types of Personal Information

Categories individuals and juristic entities	Categories of personal information held	Availability
Employees	<ul style="list-style-type: none"> • ID number • Contact details • Physical and postal address • Date of birth • Age • Disability • Information • Employment history • Criminal/background checks • Fingerprints • CVs • Education history • Banking details • Income tax reference number • Remuneration and benefit information (including 	Not automatically available

	<p>medical aid, pension/provident fund information)</p> <ul style="list-style-type: none"> • Details related to employee performance • Disciplinary procedures • Employee disability information • Employee pension and provident fund information • Employee contracts • Employee performance records • Physical access records • CCTV records • Health and safety records • Time and attendance records 	
Suppliers/Service Providers	<ul style="list-style-type: none"> • Entity name • registration number • income tax number • contact details for representative persons • FICA documentation • BBB-EE certificates • Invoices • Contractual documentation 	Not automatically available
Directors and Shareholders	<ul style="list-style-type: none"> • Name • Surname • ID numbers • Financial information as required for statutory reporting 	Not automatically available
New Job Applicants	<ul style="list-style-type: none"> • Name • Surname • Address • Contact details • Email address • Telephone number • Details of qualifications • Skills • Experiences and employment history • Information about your current level of remuneration, including benefit entitlements, whether or not you have a disability for which 	Not automatically available

	SIYANQOBA needs to make reasonable adjustments during the recruitment process, and information about your entitlement to work in South Africa	
Website Visitors	<ul style="list-style-type: none"> • Name • Email address • Company name • Job title and telephone number 	Not automatically available
Visitors	<ul style="list-style-type: none"> • Physical access records • Electronic access records scans • CCTV records 	Not automatically available
Children	<ul style="list-style-type: none"> • Name • Address and contact details • Birth certificates • Age • Child medical information 	Not automatically available

7. Annexure A:

SIYANQOBA 000 ICT FRM 05

PAIA REQUEST FOR ACCESS TO RECORD FORM

REQUEST FOR ACCESS TO A RECORD IN TERMS OF SEC 53(1) of the PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000

7.1. Particulars of Private Body requesting access to the record

Contact details:	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	
Website address	

7.2. Particulars of an individual person requesting access to the record

- The particulars of the person who requests access to the record must be recorded below.
- Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.
- Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the Chief Executive Officer or Information Officer will need to be presented with this request by the requester or the requester's representative before the request will be processed.
- If the request is made on behalf of another person, proof of the capacity in which the request is made, is also to be presented with this request

7.3. Details of requester

Surname	
Full names	
Identity number	
Postal address	
Telephone number	
Fax number	
E-mail address	

If a request is made on behalf of another person the requester is obliged to identify him / herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

7.4. Particulars of person on whose behalf request is made

Surname	
Name	
Identity number	

7.5. Particulars of record

- 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 folio and attach it to this form. The requester must sign all the additional folios.
- The requester’s attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):
 - Mandatory protection of the privacy of a third party who is a natural person (human being);
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of commercial information of third party;
 - Mandatory protection of the safety of individuals, and the protection of property;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of a private body;
 - Mandatory protection of research information of a third party and a private body.

7.6. Description of record and/or part of record

Category	Description of record

Notes to Particular of record:

- Your indication as to the required form of access depends on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

<i>Mark the appropriate box with an "X".</i>					
1. If the record is in written or printed form -					
copy of record*		inspection of record			
2. If record consists of visual images - (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
view the images		copy of the images*		transcription of the images*	
If the record consists of recorded words or information which can be reproduced in sound -					
listen to the soundtrack (audio cassette)				transcription of soundtrack* (written or printed document)	
If the record is held on computer or in an electronic or machine-readable form -					
printed copy of record*		printed copy of information derived		copy in computer readable format*	

Do you wish the copy or transcription to be posted to you? Note: If you requested a copy or transcription of a record (above), a postal fee is payable.	Yes	No
---	-----	----

7.7. Fees

- A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee (**currently R50.00**) has been paid.
- If the prescribed request fee is amended, you will be notified of the amount required to be paid as the request fee.
- 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.
- If you qualify for exemption of the payment of any fee, please state the reason, therefore.

The requester qualifies for an exemption in payment of fees (mark the appropriate box)		Yes	No
Reason			

7.8. Form of access to record

<i>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.</i>	
Disability:	
Form in which record is required?	

7.9. Details of the right to be exercised and/or protected.

Indicate which right is to be exercised or protected *

Explain why the requested record is required for the exercising or protection of the aforementioned right *

* NOTE:

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.

7.10. 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 thereof 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?

Signatures

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER

(sign & print name)

SIGNATURE OF REPRESENTATIVE
(sign & print name)