

PAIA Manual

Promotion of Access to Information Act 2 of 2000 (as amended)

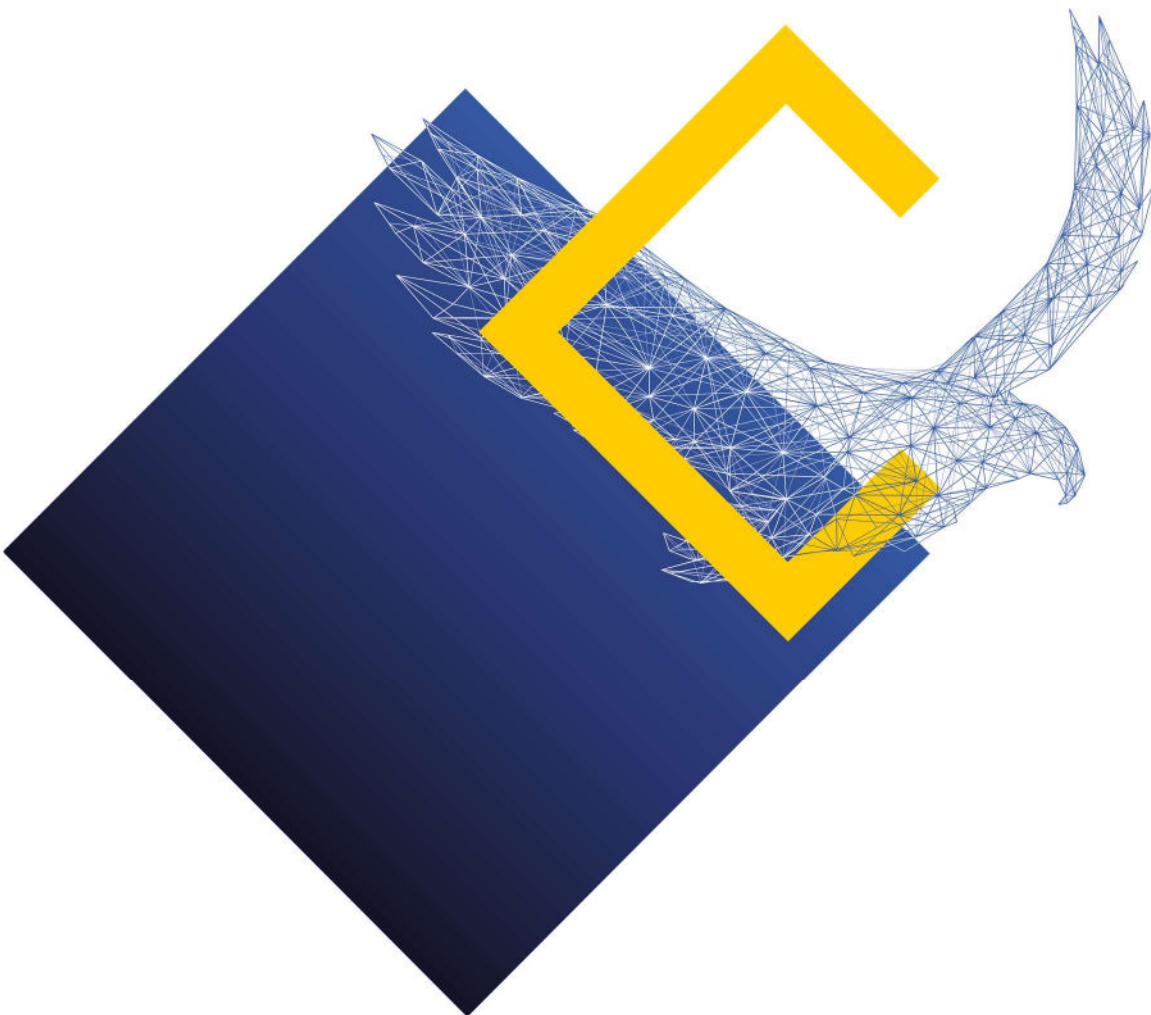


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1. Background and Purpose:

The Promotion of Access to Information Act, 2000 ("PAIA") came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such a private body and stipulates the minimum requirements that the manual has to comply with.

Section 32 of the Constitution states:

"Everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights."

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA) was enacted to give effect to the constitutional right of access to information. PAIA came into operation on 9 March 2001.

In terms of the Constitution and PAIA, all people in South Africa, including non-nationals, can request information from public and private bodies.

This PAIA Manual is useful for the public to-

1. check the categories of records held by a body which are available without a person having to submit a formal PAIA request
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. know the description of the records of the body which are available in accordance with any other legislation
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
5. know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it
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
7. know the description of the categories of data subjects and of the information or categories of information relating thereto
8. know the recipients or categories of recipients to whom the personal information may be supplied
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
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.

2. Scope

The scope of the manual is limited to the records held by LRMG.

3. Information requires under Section 51(1)(a) of the Act

LRMG fully supports the Protection of Personal Information Act and have therefore appointed the responsibility for administration of, and compliance with the Act has been delegated to the Information Officers and Deputy Information Officer. Requests pursuant to the provision of the Act should be directed as follows:

Persons delegated to deal with requests:

Appointment	Name	Email address
Information Officer	Nadia Veeran-Patel (Information Security Officer)	privacy@lrmg.co.za
Deputy Information Officer	Laetitia Faure (Legal Counsel)	privacy@lrmg.co.za

We may collect personal information about you in the following ways:

- Directly from you, such as through the application and hiring process (online or in person)
- During your activities in the course of your employment, such as through your performance and interaction with other Employees, contractors, customers, or other individuals, or through your use of our systems, Intranet or the Human
- Resources services that we offer through our Intranet or Talent online service, and other similar applications
- From other parties, subject to the requirements of applicable law. These parties may include:
 - References
 - Publicly available information o Former employers
 - Other Employees (for example, to nominate and celebrate a colleague for outstanding achievements), and
 - Other third parties, such as background check agencies, police departments, company approved third-party travel management systems, and third-party ride services (if and to the extent permitted by applicable law)

4. Description of guide referred to in Section (10)

A Guide has been compiled in terms of Section 10 of PAIA by Information Regulator. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

For further information please contact the Information Regulator:

Postal Address: P.O Box 3153, Braamfontein, Johannesburg, 2017
 Telephone Number: +27- 10-023 5200
 Website: <https://www.inforegulator.org.za>
 Email enquiries: enquiries@inforegulator.org.za
 Email complaints: PAIAComplaints@inforegulator.org.za

5. Records Automatically Available

No notice has been submitted by the practice to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA. Our ability to perform our obligations derived from your employment contract (or similar type of agreement) with LRMG and our ability to comply with our legal and contractual obligations depend on occasion

on LRMG having access to and being able to use certain Personal Data. Therefore, and depending on the circumstances, if you do not provide us with the personal information we request or if you ask that we stop processing your Personal Data, we may not be able to perform our contractual obligations (such as paying you for your work), or we may be in breach of one or more legal obligations applicable to us. In some cases, if we are not allowed to process your personal information, this may result in us being required to terminate our work relationship with you.

6. Categories of Records held by LRMG

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

Companies Act Records	Financial Records
<ul style="list-style-type: none"> • All trust deeds • Documents of Incorporation • Index of names of members of the company • Memorandum of Incorporation • Minutes of meeting of the Board of Directors • Minutes of meetings of Shareholders • Proxy forms • Register of debenture-holders • Register of directors' shareholdings • Research and development • Share certificates • Share Register and other statutory registers and/or records and/or documents • Special resolutions/Resolutions passed at and Class meetings <p>Records relating to the appointment of:</p> <ul style="list-style-type: none"> • Auditors • Directors • Prescribed Officer • Public Officer; and • Secretary 	<ul style="list-style-type: none"> • 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 • Paid Cheques • Policies and procedures • Rental Agreements • Tax Returns
Income Tax Records Procurement Records	PAYE Records
<ul style="list-style-type: none"> • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees • All other statutory compliances: <ul style="list-style-type: none"> – VAT – Regional Services Levies – Skills Development Levies – UIF – Workmen's Compensation 	<ul style="list-style-type: none"> • Standard Terms and Conditions for supply of services and products • Contractor, client and supplier agreements • Lists of suppliers, products, services and distribution • Policies and Procedures
Personnel Documents and Records	IT Records
<ul style="list-style-type: none"> • Accident books and records • Address Lists • Disciplinary Code and Records • Employee benefits arrangements rules and records 	<ul style="list-style-type: none"> • Computer / mobile device usage policy documentation • Disaster recovery plans • Hardware asset registers • Information security

<ul style="list-style-type: none"> • 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 	<p>policies/standards/procedures</p> <ul style="list-style-type: none"> • Information technology systems and user manuals • Information usage policy documentation • Project implementation plans • Software licensing • System documentation and manuals
Sales & Marketing Records	Risk Management and Audit Records
<ul style="list-style-type: none"> • Customer details • Credit application information • Information and records provided by a third party • Advertising and promotional material 	<ul style="list-style-type: none"> • Standard Terms and Conditions for supply of services and products • Contractor, client and supplier agreements • Lists of suppliers, products, services and distribution • Policies and Procedures
Safety, Health and Environment Records	
<ul style="list-style-type: none"> • Complete Safety, Health and Environment Risk Assessment • Environmental Managements Plans • Inquiries, inspections, examinations by environmental authorities 	<ul style="list-style-type: none"> • And any other documents related to service delivery within LRMG.

7. Planned Recipients of Personal Data

- Statutory authorities
- Law enforcement
- Tax authorities
- Financial institutions
- Medical schemes
- Employee pension and provident funds
- Insurance bodies
- Regulatory bodies
- Accreditation bodies
- Industry bodies

8. Planned Trans-Border Flows of Personal information

- Flows to service providers/operators
- Flows to business partners
- Flows to customers
- Flows to suppliers
- Flows through the use of social media

9. Security Measures to Protect Personal information

- Physical security measures
- Cyber security measures
- Training and awareness in Information Security
- Policies, plans, registers and procedures in Information Security
- Audits of Information Security
- Any particular security framework implemented

10. Process of Making a Request for Access

The requester must complete the Form C (at end of manual) and submit this form together with a request fee, to the Information Officer of LRMG. The form must be submitted to privacy@lrmg.co.za

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the information officer. This request must be made to the electronic mail address of LRMG.
- The requester must provide sufficient detail on the request form to enable the information officer to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body.
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The Information Officer of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees.
- After the Information Officer of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure

11. Grounds for Refusing a Request

LRMG has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of PAIA.

12. Remedies Available if LRMG Refuses to Give Access

If we deny your request for access, you may:

- apply to a court with appropriate jurisdiction, or
- complain to the Information Regulator,

for the necessary relief within 180 calendar days of us notifying you of our decision.

13. Timelines for Consideration of a Request for Access

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed. Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

14. How LRMG Processes and Protects Personal Data

LRMG processes the personal information of various categories of people for various purposes. Please refer to our website for our Privacy Policy or ask our information officer for a copy.

15. Fees in Respect of Private Body

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

1. The fee for a copy of the manual as 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:
 - a. For every photocopy of an A4-size page or part thereof R1,10
 - b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0,75
 - c. For a copy in a computer-readable form on - compact disc R 70,00
 - d. (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - e. (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
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: a) For every photocopy of an A4-size page or part thereof R 1,10; b) For every printed copy of an A4-size page or part; thereof held on a computer or in electronic or machine readable form R 0,75; c) For a copy in a computer-readable form on - (i) stiffy disc R 7,50; (ii) compact disc R 70,00 d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00 e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00 f) To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation. 5. 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. 6. The actual postage is payable when a copy of a record must be posted to a requester.

16. Form C: Request for Access to Record of Private Body

In terms of Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

A. Particulars of private body

The Head (Name of Body) _____

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.

(b) The address and/or fax number in the Republic to which the information is to be sent must be given. (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number _____

Postal address: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

C. D. Particulars of record

(a) 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.

(b) 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.

1. Description of record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

D.

E. E. Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(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 for exemption from payment of fees: _____

F. Form of access to record

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.

Disability: _____
Form in which record is required: _____

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) 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.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate choice with an X.

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

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack (audio file)
- transcription of soundtrack (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:

- printed copy of record
- printed copy of information
- derived from the record or copy in computer readable form
- compact disc

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

- Yes
 - No
-

G. Particulars of right to be exercised or protected

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.

1. Indicate which right is to be exercised or protected: _____

2. Explain why the record requested is required for the exercise or protection of the aforementioned right: _____

H. H. 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 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?

Signed at _____ this _____ day of _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

For more information

Johannesburg, South Africa
T +27 87 941 5764
3rd Floor, 34 Whiteley Road, Melrose Arch, 2196, South Africa

Cape Town, South Africa
T +27 87 941 5764
2nd Floor, Park Building,
Black River Park, 1 Fir Street, Observatory, 7925, South Africa

Nairobi, Kenya
T +254 20 367 3612
2nd Floor, Block Bravo, Wilson Business Park, Off Langata Road, Nairobi, Kenya

Ebene, Mauritius
T +230 5258 9499
8th Floor, Ebene Tower, 52 Cybercity, Ebene, Mauritius

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