

The Protection and Access to Information Manual

In terms of Section 51 of the Promotion of
Access to Information Act 2 of 2000

OPSI Systems (PTY) Ltd

Registration Number: 2008/005488/07

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1 Right of Access to Information

1.1 Introduction

The Promotion of Access to Information Act (“PAIA” or “Act”), 2 of 2000 was assented to on the 2nd of February 2000 and came into effect on 9 March 2001. This Act gives effect to the constitutional right of access to any information held by the State and private bodies and promoted the exercise or protection of any rights to information.

This Act applies to the exclusion of any provision of other legislation that-

- a) prohibits or restricts the disclosure of a record of a public body or private body; and
- b) is materially inconsistent with an object, or a specific provision, of this Act.

PAIA fosters a corporate culture of transparency and accountability, within the context of the protection of personal information. In this regard, the provisions of the Protection of Personal Information Act 4 of 2013) are also relevant whenever a request for information is received.

In terms of PAIA, if a person other than a government department or agency requests information from a private body, such information may only be provided if:

- the information is requested to protect a right.
- the person requesting the information complied with the procedural requirements of that private body relating to such requests for information; and
- there is no ground on which to refuse access to such information.

With the above provisions in mind, the Act requires private bodies to compile a PAIA manual to assist in the exercise of right to information.

1.2 The OPSI Systems PAIA manual

In terms of Section 51 of the Act, a private body must, within 6 months of coming into existence, compile a PAIA Manual, unless exempted by the Minister of Justice and Correctional Services.

This manual is published on the Company website at www.opsisystems.com or alternatively, a copy can be requested from the **Information Officer** (see contact details in section 1.4).

1.3 Who may Request Access to Information

In terms of section 1 of PAIA, a requester, in relation to a private body, means:

- any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- a person acting on behalf of the person contemplated in subparagraph (i).

The above means that, a requester may act on behalf of a person in making a request for a record.

In terms of section 53(2)(d) of the Act, a request for access must at least require the requester concerned to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

In essence, PAIA provides that a requester will be entitled to access to a record if the record is required for the exercise or protection of a right.

Requests can be made:

- as a personal requester
- an agent of a requester on behalf of someone else
- as a third-party seeking information.

1.4 Contact Details of Information Officer

Information Officer:	Sean Aspoas
Physical Address:	21 Scott Street, Waverley, 2121
Postal Address:	P O Box 1107, Parklands, 2121
Tel:	+27 11 880 7951
E-mail:	sean.aspoas@opsi.co.za

1.5 SAHRC Guidance to Requesters on how to Use the Act.

The South African Human Rights Commission (“SAHRC”) published guidelines in terms of section 10 of the Act that will facilitate ease of use of the Act for requesters.

The guide to the Act can be obtained below:

Postal Address
South African Human Rights Commission Promotion of Access to Information Act Unit Private Bag 2700 Houghton Johannesburg 2041
Physical Address
Forum 3 Braampark Office Park Braamfontein
Queries can be directed to
Telephone number: 27 (0) 11 877 3600 Fax number: (011) 484 7146/7 Website: www.sahrc.org.za E-mail: PAIA@sahrc.org.za

2 Company Structure

2.1 Scope

This PAIA Manual has been prepared for OPSI Systems only. This manual is intended to ensure that for OPSI Systems comply with the Act by fostering the culture of transparency and accountability and giving effect to the right to information.

2.2 Company Profile

The principal activity of the company is that of Development of Logistical Software and Implementation and Consulting thereof

3 Classes of Records

3.1 Records that may be requested. A description of the subjects of these records held by the body and the categories in which these subjects are classified. Sec 51 (1) (c) & Sec 51 (1) (e)

In general terms, the following records are available at the office of OPSI Systems on payment of the prescribed fee for reproduction:

Administration:

- Correspondence
- Company Memorandum and Articles of Association
- Registers
- Minutes of meetings
- Statutory returns

Human Resources:

- Staff recruitment policies
- Employment contracts
- Remuneration records and policies
- Conditions of Employment
- Internal Evaluation Records
- Forms and applications

Operations:

- Revenue records
- Client registry
- System documentation
- Insurance Policies / Claims Files

Finances:

- Financial statements
- Annual financial statements
- Reports and returns
- Income tax files
- Banking details and bank account records
- Debtors/creditors statements and invoices
- Assets inventory
- Lease Agreements
- Rental Agreements

3.2 Records available in accordance with other legislation - Sec 51 (1) (d)

Where applicable to its operation, OPSI Systems also retains records and documents in terms of legislation listed below. Please note that the records listed below are not exhaustive and as such, each request for access to record will be treated uniquely with consideration of applicable legislation, procedure and policy.

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

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Income Tax Act No. 95 of 1967
- Labour Relations Act No. 66 of 1995
- Occupational Health & Safety Act No. 85 of 1993
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

4 Access Procedure and Requests

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- 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 [s 53(2)(d)].
- 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 head of the private body [s 53(2)(f)].

4.1 Guidance on Completion of Prescribed Access Form

- 4.1.1 To facilitate the processing of your request, kindly:
- 4.1.2 The requester must complete Form C and submit this for together with the request fee to the Information Officer in Section 1.4
- 4.1.3 Type or print in block letters.
- 4.1.4 If a question is not applicable, answer as “N/A”.
- 4.1.5 Proof of identity is required to identify the requester.
- 4.1.6 Provide sufficient details to enable an efficient processing of your request.
- 4.1.7 Provide sufficient records on the record requested.
- 4.1.8 Address the prescribed form to the contact details in section 1.4.
- 4.1.9 If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.

4.2 Submission of Prescribed Access Form

The completed Access Request Form and its annexures, if applicable, must be submitted via registered mail or email and must be addressed to the Information Officer (details in section 1.4).

4.3 Payment of Prescribed Fees

Prescribed fees as published under Annexure A: Part 3 of the Regulations Regarding the Promotion of Access to Information¹ are as follows:

¹Published under Government Notice R187 in Government Gazette 23119 of 15 February 2002 as amended by:

- GN R1244/GG 25411 of 22/9/2003
- GN R990/GG 29278 of 13/10/2006
- GN R466/GG 29914 of 1/6/2007

FEES IN RESPECT OF PRIVATE BODIES

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 transcription of visual images, for an A4-size page or part thereof R40,00
 - (i) For a copy of visual images R60,00
 - d) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
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:
 - 4.1
 - 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 transcription of visual images, for an A4-size page or part thereof R40,00
 - (i) For a copy of visual images R60,00
 - d) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
 - e) 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.
 - 4.2 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.
 - 4.3 The actual postage is payable when a copy of a record must be posted to a requester.

4.4 Notification

Please note that the requester will be notified in writing of the outcome of their request. If the requester prefers another method to be notified of the outcome, please complete the section below with sufficient details to enable compliance with the request:

5 Refusal of Access to Records

OPSI Systems does not have internal appeal procedures regarding PAIA requests. As such, the decision made by the duly authorised persons in section 1.4 is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator for relief.

5.1 Grounds for refusal

- 5.1.1 An information officer is obliged to refuse access to a record if the disclosure would be an unreasonable disclosure of personal information about a third party, including a deceased individual.
- 5.1.2 Commercial Information - A request for access will be refused if the record contains trade secrets, financial, commercial, scientific or technical information of the body or a third party that is likely to harm **OPSI Systems** or third party. ²
- 5.1.3 An information officer is obliged to refuse a request for access to a record if disclosure would constitute an action for breach of the duty of confidence owed to a third party in terms of an agreement. ³
- 5.1.4 An information officer is obliged to refuse a request for access to a record if disclosure could possibly result in endangering the life of physical safety of individuals and protection of property. ⁴

²See section 63 of Protection of Personal Information Act 4 of 2013

³Section 68 of PAIA Act

⁴Section 65 of PAIA Act

Signed at _____ this ____ day of _____ 20__.

Sean Aspoas

Information Officer

Signature

6 Annexure 1: Access Request Form (Form C)

Request for Access to a Record

(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)

A. Particulars of the Requester

Surname	
Full Names	
Identity Number	
Postal Address	
Contact Details	
E-mail Address	

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

B. Particulars of person on whose behalf request is made.

Surname	
Full Names	
Identity Number	

C. Particulars of record

Description of records	
1.	
2.	
3.	
4.	
5.	

D. Fees

The following applies to requests (other than personal requests as referred to in regulation 11(2):

- The request fee payable by a requester, other than a personal requester, is R50.00.
- A fee will be payable for access to a record, and it shall depend on the form in which access is required and the reasonable time required to search for and prepare a record.
- Deposit that has been paid in respect of a request for access which is refused, will be repaid to the requestor.
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation for any time reasonably required in excess of the prescribed hours to search for and prepare (including making any arrangements contemplated in section 29(2)(a) and (b)(i) and (ii)(aa)) the record for disclosure.
- Records may be withheld until the fees have been paid.
- Fees are payable in cash or by electronic payment. Please that prior arrangement must be made for electronic payments. Contact Antoinette Risi at Antoinette.risi@opsi.co.za

*If the requester qualifies for an exemption in payment of fees, he/ she must complete the section below.

Reason for exemption from payment of fees:

E. Form of access to record

*If access is granted to a record, state your disability and indicate which form the record is required.

<p>Section 60 of the Act: If access is granted to a record of a private body, the head of that body must, as soon as reasonably possible after notification in terms of section 56, but subject to section 57, give access in-</p> <p>a) such form as the requester reasonably requires; or b) if no specific form of access is required by the requester, such form as the head reasonably determines.</p>	
Do you have any disability?	
Form in which record is required	

*Mark the appropriate box to indicate the form of record you require.

1. Record in written or printed form	
Do you want to inspect the records?	Do you need a copy of record?
2. Record consists of visual images	
View images	Copy of images
3. Record consists or recordings or sound	
Listen to the recording	Transcription of recording
4. Record held on computer or electronic readable form	
Print out of record	Copy in computer readable form

Please note the following:

- Form of access depends on the availability of the record.
- Access may be denied in certain circumstances depending on the form available. The requester will be informed of the decision and access can be granted in a different form which is available.
- A postal fee is payable if the requester wishes a copy or transcription of the record to be posted.

F. Right to be Exercised or Protected.

*In terms of section 53(2)(d) of the Act, a request for access must at least require the requester concerned to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

Which right is to be exercised or protected?

Explain why the requested record is required for the exercising or protection of the abovementioned right?

G. Notice of Decision Regarding Request for Access

*When the request for information is approved/ denied, the requester will be notified in writing. If the requester wishes to be informed in another manner, please specify the manner and the necessary particulars below.

H. Signature

Signed at _____ this ____ day of _____ 20__.

Print Name

Signature