

MANUAL

PROTECTION OF ACCESS TO INFORMATION ACT (PAIA) OF 2000



EXCEED (CAPE TOWN) INCORPORATED

REGISTRATION NUMBER: 2000 / 011257 / 21

(hereafter referred to as the Company)

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

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1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 (PAIA) came into operation, giving effect to the Section 32(2) Constitutional right of access to information. In terms of Section 51(1) of the Promotion of Access to Information Act (PAIA), all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This document serves as the Company's information manual and provides reference to the records held by the Company and the process to request access to such records.

Where a request is made in terms of the PAIA, the Company is obliged to release the information, subject to applicable legislative requirements.

2. DEFINITIONS AND INTERPRETATION

DEFINITIONS	INTERPRETATION
Conditions for lawful processing	Means the conditions for the lawful processing of Personal Information as fully set out in Chapter 3 of POPIA.
Company	Shall mean Exceed (Cape Town) Incorporated as specified on the Title page of this document.
Constitution	Means The Constitution of the Republic of South Africa, 1996.
Customer	Refers to any natural or juristic person that received or receives services from the Company.
Data Subject	Has the meaning ascribed thereto in Section 1 of POPIA
Employees	Refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company.
Information Officer	Means the appointed Information Officer (as defined in Section 1 of PAIA) of the Company
Information Regulator	An independent body empowered to monitor and enforce compliance by public and private bodies with the provisions of PAIA.
Manual	Means this manual prepared in accordance with Section 51 of PAIA and Regulation 4(1) (d) of the POPIA Regulations.
PAIA	Promotion of Access to Information Act 2 of 2000.
Personal Information	Has the meaning ascribed thereto in Section 1 of POPIA.
POPIA	Means the Protection of Personal Information Act 4 of 2013.
POPIA Regulations	Means the regulations promulgated in terms of Section 112(2) of POPIA.
Private Body	Has the meaning ascribed thereto in Sections 1 of both PAIA and POPIA
Processing	Has the meaning ascribed thereto in Section 1 of POPIA.
Responsible Party	Has the meaning ascribed thereto in Section 1 of POPIA.

Record	Has the meaning ascribed thereto in Section 1 of PAIA and includes Personal Information
Requestor	Has the meaning ascribed thereto in Section 1 of PAIA.
Request for Access	Has the meaning ascribed thereto in Section 1 of PAIA.

3. PURPOSE OF THE PAIA MANUAL

This PAIA Manual is useful for the public to-

- check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 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;
- know the description of the records of the body which are available in accordance with any other legislation;
- 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;
- know the description of the guide on how to use PAIA and the PAIA manual, as updated and amended;
- and how to obtain access to it;
- 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;
- know the description of the categories of data subjects and of the information or categories of information relating thereto;
- know the recipients or categories of recipients to whom the personal information may be supplied;
- 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; and
- know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. AVAILABILITY OF THE PAIA MANUAL

A copy of this PAIA Manual is available to the public for inspection on the Company's website (www.exceed.co.za) or on request from the information officer referred to in this Manual.

This Manual is also available for inspection at the Company's offices free of charge.

5. CONTACT DETAILS OF THE MANAGING DIRECTOR OF THE COMPANY

MANAGING DIRECTOR:	WF SMITH
Physical address:	Exceed House Springfield Office Park 109 Jip de Jager Road Bellville 7530

Postal Address:	PO Box 5710 Tygervalley 7536
Telephone Number:	021 915 6666
Website	www.exceed.co.za

6. THE INFORMATION OFFICER OF THE COMPANY

The Information Officer appointed in terms of the PAIA also refers to the Information Officer as referred to in the POPIA of 2013. All requests for information in terms of PAIA and POPIA must be addressed to the Information Officer.

7. CONTACT DETAILS OF THE INFORMATION OFFICER OF THE COMPANY

INFORMATION OFFICER:	IS VAN ROOYEN
Physical address:	Parc du Links Building 7 Niblick Way Somerset West 7130
Telephone Number:	021 852 0382
Email Address:	stephan@exceedsw.co.za

8. GUIDE OF INFORMATION REGULATOR

A Guide has been compiled in terms of Section 10 of PAIA (as amended by the POPI Act) by the Information Regulator. It contains information to assist a person wishing to exercise a constitutional right, in terms of PAIA. The Guide is available from the website of the Information Regulator:

https://www.inforegulator.org.za/docs/misc/PAIA-Guide-English_20210905.pdf:

9. CATEGORIES OF RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF PAIA [SECTION 51(1)]

Records held by the Company.

“Employee” or “Personnel” refers to any person who works for, or provides services to, or on behalf of the Company. This includes directors, all permanent, temporary, and part-time staff, as well as contract workers.

This section serves as a reference to the categories of information that the Company holds. The information is classified and grouped according to records relating to the following subjects and categories:

SUBJECT	CATEGORY
Companies Act Records	<ul style="list-style-type: none"> • Documents of Incorporation. • Index of names of Directors. • Memorandum of Incorporation. • Minutes of meetings of the Board of Directors. • Minutes of meetings of Shareholders. • Register of directors’ shareholdings. • Share certificates.

	<ul style="list-style-type: none"> • Share Register and other statutory registers. • Records relating to the appointment of: <ul style="list-style-type: none"> ○ Auditors. ○ Directors. ○ Other
Financial Records	<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	<ul style="list-style-type: none"> • PAYE Records. • 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 ○ Skills Development Levies ○ UIF ○ Workmen’s Compensation
Personnel Documents and Records	<ul style="list-style-type: none"> • Disciplinary Code and Records. • Employee benefits arrangements rules and records. • Employment Contracts. • Employment Equity Plan. • Forms and Applications. • Grievance Procedures. • Leave Records. • Payroll reports/ Wage register. • Salary Records.

	<ul style="list-style-type: none"> • SETA records. • Standard letters and notices • Training Manuals. • Training Records.
Sales Records	<ul style="list-style-type: none"> • Customer details. • Credit application information. • Information and records provided by a third-party.
Marketing Records	<ul style="list-style-type: none"> • Advertising and promotional material • Proposal Documents • Agreements • Marketing Brochures
Information Technology	<ul style="list-style-type: none"> • Computer / mobile device usage policy documentation. • Disaster recovery plans. • Hardware asset registers. • Information security policies/standards/procedures. • Information usage policy documentation. • Software licensing.
Training	<ul style="list-style-type: none"> • Training Materials • Training Records and Statistics • Training Agreements
Operations	<ul style="list-style-type: none"> • Agreements • Contracts • General Correspondence • Insurance Documentation • Service level agreements • Vehicle Registration Documents

Note that the accessibility of the records may be subject to the grounds of refusal set out in this PAIA manual.

Records deemed confidential on the part of a third-party, will necessitate permission from the third - party concerned, in addition to normal requirements, before the Company will consider access.

10. RECORDS FREELY AVAILABLE TO THE PUBLIC

The categories of records that are available without a person having to request access in terms of the Act are:

- Certain marketing information, adverts, and brochures
- External media releases
- Information on website

11. DESCRIPTION OF THE RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION [SECTION 51(1) (D)]

Where applicable to its operations, the Company also retains records and documents in terms of the legislation below.

Unless disclosure is prohibited in terms of legislation or otherwise, records that are required to be made available in terms of these Acts shall be made available for inspection. A request to access must be done in accordance with the prescriptions of PAIA.

- Auditing Professions Act, No 26 of 2005.
- Basic Conditions of Employment Act, No 75 of 1997.
- Broad- Based Black Economic Empowerment Act, No 75 of 1997.
- Companies Act, No 71 of 2008.
- Compensation for Occupational Injuries & Diseases Act, 130 of 1993.
- Competition Act, No.71 of 2008.
- Constitution of the Republic of South Africa 2008.
- Copyright Act, No 98 of 1978.
- Electronic Communications Act, No 36 of 2005.
- Electronic Communications and Transactions Act, No 25 of 2002.
- Employment Equity Act, No 55 of 1998.
- Financial Intelligence Centre Act, No 38 of 2001.
- Income Tax Act, No 58 of 1962.
- Intellectual Property Laws Amendment Act, No 38 of 1997.
- Labour Relations Act, No 66 of 1995.
- Occupational Health & Safety Act, No 85 of 1993.
- Prevention of Organised Crime Act, No 121 of 1998.
- Promotion of Access to Information Act, No 2 of 2000.
- Protection of Personal Information Act, No. 4 of 2013.
- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002.
- Skills Development Levies Act No. 9 of 1999.
- Trust Property Control Act 57 of 1988.
- Unemployment Insurance Contributions Act 4 of 2002.
- Unemployment Insurance Act No. 30 of 1966.
- Value Added Tax Act 89 of 1991.

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete.

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

12. REQUEST FOR ACCESS TO A RECORD

Please note that 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 certain categories as specified in PAIA. If it is suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against the requester.

Completion of the Access Request Form

To facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- An Access Request Form must be completed. This form must be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A copy of the request form is attached.
- Proof of identity is required to authenticate the identity of the requester. Therefore, in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached page.

Please note:

- In terms of the Act, the requester is required to provide sufficient detail on the request form to enable the Company to identify the record and the requester. The requester should also indicate the format access is required in.
- 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 submit proof of the capacity in which the requester is making the request to the satisfaction of the Company.
- An application for access to information can be refused if the application does not comply with the procedural requirements of PAIA.
- The successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.
- If the request is for access to a record that contains information about a third-party, the Company is obliged to contact the third-party to inform them of the request and to give them an opportunity to respond. If the third party furnishes reasons for the support or denial of access, the Company will consider these reasons in determining whether access may be granted.

Submission of the Access Request Form

- The completed Access Request Form together with a copy of the identity document must be submitted either via the mail or email and must be addressed to the contact person as indicated above.
- An initial request fee of R50.00 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.

Payment of Fees

- Payment details can be obtained from the contact person as indicated above and can be made by EFT (no credit card payments are accepted). Proof of payment must be supplied.
- The access fee must be paid prior to access being given to the requested record.
- If the request for access is successful an access fee may be required for the search, reproduction or preparation of the records and will be calculated based on the Prescribed Fees.
- If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

Notification

- The Company will, within 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 on form 3 of Annexure A to the Regulations.
- The 30-day period within which the Company must decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information. Or if the request requires a search for information held at another office of the Company and the information cannot reasonably be obtained within the original 30-day period. The Company will notify the requester in writing should an extension be sought.

Grounds for Refusal of Access to Records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third-party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third-party if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed in confidence by a third-party to the Company if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third-parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The commercial activities of the Company which may include:
 - Trade secrets of the Company.
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company.

Note that the requester may lodge an application with the court against the Company's rejection of an application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Act.

If the request for access is granted, the requester will be able to gain access to the requested records as soon as is reasonably possible but only after the access fees have been paid.

Fees

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. If the request is granted then further fees are payable for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Schedule of Fees

- A requestor is required to pay the prescribed fees before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- Records may be withheld until the fees have been paid.

The fee structure is available on the website of the Information Regulator at www.inforegulator.org.za

13. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST

Internal Remedies

The Company does not have internal appeal procedures. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

External Remedies

A Complaint to the Regulator must be made in writing and a complaint form must be completed, either manually or online. A complaint form, Form 5, can be downloaded from the Regulator's website.

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision apply to a Court for relief.

A third-party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

For purposes of PAIA, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court.

14. UPDATING OF THE PAIA MANUAL

The Company will update this PAIA Manual at such intervals as may be deemed necessary.

15. RIGHTS RESERVED BY THE COMPANY

The Company reserves the right to monitor, audit, screen, and preserve Company information as the Company deems necessary, to maintain compliance with these Policies and all relevant provisions of PAIA. Any distribution, unauthorised use, or benefit from Company information by an employee or user, in contravention of these Policies may result in disciplinary action being taken by the Company. The use of any system in such a way that breaches any of the provisions of these Policies, will be reported to the Information Officer at the Company, which may lead to further disciplinary action being taken.