



## **PIC PAIA MANUAL**

The below manual is as prescribed by the provisions of the Promotion of Access to Information Act, Act 2 of 2000 ("PAIA").

### **1. Interpretation**

- 1.1. Words importing natural persons shall include a reference to bodies corporate and other legal *personae* and *vice versa*.
- 1.2. A reference to any one gender shall include a reference to the other two genders.
- 1.3. A reference to the singular shall include a reference to the plural and *vice versa*.
- 1.4. Annexures to this document shall be deemed to have been incorporated herein and shall form an integral part hereof.
- 1.5. A reference to a party shall include a reference to that party's successors and assigns.
- 1.6. Any reference to any enactment shall constitute a reference to that enactment as at the date of signature hereof and as amended or re-enacted from time to time.
- 1.7. Where the day on or by which anything is to be done is not a business day, it shall be done on or by the first business day thereafter.
- 1.8. When any number of days is prescribed in this document, same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day falls on a Saturday, Sunday or public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or public holiday.
- 1.9. A reference to a document includes a reference to an amendment or supplement to or to a replacement or novation of that document.
- 1.10. Clause headings appearing in this document are for reference purposes only and shall not affect the interpretation hereof.
- 1.11. If any provision in any definition set out in either Clause 2 or any other clause in this document is a substantive provision conferring rights or imposing obligations on any party, effect shall be given thereto as if it were a substantive provision set out in the body of this document, irrespective of whether it may only be set out in a definition clause or such other clause.



- 1.12. Where figures are referred to in numerals and words, if there is any conflict between the two, the words shall prevail.

## 2. DEFINITIONS

- 2.1. **“The Act”** Shall mean the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act.
- 2.2. **“The company”** Shall mean Prosperity Group, and all its subsidiary and/or affiliate companies, a company duly registered and incorporated in accordance with the relevant statutes of the RSA with its principal place of business situated at 4th Floor, Meersig Building Nr 1, Constantia Boulevard, Constantia Kloof, Roodepoort, Johannesburg 1709.
- 2.3. **“This document”** Shall mean this document together with all of its annexures, as amended from time to time.
- 2.4. **“The Information Officer”** Shall mean the person duly authorised by the head of the company and appointed by the company to facilitate or assist the head of the company with any request in terms of the provisions of the Act.
- 2.5. **“RSA”** Shall mean the Republic of South Africa.

## 3. RECITAL

To facilitate the requests for access to records of the company as provided for in the Act.

## 4. DETAILS OF THE INFORMATION OFFICER

Information Officer:

Mr. Shaun Hide.

The Contact details of the Information Officer:

Physical address:

4th Floor, Meersig Building Nr 1,  
Constantia Boulevard, Constantia Kloof, Roodepoort,  
Johannesburg 1709



Telephone number and Email:

Telephone: +27 10 001 5107

Email Address: shaun.hide@hitasp.com

## **5. CONTACT DETAILS OF THE HEAD OF THE COMPANY AND**

The Head of the Company:

Mrs Rika van der Post.

The contact details of the head of the Company:

Telephone number: +27 10 001 5107

Email address: rika.vdpost@HITASP.com

## **6. HUMAN RIGHTS COMMISSION GUIDE**

6.1. The Human Rights Commission (“HRC”) has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

6.2. This guide is available from the SAHRC at:

Address: Private Bag X2700, Houghton 2041;  
Braampark Forum 3, 33 Hoofd Street, Braamfontein;  
the website at [www.sahrc.org.za](http://www.sahrc.org.za);  
e-mail to [info@sahrc.org.za](mailto:info@sahrc.org.za);  
telephone number (011) 877 3600; or  
telefax number (011) 403 0625.

## **7. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES**

7.1. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 11:



- 7.1.1. personnel records are available to the employee to which the particular personnel file relates;
- 7.1.2. records of disciplinary hearings and related matters are available to the employee concerned;
- 7.1.3. the company's policies and procedures manual;
- 7.1.4. the company's document format manual.
- 7.1.5. the following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 11:
  - 7.1.5.1. the company's employment equity plan;
  - 7.1.5.2. the company's skills development plan.
- 7.1.6. The cost to access, reproduce, search for and/or prepare any of the abovementioned records, unless otherwise agreed, is:
  - 7.1.6.1. The applicable fees referred to above are: (VAT inclusive)  
  
All requested data will be stored on a memory stick for which a fee of R90.00 will be charged.

## **8. RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT**

The following records are not automatically available without a request in terms of the Act:

- 8.1. all statutory returns:
  - 8.1.1. value-added tax (VAT);
  - 8.1.2. workmen's compensation;
  - 8.1.3. unemployment insurance fund (UIF);
  - 8.1.4. regional service levies (RSC);
  - 8.1.5. skills development levies.



## **9. OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(c)**

- 9.1. These records are not automatically available without a request in terms of the Act.
- 9.2. A request in terms of this section is subject to section 63(1) of the Act which provides that the head of a private body may refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

## **10. PROCEDURE FOR REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE**

- 10.1. A request must be made on the prescribed form. A copy of the form is attached marked Annexure B. The form is also available from the website of the HRC or the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za).
- 10.2. The prescribed form should be submitted to the information officer at his/her address, telefax number or email address, who will hand it to the head of the company or who will deal with the request himself.
- 10.3. The same procedure as set out in clause 10.1 and 10.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 10.4. The following fees should accompany the prescribed form:
  - 10.4.1. R90.00;
  - 10.4.2. if the head of the company or the information officer is of the opinion that six (6) hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable to one-third at an amount of R30.00 (thirty rand) per hour or part thereof exceeding the six (6) hours.
- 10.5. The head of the company, as soon as reasonably possible and within thirty (30) days after the request has been received, shall decide whether or not to grant the request.
- 10.6. The requester will be notified of the decision of the head of the company or the information officer in the manner indicated by the requester.



- 10.7. If the request is granted, the requester shall be informed by the head of the company or the information officer in the manner indicated by the requester in the prescribed form.
- 10.8. Notwithstanding the foregoing, the company will advise the requester in the manner stipulated by the requester in the prescribed form of:
  - 10.8.1. The access fee to be paid for the information
  - 10.8.2. the format in which access will be given;
  - 10.8.3. the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
  - 10.8.4. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
  - 10.8.5. If the request for access is denied, the head of the company or the information officer shall advise the requester in writing in a notice of refusal. The notice of refusal shall state:
    - 10.8.5.1. Adequate reasons for the refusal;
    - 10.8.5.2. that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such appeal.
- 10.9. Upon the refusal by the head of the company or the information officer, the deposit paid by the requester will be refunded.
- 10.10. If the head of the company or the information officer fails to respond within thirty (30) days after a request has been received, it is deemed, in terms of Section 58 read together with Section 56(1) of the Act, that the head of the company or the information officer has refused the request.
- 10.11. The head of the company may decide to extend the period of thirty (30) days ("original period") for another period of not more than thirty (30) days if:
  - 10.11.1. The request is for a large number of records; or
  - 10.11.2. the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company; or



- 10.11.3. consultation among divisions or departments, as the case may be, of the company is required; or
  - 10.11.4. the requester consents to such an extension in writing; or
  - 10.11.5. the parties agree in any other manner to such an extension.
- 10.12. Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 10.13. The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

## **11. INFORMATION OR RECORDS NOT FOUND**

- 11.1. If a requested record cannot be found or if the records do not exist, the head of the company or the information officer must, by way of an affidavit or an affirmation, notify the requester that it is not possible to give access to the requested record.
- 11.2. The affidavit or affirmation must provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company or the information officer with every person who conducted the search.
- 11.3. This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 11.4. If the record should later be found, the requester must be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the company or the information officer.
- 11.5. The attention of the requester is drawn to the provisions of Chapter 4 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.



## **12. INFORMATION REQUESTED ABOUT A THIRD PARTY**

- 12.1. Section 71 of the Act makes provision for a request for information or records about a third party.
- 12.2. In considering such a request, the company will adhere to the provisions of Section 71 to 74 of the Act.
- 12.3. The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties.
- 12.4. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or the information officer by referring matters to any court of competent jurisdiction.

## **13. ACCESS TO HEALTH OR OTHER RECORDS**

- 13.1. If the information officer or a deputy information officer who grants a request for access to a record provided by a health practitioner in his or her capacity as such about the physical or mental health, or well-being:
  - 13.1.1. of the requester; or
  - 13.1.2. if the request has been made on behalf of the person to whom the record relates, of that person is of the opinion that the disclosure of the record to the requester might cause serious harm to such person's physical or mental health or well-being, the information officer may, before granting access, consult with a health practitioner who has been nominated by the requester.
- 13.2. If such health practitioner is of the opinion that the disclosure of the record to the requester would be likely to cause serious harm to such person's physical or mental health or well-being, the information officer may only give access to the record if the requester provides that adequate provision has been made for such counselling as may be necessary in the circumstances.
- 13.3. Before access to the record is so given to the requester, the person responsible for such counselling must be given access to the record.

## **14. UPDATING OF MANUAL**





The company will update this manual every six (6) months or at such intervals as may be necessary.