



Promotion of Access to Information Act (PAIA)

Manual

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1. Introduction

22seven is committed to compliance with the directives of the South African Constitution and national legislation.

This manual was compiled in accordance with the Promotion of Access to Information Act (PAIA) No. 2 of 2000 and to address the requirements of the Protection of Personal Information Act (POPIA) No. 4 of 2013.

PAIA and POPIA give effect to section 32 of the South African Constitution, which focuses on the right to access information i.e. everyone has the right of access to information held by the state or a private body to enforce a culture of transparency and accountability.

Section 51 of POPIA requires that 22seven, as a private body, compile a manual giving information to the public regarding the records held and the procedures to be followed in requesting information.

2. Purpose of the manual

This Manual details the procedure to be followed by a Requester and the manner in which a Request for Access will be facilitated. Amongst other things, it includes:

- the purpose for which Personal Information may be processed
- a description of the categories of Data Subjects for whom the Company processes Personal Information
- the categories of Personal Information relating to such Data Subjects
- the recipients to whom Personal Information may be supplied.

3. Contact details

Any request for information or documents made in terms of this manual or the Act

should be directed to 22seven’s Information Officer who has delegated his obligations in terms of POPIA and PAIA to the person set out below. The Information Officer acts with the authority of the Head of the Company in respect of the matters contemplated in the Manual, and the obligations imposed by POPIA and PAIA.

The Information Officer’s contact details are as follows:

Contact Person	Jikku Joseph
Physical address	22seven, 60 Hout Street, Cape Town CBD, 8000
Postal address	22seven, 60 Hout Street, Cape Town CBD, 8000
Email address	thesvens@22seven.com
Telephone number	021 426 5771

4. Guide on how to use PAIA in terms of Section 14(c) of the Act

In terms of Section 10 of the Act, a guide on how to use the Act will be prepared by the Information Regulator.

The current guide is available on the following link:

<https://www.sahrc.org.za/home/21/files/SAHRC%20PAIA%20Section%2010%20Guide%202020%20FINAL%20WEB.pdf>

Queries can be directed to:

The Information Regulator

Physical Address: JD House 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Phone number: 010 023 5200

Website: <https://www.justice.gov.za/inforeg>

5. Availability of the manual

This Manual is made available in terms of PAIA and section 4 of the Regulations to POPIA.

The latest copy of this manual is also available on the 22Seven website at: <https://www.22seven.com>. This manual will be updated as required or when the relevant legislation changes.

6. Schedule of records

The Schedule of Records as contained in Annexure B of this Manual details the Records that are held and/or processed by the Company for the purposes of PAIA and POPIA respectively. Such access to such Records may not be granted if they are subject to the grounds of refusal which are specified in clause 8 below.

7. Applicable legislation

22seven keeps information and records in accordance with the following legislation, which includes, but is not limited to the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Companies Act No. 71 of 2008
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Employment Equity Act 55 of 1998
- Consumer Protection Act 2008

8. Procedure for a request for access in terms of PAIA

1 Process to request

- 1.1 A Requester must comply with all the procedural requirements as contained in section 53 of PAIA relating to a Request for Access to a Record.
- 1.2 A Requester must complete the prescribed Request for Access form Annexure C and submit the completed Request for Access form as well as payment of a request fee (if applicable) and a deposit (if applicable), to the Information Officer at the postal or physical address, facsimile number or electronic mail address stated in clause 3 above.
- 1.3 The Request for Access form must be completed with enough detail so as to enable the Information Officer to identify the following:
 - the Record/s requested;
 - the identity of the Requester;
 - the form of access that is required, if the request is granted;
 - the postal address or fax number of the Requester; and
 - the right that the Requester is seeking to protect and an explanation as to why the Record is necessary to exercise or protect such a right.
- 1.4 The Request for Access form must be completed with enough detail so as to enable the Information
- 1.5 If a Request for Access 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 reasonable satisfaction of the Information Officer.
- 1.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 1.7 The Company will voluntarily provide the requested Records to a Personal Requester (as defined in section 1 of PAIA). The prescribed fee for the reproduction of the Record requested by a Personal Requester will be charged in accordance with section 54(6) of PAIA and paragraph 11 below.

2 Decision to grant access to records

- 2.1 The Company will decide whether to grant or decline the Request for Access within 30 days of receipt of the Request for Access and must give notice to the Requester with reasons (if required) to that effect.
- 2.2 The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for a large number of Records or the Request for Access requires a search for Records held at another office of the Company and the Records cannot reasonably be obtained within the original 30 day period.
- 2.3 The Company will notify the Requester in writing should an extension of time as contemplated above be required.
- 2.4 If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

3 Information or records not found

- 3.1 If the Company cannot find the records that the Requester is looking for despite reasonable and diligent search and it believes either that the records are lost or that the records are in its possession but unattainable, the Requester will receive a notice in this regard from the Information Officer in the form of an affidavit setting out the measures taken to locate the document and accordingly the inability to locate the document.

4 Grounds for refusal

- 4.1 The following are the grounds on which the Company may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a Request for Access in accordance with Chapter 4 of PAIA:
 - 4.1.1 mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of Personal Information would be unreasonable.

- 4.1.2 mandatory protection of the commercial information of a third party, if the Records contain:
- trade secrets of that third party.
 - financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - information disclosed in confidence by a third party to the Company, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
 - mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.1.3 mandatory protection of the safety of individuals and the protection of property;
- 4.1.4 mandatory protection of Records that would be regarded as privileged in legal proceedings;
- 4.1.5 protection of the commercial information of the Company, which may include:
- 4.1.6 trade secrets;
- 4.1.7 financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of the Company;
- 4.1.8 information which, if disclosed, could put the Company at a disadvantage in contractual or other negotiations or prejudice the Company in commercial competition; and/or
- 4.1.9 computer programs which are owned by the Company, and which are protected by copyright and intellectual property laws;
- 4.1.10 research information of the Company or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- 4.1.11 requests for Records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

5 Remedies available to the requester upon refusal

- 5.1 The Company does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.
- 5.2 In accordance with sections 56(3) (c) and 78 of PAIA, a Requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

9. Fees

When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee (if any), before further processing the Request for Access.

Prescribed request fees are set out in Annexure A.

- If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
- The Information Officer will withhold a Record until the Requester has paid the fees set out in Annexure A.
- A Requester whose Request for Access to a Record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the Record for disclosure, including making arrangements to make it available in a requested form provided for in PAIA.
- If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.

Annexures

Annexure A – Fee structure

The fees below are in line with the regulation of PAIA which are payable by the requester when requesting access to information.

Access Fees for Reproduction	Price
<ul style="list-style-type: none">- 2(a) For every photocopy of an A4-size page or part thereof of the requested document- 4(1)(a) The access fees payable by a requester referred to in regulation 11(3) for every photocopy of an A4-size page or part thereof	R1,10
<ul style="list-style-type: none">- 2(b) For every printed copy of an A4-size page or part thereof held on a computer or in machine-readable form of the requested document- 4(1)(b) The access fees payable by a requester referred to in regulation 11(3) 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
<ul style="list-style-type: none">- 2(c)(ii) For a copy of the requested document in a computer-readable form on a compact disc	R70,00
<ul style="list-style-type: none">- 2(d)(i) For a transcription of visual images, for an A4-size page or part thereof for a copy of visual images	R40,00
<ul style="list-style-type: none">- 2(d)(ii) For a transcription of visual images, for an A4-size page or part thereof for a copy	R60,00
<ul style="list-style-type: none">- 2(e)(i) For a transcription of an audio record, for an A4-size page or part thereof for a copy of an audio record	R20,00
<ul style="list-style-type: none">- 2(e)(ii) For a transcription of an audio record, for an A4-size page or part thereof for a copy	R30,00

<ul style="list-style-type: none"> - The request fee payable by a requester, other than a personal requester/data subject referred to in regulation 11(2) 	<p>R50,00</p>
<ul style="list-style-type: none"> - 4(1)(f) To search for and prepare the record for disclosure. 	<p>R30,00 for each hour/part of an hour reasonably required for such search and preparation.</p>

Annexure B – Schedule of records held by 22seven

CATEGORIES OF RECORDS HELD BY 22SEVEN
Business Information
Documents of Incorporation
Memorandum and Articles of Association
Minutes of Board of Directors meetings
Records relating to the appointment of directors/auditor/secretary/public officer/ and other officers
Share Register and other statutory registers
Financial Records
Annual Financial Statements
Tax Returns
Accounting records
Banking Records, Bank Statements, Paid Cheques, Electronic banking records
Asset Register
Rental Agreements
Invoices
Contracts
General correspondence
Income Tax Records
PAYE Records
Documents issued to employees for income tax purposes
Records of payments made to SARS on behalf of employees
All other statutory compliances
VAT - Regional Services Levies - Skills Development Levies
UIF
Workmen's Compensation
Human Resources
Employment contracts
Employment equity plan (If applicable)

Medical aid records
Pension fund records
Disciplinary records
Salary records
SETA records
Disciplinary code
Leave records
Training records
Training manuals
Customer Service Records
Customer Correspondence
Customer Personal Information

Annexure C – Prescribed Request for Access form

REPUBLIC OF SOUTH AFRICA

FORM C
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(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:

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: (.....) Fax 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:

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:

.....
.....
.....

.....
 ...

E. FEES

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.

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 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 below, state your disability and indicate in which form the record is required.

Disability: Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request for access 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.

1. If the record is in written or printed form:				
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record	<input type="checkbox"/>

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 cassette)		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*		copy in computer-readable form* (stiffy or 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. 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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE