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1. Introduction

1.1. Overview

This PAIA Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the PAIA”). The PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information.

1.2. Abbreviations

Abbreviation	Description
ProServ	ProServ Projects (Pty) Ltd
HRD	Human Resource Department
PAIA	Promotion of Access to Information Act
POPIA	Protection of Personal Information Act
SAHRC	The South African Human Rights Commission

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1.3. Definitions

Term	Description
The Company	ProServ
Employee	Any person, excluding an independent contractor, who is employed by the Company and who receives, or is entitled to receive any remuneration from the Company.
Mandatory	A process, document, action, or practice that must be adhered to at all times.
Supervisor	A person appointed by ProServ in a supervisory position to oversee and manage the direction of a project or people.
Recommended Practice	A process, document, or action that is a preferred practice but that can be implemented at the discretion of the responsible person.
Shall	A mandatory practice in ProServ.
Should	A recommended or discretionary practice, but not mandatory.
Data Subject	means the person to whom personal information relates
Information Officer	of, or in relation to, a— (a) public body means an information officer or deputy information officer as contemplated in terms of section 1 or 17; or (b) private body means the head of a private body as contemplated in section 1, of the Promotion of Access to Information Act;
Information Regulator	It is an independent body established in terms of section 39 of the protection of personal information act 4 of 2013. It is subject only to the law and the constitution and it is accountable to the national assembly.
Manual	A document giving instructions or information.
Requester	Defined as the person who asks for something or who makes a request.
Responsible Party	Is the public or private body or any other person which, alone or in conjunction with others, determines the purpose of and means for processing personal information.

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2. Manual

2.1. Purpose of the PAIA Manual

The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within The Company by giving the right to information that is required for the exercise or protection of any right, and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights concerning public and private bodies.

The purpose of the POPIA is to provide protection of personal information processed by a Responsible Party and to stipulate the requirements for lawful processing of personal information.

This Manual therefore details the procedure to be followed by a Requester and the manner of access in terms of the PAIA.

2.2. Company Contact Details

Postal Address: 243 Willem Botha Street, Wierda Park, Centurion, South Africa

Street Address: 243 Willem Botha Street, Wierda Park, Centurion, South Africa

Telephone Number: +27 (0) 12 660 0010

Fax Number: +27 (0) 12 660 0190

Email: Hendrik.buhr@proservprojects.co.za

2.1. The Information Officer

The Information Officer appointed in terms of the PAIA also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required in terms of both this PAIA as well as the duties and responsibilities in terms of section 55 of the POPIA.

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the PAIA as well as section 56 of the POPIA. All request for information in terms of this Act must be addressed to the Information Officer.

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Contact Details of the Information Officer

Officer: H.J. Buhr
 Postal Address: 243 Willem Botha Street | Wierda Park | Centurion | South Africa
 Street Address: 243 Willem Botha Street | Wierda Park | Centurion | South Africa
 Telephone Number: +27 (0) 12 660 0010
 Fax Number: +27 (0) 12 660 0190
 Email: Hendrik.buhr@proservprojects.com

2.2. The South African Human Rights Commission (SAHRC)

The SAHRC has compiled a guide, as contemplated in section 10 of the PAIA, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

This guide is available from the SAHRC at:

Postal address: Private Bag 2700
 Houghton
 2041
 Website: www.sahrc.org.za
 Telephone number: 011 877 3600
 Fax number: 011 403 0684

2.3. Applicable Legislation

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, regulations, contractual agreement or otherwise, records that are required to be made available in terms of the below-listed Acts shall be made available for inspection by interested parties according to the requirements and conditions of the Act. The below-listed legislation and applicable internal policies and procedures apply, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 75 of 1997	Basic Conditions of Employment Act

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- 8 No 25 of 2002 Electronic Communications and Transactions Act
- 9 No 2 of 2000 Promotion of Access of Information Act
- 10 No 30 of 1996 Unemployment Insurance Act

Although the Company tried its utmost to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to the Company’s attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, the Company shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on to allow the Information Officer the opportunity of considering the request in light thereof.

2.4. Schedule of Records

The Schedule of Records 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.

This clause 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"> • All trust deeds; • Documents of Incorporation; • Index of names of Directors; • Memorandum of Incorporation; • Minutes of meetings of the Board of Directors; • Minutes of meetings of Shareholders; • Proxy forms; • Register of debenture-holders; • Register of directors’ shareholdings; • Share certificates; • Share Register and other statutory registers and/or records and/or documents; • Special resolutions/Resolutions passed; and • Records relating to the appointment of: <ul style="list-style-type: none"> o Auditors o Directors o Prescribed Officer o Public Officer o Secretary
Financial Records	<ul style="list-style-type: none"> • Accounting Records; • Annual Financial Reports; • Annual Financial Statements; • Asset Registers; • Bank Statements;

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	<ul style="list-style-type: none"> • 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; and • 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"> o VAT o Regional Services Levies o Skills Development Levies o UIF o Workmen’s Compensation
Personnel Documents And Records	<ul style="list-style-type: none"> • Accident books and records; • Address Lists; • Disciplinary Code and Records; • Employee benefits arrangements rules and records; • 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; and • Workplace and Union agreements and records.
Procurement Department	<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; and • Policies and Procedures.
Sales Department	<ul style="list-style-type: none"> • Customer details; • Credit application information; and • Information and records provided by a third party.
Marketing Department	<ul style="list-style-type: none"> • Advertising and promotional material.
Risk Management and Audit	<ul style="list-style-type: none"> • Audit reports; • Risk management frameworks; and

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	<ul style="list-style-type: none"> • Risk management plans.
Safety, Health and Environment	<ul style="list-style-type: none"> • Complete Safety, Health and Environment Risk Assessment • Environmental Managements Plans; and • Inquiries, inspections, examinations by environmental authorities.
IT Department	<ul style="list-style-type: none"> • Computer / mobile device usage policy documentation; • Disaster recovery plans; • Hardware asset registers; • Information security policies/standards/procedures; • Information technology systems and user manuals • Information usage policy documentation; • Project implementation plans; • Software licensing; and • System documentation and manuals.
Corporate Social Responsibility (CSR)	<ul style="list-style-type: none"> • CSR schedule of projects/record of organisations that receive funding; • Reports, books, publications and general information related to CSR spend; and • Records and contracts of agreement with funded organisations.

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

2.5. Form of Request

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.

A Requester must complete the prescribed Request for Access form (Annexure A: J 752 Form C: Request for access to record of private body) 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 above.

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.

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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.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The Company will voluntarily provide the requested Records to a Personal Requester (as defined in section 1 of PAIA). The prescribed fee for reproduction of the Record requested by a Personal Requester will be charged in accordance with section 54(6) of PAIA.

2.6. Decision to Grant Access to Records

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.

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.

The Company will notify the Requester in writing should an extension of time as contemplated above be required.

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.

2.7. Grounds to Refuse Access

The Company is entitled to refuse a request for information.

The main grounds for the company to refuse a request for information relates to the:

- mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;
- mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;
- mandatory protection of the commercial information of a third party (section 64) if the record contains:
 - trade secrets of the third party;
 - financial, commercial, scientific, or technical information the disclosure of which could likely cause harm to the financial or commercial interests of that third party;
 and

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- information disclosed in confidence by a third party to Adept Advisory, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;
- mandatory protection of the safety of individuals and the protection of property (section 66); and
- mandatory protection of records that would be regarded as privileged in legal proceedings (section 67).

The commercial activities (section 68) of a private body, such as 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;
- the information which, if disclosed, could put the company at a disadvantage in negotiations or commercial competition;
- a computer program which is owned by The Company, and which is protected by copyright; and
- the research information (section 69) of The Company or a third party, if its disclosure would disclose the identity of the Company, the researcher or the subject matter of the research, and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.

All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

Information or Records Not Found

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.

The Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

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2.8. Remedies available to the Requester upon refusal of a Request for Access of PAIA

Internal remedies

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.

External remedies

In accordance with sections 56(3)(c) and 78 of PAIA, a Requestor may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

2.9. Prescribed Fees

The Act provides for two types of fees, namely:

- A request fee, which is a form of an administration fee to be paid by all requesters except for personal requesters, before the request is considered, and is not refundable; and
- An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

If the search for the record has been made and the preparation of the record for disclosure, including an arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

A requester whose request for access to a record has been granted must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 the request form.

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.

All fees will be disclosed upon request.

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2.10. Protection of Personal Information that is Processed by The Company

Chapter 3 of POPIA provides for the minimum Conditions for Lawful Processing of Personal Information by a Responsible Party. These conditions may not be derogated unless specific exclusions apply as outlined in POPIA.

The Company requires Personal Information relating to both individual and juristic persons to carry out its business and organisational functions. The manner in which this information is processed and the purpose for which it is processed are determined by The Company. The Company is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:

- is processed lawfully, fairly, and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by The Company, in the form of privacy or data collection notices. The Company must also have a legal basis (for example, consent) to process Personal Information;
- is processed only for the purposes for which it was collected;
- will not be processed for a secondary purpose unless that processing is compatible with the original purpose;
- is adequate, relevant, and not excessive for the purposes for which it was collected;
- is accurate and kept up to date;
- will not be kept for longer than necessary;
- is processed in accordance with integrity and confidentiality principles; this includes physical and organisational measures to ensure that Personal Information, in both physical and electronic form, are subject to an appropriate level of security when stored, used, and communicated by The Company, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction, or damage;
- is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - be notified that their Personal Information is being collected by The Company. The Data Subject also has the right to be notified in the event of a data breach;
 - know whether The Company holds Personal Information about them, and to access that information. Any request for information must be handled in accordance with the provisions of this Manual;
 - request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading, or unlawfully obtained personal information;

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- object to The Company’s use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to The Company’s record-keeping requirements);
- object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications; and
- lodge complaints to the Information Regulator regarding an alleged infringement of any of the rights protected under POPIA and to institute civil proceedings regarding the alleged noncompliance with the protection of his, her, or its personal information.

In the event of possible cross border transfer of personal information, The Company shall ensure compliance of Section 72 of POPIA, which provides that Personal Information may only be transferred out of the Republic of South Africa if the:

- recipient country can offer such data an “adequate level” of protection. This means that its data privacy laws must be substantially similar to the Conditions for Lawful Processing as contained in POPI; or
- Data Subject consents to the transfer of their Personal Information; or
- a transfer is necessary for the performance of a contractual obligation between the Data Subject and the Responsible Party; or
- a transfer is necessary for the performance of a contractual obligation between the Responsible Party and a third party, in the interests of the Data Subject; or
- the transfer is for the benefit of the Data Subject, and it is not reasonably practicable to obtain the consent of the Data Subject, and if it were, the Data Subject, would, in all likelihood, provide such consent.

The Company ensures that security measures are implemented to ensure that the Personal Information that is processed by The Company is safeguarded and processed in accordance with the Conditions for Lawful Processing.

2.11. Objection to the Processing of Personal Information by a Data Subject

Section 11 (3) of POPIA and regulation 2 of the POPIA Regulations provides that a Data Subject may at any time object to the Processing of his/her/its Personal Information in the prescribed form, subject to exceptions contained in POPIA.

Section 24 of POPIA and regulation 3 of the POPIA Regulations provides that a Data Subject may request for their Personal Information to be corrected/deleted in the prescribed form.

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2.12. Data Retention and further processing

The Company stores and processes the data it collects about Employees, Clients and Partners for as long as is necessary for the purposes for which it was originally collected for.

The Company may also retain certain data for legitimate business purposes or as required by law, which shall include the assessment results for research and talent management purposes. The Company may retain this information in separate, secure databases for a period of 20 years.

Data retained for research or assessment purposes for a period beyond the original purpose for which it was collected shall be updated where necessary, shall not be misleading, and shall be accurate as possible before any further processing takes place. Research conclusions will only contain aggregated or de-identified data, which cannot reasonably be used to identify an individual.

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Annexure A

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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) 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 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:					
	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 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