

PAIA Manual

Praekelt Consulting

Section 51 Manual prepared in accordance With The Promotion of Access to Information Act No.2 of 2000

VERSION 1.0/ 7 SEPTEMBER 2016

ENQUIRIES: MORGAN COLLETT/ INFORMATION OFFICER/ PRAEKELT CONSULTING

MORGAN@PRAEKELT.COM

PRAEKELT CONSULTING (PTY) LIMITED, SOUTH AFRICA REG. NO. 2003/025531/07

The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right of access to information held by the State and held by a public or private body which is required for the exercise or protection of any rights. Praekelt is a non-profit company in terms of the company laws of the Republic of South Africa and meets the definition of a “private body” in section 1 in that it is an existing juristic person. In terms of section 51 PAIA requires private bodies to compile manuals that provide information on both the types and categories of records held by such private bodies including the grounds for refusal of access to records.

PLEASE READ THIS PAIA MANUAL CAREFULLY IN ORDER TO UNDERSTAND HOW THE ACT FACILITATES REQUESTS FOR ACCESS TO INFORMATION HELD BY PRAEKELT AND HOW YOU (REQUESTER) MAY ACCESS SUCH RECORDS. PRAEKELT MAY AMEND THIS MANUAL AT ANY TIME. ALL AMENDED TERMS SHALL BE EFFECTIVE AUTOMATICALLY AND IMMEDIATELY UPON THE POSTING OF THE REVISED PAIA MANUAL ON THE WEBSITE.

This PAIA Manual was last revised on 7 September 2016. You are advised to regularly check the Website www.praekelt.com for any amendments or updates to the Manual

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1.

Contact details for Praekelt [Section 51 (1) (a)]

1.1 The main business of Praekelt is designing and creating solutions and systems using technology that transforms businesses. Their products and service connect people to each other and in creating products they aim for a maximum digital user experience.

1.2 The Chief Information Officer of Praekelt is:

Head of Praekelt: Gustav Praekelt
Physical Address: Praekelt Consulting, 44 Stanley, Milpark 2092
Postal Address: Postnet Suite 230, Private Bag X11, Craighall 2024
Telephone Number: 0114828684
Email address: info@praekelt.com

1.3 The Chief Information Officer has duly authorised the person below as the Information Officer to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

Name: Morgan Collett
Physical Address: Unit 11, The Woodmill Lifestyle,
Vredenburg Road, Stellenbosch 7600
Postal Address: Postnet Suite 230, Private Bag X11, Craighall 2024
Telephone Number: 0218833823
Facsimile Number: 0866067992
Email address: informationofficer@praekelt.com

2.

PAIA Guide as per section 10 [Section 51 (1) (b)]

2.1 Section 10 of PAIA requires the Human Rights Commission to publish a guide containing the following information:

- a)** The objects of the Act;
- b)** The contact details of the information and deputy information officers of public and private bodies;
- c)** The manner and form of a request for access to a record held by a public and private bodies;
- d)** The assistance available from an information officer of a public or private body and the Human Rights Commission in terms of this Act;
- e)** The requirement of a public and private body to compile a manual on how to obtain access to a manual;
- f)** The requirement of a public and private body to provide for the voluntary disclosure of categories of records;
- g)** A list of prescribed fees to be paid in respect of requests for access;
- h)** Remedies in law that are available for failures to grant requests for access;
- i)** Any regulations made by the Minister in terms of this Act.

1.2 If you would like further guidance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission (SAHRC). They have a guide in each of the official languages of South Africa on how to exercise any right under PAIA. Please direct any queries to:

The South African Human Rights Commission

PAIA Unit
Braampark Forum III
Hoofd Street
Braamfontein
Johannesburg
2041

Postal address: Private Bag X2700, Houghton, 2041
Telephone: + 27 11 877-3600
Website: www.sahrc.org.za
Fax: + 27 11 403 0668

3.

Records available in terms of any other legislation [Section 51(1)(d)]

- 3.1** Records that are automatically available to the public are all records of Praekelt lodged in terms of regulatory, legal, industry and government requirements.
- 3.2** Records are kept in accordance with legislation applicable to the Praekelt, which includes but is not limited to the legislation listed below.
- 3.3** The records kept in accordance with the said legislation are not freely available to any requester but only to those specifically entitled to said records in terms of the below listed legislation.
- 3.4** Should a requester wish to access any of the records that apply to these statutes, a request must be made in accordance with the procedure set out in clause 5 below.
- 3.5** Each request will be evaluated in accordance with the provisions and requirements set out in the Act and the applicable legislation:
- a)** Income Tax Act No. 58 of 1962
 - b)** Unemployment Contributions Act No. 4 of 2002
 - c)** Unemployment Insurance Act No. 63 of 2001
 - d)** Value-added Tax Act No. 89 of 1991

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- e) Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
 - f) Labour Relations Act No. 66 of 1995
 - g) Basic Conditions of Employment Act No. 75 of 1997
 - h) Employment Equity Act No. 55 of 1998
 - i) Electronic Communications and Transactions Act 25 of 2002
 - j) Employment Equity Act 55 of 1998
 - k) Skills Development Act No. 97 of 1998
 - l) Skills Development Levies Act No. 9 of 1999
 - m) Skills Development Amendment Act No. 37 of 2008
 - n) Occupational Health and Safety Act No. 85 of 1993
 - o) Consumer Protection Act No. 68 of 2008
 - p) Companies Act No. 61 of 1973
 - q) Companies Act No. 71 of 2008
 - r) Protection of Personal Information Act No. 4 of 2013
 - s) Trade Marks Act No. 194 of 1993
 - t) Arbitration Act No. 42 of 1965
 - u) National Credit Act No. 34 of 2005
 - v) Insurance Act No. 27 of 1943
 - w) Unemployment Insurance Act 30 of 1966
 - x) Long Term Insurance Act No. 52 of 1998
 - y) Pension Funds Act No. 24 of 1956
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4.

Access to the records held by Praekelt [Section 51 (1)(c)]

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

a) Company Secretarial Records

- Memorandum of Incorporation;

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- Combined Company Register;
- Minutes of Meetings of the Board, its Committees and the Executive Committee;
- Board Charter and Committee Charters;
- Statutory Returns;
- Powers of attorneys;
- Delegation of authority; and
- Share Certificates.

b) Occupational Health and Safety

- A copy of the Act; and
- Certificate of Compliance.

c) Customer related records

- Records provided by clients; and
- Material produced for clients.

d) Personnel/Human Resources

- Staff records
- Employment Contracts
- Internal Policies and Procedures
- Health & Safety Records
- Employee Information;
- Forms and Applications;
- Standard Letters and Notices;
- Payroll Reports;
- Payslips;
- IRP5's
- Accident books and records;
- Workplace and Union agreements and records;
- Employee benefits arrangements rules and records;
- Safety, Health and Environmental records;
- Labour disputes;
- Disciplinary Code;
- Grievance Procedure; and
- Employee training.

e) Financial Records

- Audited annual financial statements;
- Management accounts;
- Banking details and bank accounts;
- Debtors/Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General ledger reconciliation; and
- Policies and Procedures.

f) Internal Records

- Financial Records;
- Taxation and Accounting Records;
- Operational Records;
- Insurance Records;
- Insurance Claim Records
- Lease Agreements and Title Deeds;
- Contracts and Agreements.
- Hire Agreements;
- Hire-purchase Agreements; and
- Credit Sale Agreements;

g) Intellectual Property

- Trade Marks;
- Patents;
- Copyright;
- Designs;
- Know-how; and
- Licences.

h) Legal Records

- Various contracts and agreements
- Supplier and contractor agreements
- Commercial disputes; and

- Litigation

i) Regulatory

- Permits;
- Licences,
- Consents,
- Approvals;
- Authorisations,
- Applications,
- Registrations; and
- Exemptions.

j) Other Records

- Information Technology Records;
- Marketing Records;
- Strategies;
- Sales Records;
- Media Releases;
- Tender Records;
- Security Records;
- Industry Specific Records.

5.

Request for access to a record [Section 51 (1) (e)]

5.1 The requester must use the prescribed form to request access to a record.

Please see Annexure 2 attached to this document. This request must be made to the Information Officer. This request must be made to the address, fax number or electronic mail address of Praekelt.

- 5.2** The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.
- 5.3** The requester should also indicate which form of access is required.
- 5.4** The requester should also indicate if, any other manner is to be used to inform the requester of our decision, in addition to a written reply. The requester must state what this manner should be and state the necessary particulars to be so informed.
- 5.5** The requester must identify the right that is sought to be exercised or protected, and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 5.6** 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 Information Officer.
- 5.7** In the event that Praekelt refuses to give the requester access to requested records, the requester may lodge an application with a court of law for Praekelt to be ordered to give the requester access to the requested records.
- 5.8** If the court orders Praekelt to grant the requester access to the requested records, the requester must pay a further access fee for the reproduction, the search, preparation and time taken to provide the records, in excess of the prescribed hours to search and prepare the record for disclosure.

6.

Fees [Section 51 (1) (e)]

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- 6.1** The fees are set out in Annexure 1 and have been prescribed in the Regulations promulgated in terms of the Act.
- 6.2** The fees must be paid by the requestor before Praekelt's Information Officer can make any records requested available to the requester. Payment can be made to:
- Bank:** Nedbank
Branch Code: 198765
Account Number: 1110143389
- 6.3** 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.
- 6.4** The Information Officer must by notice require the requester (other than a personal requester) to pay the prescribed fees (if any) before further processing the request
- 6.5** The requester may lodge an application to the court against the tender or payment of the request fee;
- 6.6** After the Information Officer has made a decision on the request, the requester must be notified in the required form.
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7.

Other Information as may be prescribed [Section 51(1)(f)]

- 7.1** No information has been prescribed.
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8.

Refusal of request for access

[Chapter 4]

8.1 The Information Officer shall, refuse a request for information or record if that information or record relates to the following:

- a)** mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;
- b)** mandatory protection of the commercial information of a third party, if the record contains-
 1. trade secrets of a third party;
 2. financial, commercial, scientific or technical information of a third party if the disclosure would likely cause harm to the financial or commercial interests of that third party;
 3. information supplied in confidence by a third party to Praekelt if the disclosure of such information could put that third party at a disadvantage in negotiations or prejudice that third party in commercial competition.
- c)** mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- d)** mandatory protection of the safety of individuals and the protection of property;
- e)** mandatory protection of records which would be regarded as privileged in legal proceedings;
- f)** commercial information of Praekelt;
- g)** mandatory protection of research information of a third party where the information is about research being or to be carried out by or on behalf of a third party where such disclosure would likely expose that third party or the person that is or will be carrying on the research on behalf of that third party or the subject matter of the research to serious disadvantage; or
- h)** the commercial activities of Praekelt, which may include:
 1. trade secrets of Praekelt;
 2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Praekelt;

3. information which, if disclosed could put Praekelt at a disadvantage in negotiations or commercial competition;
 4. a computer program which is owned by Praekelt and which is protected by copyright;
- i) the research information of Praekelt, if its disclosure would disclose the identity of Praekelt, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
 - j) Praekelt shall refuse requests for information where such requests are frivolous or vexatious.
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9.

Accessibility of the Manual

- 9.1 This Manual can be accessed on the website www.praekelt.com. You can also obtain a copy by email from the Information Officer and a copy of the Manual may be obtained from the South African Human Rights Commission.
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Annexure 1: Fees in respect of private bodies

DESCRIPTION		RAND
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof.	R 1,10
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	R 1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0,75
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	R 7,50
(ii)	Compact disc	R 70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	R 40,00
(d)(ii)	For a copy of visual images	R 60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
(e)(ii)	For a copy of an audio record	R 30,00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2)	R 50,00
4	The access fees payable by a requester referred to in regulation 11 (3) are as follows:	
(1) (a)	For every photocopy of an A4-size page or part thereof	R 1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0,75
(c)	For a copy in a computer-readable form on—	
(i)	Stiffy disc	R 7,50
(ii)	Compact disc	R 70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	R 40,00
(ii)	For a copy of visual images	R 60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	R 20,00
(e)(ii)	For a copy of an audio record	R 30,00

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- (f)** 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.
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- (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.
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- (3)** The actual postage is payable when a copy of a record must be posted to a requester.

Annexure 2: Request for access to records of private body

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 Praekelt (Pty) Limited

This annexure must accompany the cover letter addressed to the relevant Information Officer

The Information Officer for Praekelt (Pty) Limited:

Attention:

Fax number:

Email address:

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:

Fax number:

Telephone number:

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E-mail address:

Capacity in which the 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.

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

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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 hereunder, 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 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.

If the record is in written or printed form:

	copy of record*		inspection of record		
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**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*
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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)		
--	---	--	---	--	--

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		
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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.

Indicate which right is to
be exercised or
protected:

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 of _____
20____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

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Full Name of Organisation **Praekelt Consulting (Pty) Ltd**

Legal Status **Private Company incorporated in terms of the Companies Act**

Registration Number **2003/025531/07**

Place of Registration **South Africa**

Directors **GE Praekelt, BJ Van der Walt, RD Thom**

Physical Address **44 Stanley, Milpark Johannesburg 2092**

Postal Address **Postnet Suite 230, Private Bag X11, Craighall 2024**

Physical Address for receipt of legal documents **44 Stanley, Milpark Johannesburg 2092**

Telephone Number **0114828684**

E-mail address **info@praekelt.com**

Website Address **www.praekelt.com**

Membership to self-regulatory and/or accreditation bodies **N/A**

Description of products and services offered **Designing and creating solutions and systems using technology that transforms businesses**

Codes of Conduct applicable to Praekelt Consulting **N/A**

Privacy Policy **[insert URL]**

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