



SOVTECHTM
Business Software. Sorted.

PAIA MANUAL. SORTED.TM

SovTech 2022



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PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL:

1. INTRODUCTION

The Promotion of Access Information Act, No. 2 of 2000 (the “Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (‘the Constitution’) of access to any information held by the State and any information that is held by another person that is required for the exercise of protection.

In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”). This PAIA manual provides an outline of the type of records it holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000.

Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a public or private body.

SovTech and its affiliates (hereinafter referred to as “SovTech”) are fully committed to the implementation of a PAIA Policy in a positive and proactive manner in order to ensure that information under its control is available and accessible, and thus to give effect to the letter and spirit of the fundamental right of access to information and of the constitutional principles.

2. DETAILS OF THE DIRECTOR & CEO (SECTION 51(1)(a)).

Director:	Gerald Neves
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3. THE INFORMATION OFFICER (SECTION 51(1)(b))

- 3.1. The Information Officer is responsible to, inter alia, assess requests for access to information.

- 3.2. The Head of private body fulfils such function in terms of Section 51 of the Act. SovTech has opted to appoint an Information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act.
- 3.3. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013 ("POPI Act"). The Information Officer oversees the functions and responsibilities as required in terms of both this Act as well as the duties and responsibilities in terms of Section 55 of the POPI Act after registering with the Information Regulator.
- 3.4. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of Section 17 of the Act as well as Section 56 of the POPI Act.
- 3.5. All requests for information in terms of the Act must be addressed to the Information Officer.

Contact details of the Information	
Information Officer:	Willem Fourie
Physical Address:	74 Hillcrest Avenue, Blairgowrie. Randburg, Blairgowrie, Johannesburg, 2194
E-mail:	willem@sovtech.com
Deputy Information Officer:	Alicia van Wyk
Physical Address:	74 Hillcrest Avenue, Blairgowrie. Randburg, Blairgowrie, Johannesburg, 2194
E-mail:	alicia.vanwyk@sovtech.com

4. GUIDE OF ALL MANUALS IN THE REPUBLIC OF SOUTH AFRICA (SECTION 10)

- 4.1. The South African Human Rights Commission has published the Guide as is prescribed by Section 10 of the Promotion of Access to Information Act. The Guide is available at the offices of the South Africa Human Rights Commission.

4.2. Any enquiries regarding this Guide should be directed to:

The South Africa Human Rights Commission, at: PAIA Unit (The Research and Documentation Department),

Physical Address:	27 Stiemens Street, Braamfontein
Postal address:	Private Bag X2700, Houghton, 2041.
Telephone:	+27 11 877 3803
Facsimile:	+27 11 403 0625
Website:	www.sahrc.org.za
E-mail:	section51.paia@sahrc.org.za

5. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)

At the time of publication of this PAIA Manual no notice has been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

6. APPLICABLE LEGISLATION

Where applicable to its operations, SovTech also retains records and documents in terms of the legislation listed 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 these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act. A request to access information must be done in accordance with the prescriptions of the Act.

No	Act
1.	Basic Conditions of Employment Act No. 75 of 1997
4.	Companies Act no. 71 of 2008
5.	Compensation of Occupational Injuries and Diseases Act No. 130 of 1993
9.	Copyright Act no.98 of 1978

10.	Electronic Communications Act No.36 of 2005
13.	Income Tax Act No. 58 of 1962
14.	Intellectual Property Laws Amendments Act 38 of 1997
15.	Labour Relations Act no.66 of 1995
18.	Promotion of Access to Information Act No. 2 of 2000
19.	Protection of Personal Information Act No. 4 of 2013

7. AUTOMATICALLY AVAILABLE INFORMATION

- 7.1. Information of a public nature, typically those disclosed on the SovTech website and in its various annual reports may be accessed without the need to submit a formal application.
- 7.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such information will still have to be made with the Information Officer.

8. SCHEDULE OF RECORDS (SECTION 51(1)(d))

SovTech holds and maintains records on the following categories of information. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a “case by case” basis in accordance with the provisions of the Act.

SUBJECT	DESCRIPTION OF CATEGORIES OF RECORDS
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Companies Act Records	<ul style="list-style-type: none"> • Memorandum of Incorporation * (automatically available from CIPC) • Directors' names *(automatically available from CIPC) • Company Register • Shareholders Agreements • Share Certificates • Board Meetings: <ul style="list-style-type: none"> o Attendance Register o Resolutions o Minute Books • Delegation of Authorities • General Correspondence • Other Statutory Information
Financial Records	<ul style="list-style-type: none"> • Financial Statements • Corporate tax records/returns • Other documents related to taxation of the company • Accounting records <ul style="list-style-type: none"> o Journals, Ledgers and Balance Sheets o Income Statements o Trial Balance Statements o Cash Flow Statements • Banking records • Banking statements • Asset register • Invoices • Debtors and Creditors • Credit/Debit Notes • Salary information <ul style="list-style-type: none"> o PAYE records o IRP5 records • UIF payments • Skills levies • Insurance policies • Auditors reports • General correspondence

Human Resources	<ul style="list-style-type: none"> • Employee's personal information • Employee contracts • Human Resource policies and procedures • Remuneration Information and Employee Benefits • Employees' Travel Records • Leave records • Disciplinary and grievance records • Performance evaluations • Training records • Employment Equity Plan and reports • Job profiles • Remuneration • Medical Aid • Job competency profiles • General correspondence
Customer	<ul style="list-style-type: none"> • Customer details (Identity, addresses, contact, banking, debit orders etc.) • Contact details of individuals representing a corporate customer s • Communications with customers • Transactional information • Market intelligence information • Customer liaison, complaints, and queries • General correspondence
Marketing	<ul style="list-style-type: none"> • New product development information • Advertising • General Correspondence
Operations	<ul style="list-style-type: none"> • Service orders • Installation and maintenance of products and services- <ul style="list-style-type: none"> o Sprint meetings o Proof of delivery o Proof of handovers

Information Technology	<ul style="list-style-type: none"> • Network architecture Information • IT Policies and Procedures • Network Diagrams • User Manuals • Network Quality information • Data Management System information • System security
Legal and regulatory	<ul style="list-style-type: none"> • Contracts/Agreements <ul style="list-style-type: none"> ○ Customer agreements ○ Non-Disclosure agreements ○ Letters of Intent and Memoranda of Understanding ○ Supplier/service provider contracts ○ Independent contractors/agent agreements ○ Lease agreements • Litigation Records • Regulatory <ul style="list-style-type: none"> ○ Electronic Communications Licence ○ Submissions to the Independent Communications Authority of South Africa ○ Administration of Legislation • General correspondence

9. PROTECTION OF PERSONAL INFORMATION THAT IS PROCESSED BY SOVTECH

- 9.1. 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.
- 9.2. SovTech needs Personal Information relating to both individual and juristic persons in order to carry out its business and organisational functions. The manner in which this information is Processed and the purpose for which it is Processed is determined by SovTech. SovTech is accordingly a Responsible Party for the purposes of POPIA and will ensure that the Personal Information of a Data Subject:
- 9.2.1. is processed lawfully, fairly and transparently. This includes the provision of appropriate information to Data Subjects when their data is collected by SovTech,

- in the form of privacy or data collection notices. SovTech must also have a legal basis (for example, consent) to process Personal Information;
- 9.2.2. is processed only for the purposes for which it was collected;
 - 9.2.3. will not be processed for a secondary purpose unless that processing is compatible with the original purpose.
 - 9.2.4. is adequate, relevant and not excessive for the purposes for which it was collected;
 - 9.2.5. is accurate and kept up to date;
 - 9.2.6. will not be kept for longer than necessary;
 - 9.2.7. 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 SovTech, in order to protect against access and acquisition by unauthorised persons and accidental loss, destruction or damage;
 - 9.2.8. is processed in accordance with the rights of Data Subjects, where applicable. Data Subjects have the right to:
 - 9.2.8.1. be notified that their Personal Information is being collected by SovTech. The Data Subject also has the right to be notified in the event of a data breach;
 - 9.2.8.2. know whether SovTech 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;
 - 9.2.8.3. request the correction or deletion of inaccurate, irrelevant, excessive, out of date, incomplete, misleading or unlawfully obtained personal information;
 - 9.2.8.4. object to SovTech's use of their Personal Information and request the deletion of such Personal Information (deletion would be subject to SovTech's record keeping requirements);
 - 9.2.8.5. object to the processing of Personal Information for purposes of direct marketing by means of unsolicited electronic communications.

10. THIRD PARTY DISCLOSURES

- 10.1. SovTech might, in the ordinary course of business, have to disclose personal information of SovTech Customers to third parties, such as Contractors, Service providers and Software developers, Agents, and other licensed electronic communications operators (who are also responsible parties as defined in legislation) etc.
- 10.2. SovTech commits to only disclose personal information to third parties where it is necessary to ensure continued quality provisioning of its products and services to its customers.

- 10.3. SovTech shall also contractually ensure that such third parties undertake to deploy and manage adequate safeguards pertinent to the lawful processing and protection of such personal information.

11. CROSS-BORDER TRANSFERS

In the event that cross border transfer of personal information is necessary and/or unavoidable, SovTech shall ensure that the data protection and privacy laws of such countries to which personal information is transferred, are similar to the legislation in South Africa and that the recipients of the personal information commit to the same standard of data protection as that which SovTech has committed to.

12. SAFEGUARDING

- 12.1. Personal information of data subjects in SovTech's possession is safeguarded against unauthorised access and use, disclosure, alteration, damage and/or loss, by the deployment of reasonably practicable organisational and technological safeguards. SovTech also take reasonable steps to ensure the integrity, accuracy and updating of personal information held by it. SovTech has implemented adequate encryption, access controls and other best practices to protect personal data.
- 12.2. We will, on an ongoing basis, continue to review our security controls and related processes to ensure that your personal information is secure.

13. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION (SECTION 51(1)(e))

- 13.1. In terms of POPIA, a data subject may make a request to SovTech for access to or updating of personal information that SovTech holds.
- 13.2. The right to access personal information also includes the right to object to or request the limitation of the processing of personal information on specific grounds.
- 13.3. Requests for access to records held by the SovTech must be made on the prescribed form that is attached as Annexure A hereto. The prescribed form is available at https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf
- 13.3.1. Note that requests will only be processed upon payment of the prescribed fees.

- 13.3.2. The standard form that must be used for the making of requests. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed
- 13.4. Requests for access to records must be made to our Information Officer at the address or electronic mail address provided for in clause 3.5 above.
- 13.5. Provide sufficient details to enable SovTech to identify:
 - 13.5.1. The record(s) requested;
 - 13.5.2. The requester (and if an agent is lodging the request, proof of capacity);
 - 13.5.3. The form of access required;
 - 13.5.4. The postal address or electronic email of the requester in the Republic of South Africa;
 - 13.5.5. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 13.5.6. The requester must specify the right which he/she is seeking to exercise or protect. The requester must provide a reason for the requested record in order to exercise or protect the right.
- 13.6. Kindly note that all requests to SovTech will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by SovTech does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

14. TURN AROUND TIMES FOR ATTENDING TO REQUESTS

- 14.1. SovTech will within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 14.2. The 30 (thirty) days' period within which SovTech has to decide whether to grant or refuse the request for a further period of not more than 30 (thirty) days if the request is for a large number of information, or the request requires a search for information and the information cannot reasonably be obtained within the original 30 (thirty) day period.
- 14.3. SovTech will notify the requester in writing should an extension be sought.

15. PRESCRIBED FEES (SECTION 51(1)(f))

- 15.1. There are two types of fees to be paid in terms of the Act, namely;
 - 15.1.1. The request fee, and
 - 15.1.2. The access fee.
- 15.2. Refer to Annexure B attached hereto for the prescribed fee schedule.
- 15.3. A requester who seeks access to a record containing own personal information (a “personal requester”) is not required to pay the request fee.
- 15.4. A requester is required to pay the prescribed fees before a request will be processed;
- 15.5. 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 was granted);
- 15.6. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 15.7. Records may be withheld until the fees have been paid;
- 15.8. The fee structure is available on the website of the South Africa Human Rights Commission at www.sahrc.org.za.

16. PAYMENT OF FEES

- 16.1. The initial request fee must be deposited into the bank account as chosen by SovTech and a copy of the deposit slip, application form and other correspondence/documents must be forwarded to the Information Officer via e-mail.
- 16.2. All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making a payment.

17. AVAILABILITY AND UPDATING OF PAIA MANUAL

SovTech will update this manual at such intervals as may be deemed necessary. This manual of SovTech can be viewed on its website.

ANNEXURE A: REQUEST RECORDS FORM

FORM A

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

Managing Director:

Information Officer:

Physical Address:

Postal address:

Telephone: +27

E-mail:

Website:

B. Particulars of person requesting access to the record

Full names and surname:

Identity number:

Postal address:

Telephone number:

E-mail address:

C. Particulars of person on whose behalf request is made

Full names and surname:

Identity number:

Postal address:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person (i.e parent, legal guardian, attorney):

D. Particulars of record and reason for request

1. Description of record or relevant part of the record:

2. Reference number, if available:

Any further particulars of record:

3. Reason for requesting above information:

E. Fees

Reason for exemption from payment of fees:

F. Form of access to record

Disability:

Alternative form in which record is required:

Mark the appropriate box with an X.

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?

Please note: Postage is payable.

☐ YES ☐ NO

Note that access will be granted in the language in which the record is available.

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 atThis.....day of 20...

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B: FEES

FORM B

Schedule of Fees	
Description:	Fee
The fee for a copy of the manual as contemplated in regulation 5(c) is R0, 60 for every photocopy of an A4-size page or part thereof.	R0.60
Reproduction Fees: Regulation 7(1):	
For every photocopy of an A4-size page or part thereof	R0.60
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.40
For a copy in a computer- readable form on:	R5.00
(i) Stiff disc	
(ii) Compact disc	R40.00
For a transcription of visual images:	
(i)for A4-size page or part thereof	R22.00
(ii) copy of visual images	R60.00
(iii)transcription of an audio record, A4 size page or part thereof	R12.00
(iv)copy of an audio record	R17.00
Request fee payable by a requester, other than a personal requester	R35.00
Search Fees- to search and prepare a record for disclosure. The fee is charged per hour (or part of the hour); however the first hour is free.	R15.00

<p>For purposes of section 22(2) of the Act, the following applies:</p> <ul style="list-style-type: none">(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.	
<p>The actual postage is payable when a copy of a record must be posted to a requester.</p>	

Please note: All fees are subject to change as allowed for in the Act and as a consequence such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed by any changes in the fees prior to making a payment.

ANNEXURE C: OBJECTION FORM

Objection to the Processing of Personal Information in terms of Section 11(3) of the Protection of Personal Information Act, 2013

Regulations Relating to The Protection of Personal Information, 2018

Note:

- 1 Affidavits or other documentary evidence as applicable in support of the objection may be attached.
- 2 If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
- 3 Complete as is applicable

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	
Fax number / Email address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	
Fax number / Email address:	

C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of 20.....

.....
Signature of data subject/designated person

ANNEXURE D: CORRECTION OF DELETION FORM

Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal Information in terms of Section 24(1) of the Protection of Personal Information Act, 2013

Regulations Relating to the Protection of Personal Information, 2018

Note:

[Regulation 3]

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information

A	Details of Data Subject
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
Contact number(s):	

Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ registered name of data subject:	
Residential, postal or business address:	
Contact number(s):	

Fax number / Email address:	
C	Reasons for Objection in Terms of Section 11(1)(D) to (F) (Please Provide Detailed Reasons for The Objection)

D	Reasons for *Correction or Deletion of the Personal Information about the Data Subject in Terms of Section 24(1)(a) which is in Possession or Under the Control of the Responsible Party; and or Reasons for *Destruction or Deletion of a Record of Personal Information about the Data Subject in Terms of Section 24(1)(b) which the Responsible Party is no longer Authorised to Retain. (Please Provide Detailed Reasons for the Request)