

# Compliance Toolbox

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## PAIA MANUAL

**Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000  
(as amended)**

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## 1. DEFINITIONS

Client	A natural or juristic person who is an client or a person who provided their personal/special personal information to THE COMPLIANCE TOOLBOX (PTY) LTD in the context of a sale of acquiring goods or services.
Data subject	The person to whom personal information relates.
Personal Information	Information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.
Special Personal Information	Personal information concerning—  (a) the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or  (b) the criminal behaviour of a data subject to the extent that such information relates to—  (i) the alleged commission by a data subject of any offence;  <b>OR</b>  (ii) any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.
Child	A natural person under the age of 18 years who is not legally competent, without the assistance of a competent person, to take any action or decision in respect of any matter concerning him- or herself.

## 2. CONTACT DETAILS AND INFORMATION

THE COMPLIANCE TOOLBOX (PTY) LTD	
COMPLIANCE PRACTICE NUMBER	CO 4073
Registration No.	2003/007119/07

<b>Postal Address</b>	P O Box 2577 · Honeydew · 2040
<b>Physical Address</b>	88 Topaz Str · Kloofendal · 1724
<b>Fax Number</b>	086 659 5894
<b>Website</b>	<a href="http://www.ctb.co.za">www.ctb.co.za</a>
<b>Information Officer</b>	
<b>Contact Name</b>	Ryno van Wyk
<b>Telephone</b>	011 794 1189
<b>Email</b>	<a href="mailto:Ryno@ctb.co.za">Ryno@ctb.co.za</a>
<b>Deputy Information Officer</b>	
<b>Contact Name</b>	JP Moolman
<b>Telephone</b>	011 794 1189
<b>Email</b>	<a href="mailto:jp@ctb.co.za">jp@ctb.co.za</a>
<b>Head of Private Body</b>	
<b>Contact Name</b>	Charmaine van Wyk
<b>Telephone</b>	011 794 1189
<b>Email</b>	<a href="mailto:charmaine@ctb.co.za">charmaine@ctb.co.za</a>

### 3. GENERAL INFORMATION

#### 3.1. PURPOSE OF PAIA MANUAL

The Promotion of Access to Information Act (PAIA) gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. This PAIA manual provides an outline of the types of records and the personal information (PI) held by THE COMPLIANCE TOOLBOX (PTY) LTD and sets out the procedure to request access to these records and personal information, the requirements which such request must meet, as well as the grounds for refusal or partial refusal of such request.

This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This manual informs requesters of procedural and other requirements that a request must meet as prescribed by PAIA and POPIA. A requester has the right to submit a request, after providing adequate proof of identity and after payment of any fee required by law (if applicable) under [FORM 3].

#### 3.2. AVAILABILITY OF THE MANUAL

This manual will be available on THE COMPLIANCE TOOLBOX (PTY) LTD website [INSERT WEBSITE OF FSP] and may be amended from time to time. Alternatively, this manual can be obtained upon request to the information officer. Members of the public can inspect or make copies of the Guide from the offices of THE COMPLIANCE TOOLBOX (PTY) LTD.

#### 3.3. HOW TO OBTAIN ACCESS TO THE GUIDES TO PAIA AND POPIA

The South African Human Rights Commission (SAHRC) has compiled the guide contemplated in Section 10 of PAIA, which contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA. Copies of PAIA and POPIA, the relevant regulations and guides to these acts, can be obtained from the SAHRC or the information regulator and queries should be directed to:

SAHRC	Information regulator
<b>South African Human Rights Commission</b> Promotion of Access to Information Act Unit 27 Stiemens Street, Braamfontein	<b>The Information Regulator (South Africa)</b> JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. P.O Box 31533, Braamfontein, Johannesburg, 2017
Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a> Email: <a href="mailto:info@sahrc.org.za">info@sahrc.org.za</a>	Website: <a href="https://inforegulator.org.za/contact-us">https://inforegulator.org.za/contact-us</a> Email : <a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>

## **4. RECORDS OF THE COMPLIANCE TOOLBOX (PTY) LTD**

### **4.1. SUBJECT CATEGORIES OF RECORDS HELD**

This paragraph serves as a reference to the records that THE COMPLIANCE TOOLBOX (PTY) LTD holds. It is recorded that the accessibility of the records listed below, may be subject to the grounds of refusal set out hereinafter. The information is classified and grouped according to records relating to the subjects and categories outlined below.

#### **4.1.1. HUMAN RESOURCES**

- personal records provided by employees;
- records provided by a third party relating to employees;
- conditions of employment and other employee-related contractual and quasi-legal records;
- internal evaluation records and other internal records;
- correspondence relating to employees;
- training schedules and material; and
- records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Employment Equity Act 55 of 1998;
- Amount of remuneration paid or due by him to the employee;
- The amount of employee's tax deducted or withheld from the remuneration paid or due;
- The income tax reference number of that employee;

#### **4.1.2. MARKETING**

- any promotional material for public viewing;
- product information

#### **4.1.3. FINANCE**

- Accounting records;
- Financial statements
- Amounts received by that registered micro business during a year of assessment;
- Dividends declared by that registered micro business during a year of assessment;

#### **4.1.4. CLIENT-RELATED**

- Full names, physical address, postal address and contact details;
- ID number and registration number;
- Contact details of public officer in case of a juristic person;
- Service rendered;
- Record of advice furnished to the consumer reflecting the basis on which the advice was given;
- The nature of that business relationship or transaction;
- In the case of a transaction, the amount involved and the parties to that transaction;
- All accounts that are involved in the transactions concluded by that accountable institution in the course of that business relationship and that single transaction;

- The name of the person who obtained the identity of the person transacting on behalf of the accountable institution;
- Any document or copy of a document obtained by the accountable institution.
- Known premature cancellations of transactions or financial products of the provider by clients;

#### 4.2. CATEGORIES OF DATA SUBJECTS

CATEGORIES OF DATA SUBJECTS	PERSONAL INFORMATION PROCESSED
Shareholders	Shareholder personal information
Directors	Directors personal information
Clients (includes potential and previous clients)	customer personal information
	customer special personal information
	customer bank details
	customer third-party information, such as from credit bureaux and the Companies and Intellectual Property Commission (CIPC).
	customer employee information
	customer personal information in respect of their clients for purposes of monitoring compliance with Statutory obligations
	Client third-party information, such as information from the Companies and Intellectual Property Commission (CIPC).
	Other general personal information as may be necessary at times
Product suppliers internal / external	Product supplier personal information
	Product supplier contracts



	Product supplier bank details
	Personal information of representatives of product supplier
Job applicants Internal / Job applicants external	Personal information of job applicants
	Criminal checks, qualification checks, tax status checks
	Background information
Natural representatives of customers	Personal information on representatives
	Background information e.g. industry experience
	Criminal checks, sanction list checks
	Qualifications, tax status checks
	Bank details of representatives
Juristic representatives of customers	Bank details
	Personal information (company registration number, contact information)
Key individuals of customers	Background checks
	Criminal checks
	Personal information (e.g. name, ID, ect.)
	Employment history

	Training records
Employees (includes current and former, as well as prospective) – as may be applicable subject to role considerations	Employee personal information (e.g. name, ID, ect.)
	Employee education and psychometrics records
	Employee medical information
	Employee bank details
	Health and safety records
	Employee beneficiary information (if applicable)
	Employee pension and provident fund information (if applicable)
Outsourced service providers	Personal information (company registration number, contact number)
	Personal information in respect of directors, shareholders, owners etc

#### 4.3. RECORDS HELD IN TERMS OF SOUTH AFRICAN LEGISLATION

Applicable Legislation
Arbitration Act, 1965 (Act 42 of 1965)
Basic Conditions of Employment Act, 1997 (Act 75 of 1997)
Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003)
Code of Advertising Practice of the Advertising Standards Authority (ASA)

Codes, standards and guidelines of the Association for Savings and Investment (ASISA) for member organisations
Companies Act, 2008 (Act 71 of 2008)
Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993)
Competition Act, 1998 (Act 89 of 1998)
Consumer Protection Act (Act 68 of 2008)
Copyright Act, 1975 (Act 98 of 1978)
Disaster Management Act (Act 57 of 2002)
Electronic Communications & Transactions Act, 2002 (Act 25 of 2002)
Electronic Communications Act, 2005 (Act 36 of 2005)
Employment Equity Act, 1998 (Act 55 of 1998)
Employment Equity Amendment Bill
Income Tax Act, 1962 (Act 58 of 1962)
Insolvency Act, 1936 (Act 24 of 1936)
King Report and Code on Corporate Governance in South Africa (King III), 2009 / King IV on Corporate Governance in South Africa (2016)

Labour Relations Act, 1995 (Act 66 of 1995)
Occupational Health and Safety Act, 1993 (Act 85 of 1993)
Promotion of Access to Information Act, 2000 (Act 2 of 2000)
Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
Promotion of Equality & Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)
Protected Disclosures Act, 2000 (Act 26 of 2000)
Protection of Personal Information Act (POPIA), (Act 4 of 2013)
Public Holidays Act, 1994 (Act 36 of 1994)
Skills Development Act, 1998 (Act 97 of 1998)
Skills Development Levies Act, 1999 (Act 9 of 1999)
Tax Administration Act, 2011 (Act 28 of 2011)
Unemployment Insurance Act, 2001 (Act 63 of 2001)
Unemployment Insurance Contributions Act, 2002 (Act 4 of 2002)
Value-Added Tax Act, 1991 (Act 89 of 1991)

## **5. REQUESTS TO ACCESS RECORD**

### **5.1. TYPES OF REQUESTERS**

A requester is any person making a request for access to a record held by THE COMPLIANCE TOOLBOX (PTY) LTD. There are two types of requesters:

- (1) Personal requester; and
- (2) Other requester.

#### **5.1.1. PERSONAL REQUESTER**

A personal requester is a requester who is seeking access to a record that relates to their personal information (as defined in PAIA and POPIA).

Subject to the provisions of this manual, PAIA, POPIA and other applicable laws, THE COMPLIANCE TOOLBOX (PTY) LTD will provide the requested information or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested will be charged as indicated in [FORM 3].

#### **5.1.2. OTHER REQUESTER**

This requester (other than a personal requester) is entitled to request access to information on third parties. The requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

If a public body lodges a request, the public body must be acting in the public interest and provide details of the public interest that it is seeking to protect/rely on.

## **5.2. REQUEST PROCEDURE**

### **5.2.1. SUBMITTING A REQUEST TO ACCESS A RECORD**

The following procedural requirements serve as guidelines for requesters. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.

The requester must submit:

- (1) the prescribed form enclosed in [FORM 2];
- (2) proof of identity of the requester;
- (3) proof of capacity in which the requester is making the request and proof of authorisation to make that request (if applicable); and
- (4) payment of request fee and deposit (if applicable).

The prescribed form must be completed with sufficient detail to at least enable the information officer to identify –

- the record requested and the requester;

- which form of access is required;
- a postal address or fax number of the requester in the Republic;
- the right the requester is seeking to exercise or protect and the reason why the requested record is required for the exercise or protection of that right; and
- the manner in which the requester wishes to be notified of the request.

If a request 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.

The requester must state the nature of the right for which access to the requested records is required. The courts have indicated that access to the records must be “necessary” for the exercise or protection of the right so stated. This right of access may not be used to access records under criminal or civil proceedings, or where such proceedings have commenced. This right of access only applies to records in existence at the time of request.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, which must then be reduced into writing by the person assisting the requester.

#### **5.2.2. PAYMENT OF PRESCRIBED FEES (IF APPLICABLE)**

There are two types of fees in terms of PAIA:

- (1) a request fee, which will be a standard fee; and
- (2) an access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the Information Officer, he/she shall by notice require the requester (other than a personal requester) to pay the prescribed request fee (if any) before further processing of the request.

If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations of PAIA 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 in [FORM 3].

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 more than the prescribed hours to search for and prepare the record for disclosure including planning to make it available in the requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned will repay the deposit to the requester.

### **5.2.2. NOTIFICATION OF DECISION REGARDING REQUEST TO ACCESS RECORDS**

THE COMPLIANCE TOOLBOX (PTY) LTD will, within 30 business days (excludes weekends and public holidays), but not less than 21 days, after receipt of the request and payment of the prescribed fee, decide whether to grant or decline the request and notify the requester in the manner indicated by the requester in [FORM 2].

Subject to the provisions in PAIA, in respect of extensions, THE COMPLIANCE TOOLBOX (PTY) LTD will process the request within 30 days from when the request is received and the fee is paid, or within any extended timeline, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods could not be complied with. Only in exceptional circumstances can this timeline be less than 21 days. THE COMPLIANCE TOOLBOX (PTY) LTD cannot decide to shorten the period of 21 days where a requester (other than a personal requester) has requested access to information on a third party.

### **5.3. DUTIES OF INFORMATION OFFICER REGARDING REQUESTS**

#### **5.3.1. DUTY TO RENDER REASONABLE ASSISTANCE**

Information Officer of THE COMPLIANCE TOOLBOX (PTY) LTD will be expected to render such reasonable assistance, free of charge, as is necessary to enable the requester or data subject to comply with the prescribed process for submitting a request.

#### **5.3.2. REFUSAL OF REQUESTS DUE TO NON-COMPLIANCE**

If a requester or data subject has made any request that does not comply with the requirements of PAIA or POPIA, the Information Officer concerned may not refuse the request because of that non-compliance, unless the Information Officer has –

- (a) notified the data subject or requester of his/her intention to refuse the request and stated in the notice, the reasons for the contemplated refusal, as well as his/her availability to assist that requester or data subject to remove the grounds for refusal;
- (b) given the requester or data subject a reasonable opportunity to seek such assistance;
- (c) as far as reasonably possible, furnished the requester or data subject with any information that would assist the making of the request in the prescribed form; and
- (d) given the requester a reasonable opportunity to confirm the request or alter it to comply with section 18 of PAIA or 24 of POPIA.

#### **5.3.3. REQUESTS TO ACCESS HEALTH RECORDS**

In the case of health records, if the Information Officer is of the opinion that the disclosure of the record to the relevant person would be likely to cause serious harm to their physical or mental health, or well-

being of the data subject. The Information Officer may only give access to the record if the requester proves to the satisfaction of the Information Officer that adequate provision is made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the record to limit, alleviate or avoid such harm to the relevant person.

#### **5.3.4. ANNUAL REPORTS ON REQUESTS TO ACCESS RECORDS**

The Regulator may, annually, request the Information Officer of THE COMPLIANCE TOOLBOX (PTY) LTD, in terms of section 83 (4) of PAIA, to furnish to the Regulator with information about requests for access to records of that body.

#### **5.4. EXTENSION OF PERIOD TO DEAL WITH REQUEST BY THE COMPLIANCE TOOLBOX (PTY) LTD**

THE COMPLIANCE TOOLBOX (PTY) LTD may extend the time period to notify the requester of its decision to grant or refuse the request to access if –

- (a) the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of THE COMPLIANCE TOOLBOX (PTY) LTD;
- (b) the request requires a search for records in, or collection thereof from, an office of THE COMPLIANCE TOOLBOX (PTY) LTD not situated in the same town or city as the office of the head that cannot reasonably be completed within the original period;
- (c) consultation among divisions of THE COMPLIANCE TOOLBOX (PTY) LTD or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
- (d) more than one of the circumstances contemplated in paragraphs (a), (b) and (c) exist in respect of the request making compliance with the original period not reasonably possible; or
- (e) the requester consents in writing to such extension.

If a period is extended by THE COMPLIANCE TOOLBOX (PTY) LTD, the Information Officer will, as soon as reasonably possible, but in any event within 30 business days (excludes weekends and public holidays), after receipt of request notify the requester of that extension. The notification of extension will state the period of the extension and the reasons for the extension.

#### **5.5. REQUESTS TO ACCESS INFORMATION ON A THIRD-PARTY**

Where a requester (other than a personal requester) has requested access to information on a third party, PAIA provides that the third party whose information is requested must be given 21 days in which to make representations to refuse access or give written consent for the disclosure of the record to the requester. It may not always be possible for THE COMPLIANCE TOOLBOX (PTY) LTD to comply with all refusal representations e.g. when a court order has been served for the access. THE COMPLIANCE TOOLBOX (PTY) LTD cannot decide to shorten the period of 21 days where a requester (other than a personal requester) has requested access to information on a third party.



## **5.6. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST**

If all reasonable steps have been taken to find a record and such record cannot be found or the record does not exist, then the Company shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.

The affidavit or affirmation shall provide a full account of all the steps taken to find the record or determine its existence, including details of all communications by the group with every person who conducted the search.

Notification of “record cannot be found” or “the record does not exist” shall be regarded as a decision to refuse a request for access to the record concerned for purposes of PAIA.

If the record in question is later found, the requester shall be given access to the record in the manner stipulated by the requester in [FORM 2], unless access is refused by THE COMPLIANCE TOOLBOX (PTY) LTD as set out in this manual and/or in accordance with PAIA.

## **5.7. ACCESS TO HEALTH RECORDS**

If THE COMPLIANCE TOOLBOX (PTY) LTD grants a request for access to a record provided by a health practitioner about the physical or mental health, or well-being of the requester or of the person to whom the record relates, and THE COMPLIANCE TOOLBOX (PTY) LTD is of the opinion that the disclosure of the record to the relevant person might cause serious harm to his or her physical or mental health, or well-being, the Information Officer may, before giving access consult with a health practitioner who has been nominated by the relevant person.

If the relevant person is —

- (a) under the age of 16 years, a person having parental responsibilities for the relevant person must make the nomination; or
- (b) incapable of managing his or her affairs, a person appointed by the court to manage those affairs must make that nomination.

If, after being given access to the record concerned, the health practitioner consulted is of the opinion that the disclosure of the record to the relevant person, would be likely to cause serious harm to his or her physical or mental health, or well-being, THE COMPLIANCE TOOLBOX (PTY) LTD may only give access to the record if the requester proves to the satisfaction of the Information Officer that adequate provision is made for such counselling or arrangements as are reasonably practicable before, during or after the disclosure of the record to limit, alleviate or avoid such harm to the relevant person.

Before access to the record is so given to the requester, the person responsible for such counselling or arrangements must be given access to the record.

## **5.8. DECISION REGARDING REQUEST TO ACCESS**

### **5.8.1. DECISION TO GRANT ACCESS**

If the request for access is granted the notice of decision to grant access must state –

- the access fee (if any);
- the form in which access will be given; and
- that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure for lodging the application.

### **5.8.2. DECISION TO REFUSE ACCESS**

If the request for access is refused the notice of the decision to refuse access must –

- state adequate reasons for the refusal, including the provisions of any Act relied on;
- exclude, from any such reasons, any reference to the content of the record; and
- state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

The main grounds for THE COMPLIANCE TOOLBOX (PTY) LTD to refuse a request for records relates to the mandatory protection –

- of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- of the commercial information of a third party, if the record contains –
  - trade secrets of that third party;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - information disclosed in confidence by a third party to THE COMPLIANCE TOOLBOX (PTY) LTD, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- of confidential information of third parties if disclosing such would or could constitute a breach of the duty of confidence owed to a third party in terms of any agreement;
- of the safety of individuals and the protection of property;
- of records which would be regarded as privileged in legal proceedings;
- of the commercial activities of the group, which may include –
  - trade secrets of THE COMPLIANCE TOOLBOX (PTY) LTD;
  - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of THE COMPLIANCE TOOLBOX (PTY) LTD;
  - information which, if disclosed, could put THE COMPLIANCE TOOLBOX (PTY) LTD at a disadvantage in negotiations or commercial competition;
  - a computer programme which is owned by the Company, and which is protected by copyright.

- of the research information of THE COMPLIANCE TOOLBOX (PTY) LTD or a third party, if its disclosure would disclose the identity of THE COMPLIANCE TOOLBOX (PTY) LTD, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

### **5.8.3. PARTIAL REFUSAL OF REQUEST**

THE COMPLIANCE TOOLBOX (PTY) LTD will disclose to every part of the record which does not contain and can be reasonably severed from any part that contains information which may or must be refused in terms of PAIA and this manual.

The part of the record that is disclosed to the requester is subject to the provisions in PAIA and this manual that applies to requests where access is granted e.g. the payment of prescribed access fees. The part of the record that is not disclosed to the requester is subject to the provisions in PAIA and this manual that applies to requests where access is refused e.g. the THE COMPLIANCE TOOLBOX (PTY) LTD must notify the reasons for refusal.

### **5.8.4. DEEMED REFUSAL OF REQUEST**

If THE COMPLIANCE TOOLBOX (PTY) LTD fails to give the decision on a request for access to the requester concerned within 30 business days from when the request is received and the fee is paid, or within the extended timeline, it will be regarded as a decision to refuse the request.

## **5.9. REMEDIES AVAILABLE TO REQUESTER**

### **5.9.1. INTERNAL REMEDIES**

THE COMPLIANCE TOOLBOX (PTY) LTD 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 a requester is not satisfied by a decision made by the Information Officer e.g. for refusing access, for imposing access fees, or for extending the time period in which the response is due.

### **5.9.2. EXTERNAL REMEDIES**

Subject to the provisions of PAIA, a requestor that is dissatisfied with an information officer's refusal to disclose information, may within 180 days of notification of the decision, apply to a court or to the Information Regulator for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 180 days of notification of the decision, apply to the Information Regulator or to a court with appropriate jurisdiction for relief.

Notice of Appeal, Form B, in terms of Section 75 of PAIA [Regulation 8], can be found on the website of the information regulator under the "Documents" section ([www.justice.gov.za/inforeg](http://www.justice.gov.za/inforeg)).

ANNEXURE A

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer


(Address)

E-mail address: 

--

Fax number: 

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Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
<p align="center"><b>PARTICULARS OF RECORD REQUESTED</b></p> <p><i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i></p>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
<p align="center"><b>TYPE OF RECORD</b></p> <p align="center"><i>(Mark the applicable box with an "X")</i></p>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

<b>FORM OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

<b>MANNER OF ACCESS</b> <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

<b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>  <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
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:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_

**Signature of Requester / person on whose behalf request is made**

**FOR OFFICIAL USE**

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

\_\_\_\_\_

**Signature of Information Officer**

## ANNEXURE B

### FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

1. If your request is granted the—
  - (a) amount of the deposit, (if any), is payable before your request is processed; and
  - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

TO:  Reference number:

Your request dated , refers.

**1. You requested:**

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
--	--

OR

**2. You requested:**

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

**3. To be submitted:**

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐

Approved

☐

Denied, for the following reasons:



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**4. Fees payable with regards to your request:**

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
<b>TOTAL:</b>			

**5. Deposit payable (if search exceeds six hours):**

☐

Yes

☐

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: \_\_\_\_\_  
 Name of account holder: \_\_\_\_\_  
 Type of account: \_\_\_\_\_  
 Account number: \_\_\_\_\_  
 Branch Code: \_\_\_\_\_  
 Reference Nr: \_\_\_\_\_  
 Submit proof of payment to: \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
 Information officer

# INTERNAL APPEAL FORM

## FORM 4

[Regulation 9]

Reference Number: .....

PARTICULARS OF PUBLIC BODY				
Name of Public Body				
Name and Surname of Information Officer:				
PARTICULARS OF COMPLAINANT WHO LODGES THE INTERNAL APPEAL				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				
Is the internal appeal lodged on behalf of another person?		Yes	<input type="checkbox"/>	No <input type="checkbox"/>
If answer is "yes", capacity in which an internal appeal on behalf of another person is lodged: <i>(Proof of the capacity in which appeal is lodged, if applicable, must be attached.)</i>				
PARTICULARS OF PERSON ON WHOSE BEHALF THE INTERNAL APPEAL IS LODGED <i>(If lodged by a third party)</i>				
Full Names				
Identity Number				
Postal Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			
E-Mail Address				

<b>DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED</b> <i>(mark the appropriate box with an "X")</i>	
Refusal of request for access	
Decision regarding fees prescribed in terms of section 22 of the Act	
Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act	
Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester	
Decision to grant request for access	
<b>GROUND FOR APPEAL</b> <i>(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)</i>	
State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_

**Signature of Appellant/Third party**

**FOR OFFICIAL USE**  
**OFFICIAL RECORD OF INTERNAL APPEAL**

Appeal received by: <i>(state rank, name and surname of Information Officer)</i>				
Date received:				
Appeal accompanied by the reasons for the information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer:				Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>OUTCOME OF APPEAL</b>				
Refusal of request for access. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Fees (Sec 22). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Extension (Sec 26(1)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Access (Sec 29(3)). Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		
Request for access granted. Confirmed?	Yes	<input type="checkbox"/>	New decision <i>(if not confirmed)</i>	
	No	<input type="checkbox"/>		

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

**Relevant Authority**