

PROMOTION OF ACCESS TO INFORMATION MANUAL

Version	Version 5
Publishing Date	9 December 2021
Last Review Date	11 December 2024
Frequency of Review	Annually
Next Review Date	11 December 2025
Manual Owner	Sukha and Associates (PTY) Ltd
Responsible Business Unit	Compliance & Senior Management

1. DEFINITIONS

In this Policy, the following terms and expressions shall have the meanings assigned to it as follows:

- 1.1. Constitution – The Constitution of the Republic of South Africa, No. 108 of 1996.
- 1.2. Information Officer – The person designated as the Information Officer of Sukha and Associates (S&A) in accordance with the provisions of POPIA.
- 1.3. Information Regulator – The regulator established in terms of Section 39 of POPIA.
- 1.4. In writing – Any written format whether physical or electronic.
- 1.5. IR Guide – The document produced by the Information Regulator in terms of section 10(1) of PAIA to provide guidance to the public on their rights in terms of PAIA and POPIA available in each of the official languages and in braille on the Information Regulator website (<https://inforegulator.org.za/paia/>).
- 1.6. PAIA – The Promotion of Access to Information Act, No 2 of 2000.
- 1.7. Personal Information – Information relating to a person's
 - 1.7.1. race, gender, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth;
 - 1.7.2. education, medical, financial, criminal or employment history;
 - 1.7.3. unique identifying numbers including identity/registration/passport numbers and numbers allocated to a person by companies and institutions, for e.g., bank account, client or member account numbers;
 - 1.7.4. contact particulars including physical address, phone numbers, email and other social media addresses or handles and GPS locations;
 - 1.7.5. private communications and opinions;
 - 1.7.6. any other information connected to a person that says something about the person, for e.g., biometric information, personal preferences, idiosyncrasies and names on lists like credit blacklists.
- 1.8. POPIA – The Protection of Personal Information Act, No 4 of 2013.
- 1.9. Requester – Any party requesting information or records from the Sukha and Associates.

2. INTRODUCTION

- 2.1. In terms of section 32 of the Constitution every person has the right of access to any information held:
 - 2.1.1. by the state; and
 - 2.1.2. by another person that is required for the exercise or protection of any rights of such person.
- 2.2. PAIA gives effect to this constitutional right of access to information.
- 2.3. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.
- 2.4. Where a request is made in terms of PAIA, the party to which the request is made is obliged to release the information, except where such request may be refused in terms of the provisions of PAIA or POPIA.
- 2.5. PAIA governs the requisite procedural issues attached to a request for information from a party.
- 2.6. POPIA governs the processing, meaning the collection, use, dissemination, management, storage and protection, of all Personal Information by responsible persons.
- 2.7. Sukha and Associates has approved and implemented a POPIA policy and this PAIA Policy and Manual and the procedures herein should be adhered to when processing a request for information by a Requester.
- 2.8. This Manual applies to all employees of Sukha and Associates, regardless of seniority or status, and includes those persons on secondment or contracted to Sukha and Associates.
- 2.9. This Manual must be read with the POPIA Policy in the event of the request for information relating to Personal Information.

3. SCOPE OF POLICY

This Policy applies to Sukha and Associates (PTY) Ltd

4. PURPOSE OF THIS POLICY

The Promotion of Access to Information Act, 2000, gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State or any other person (or private body), when that information is required for the exercise or protection of any rights.

The purpose of PAIA is to:

- 4.1. Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information, and to; and
- 4.2. Actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect all of their rights more fully.

Sukha and Associates recognises everyone's right to access to information and is committed to provide access to the S&A's records where the proper procedural requirements as set out by PAIA and POPIA have been met.

5. WHO MAY REQUEST INFORMATION

- 5.1. Section 50 of PAIA states that a Requester must be given access to any record of a private body if:
 - 5.1.1. That record is required for the exercise or protection of any rights.
 - 5.1.2. That person complies with the procedural requirements in PAIA relating to a request for access to that record.
 - 5.1.3. Access to that record is not refused in terms of any ground for refusal contemplated in PAIA.
- 5.2. There are two types of Requesters, being:
 - 5.2.1. A personal Requester who is a Requester who is seeking access to a record containing Personal Information about that Requester. In such an instance Sukha and Associates will voluntarily provide the requested information or give access to any record with regard to the Requester's Personal Information.
 - 5.2.2. The other Requester is a Requester who is requesting access to information of third parties. In this instance the Sukha and Associates is not obliged to voluntarily grant access. The Requester must fulfil the prerequisite requirements for access in terms of PAIA, including the payment of a request and access fee.

6. PROCEDURE FOR REQUESTING INFORMATION

- 6.1. The procedure for requesting information is explained in the Guide issued by the Information Regulator and is accessible from the website of the Regulator (<https://info regulator.org.za/paia/>).
- 6.2. In accordance with the terms of section 53 of PAIA, a request for access to a record of Sukha and Associates must be made in the prescribed form (attached hereto as "Annexure E") that requires the Requester to provide the following information:
 - 6.2.1. Sufficient information to enable the Information Officer to identify the Requester.
 - 6.2.2. Sufficient information to enable the Information Officer to identify the record(s) requested.
 - 6.2.3. The form of access required.
 - 6.2.4. The Requester's postal address, fax number or email address.
 - 6.2.5. Identification of the right sought to be exercised or protected.
 - 6.2.6. An explanation on why the record is required to exercise or protect that right.
 - 6.2.7. The manner in which the Requester wishes to be informed of the decision on the request, if in a manner in addition to written notification.
 - 6.2.8. If the request is made on behalf of a person, the submission of proof of the capacity in which the Requester makes the request, to the satisfaction of the Information Officer.
- 6.3. Annexure E must be addressed to:

Sukha and Associates: The Information Officer

Email Address: informationofficer@sukha.co.za

Physical Address: Spaces, 4th Floor, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town, 7708
- 6.4. The request will be properly recorded and be kept in the information request register.
- 6.5. Sukha and Associates will process the request within 30 days, unless the Requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

- 6.6. Note that all of the information listed above should be provided in the request, failing which the process will be delayed while the Information Officer requests such additional information. The prescribed periods will not commence until all pertinent information has been furnished to the Information Officer by the Requester.
- 6.7. The relevant Information Officer shall notify the Requester whether access has been granted or denied in the format of Annexure H hereto, together with reasons for any rejection.

7. DUTIES OF THE INFORMATION OFFICER

The Information Officer of Sukha and Associates is responsible for:

- Publishing and proper communication of the manual i.e. creating manual awareness.
- The facilitation of any request for access.
- Providing adequate notice and feedback to the requester.
- Determining whether to grant a request for access to a complete/full record or only part of a record.
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format.
- Reviewing the manual for accuracy and communicating any amendments.

7.1. Right of Access

The Information Officer may only provide access to any record held by the S&A To a requester if:

- 7.1.1. The record is required for the exercise or protection of any right;
- 7.1.2. The requester complies with the procedural requirements relating to a request for access to that record;; and
- 7.1.3. Access to that record is not refused in terms of any of the grounds for refusal listed below.

The Requestor must complete and submit Annexure E to the organisation.

7.2. Grounds for Refusal

- 7.2.1. The Information Officer must assess whether there are any grounds for refusing a request for access.
- 7.2.2. Where any grounds for refusal are found, a request for access will not be granted and the Information Officer and/or Deputy Information Officer must complete Annexure H and make the completed Annexure available to the Requestor.

However, despite finding any grounds for refusal, access to the record(s) will be provided where:

- 7.2.3. The disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with the law or imminent and serious public or environmental risk.
- 7.2.4. The public interest in disclosing record, will clearly outweigh the harm contemplated in the provision in question.

Where there are no grounds for refusal, request for access will be granted.

If a request for access is made with regards to a record containing information that would justify a ground for refusal, every part of the record which:

- 7.2.5. Does not contain; and can reasonably be severed from any part that contains, any such information must, despite any other provision of PAIA, also be disclosed.

8. COSTS AND FEES

- 8.1. Payment of fees is regulated in terms of Section 54 of PAIA. The Regulations to PAIA provide for two types of fees:
- 8.1.1. A request fee: This is a R140,00 non-refundable administration fee paid by all Requesters with the exclusion of personal Requesters. It must be paid before the request is considered.
 - 8.1.2. An access fee: This fee is paid by all Requesters only when access is granted. This fee is intended to reimburse Sukha and Associates for the costs involved in searching for a record and preparing it for delivery to the Requester as set out below.
- 8.2. The Information Officer shall record on Annexure H sent to a Requester, other than a personal Requester, of the request fee and amount to be paid before the request may be further processed.
- 8.3. If, in the Information Officer's opinion, the search for a record or preparation of the record for disclosure will require more than six hours, Sukha and Associates may require the Requester to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the Requester.

- 8.4. The Requester has a right to complain to the Information Regulator or apply to court against the payment of the request fee or deposit, and the Information Officer shall advise of the procedure of the application if required.
- 8.5. Sukha and Associates shall withhold a record until the Requester has paid the fees.
- 8.6. If a deposit has been paid in respect of a request for access, which is refused, then Sukha and Associates shall repay the deposit to the Requester.
- 8.7. The access fees payable by a requester are as follows:
 - 8.7.1. For every photocopy of an A4-size page or part thereof: R2,00.
 - 8.7.2. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R2,00.
 - 8.7.3. For a copy in a computer-readable form on compact disc, R40,00 if the disk is provided by the Requester, otherwise R60,00 and on flash drive, to be provided by the Requester, R40,00.
 - 8.7.4. For a transcription of visual images, and for a copy of the visual images, for an A4-size page or part thereof: The Service will be outsourced, therefore the cost would be based on a quotation received from the outsourced service provider.
 - 8.7.5. For a transcription of an audio record, for an A4-size page or part thereof: R24,00.
 - 8.7.6. For a copy of an audio record on compact disc, R40,00 if the disk is provided by the Requester, otherwise R60,00 and on flash drive, to be provided by the Requester, R40,00.
 - 8.7.7. To search for and prepare the record for disclosure, the access fee of R145,00 for each hour or part of an hour reasonably required for such search and preparation to the maximum of R435,00.
 - 8.7.8. The actual cost incurred for postage if the record must be posted.

9. GRANTED REQUEST FOR ACCESS

If the request for access is **granted**, the notice must state:

- 9.1. The access fee (if any) to be paid upon access;
- 9.2. The form in which access will be given; and
- 9.3. That the requester may lodge a complaint with the Information Regulator or an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging a complaint with the Information Regulator or the application.

10. REFUSED REQUEST FOR ACCESS

If the request for access is **refused**, the notice must:

- 10.1. State adequate reasons for the refusal, including the relevant provision of PAIA that was relied on;
- 10.2. Exclude, from any such reasons, any reference to the content of the records'; and
- 10.3. State that the requester may lodge a complaint with the Information Regulator or an application with a court against the refusal of the request, and the procedure (including the period) for lodging a complaint with the Information Regulator or the application.

11. UNDISCOVERABLE RECORD

Should all reasonable steps have been taken to find a record requested, and there are reasonable grounds for believing that the record:

- 11.1. Is in the organisation's possession, but cannot be found; or
- 11.2. Simply does not exist,

The director of S&A must, by way of affidavit or affirmation, notify the requester that it is not possible to provide access to that record. The affidavit or affirmation must provide full account of all steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communication with every person who conducted the search on behalf of the director of S&A.

12. AVAILABILITY OF RECORDS

S&A maintains the following categories of records and related subject matter. The status of the record's availability, the purpose for its processing and the relevant data subject category to who the record relates are set out below:

Category:	Record:	Availability:	Purpose:	Data Subject:
Public Affairs	Public Service / Product Information	Freely Available	Convey Public Information	Organisation
	Public Corporate Records	Freely Available	Convey Public Information	Organisation
	Media Releases	Freely Available	Convey Public Information	Organisation
	Published Newsletters	Freely Available	Convey Public Information	Organisation
	Magazine Articles	Freely Available	Convey Public Information	Organisation
Regulatory & Administrative	Permits, Licenses or Authorities	Freely Available	Statutory Requirement	Organisation
	Conflict of Interest Management Policy	Freely Available	Statutory Requirement	Organisation
	Complaints Policy	Freely Available	Statutory Requirement	Organisation
	FICA Internal Rules	PAIA Request	Statutory Requirement	Organisation
	Health & Safety Plan	PAIA Request	Statutory Requirement	Organisation
	Memorandum of Incorporation	PAIA Request	Statutory Requirement	Organisation
	Minutes of Board or Directors Meetings	PAIA Request	Statutory Requirement	Organisation
	Register of Members	PAIA Request	Statutory Requirement	Organisation
	Register of Board of Directors	PAIA Request	Statutory Requirement	Organisation
	Internal correspondence (e-mails/memos)	PAIA Request	Internal Communications	Employees
	Insurance Policies held by organisation	PAIA Request	Risk Management	Organisation
Human Resources	Employment Applications	PAIA Request	Internal Referencing	Employees
	Employment Contracts	PAIA Request	Contractual Agreement	Employees
	Personal Information of Employees	PAIA Request	Internal Referencing	Employees
	Employment Equity Plan	PAIA Request	Statutory Requirement	Organisation
	Medical Aid Records	PAIA Request	Internal Referencing	Employees
	Pension Fund Records	PAIA Request	Internal Referencing	Employees
	Disciplinary Records	PAIA Request	Statutory Requirement	Employees
	Performance Management Records	PAIA Request	Internal Referencing	Employees
	Salary Records	PAIA Request	Internal Referencing	Employees
	Employee Benefit Records	PAIA Request	Internal Referencing	Employees
	PAYE Records	PAIA Request	Statutory Requirement	Employees
	Seta Records	PAIA Request	Statutory Requirement	Employees
	Disciplinary Code	PAIA Request	Statutory Requirement	Organisation
	Leave Records	PAIA Request	Internal Referencing	Employees
	Training Records	PAIA Request	Internal Referencing	Employees
	Training Manual	PAIA Request	Internal Referencing	Organisation
Financial	Financial Statements	PAIA Request	Internal Referencing	Organisation
	Financial and Tax Records	PAIA Request	Statutory Requirement	Organisation
	Asset Register	PAIA Request	Internal Referencing	Organisation
	Management Accounts and Reports	PAIA Request	Internal Referencing	Organisation
	Vouchers, Cash Books and Ledgers	PAIA Request	Internal Referencing	Organisation
	Banking Records and Statements	PAIA Request	Internal Referencing	Organisation
	Electronic Banking Records	PAIA Request	Internal Referencing	Organisation

Marketing	Market Information	PAIA Request	Internal Referencing	Organisation
	Product Brochures	PAIA Request	Internal Referencing	Organisation
	Advertisements	PAIA Request	Internal Referencing	Organisation
	Field Records	PAIA Request	Internal Referencing	Organisation
	Performance Records	PAIA Request	Internal Referencing	Organisation
	Product / Service Sales Records	PAIA Request	Internal Referencing	Organisation
	Marketing Strategies	PAIA Request	Internal Referencing	Organisation
Client Customer	Customer / Client Database	PAIA Request	Internal Referencing	Customers
	Customer / Client agreements	PAIA Request	Internal Referencing	Customers
	Customer / Client Files	PAIA Request	Internal Referencing	Customers
	Customer / Client Instructions	PAIA Request	Internal Communications	Customers
	Customer / Client Correspondence	PAIA Request	External Communications	Customers
Third Party	Rental agreements	PAIA Request	Contractual Agreement	Third Party
	Franchise agreements	PAIA Request	Contractual Agreement	Third Party
	Non-disclosure agreements	PAIA Request	Risk Management	Third Party
	Letters of Intent	PAIA Request	Contractual Agreement	Third Party
	Supplier Contracts	PAIA Request	Contractual Agreement	Third Party

13. INFORMATION REGULATOR

13.1. This Manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in PAIA. A Requester is advised to familiarise him/ her/ itself with the provisions of PAIA and the Guide issued by the information regulator before lodging any request with S&A.

13.2. The Information Regulator has been tasked with all matters arising from PAIA. The contract particular of the Information Regulator are:

For a copy of the IR Manual: <https://infoeregulator.org.za/paia/>

General Email: enquiries@infoeregulator.org.za

Complaints Email : PAIAComplaints@infoeregulator.org.za

Phone: 010 023 5200

Toll Free: 0800 017 160

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

Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017

ANNEXURE E: 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:

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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 <i>(when made on behalf of another person)</i>				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel.:		Facsimile:	
	Cellular:			
Full names of person on whose behalf request is made <i>(if applicable)</i> :				
Identity Number				
Postal Address				
Street Address				
E-mail Address				

Contact Numbers	Tel.:		Facsimile:	
	Cellular:			
PARTICULARS OF RECORD REQUESTED <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>				
Description of record or relevant part of the record:				
Reference number, if available				
Any further particulars of record				
TYPE OF RECORD (Mark the applicable box with an "X")				
Record is in written or printed form				
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)				
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				
FORM OF ACCESS (Mark the applicable box with an "X")				
Printed copy of record (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 record on flash drive (including virtual images and soundtracks)				
Copy of record on compact disc drive (including virtual images and soundtracks)				

Copy of record saved on cloud storage server	
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MANNER OF ACCESS (Mark the applicable box with an "X")	
Personal inspection of record at registered address of 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)	
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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED 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.	
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)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

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: (Rank, Name & Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signed at _____ this _____ day of _____ 20 _____

Information Officer

Date

ANNEXURE H: OUTCOME OF REQUEST AND OF FEES PAYABLE**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.

Reference number: _____

TO:

Your request dated _____, refers.

1. You requested:

Personal inspection of information at the registered address of 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.	
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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:

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 • To be provided by requestor (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60.00		
For a transcription of visual images per A4-sizepage	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 • To be provided by requestor (ii) Compact disc • If provided by requestor • If provided to the requestor	R40.00 R40.00 R60. 00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

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)
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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

Date