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1. INTRODUCTION

- 1.1 In terms of Section 51 of Promotion of Access to Information Act, No 2 of 2000 (“PAIA”), all private entities are required to compile a PAIA Manual (“Manual”) that provides information on both the types and categories of records held by a private company.
- 1.2 In addition, the Protection of Personal Information Act 4 of 2013 (“POPIA”) amends PAIA in a number of ways. One of the keys ways in which PoPIA changes PAIA relates to the role of the South African Human Rights Commission (“SAHRC”). Under POPIA the function of the SAHRC in terms of PAIA will be transferred to the Information Regulator once fully established, to monitor both POPIA and PAIA, and to handle complaints relating to access to information and the protection of personal information upon commencement of POPIA.
- 1.3 Section 9 of the Act, however, recognises that such right to access to information is subject to certain justifiable limitations, for instance limitations aimed at:
- 1.3.1 The reasonable protection of privacy;
 - 1.3.2 Commercial confidentiality; and
 - 1.3.3 Effective, efficient, and good governance.
- 1.4 This Manual provides and outline types of records held by Black Umbrellas CGC Consulting (Pty) Ltd (“BUCGC”) and explains how requestors may submit requests to these records in terms of PAIA. It further allows requestors to access, object to and request a correction of personal information in terms of sections 23 and 24 of POPIA.

2 PURPOSE

- 2.1 The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability in South Africa. Furthermore, PAIA is aimed at encouraging an open democracy where individuals from all walks of life are empowered to engage with the government and participate in decisions which affect their lives.
- 2.2 The right of access to information is a unique right as it enables the realisation of other human rights: this is one of the most important ways in which PAIA can be used. PAIA and POPIA gives effect to everyone’s

constitutional right of access to information held by private sector or public bodies, that is required for the exercise and or protection of the requesters right.

3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

3.1 The SAHRC has compiled a Guide containing information on how to exercise any right contemplated in PAIA. This Guide is available in all official languages of South Africa. Copies of the Guide can be found at the head office of the SAHRC and all of its provincial offices. In addition, an electronic copy is available on the SAHRC's website (<https://www.sahrc.org.za>)

The guide is available for inspection as follows:

The South African Human Rights Commission

PAIA Unit, Private Bag 2700, Houghton, 2041

Telephone No: 011 877 3803

Fax No: 011 403 0628

Website: www.sahrc.org.za

Email: section51.paia@sahrc.org.za

Postal Address: PAIA Unit:

From 1 July 2021 the contact details for PAIA Unit will be

Street Address:

Information Regulator South Africa

JD House, 27 Stiemens Street

Braamfontein, Johannesburg, 2001

Postal Address:

P.O Box 31533

Braamfontein, Johannesburg, 2017

General enquiries email: infoereg@justice.gov.za .

Complaints email: complaints.IR@justice.gov.za

4 DETAILS OF THE COMPANY

Full name : BLACK UMBRELLAS NPC

Registration Number : 2005/002546/08

Postal Address : POSTNET SUITE 1027
PRIVATE BAG X9
BENMORE
GAUTENG
2010

Physical Address: 1ST FLOOR
CHISLEHURSTON
SANDTON
2196

Telephone : 011 592 6401

Website : www.blackumbrellas.co.za

Email : info@blackumbrellas.org

5 CONTACT DETAILS OF THE CHIEF EXECUTIVE OFFICER AND REQUEST LIASON OFFICER

5.1 The Chief Executive Officer is Mark Frankel. His contact details are:

Telephone: 011 592 4616

Email: MarkF@blackumbrellas.org

5.2 The Request Liaison Officer is Xolile Ndumndum

Telephone: 011 592 4610

Email: XolileN@blackumbrellas.org

6 AVAILABILITY OF THIS MANUAL

You can access this manual requesting a copy by e-mail from the information officer on reasonable prior notice. Manuals are also available from the SAHRC website.

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

No notice has been published on the categories of records that are automatically available without a person having to request access in terms of section 52(2) of PAIA.

8 RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES

8.1 BUCGC maintains records on the following categories and subject matters, however, 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 granted.

8.2 All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA and/or POPIA.

8.3 A description of the categories of the records held and the types in which this information are classed.

8.4 These records are not automatically available without a request in terms of the Act. A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a company must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

Categories of information held	Types of information held	Availability
Company secretarial	Company documents including the memorandum of incorporation registers, minute of Board and Committee meetings, statutory returns, powers of attorney, records relating to the appointment of auditors; directors; prescribed officer. public officer; and company Secretary	Not automatically available
Legal services	Agreements with customers, suppliers, service providers and other parties	Not automatically available
Moveable and immoveable property	Lease agreements, credit sale agreements and ordinary and conditional sale agreements	Not automatically available
Intellectual property	Trademarks, patents, designs, know-how and licensing agreements	Not automatically available
Insurance	Trademarks, patents, copyrights	Not automatically available
Taxation	Value Added Tax (VAT), Standard Income Tax on Employees (SITE) and Pay As You Earn (PAYE) records, employees for income tax purposes documents, Skills Development Levies UIF, Workmen's Compensation	Not automatically available
Human resources	Policies and procedures, employee information, personnel files, employment contracts, forms and applications, training records, workplace agreements, records and benefit arrangements rules and records	Not automatically available

Finance and accounting	Accounting records, audited annual financial statements, reports and returns, banking details and bank statements, debtors/creditors statements and invoices, annual budget	Not automatically available
Operations	Permits, licenses, consents, approvals, authorisations, applications and registrations, policies and procedures, reports and supporting documentation, information and security documents	Not automatically available
Information technology	System documentation and manuals project, disaster recovery and implementation plans	Not automatically available
Administration	Correspondence with internal and external parties	Not automatically available
Risk Management and Audit	Risk management plans; and Strategic risk register,	Not automatically available
Safety, Health and Environment	Complete Safety, Health and Environment Risk Assessment Environmental Managements Plans Inquiries, inspections, examinations by environmental authorities	No automatically available

9 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(D) OF THE ACT

Records available in terms of other legislation are as listed below:

1. Arbitration Act No. 42 of 1965
2. Basic Conditions of Employment Act No. 75 of 1997
3. Broad-based Black Economic Empowerment Act 53 of 2003

4. Companies Act No 71 of 2008 and Applicable Regulations
5. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
6. Consumer Protection Act 68 of 2008
7. Copyright Act No. 98 of 1978
8. Electronic Communications Act, No. 36 of 2005;
9. Electronic Communications and Transactions Act No 25 of 2002
10. Employment Equity Act. No. 55 of 1998
11. Financial Advisory and Intermediary Services Act 37 of 2002
12. Financial Intelligence Centre Act No. 38 of 2001.
13. Financial Services Board Act No. 97 of 1990
14. Harmful Business Practices Act No. 23 of 1999
15. Identification Act 68 of 1997
16. Insider Trading Act 135 of 1998
17. Insurance Act No. 27 of 1943
18. Intellectual Property Laws Amendment Act No. 38 of 1997
19. Labour Relations Act No 66 of 1995
20. Long –Term Insurance Act No. 52 of 1998
21. National Credit Act No. 34 of 2005
22. National Water Act 36 of 1998.
23. Non Profit Organisations Act No. 71 of 1997
24. Promotion of Access to Information Act No.2 of 2000

25. Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
26. Protected Disclosures Act No. 26 of 2000
27. Protection of Personal Information Act 4 of 2013
28. Regulation of Interception of Communication and Provision of Communications Act, No.2 of 2000
29. Information Act No. 70 of 2002
30. Skills Development Act 97 of 1998
31. Trademarks Act 194 of 1993
32. Unemployment Insurance Act No. 63 of 2001
33. Unemployment Insurance Contributions Act No 4 of 2002
34. Value Added Tax Act No 89 of 1991

10 RECORDS AUTOMATICALLY AVAILABLE ON THE COMPANY WEBSITE

10.1 BUCGC publishes a broad range of informative material both in print and on its website at www.bucgcconsulting.com. The Data Subject may obtain Personal Information about themselves or information about BUCGC on the website. BUCGC will provide such information on request to the office where the records are held. A fee may be charged for copying of records depending on the volume requested.

11. PURPOSE OF PROCESSING OF PERSONAL INFORMATION:

BUCGC processes Personal Information which includes but is not limited to the following purposes:

11.1 Rendering of services to BUCGC clients and employee administration;

- 11.2 Providing or managing any information on products and services offered;
- 11.3 Transacting with BUCGC's suppliers;
- 11.4 Maintaining customer records;
- 11.5 Maintain and safe keeping for employment purposes.; apprenticeship and bursary purposes; travel purposes; general administration, financial and tax purposes; legal purposes; health and safety purposes;
- 11.6 Visitor access monitoring purposes,
- 11.7 Managing the premises and facilities;
- 11.8 Investigating of and preventing fraud; debt recovery; and
- 11.9 Responding to website enquiries

12 PROCESS OF MAKING A REQUEST FOR ACCESS

12.1 Form for Request:

The requester must complete Form C and submit this form together with a request fee, to the Chief Executive Officer. The form must be submitted to the Chief Executive Officer, at his/her address or electronic mail address as stated earlier in this manual [s 53(1)]. A copy of the form is attached and marked annexure A (the "prescribed form"). The form is also available from the website of the SAHRC, or the website of the Department of Justice and Constitutional Development at www.justice.gov.za

12.2 Request Requirements:

- 12.2.1 The requester must use the prescribed form, to make the request for access to a record.
- 12.2.2 The requester must provide sufficient detail on the request form to enable the designated Request Liaison Officer to identify the record and the requester.

- 12.2.3 The requester should indicate which form of access is required.
- 12.2.4 The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- 12.2.5 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- 12.2.6 If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated manager of the private body [s 53(2)(f)] and follow the same process as stated in paragraph 12.1 above.
- 12.2.7 A requester who seeks access to a record containing Personal Information about that requester is not required to pay the request fee.
- 12.2.8 Every other requester, who is not a personal requester, must pay the required request fee.
- 12.2.9 The Chief Executive Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- 12.2.10 The fee that the requester must pay is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- 12.2.11 After the Chief Executive Officer has made a decision on the request, the requester must be notified in the required form.
- 12.2.12 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded

the prescribed hours to search and prepare the record for disclosure [s 54(6)].

13 GROUNDINGS FOR REFUSING A REQUEST

- 13.1 BUCGC has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.
- 13.2 If the request for access is refused, the Chief Executive Officer or the Request Liaison Officer shall advise the requester in writing of the refusal. The notice of refusal shall state –
 - 13.3 adequate reasons for the refusal;
 - 13.4 that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
 - 13.5 Upon the refusal by the Chief Executive Officer or the Request Liaison Officer, the deposit paid by the requester will be refunded.
 - 13.6 If the Chief Executive Officer or the Request Liaison Officer fails to respond within 30 (thirty days) after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the Chief Executive Officer or the Request Liaison Officer has refused the request.
 - 13.7 The Chief Executive Officer may decide to extend the period of thirty days ("original period") for another period of not more than thirty days if –
 - 13.7.1 the request is for a large number of records;
 - 13.7.2 the search for the records is to be conducted at premises not;
 - 13.7.3 the search for the records is to be conducted at premises not situated in the same town or city as the head office of BUCGC;

- 13.7.4 consultation among divisions or departments, as the case may be, of BUCGC is required;
- 13.7.5 the requester consents to such an extension in writing; and
- 13.7.6 the parties agree in any other manner to such an extension.
- 13.8 Should BUCGC require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 13.9 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

14 INFORMATION OR RECORDS NOT FOUND

- 14.1 If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the Chief Executive Officer or the Request Liaison Officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 14.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Chief Executive Officer or the Request Liaison Officer with every person who conducted the search.
- 14.3 The notice, as set out in 14.1 shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 14.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Chief Executive Officer or the Request Liaison Officer.

14.5 The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of the Act in terms of which BUCGC may refuse, on certain specified grounds, to provide information to a requester.

15 INFORMATION REQUESTED ABOUT A THIRD PARTY

15.1 Section 71 of the Act makes provision for a request for information or records about a third party.

15.2 In considering such a request, BUCGC will adhere to the provisions of sections 71 to 74 of the Act.

15.3 The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which BUCGC is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the Chief Executive Officer or the Request Liaison Officer by referring the matter to the High Court.

16 APPEAL

16.1 A requestor may lodge an internal appeal against a decision of the Chief Executive Officer or Request Liaison Officer of BUCGC:

16.1.1 To refuse a request for access; or

16.1.2 Taken in terms of section 22, 26(1) or 29(3), in relation to that requester, with the Minister for Provincial and Local Government.

16.2 A third party may lodge an internal appeal against a decision of the Chief Executive Officer or Request Liaison Officer of BUCGC to grant a request for access.

16.3 An internal appeal must be lodged in the prescribed form:

16.3.1 Within 60 days;

- 16.3.2 If notice to a third party is required, within 30 days after notice is given to the appellant of the decision against;
- 16.3.3 It must be delivered or sent to the Chief Executive Officer or Request Liaison Officer of BUCGC at his or her addresses or fax number;
- 16.3.4 It must identify the subject of the internal appeal and state the reasons for the internal appeal and may include any other relevant information known to the appellant;
- 16.3.5 If, in addition of a written reply, the appellant wishes to be informed of the decision on the internal appeal in any other manner, must state that manner and provide the necessary particulars to be so informed;
- 16.3.6 If applicable, must be accompanied by the prescribed appeal fee, and specify a postal address or fax number.
- 16.4 If an appeal is lodged after the expiry of the period referred to, the Minister must, upon good cause shown, allow the late lodging of the appeal.
- 16.5 If the Minister disallows the late lodging of the appeal, he or she must give notice of that decision to the person appeal fee (if any).
- 16.6 A requestor lodging an appeal against the refusal of his or her request of an appeal, the decision on the appeal may be deferred until the fee is paid.
- 16.7 As soon as reasonably possible, but in any event within ten (10) working days after receipt of an appeal, the Chief Executive Officer of BUCGC must submit the following to the Minister:
 - 16.7.1 The appeal together with his or her reasons for the decision concerned; and
 - 16.7.2 If the appeal is against the refusal or granting of a request for access, the name, postal address, phone and fax number and electronic mail address, whichever is available, of any third party that must be notified of the request.

17 AVAILABILITY OF THE MANUAL

17.1 This manual is available for inspection at the office of BUCGC free of charge.

18 UPDATING OF MANUAL

18.1 BUCGC may update this manual annually or at such intervals as may be necessary.

19 FEES IN RESPECT OF PRIVATE BODIES

19.1 The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated. Part III of Regulation 187 published in the Government Gazette on the 15 February 2002. The fees payable are as summarised below:

19.1.1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

19.1.2 The fees for reproduction referred to in regulation 11(1) are as follows:

- For every photocopy of an A4-size page or part thereof R1,10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
- For a copy in a computer-readable form on - (i) stiffy disc R 7,50; (ii) compact disc R 70,00
- For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
- For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00

19.1.3 The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.

19.1.4 The access fees payable by a requester referred to in Regulation 11(3) are as follows:

- For every photocopy of an A4-size page or part thereof R 1,10;
- For every printed copy of an A4-size page or part; thereof held on a computer or in electronic or machine-readable form R 0,75;
- For a copy in a computer-readable form on - (i) stiffy disc R 7,50; (ii) compact disc R 70,00
- For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
- For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00

19.1.5 To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation.

19.1.6 For purposes of section 54(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable; and
- one third of the access fee is payable as a deposit by the requester.

19.1.7 The actual postage is payable when a copy of a record must be posted to a requester.

FORM C

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

The Chief Executive Officer:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be given below.

(b) The address and/or fax number in the Republic to which the information is to be sent must be given.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal _____ address:

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) if the provided space is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

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

2. Reference number, if available:

3. Any further particulars of record:

E. Fees

*(a) A request for access to a record, other than a record containing Personal Information about yourself, will be processed only after a **request fee** has been paid.*

(b) You will be notified of the amount required to be paid as the request fee.

*(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:

Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request for access in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for the access to the record, if any, will be determined partly by the form in which access is requested

If the record is in written or printed form:

	copy of record*		inspection of record
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If the 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*
If record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the record requested is required for the exercise or protection of the
aforementioned right:

**H. Notice of decision regarding request for
access**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for
access to the record?

SIGNED AT _____ ON THIS _____ DAY OF _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE

BEHALF REQUEST IS MADE