



## **PAIA MANUAL TEMPLATE**

Prepared as required and in accordance with **section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA")**.

This Manual applies to SwiftCom (Pty) Ltd

Date of last revision of Manual: 30 June 2021

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## **1. Applicability of this Manual**

- 1.1 PAIA gives effect to the constitutional right of access to any information in records held by public or private bodies, which is required for the exercise or protection of any rights. The Act sets out the procedural requirements with regards to requests for information, the requirements that requests must meet as well as the grounds for refusing requests. This Manual informs requesters of procedural and other requirements relating to requests.
- 1.2 The Act also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.

## **2. Contact details (Section 51(1)(a))**

- 2.1 The company's full name, its company registration number, physical address, postal address, telephone number and email address can be found on the company's website.
- 2.2 The head of the company is Chris Lemmer and his contact details are the same as those mentioned in clause 2.1.

## **3. Guide on how to use PAIA (Section 51(1)(b))**

- 3.1 The Human Rights Commission has compiled a guide (as contemplated in section 10 of PAIA) containing information to assist any person who wishes to exercise any right as contemplated in the Act.
- 3.2 The contact details of the Human Rights Commission are -

Postal address: Private Bag 2700, Houghton 2041  
Physical address: Braampark Forum 3, 33 Hoofd Street, Johannesburg  
Telephone: +27 11 877 3600  
Telefax: +27 11 403 0668  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)



**4. Automatic availability of certain records (Section 51(1)(c))**

4.1 At this stage, no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

**5. Records available in terms of any other legislation (Section 51(1)(d))**

5.1 Information is available in terms of the following legislation, if and where applicable:

5.1.1 Attorneys Act No. 53 of 1979

5.1.2 Basic Conditions of Employment Act No 75 of 1997

5.1.3 Companies Act No 61 of 1973

5.1.4 Companies Act No 71 of 2008

5.1.5 Compensation of Occupational Injuries and Diseases Act No 13 of 1993

5.1.6 Electronic Communications and Transactions Act No 25 of 2002

5.1.7 Employment Equity Act No 55 of 1998

5.1.8 Financial Intelligence Centre Act No 38 of 2001

5.1.9 Income Tax Act No 58 of 1962

5.1.10 Insolvency Act No 24 of 1936

5.1.11 Labour Relations Act No 66 of 1995

5.1.12 Legal Practice Act No 28 of 2014

5.1.13 Occupational Health and Safety Act No 85 of 1993



5.1.14 Patents Act No 57 of 1978

5.1.15 Pension Funds Act No 24 of 1956

5.1.16 Promotion of Access to Information Act No 2 of 2000

5.1.17 Protection of Personal Information Act No 4 of 2013

5.1.18 Skills Development Levies Act No 9 of 1999

5.1.19 Trademarks Act No 194 of 1993

5.1.20 Unemployment Insurance Act No 30 of 1966

5.1.21 Value Added Tax Act No 89 of 1991

## **6. Records that may be requested (Section 51(1)(e))**

6.1 The following records may be requested, if and where applicable to the company:

### 6.1.1 Companies Act Records

- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

### 6.1.2 Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records, Bank Statements, Paid Cheques
- Asset Register
- Rental Agreements
- Invoices



### 6.1.3 Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation
  - Securities Transfer Tax

### 6.1.4 Personnel Documents and Records

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary procedures and records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

### 6.1.5 Client records

### 6.1.6 Commercial contracts and Insurance contracts



## **7. Process of requesting information in terms of PAIA**

- 7.1 A request shall be made on the prescribed form. A copy of the form is attached to this Manual and marked Annexure "A". This request must be made to head of the company at the address or electronic mail address of the company. (Section 53(1))
- 7.2 The requester must provide sufficient detail on the request form to enable the head of the company to identify the record and the requester. The requester should indicate which form of access is required. The requester should specify a postal address or fax number of the requester in the Republic. 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. (Section 53(2)(a),(b),(c) and (e))
- 7.3 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. (Section 53(2)(d))
- 7.4 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 head of the company. (Section 53(2)(f))
- 7.5 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- 7.5.1 The head of the company 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. Section 54(1))
- 7.5.2 The fee that the requester must pay to the company is R50. The requester may lodge an application to the court against the tender or payment of the request fee. (Section 54(3)(b))
- 7.5.3 After the head of the company has made a decision on the request, the requester must be notified in the required form.
- 7.5.4 If the request is granted then a further prescribed 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. (Section 54(6))

- 7.5.5 The fee structure is available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za).
- 7.6 The head of the company, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request. The requester will be notified of the decision of the head of the company in the manner indicated by the requester. If the request is granted, the requester shall be informed by the head of the company in the manner indicated by the requester in the prescribed form. If the request for access is refused, adequate reasons for the refusal will be supplied and will the requestor have the remedy to lodge an application with a court against the refusal of the request. (Section 56)
- 7.7 The head of the private body must refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about the third party, including a deceased individual. Furthermore, he must refuse a request for access to a record of the private body if the record contains trade secrets, financial, commercial, scientific, and technical information - the disclosure of which could harm the interests of the company. (Section 63) Similarly, the refusal grounds apply in respect of the commercial information of third parties held by the company. Access to such records will require the written permission of the third party concerned before the company will permit to view. (Section 64)
- 7.8 The head of the company must refuse a request for access to a record if the disclosure of such a record could reasonably be expected to endanger the life or physical safety of an individual. (Section 65)
- 7.9 A request will be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege. (Section 67)

**8. Other information as may be prescribed (Section 51(1)(f))**

The Minister of Justice and Constitutional Development has not yet made any regulations in this regard.

**9. Availability of this Manual (Section 51(3))**

This Manual is available for inspection, free of charge. A copy of this Manual is also available on our website.





**Annexure A – Prescribed Form**

**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 Head:

[Redacted area]

**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: [Redacted]  
Identity number: [Redacted]  
Postal address: [Redacted]  
Telephone number: (.....) [Redacted] Fax number: (.....) [Redacted]  
E-mail address: [Redacted]  
Capacity in which request is made, when made on behalf of another person: [Redacted]

**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: [Redacted]  
Identity number: [Redacted]



**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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

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**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 below, state your disability and indicate in which form the record is required.

Disability: <input style="width: 90%;" type="text"/>	Form in which record is required: <input style="width: 90%;" type="text"/>
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 access to the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>				
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record	
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>				
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>
			transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>				
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)	
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>				
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>
			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 <input type="checkbox"/>	NO <input type="checkbox"/>
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**G. Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.
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1. Indicate which right is to be exercised or protected:

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

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

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

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

.....

Signed at ..... this day ..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE