

Omnisient: Promotion of Access to Information (PAIA) Manual

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT 2 OF 2000

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1. Introduction

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.

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. Purpose

The purpose of this manual is to assist people wishing to access information in terms of PAIA from Omnisient.

3. Guide on how to use PAIA

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.

The contact details of the Human Rights Commission are:

Postal address:	Private Bag 2700 Houghton 2041
Physical address:	Braampark Forum 3 33 Hoof Street Johannesburg
Telephone:	+27 11 877 3600
Telefax:	+27 11 403 0668
Website:	www.sahrc.org.za
Email:	paia@sahrc.org.za

4. Key contact details

4.1. Information Officer

Name: Jonathan Terrence Jacobson
Email: jonj@omnisient.com

4.2. Deputy Information Officer

Name: Rivashani Van Niekerk
Email: riva@omnisient.com

Name: Zaheer Dawood Patel
Email: zaheer@omnisient.com

4.3. Access to information general contacts

Email: info@omnisient.com

4.4. Head Office

Postal address: 24 Queens Park Avenue
Queenspark Studios
Block A, Unit 6
Salt River
7925
Cape Town, South Africa

Physical address: 24 Queens Park Avenue
Queenspark Studios
Block A, Unit 6
Salt River
7925
Cape Town, South Africa

Email: info@omnisient.com
Website: <https://omnisient.com/>

5. Records available in terms of Legislation

Omnisient keeps information and records in terms of the following legislation, which includes but is not limited to the following:

1. Basic Conditions of Employment Act 75 of 1997
2. Compensation for Occupational Injuries and Diseases Act 130 of 1993
3. Companies Act No. 71 of 2008
4. Income Tax Act 58 of 1962
5. Labour Relations Act 66 of 1995
6. Skills Development Levies Act 9 of 1999
7. Unemployment Insurance Act 63 of 2001
8. Value Added Tax Act 89 of 1991
9. Employment Equity Act 55 of 1998
10. Consumer Protection Act 2008
11. Promotion of Access to Information Act No 2 of 2000
12. Protection of Personal Information Act No 4 of 2013

6. Categories of records

The following business information may be requested, if and where applicable to the company:

6.1. Business Information

1. Documents of Incorporation
2. Memorandum and Articles of Association
3. Minutes of Board of Directors meetings
4. Records relating to the appointment of directors/auditors/secretary/public officers and other officers
5. Share Register and other statutory registers

6.2. Income Tax Records

1. PAYE Records
2. Documents issued to employees for income tax purposes
3. Records of payments made to SARS on behalf of employees
4. All other statutory compliances:
 - VAT - Regional Service Levies - Skills Development Levies
 - UIF
 - Workmen's Compensation

6.3. Human Resource

1. Employment contracts
2. Employment equity plan (if applicable)
3. Disciplinary records
4. Salary records

5. Disciplinary code
6. Leave records
7. Training record

6.4. Client Records

1. Client Correspondence
2. Client Contracts
3. Client Internal Control Reports
4. Client Business Information
5. Legal Documentation
6. Proposal and Tender Documents
7. Project Plans
8. Risk Management Records
9. Solution Methodologies

7. Process of requesting information in terms of PAIA

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 the head of the company at the address or electronic mail address of the company. (Section 53(1))
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 requestor 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))

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))
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 requesting the satisfaction of the head of the company. (Section 53(2)(f))
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:
 - 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))
 - 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))
 - 5.3 After the head of the company has decided on the request, the requester must be notified in the required form.
 - 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))
 - 5.5 The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.
 - 5.6 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 access request 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)

- 5.7 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 company. (Section 63) Similarly, disclosure of which could harm the interests of the rly, 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 it to view. (Section 64)
- 5.8 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)
- 5.9 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. Process of requesting information in terms of PAIA

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

Annexure A

The application form can be obtained from:

http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf