



Omnisient RF (Pty) Ltd: Promotion of Access to Information (PAIA) Manual

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS

[TO INFORMATION ACT 2 OF 2000](#) as amended by the Promotion of Access to Information Amendment Act, 2019 ([Act 31 of 2019](#)) and the Promotion of Access to Information Amendment Act, 2002 ([Act 54 of 2002](#))

Regulations:

Promotion of Access to Information Act: Regulation:
[Promotion of Access to Information](#) (27 August 2021)

Last Updated: January 2023

[Full Access to Act and amendments](#)

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1. List of Acronyms and abbreviations

- 1.1 **"CEO"** means Chief Executive Officer
- 1.2 **"DIO"** means Deputy Information Officer;
- 1.3 **"IO"** means Information Officer;
- 1.4 **"Minister"** means Minister of Justice and Correctional Services;
- 1.5 **"PAIA"** means Promotion of Access to Information Act No. 2 of 2000 as Amended);
- 1.6 **"POPIA"** means Protection of Personal Information Act No.4 of 2013;
- 1.7 **"Regulator"** means the Information Regulator; and
- 1.8 **"Regulations"** means Regulations as issued on Pages 18 to 85 in Regulation Gazette No. 11329 Dated 27 August 2021, Vol. 674, No. 45057
- 1.9 **"Republic"** means the Republic of South Africa

2. 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, reasonable protection of privacy and commercial confidentiality.

For more detail see [Compliance with Section 51 \(sahrc.org.za\)](http://sahrc.org.za)

3. Purpose

This PAIA Manual is useful for the public to-

- 3.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;

- 3.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 3.3 know the description of the records of the body which are available in accordance with any other legislation;
- 3.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 3.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 3.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 3.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 3.9 know if the body has planned to transfer or process personal information outside the Republic and the recipients or categories of recipients to whom the personal information may be supplied; and
- 3.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

4. Guide on how to use PAIA

- 4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2. The Guide is available in each of the official languages and in braille.
- 4.3. The aforesaid Guide contains the description of-
 - 4.3.1. the objects of PAIA and POPIA;
 - 4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

- 4.3.2.1. the Information Officer of every public body, and
- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
 - 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5. The Guide can also be obtained-
- 4.5.1. upon request to the Information Officer;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- 4.6 A copy of the Guide is also available online here in the following two official languages, for public inspection -
- 4.6.1 [English](#)
 - 4.6.2 [Afrikaans](#)

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

5. Key contact details

5.1. Information Officer (Head)

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

5.2. Deputy Information Officer

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

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

5.3. Access to information general contacts

Email: legal@omnisient.com

5.4. 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: legal@omnisient.com

Website: <https://omnisient.com/>

6. Categories of records of Omnisient which are available automatically and without request

Category of records	Types of the Record	Available on Website
Policies	Data Privacy Policy (POPIA) Website use policy Data Security Policy Privacy Policy	Yes - 2021-08-04-omnisient-pty-ltd-data-protection-and-privacy-policy.pdf Yes No Yes - Privacy Policy - Omnisient - Secure data collaboration platform (cloudwaysapps.com)
Manuals	PAIA Manual	Yes

These records are available on the Omnisient website at www.omnisient.com or for inspection at the Company registered office.

7. Records available in terms of Legislation

The following information may be requested, if and where applicable to the Company and subject to confidentiality obligations and POPIA.

Category of Records	Type of records	Applicable Legislation
Business Information	<ul style="list-style-type: none"> • Memorandum of incorporation • Minutes of Board of Directors meetings • Records relating to the appointment of directors/auditors/secretary/public officers and other officers • Share Register 	Companies Act 71 of 2008
Income Tax Records	<ul style="list-style-type: none"> • PAYE Records • Documents issued to employees for income tax purposes • Records of payments made to SARS on behalf of employees. 	Income Tax Act 58 of 1962
Intellectual Property		<ul style="list-style-type: none"> • Copyright Act No. 98 of 1978 • Designs Act No. 195 of 1993 • Intellectual Property Laws Amendment Act 38 of 1997 • Patents Act No. 57 of 1978 • Trademarks Act No. 194 of 1993
Employee Tax Levies	<ul style="list-style-type: none"> • Regional Service Levies • Skills Development Levies records • UIF payment records • Workmen's Compensation records 	<ul style="list-style-type: none"> • Skills Development Levies Act 9 of 1999 • Unemployment Insurance Act 63 of 2001 • Compensation for Occupational Injuries and Diseases Act 130 of 1993
VAT Records		Value Added Tax Act 89 of 1991
Access to Information	PAIA Manual	Promotion of Access to Information Act 2 of 2000 (As amended)

Data Privacy	POPIA Manual	Protection of Personal Information Act 4 of 2013
Employment Equity	Employment equity plan	Employment Equity Act 55 of 1998
Customer protection	Template agreements on products and services subject to CPA	Consumer Protection Act 2008

8. Categories of records

The following business information may be requested, if and where applicable to the company and subject to confidentiality obligations and POPIA.

Subjects on which the Company holds records	Categories of records
Strategic Documents, Plans, Proposals	<ul style="list-style-type: none"> • Annual Reports, Strategic Plan, Annual Performance Plan, Project Plans • Risk Management Records
Human Resources	<ul style="list-style-type: none"> • HR policies and procedures • Advertised posts • Employees records • Disciplinary records (Confidential) • Salary records (Confidential) • Disciplinary code • Leave records • Training record
Client Records	<ul style="list-style-type: none"> • Client Correspondence • Client Contracts • Client Internal Control Reports • Client Business Information • Proposal and Tender Documents

9. Process of requesting information in terms of PAIA

9.1 A request shall be made on the prescribed forms as published by the Regulator from time to time and which can be accessed here: [PAIA Forms - Information Regulator \(info regulator.org.za\)](http://info regulator.org.za)

9.2 A requester may request a copy of an automatically available record in terms of Sections 5(1)(a) and 5(3) and must be provided with such a copy, upon payment of the fee for reproduction as provided in items 2 to 8 of Annexure B of the [Regulations](#).

9.3 The request must be made to the Information Officer of the company at the Company address or electronic mail address of the company. (Section 53(1)).

9.4 The requester must provide sufficient detail on the request form to enable the identification of the record and the requester. The requester should indicate which form of access is required. The requestor should specify a South African postal address or e-mail address. 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)).

9.5 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. (Section 53(2)(d)).

9.6 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is requesting the satisfaction of the Information Officer of the company. (Section 53(2)(f)).

9.7 Every requester must pay the required request fee:

9.6.1 The Information Officer of the company must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee before further processing the request. Section 54(1))

- 9.6.2 The fee that the requester must pay was published as Annexure B to the new Promotion Of Access To Information [Act, 2000 \(Act No 2 Of 2000\), \(Paia\): Regulations On Pages 18 To 85 In Regulation Gazette No. 11329 Dated 27 August 2021, Vol. 674, No. 45057.](#)
- 9.6.3 After the Information Officer of the company has decided on the request, the requester must be notified in the required form.
- 9.6.4 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))
- 9.6.5 The Information Officer 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 Information Officer of the company in the manner indicated by the requester. If the request is granted, the requester shall be informed by the Information Officer 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)
- 9.6.6 The Information Officer 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)

9.6.7 The Information Officer 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)

9.6.8 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)

9.8 Certain records are available automatically and no request fee are payable. These records are available from the Director-General in terms of section 15(1) of the PAIA Act, where copies (in any format) are made, the prescribed fee is payable see [PAIA-Sec15-Description-2021Sep.pdf \(justice.gov.za\)](#).

10. Processing of Personal Information

10.1 Purpose of Processing Personal Information

See Omnisient [POPIA Policy](#).

10.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	names, registration number, vat numbers, address, trade secrets and bank details
Employees	address, qualifications, gender and race

10.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

10.4 Planned transborder flows of personal information

Indicate if the body has planned transborder flows of personal information. For example, some personal information may be stored in the cloud outside the Republic. Please specify the country in which personal information will be stored and categories of personal information.

10.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

See Omnisient Data Security Policy ([Link to the Omnisient Data Security Policy](#))

11. Availability of copy of the Manual

- 11.1. Manual is available
 11.1.1. On the website at www.omnisient.com; or

11.1.2. At the head office of the Company for public inspection during normal business hours;

11.2. to any person upon request and upon the payment of a reasonable prescribed fee; and

11.3. to the Information Regulator upon request.

11.4. A fee for a copy of the Manual, as contemplated in Annexure B of the Regulations, shall be payable per each A4-size photocopy made.

12. UPDATING OF THE MANUAL

The Information Officer of the Company will on a regular basis update this manual.

Issued by



Jon Jacobson, CEO