PAIA MANUAL

Section 51 Manual for Affinity Business School (2018/504397/07)
Information required under Section 51(1)(A) of the Act.

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External stakeholder requests for access to internal Policies, Procedures, Frameworks, Charters, or other relevant documents must be addressed through the Internal Compliance Officer as the nominated Chief Information Officer of the Company.

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1| Introduction

1.1. Purpose and Objectives

The Promotion of Access to Information Act, 2 of 2000, gives effect to the constitutional right of access to any information held by private bodies that is required for the exercise or protection of any rights.

The Act provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or protection of a right. However, the right to access to any information held by a private body may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution.

This document informs requesters of procedural and other requirements which a request must meet as prescribed by the Act.

1.2. Availability

This document will be available on the Company's website, providing customers, clients and other external stakeholders with direct access to the manual.

2| PAIA Manual Details

2.1. Contact Details of the Head of Affinity Business School

Head of Affinity Business School	Paul McNamee
Postal address:	Postnet Suite 124, Private Bag X101, Farrarmere, Benoni, 1518
Physical address:	1 Dingler Street, Rynfield, Benoni, 1501
Tel no:	0861 194 777
Fax no:	086 571 9163
Website:	www.affinitybusinessschool.co.za
Email address:	info@affinitybusinessschool.co.za

2.2. Guide on the Promotion of Access to Information Act (Section 10 Guide)

i. SAHRC has compiled a guide in terms of Section 10 of PAIA. The guide contains information for purposes of exercising constitutional rights.

ii. The guide is available for inspection, at the offices of the SAHRC.

iii. It is obtainable by contacting the SAHRC at:

iv. The South African Human Rights Commission

v. PAIA Unit, Private Bag 2700, Houghton, 2041

Tel no: 011 877 3600

Fax no: 011 403 0625

Email: paia@sahrc.co.za

Website: www.sahrc.org.za

vi. 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.

2.3. Subjects and Categories of Records Held at the Physical Address of ABS

- Correspondence
- Founding Documents
- Licenses (categories)
- Minutes of Management Meetings
- Statutory Returns
- Personnel Records
- Employment Contracts
- Employment Equity Records
- Industrial and Labour Relations Records
- Information relating to Health and safety Regulations
- Statutory Records
- Training Records / Training Manuals
- Personnel Guidelines, Policies and Procedures
- Staff Recruitment Policies
- Brochures on Company Information
- Client and Customer Registry
- Contracts
- Information relating to employee sales performance
- Marketing and Future Strategies
- Marketing Records
- Production Records
- Sales Records
- Annual Financial Statements
- Asset Register
- Inventory Register
- Banking Records
- Budgets
- Financial Transactions
- Insurance Information
- Internal Audit Records
- Purchase and Order Information
- Tax Records (company and employee)
- IT Policies and Procedures
- User Manuals
- PAYE Records
- Disciplinary Records
- Leave Records
- SETA Records
- Workmen’s Compensation Records and Certificates

2.4. Company Records - Classification of Information

Public Access Document	May be disclosed
Information on disciplinary proceedings	May not be disclosed (unless if it's a legal body)
Personal Information that belongs to the requester of that information	May be disclosed
Likely to harm a company or third party in contract with or other negotiations	May not be disclosed
Would breach a duty of confidence owed to a third party in terms of an agreement	May not be disclosed (unless if it's a legal body)
Likely to compromise the safety of individuals or protection of property	May not be disclosed
Commercial information of a private body	May not be disclosed

i. Information is held solely for the purpose it was collected for and may be removed or updated by the data subject unless otherwise stated as a result of a legal obligation where provision to a public body must be honoured by ABS.

ii. Measures and agreements are in place to ensure that outsourced venders with provisional access to personal information have controls and infrastructure to continue to keep information provided, for the purpose of service rendering in a safe and secure manner.

2.5. Details on How to Request Access to Information - Section 51(E)

i. The requester must complete Form 2 and submit this form together with a request fee, to the Head of the Private Body.

ii. The requester may request the responsible party to confirm whether they hold their personal information, free of charge, and provided adequate proof of identity has been given.

iii. The form must be submitted to the Head of the Private Body at his/her address, fax number or email address.

iv. If you are a client of Affinity Business School, you may contact the Company on 0861 194 777, to access your information.

v. The form must:

a. Provide sufficient particulars to enable the Head of the Private Body to identify the record(s) requested and to identify the requester.

b. Indicate which form of access is required.

c. Specify a postal address or fax number of the request in the Republic.

d. Identify the right that the requester is seeking to exercise or protect.

e. Provide an explanation of why the requested record is required for the exercise or protection of that right.

f. Should the requester wish to be informed of the decision on the request in any other manner, he/she should state the manner and the necessary particulars on the form.

g. If the request is made on behalf of another person, the proof of capacity in which the requester is making the request, must be submitted to the reasonable satisfaction of the Head of the Private Body.

h. The Head of the Private Body must notify the requester of the prescribed fee (if any) before further processing the request.

i. If the request is granted then a further access fee must be paid for the reproduction, the search, the preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

j. If a requester cannot complete the prescribed form, an oral request may be made.

vi. Head of the Private Body

Name:	Paul McNamee
Contact Number:	010 020 3199
Email:	compliance@grcfides.co.za
Occupational Address:	1 Dingler Street, Rynfield, Benoni, 1501

Appointed Information Officer in terms of the Protection of Personal Information Act (POPIA)

Name:	Hannelie Botha
Contact Number:	010 020 3199
Email:	compliance@grcfides.co.za
Occupational Address:	1 Dingler Street, Rynfield, Benoni, 1501

Appointed Deputy in terms of Section 56 of POPIA, who have been mandated delegatory functions of the Information Officer

Name:	Neill Lotter
Contact Number:	010 020 3199
Email:	compliance@grcfides.co.za
Occupational Address:	1 Dingler Street, Rynfield, Benoni, 1501

2.6. Processing Details

i. In terms of POPIA, data must be processed for a specified purpose.

ii. The purpose for which data is processed by ABS will depend on the nature of the data and the particular data subject.

iii. This purpose is ordinarily disclosed, explicitly or implicitly at the time the data is collected.

iv. ABS processes personnel data for administration purposes.

v. Personnel data is also processed to the extent required by legislation and regulation. For example, ABS discloses employees' financial information to the Commissioner for the South African Revenue Service, in terms of the Income Tax Act 58 of 1962 and employee's sensitive personal information in terms of the Employment Equity Act 55 of 1998.

vi. ABS processes client related records as an integral part of its commercial services. For example, ABS processes client related records during the client application process, in assessing a client's profile and risk, in administering a client's training.

vii. ABS may also process data provided to it by industry regulatory bodies and other sources to consider a client's application, to conduct underwriting or risk assessments, or in considering a claim.

viii. ABS processes third party records for business administration purposes.

ix. ABS processes "other party" records for business administration purposes. For example, personnel data may be processed in order to effect payment to contractors and / or suppliers.

x. In performing these various tasks, ABS may, amongst others, collect, collate, process, store and disclose personal information.

xi. This list of processing purposes is non-exhaustive.

2.7. Categories of Data Subjects

ABS holds information and records under the following categories of data subjects:

- Employees / personnel.
- Clients.
- Any third party with whom ABS conducts its business services.
- Contractors.
- Suppliers.
- Service providers.

This list of categories is non-exhaustive.

2.8. Recipients to whom Personal Information will be Supplied

Depending on the nature of the data, ABS may supply information or records to the following recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for data.
- Any court of law, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for data or discovery in terms of the applicable rules (i.e., the Competition Commission in terms of the Competition Act 89 of 1998).
- A contracted third party who requires this information to provide a healthcare service to a client or any dependant/s on the client's Insurance/Medical plan.
- Third parties with whom ABS has a contractual relationship for the retention of data (for example, a third-party archiving service).
- Auditing and accounting bodies (internal and external).
- Anyone making a successful application for access in terms of PAIA.

2.9. Security Measures

i. ABS takes extensive security measures to ensure the confidentiality, integrity and availability of personal information in ABS's possession.

ii. ABS takes appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

2.10. Grounds for Refusal of Access to Records

The main grounds for ABS to refuse a request for information relates to:

i. Mandatory protection of privacy of a third party who is a natural person:

   a. 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 a third party, including a deceased individual.

      i. Trade secrets of a third party.

      ii. Financial, commercial, scientific, technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party.

      iii. Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual / other negotiations or prejudice the third party in commercial competition.

ii. Mandatory protection of commercial information of a third party:

   a. The Head of the Private Body must refuse a request for access to a record if that record contains

iii. Mandatory protection of certain confidential information of a third party:

   a. The head of a private body must refuse a request for access to a record if the disclosure of that record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

iv. Mandatory protection of safety of individuals, and protection of property

   a. The head of the private must refuse a request for access to a record if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

   b. The Head of the Private Body should also refuse if the disclosure would be likely to prejudice or impair the security of a building, structure or system, including a computer or communication system.

v. Mandatory protection of records privileged from production in legal proceedings

a. The Head of the Private Body must refuse a request for access to a record, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

vi. Mandatory protection of research information of a third party and protection of research information of a private body

a. The Head of the Private Body must refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party or a private body and the disclosure of which would be likely to expose:

i. The third party or the private body;

ii. A person that is or will be carrying out the research on behalf of the third party; and

iii. The subject matter of the research, to serious disadvantage.

vii. Commercial activities of ABS

These include:

a. Trade secrets of ABS;

b. Financial, commercial, scientific and technical information which disclosure could likely cause harm to the financial or commercial interests of ABS;

c. Information, if disclosed, could put ABS at a disadvantage in negotiations or commercial competition; and

d. Computer programs owned by ABS and which are protected by copyright.

2.11. Available Solutions when ABS Refuses a Request for Information

i. ABS will, within 30 days of receipt of a request, decide whether to grant or to decline that request and give notice with reasons.

ii. The 30 day period within which ABS has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a vast amount of information or the request requires the search for information to be held at another location and the information cannot be reasonably obtained within the original 30 day period.

iii. ABS will notify the requester in writing should an extension be sought.

iv. When a requester is not satisfied with the decision made for example, refusing access, imposing an access fee or extending the time period for when a response is due, he/she may lodge an application with a court against the decision made within 60 days of receiving the decision that caused the grievance.

2.12. Fees

i. According to Part III of Regulation 187 published in the Government Gazette on the 15th February 2002, the Head of the Private Body will notify the requester in writing to pay the prescribed request fee, before processing the request.

ii. If the request pertains to personal information, the requisite request fee will not be imposed.

iii. 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.

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

For every photocopy of an A4 sized page or part thereof	R1,10
For every printed copy of an A4 sized page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-reader form on a compact disc	R70.00
For a transcription of visual images, for an A4 sized page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4 sized page or part thereof	R20.00
For a copy of an audio record	R30.00

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

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

For every photocopy of an A4 sized page or part thereof	R1,10
For every printed copy of an A4 sized page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-reader form on a compact disc	R70.00
For a transcription of visual images, for an A4 sized page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4 sized page or part thereof	R20.00
For a copy of an audio record	R30.00

v. 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.

vi. For purposes of Section 54(2) of the Act, the following applies:
    a. Six hours as the hours to be exceeded before a deposit is payable.
    b. One third of the access fee is payable as a deposit by the requester.
    c. The actual postage is payable when a copy of a record must be posted to a requester.
vii. Fees are subject to change.

2.13. Availability of the Manual

i. This manual is available in terms of Regulation Number R.187 of 15th February 2002.
ii. This manual is available at the following:
    a. ww.affinitybusinessschool.co.za
    b. The offices of ABS

3| Compliance References

This directive is a supporting document to the Privacy Policy.

4| References

Acts and other legislation at the physical address of ABS:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Regulation of Interception of Communications Act 70 of 2002
- Short Term insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Value Added Tax Act 89 of 1991
- Arbitration Act 42 of 1965
- Protection of Personal Information Act 4 of 2013
- Unemployment Insurance Act 63 of 2001
- Competition Act 89 of 1998
- Protected Disclosures Act 26 of 2000
- Unemployment Insurance Contributions Act 4 of 2002
- Medical Schemes Act 131 of 1998
- The above is not an exhaustive list of statutes that may require ABS to keep records.

5| Amendments and Proposed Changes

This manual has been drafted and implemented according to legislation. The manual will be reviewed and amended according to legislation.

6| Appendices

Annexure A: Form 2 and 3

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