

XDS

PAIA Manual

1. INTRODUCTION

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to access to information. The Promotion of Access to Information Act 2 of 2000 ("the Act"), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- 1.1. That record is required for the exercise or protection of any of his or her legal rights.
- 1.2. That requester complies with all the procedural requirements; and
- 1.3. Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

2. PRINCIPLES

This PAIA Manual is useful for the public to:

- 2.1 Have insight into the categories of records held by the company which are available without a person having to submit a formal PAIA request.
- 2.2 Have a sufficient understanding of how to make a request for access to a record of the company, by providing a description of the subjects on which the company holds records and the categories of records held on each subject.
- 2.3 Know the description of the records of the company which are available in accordance with any other legislation.
- 2.4 Access all the relevant contact details of the Information Officer and deputy Information Officer.
- 2.5 Officers who will assist the public with the records they intend to access.
- 2.6 Know the description of the guide on how to use PAIA as updated by the Regulator and how to obtain access to it;
- 2.7 Know if the company 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. WHO MAY REQUEST ACCESS TO INFORMATION?

The Promotion of Access to Information Act (PAIA) allows access to a record only if it is needed to exercise or protect a right. Requesters can make a request as a personal requester, agent requester (with consent), third-party requester (with consent), or a public body if certain conditions are met.

Function	Information Officer:	Deputy Information Officer
Name	Hayden Marimuthu	Diyuti Mohanlal
Contact Number	+27116459100	+27116459100
Email Address	hmarimuthu@mettus.co.za	dmohanlal@mettus.co.za
General Email	informationofficer@xds.co.za	informationofficer@xds.co.za

Company's Physical Address	Atrium on 5th, 5th Floor, Sandton City, Sandton, Johannesburg, South Africa.
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4. POLICY REGARDING CONFIDENTIALITY AND ACCESS TO INFORMATION:

The company will protect the confidentiality of information from third parties, except when required by law or court order. When a record containing information about a third party is requested, the company will attempt to contact the third party. The third party can consent to the access or provide reasons for denial, which the Information Officer will consider when deciding whether access should be granted.

5. GUIDANCE TO REQUESTERS ON HOW TO USE THE ACT:

Guidelines under section 10 of PAIA for requesters to understand and use the Act effectively can be obtained from the Information Regulator of South Africa.

6. REQUESTING ACCESS TO INFORMATION

- 6.1 Requests for access to information under PAIA should be submitted in writing using the prescribed form (Form C) available on the website.
- 6.2 The request must be addressed to the Information Officer and must include:
 - 6.2.1 The requester's full name and contact details.
 - 6.2.2 Sufficient details to identify the record(s) requested.
 - 6.2.3 The preferred form and format of the information, if applicable.
 - 6.2.4 Any other specific details required to locate the record.
- 6.3 A request fee, if applicable, should be paid in accordance with the prescribed fees set out in the Government Gazette.

7. PROCESSING THE REQUEST

- 7.1 We will acknowledge receipt of the request within the statutory time frame.
- 7.2 The Information Officer will consider the request and determine whether access will be granted or refused, in accordance with the provisions of PAIA.
- 7.3 The requester will be informed of the decision and reasons for granting or denying access within the statutory time frame.

8. FEES

Requesters may be liable to pay fees as prescribed by the Minister of Justice and Correctional Services, where applicable.

9. REVIEW AND APPEALS

Requesters have the right to appeal against the decision to deny access.

9.1 Grounds for Refusal:

The 30-day response period, as required by the Act, begins only after the requester complies with all Act requirements to the satisfaction of the Information Officer.

9.2 Requests may be refused on the following grounds, as set out in the Act:

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- 9.2.1 Mandatory protection of privacy: Refusal may occur when revealing personal information of a natural person, including a deceased person, would unreasonably invade their privacy.
 - 9.2.2 Mandatory protection of commercial information: Access can be denied if the record contains trade secrets, financial, commercial, scientific, or technical information, and disclosure could harm the financial or commercial interests of a third party or the Company. Also, if the record contains information disclosed in confidence by a third party and its disclosure could harm their competitive position.
 - 9.2.3 Mandatory protection of confidential information: Records may be refused if their disclosure would breach a duty of confidence owed to a third party as part of an agreement.
 - 9.2.4 Mandatory protection of safety and property: Access may be denied to ensure the safety of individuals and the protection of property.
 - 9.2.5 Mandatory protection of privileged records: Records that are privileged from production in legal proceedings are protected, unless the legal privilege has been waived.
 - 9.2.6 Mandatory protection of research information: Access may be denied for research information belonging to a third party or the Company.

10. RECORDS OF REQUESTS

We will maintain records of all requests and responses in compliance with PAIA.

11. REVIEW OF POLICY

This PAIA manual will be reviewed periodically to ensure compliance with PAIA and any relevant amendments to the law.

Legal Disclaimer: This Policy is not exhaustive and may be updated at the Company's discretion. Users are advised to regularly review and comply with the latest version of this Policy.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information Officer

(Address)

E-mail address:

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Fax number:

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Mark with an "X"

☐

Request is made in my own name

☐

Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile: <table border="1"><tr><td></td></tr></table>	
Cellular:				
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED <i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

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

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
[Regulation 8]

Note:

1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)	

Kindly note that your request has been:

☐ Approved

☐ Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor	R60.00		
• If provided to the requestor			
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

☐

Yes

☐

No

Hours of search		Amount of deposit (calculated on one third of total amount per request)	
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The amount must be paid into the following Bank account:

Name of Bank: _____

Name of account holder: _____

Type of account: _____

Account number: _____

Branch Code: _____

Reference Nr: _____

Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

Information officer