

PROMOTION OF ACCESS TO INFORMATION ACT
MANUAL
(“PAIA MANUAL”)

For

GT SCS (PROPRIETARY) LIMITED
T/A
JOHANNESBURG ARTS CONSERVATORY
(“JAC”)

Prepared in accordance with Section 51 of the Promotion of Access to Information Act 2 of
2000 (“the Act”)

1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- 1.1. The Promotion of Access to Information Act 2 of 2000 (“the Act”) was enacted to give effect to the constitutional right to access any information held by the state or any other person which is required for the exercise or protection of any right. If a public body lodges a request in terms of the Act, it must be acting in the public interest.
- 1.2. In terms of section 51 of the Act, private entities are required to compile and publish an Information Manual. This has come to be known as the PAIA Manual. The purpose of the PAIA Manual is to set out the relevant information necessary to assist individuals or other organisations to request access to information from a private body. It is intended to foster a culture of transparency and accountability within the JAC by giving effect to the right to information required for the exercise or protection of any right.
- 1.3. This document constitutes the JAC’s PAIA Manual as envisioned by the Act. It describes the types of records that JAC holds and explains the procedure to submit a request for access to the records in terms of the Act and provides for the fees and relevant forms required to submit such request.

2. LIMITATIONS OF THE ACT’S APPLICATION

- 2.1. While the Act envisions access, transparency and accountability in respect of information, section 9 also recognises that the right to access information cannot be unlimited. Therefore, it has set out various limitations to the right, including:
 - 2.1.1. Limitations relating to reasonable protection of privacy;
 - 2.1.2. Information that is commercially confidential; and
 - 2.1.3. Information limited to effective, efficient and good governance.

3. AVAILABILITY OF THIS PAIA MANUAL

- 3.1. This PAIA Manual is published on the JAC’s website and is available on request from the Information Officer, the details of which are:

Information Officer: Holly Gruver

Physical Address: 27 Homestead Avenue

Bryanston

Johannesburg

Email Address: holly@thejac.co.za

- 3.2. The above Information Officer is also the chief executive officer of the JAC.

4. THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION’S GUIDE

- 4.1. The South African Human Rights Commission has compiled a Guide as contemplated in terms of section 10 of the Act (“the Guide”). The Guide contains information as may reasonably be required to exercise or protect any right contemplated by the Act.

- 4.2. The Guide may be accessed from the South African Human Rights Commission, at the following address:

Physical Address: JD House

27 Stiemens Street

Braamfontein

Johannesburg

2001

Telephone number: 082 059 6520

Enquiries: tsebulela@sahrc.org.za

- 4.3. In addition, the Information Regulator of South Africa can be approached at the following address:

Physical Address: JD House
27 Stiemens Street
Braamfontein
Johannesburg
2001

Postal Address: PO Box 31533
Braamfontein
Johannesburg
2017

General enquiries: enquiries@inforegulator.org.za

Complaints: PAIAComplaints@inforegulator.org.za

Compliance: PAIACompliance@inforegulator.org.za

5. LATEST NOTICE SUBMITTED IN TERMS OF SECTION 52 OF THE ACT

- 5.1. No notice has been submitted as prescribed in terms of section 52(2) of the Act (which provision has subsequently been repealed).

6. RECORDS AVAILABLE ON REQUEST

- 6.1. General information held by the JAC, which is public in nature, may be accessed on the JAC's website without a formal request as contemplated by this PAIA Manual.

- 6.2. The records which the JAC holds and the categories within which the records fall are listed below, as required by section 51(2)(e) of the Act. While the JAC holds such records, it is entitled to refuse access in terms of sections 62 to 69 of the Act.

6.3. Corporate Governance:

- 6.3.1. Memorandum of Incorporation and constitutional documents
- 6.3.2. Further documents of incorporation
- 6.3.3. Minutes relating to Board meetings
- 6.3.4. Minutes relating to Shareholder's meetings
- 6.3.5. Resolutions taken by the Board
- 6.3.6. Resolutions taken by Shareholders
- 6.3.7. Proxy documentation
- 6.3.8. Share Register, other share-related documentation and further registers prescribed by statute
- 6.3.9. Corporate governance policies, procedures and strategies

6.4. Personnel and Employment Records:

- 6.4.1. Employment records
- 6.4.2. Contractors' and Agents' records
- 6.4.3. Personnel guidelines, policies, and procedures
- 6.4.4. Payroll records
- 6.4.5. Recruitment records
- 6.4.6. Training records

6.5. Financial Records:

- 6.5.1. Accounting records
- 6.5.2. Financial reports and statements
- 6.5.3. Banking details
- 6.5.4. Creditor and Debtor-related reports, statements and records
- 6.5.5. Financial policies and procedures
- 6.5.6. Taxation records
- 6.5.7. Asset register
- 6.5.8. Supplier records

6.5.9. Management accounts

6.5.10. Sponsorship records

6.6. Client-related Records:

6.6.1. Client records, including prospective clients

6.6.2. Visitor's records

6.6.3. Interested party records

6.7. Marketing and Communication Records:

6.7.1. Marketing records

6.7.2. Public communication records

6.7.3. Internal communication

6.7.4. Performance records

6.7.5. Advertising and promotional material

6.8. Health and Safety Records:

6.8.1. Health and Safety Records (employees and contractors)

6.9. Legal Services and Compliance:

6.9.1. General contractual documentation

6.9.2. Intellectual property records

6.9.3. Immovable property records

6.9.4. Statutory and regulatory compliance records

6.9.5. Company guidelines, policies and procedures

6.10. Operational Records:

6.10.1. Production records

6.10.2. Logistics records

6.10.3. Internal operational records

7. CLASSIFICATION OF COMPANY RECORDS

7.1. On request, access to the company records listed above may be granted or refused based on the following considerations.

7.2. Disclosure and/or access granted:

7.2.1. Information which forms part of a public access document.

7.2.2. Information which is subject to copyright.

7.3. Limited disclosure and/or access granted:

7.3.1. Personal Information of natural persons that belongs to the requestor of that information, or personal information of juristic persons represented by the requestor of that information, as contemplated by section 61 of the Act.

7.4. Information which may not be disclosed:

7.4.1. Information relates to a request after the commencement of criminal or civil proceedings, as contemplated by section 7 of the Act.

7.4.2. Unreasonable disclosure of personal information of a natural person or a juristic person, as contemplated by section 63(2) of the Act and the Protection of Personal Information Act.

7.4.3. Information which is likely to harm the commercial or financial interests of a third party, as contemplated by section 64(1)(a) and (b) of the Act.

7.4.4. Information which is likely to harm the company or a third party in contract or other negotiations, as contemplated by section 64(1)(c) of the Act.

- 7.4.5. Information which would breach a duty of confidence owed to a third party in terms of an Agreement, as contemplated by section 65 of the Act.
- 7.4.6. Information which is likely to compromise the safety of individuals or protection of property, as contemplated by section 66 of the Act.
- 7.4.7. Legally privileged information, as contemplated by section 67 of the Act.
- 7.4.8. Commercial information of a private body, as contemplated by section 68 of the Act.
- 7.4.9. Information which is likely to prejudice research and development information of the company or a third party, as contemplated by section 69 of the Act.

7.5. Information which may not be refused:

- 7.5.1. Environmental testing or information which reveals public safety or environmental risks, as contemplated by sections 64(2) and 68(2) of the Act.
- 7.5.2. Disclosure of information which is in the public interest, as contemplated by section 70 of the Act.

8. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

8.1. Where applicable, the JAC also keeps records and documents prescribed in terms of the legislation listed below, including:

- 8.1.1. Auditing Professions Act 26 of 2005
- 8.1.2. Basic Conditions of Employment Act 75 of 1997
- 8.1.3. Companies Act 71 of 2008
- 8.1.4. Compensation of Occupational Injuries and Diseases Act 130 of 1993
- 8.1.5. Competition Act 89 of 1998
- 8.1.6. Constitution of the Republic of South Africa, 1996
- 8.1.7. Consumer Protection Act 68 of 2008

- 8.1.8. Copyright Act 98 of 1978
- 8.1.9. Debt Collectors Act 114 of 1998
- 8.1.10. Designs Act 195 of 1993
- 8.1.11. Electronic Communications Act 36 of 2005
- 8.1.12. Electronic Communications and Transaction Act 25 of 2002
- 8.1.13. Employment Equity Act 55 of 1998
- 8.1.14. Financial Intelligence Centre Act 38 of 2001
- 8.1.15. Identification Act 68 of 1997
- 8.1.16. Income Tax Act 58 of 1962
- 8.1.17. Insolvency Act 24 of 1936
- 8.1.18. Intellectual Property Laws Amendment Act 38 of 1997
- 8.1.19. Labour Relations Act 66 of 1995
- 8.1.20. Occupational Health and Safety Act 85 of 1993
- 8.1.21. Patents Act 57 of 1978
- 8.1.22. Prescription Act 68 of 1969
- 8.1.23. Promotion of Access to Information Act 2 of 2000
- 8.1.24. Protection of Personal Information Act 4 of 2013
- 8.1.25. Revenue Laws Second Amendment Act 61 of 2008
- 8.1.26. Taxation Laws Amendment Act 7 of 2010
- 8.1.27. Trademarks Act 194 of 1993
- 8.1.28. Unemployment Contributions Act 63 of 2001
- 8.1.29. Unemployment Insurance Act 30 of 1966

9. PROCESSING OF PERSONAL INFORMATION

9.1. The JAC processes Personal Information in order to provide, maintain and improve the performance of our services. This includes collecting information to:

- 9.1.1. Establish and verify the identity and business operations of a data subject, including those processes which may be required from the JAC by law or good industry practice;
- 9.1.2. Perform the services that are requested of us;

- 9.1.3. Accomplish any further purpose that is related to providing our services;
- 9.1.4. Communicate in the manner which is preferred, including via email, post, SMS or telephonically;
- 9.1.5. Maintain and update our database of clients and visitors;
- 9.1.6. Provide updates and information about our services and any changes to our services;
- 9.1.7. Recruitment and related activities;
- 9.1.8. To conduct market or client satisfaction research or for statistical analysis;
- 9.1.9. For auditing or record keeping purposes;
- 9.1.10. Fulfil any contractual or legal obligation that we may have;
- 9.1.11. Comply with any law or regulation or legal request from a recognised Authority; and
- 9.1.12. Any other activity which may be lawful, reasonable and necessary to our business activities.

9.2. The further details about the JAC's practices relating to the processing of Personal Information are set out in the JAC's Privacy Policy, which may be accessed on our website.

10. CATEGORIES OF DATA SUBJECTS

10.1. The following categories of data subjects will be processed by the JAC:

- 10.1.1. Clients and potential clients
- 10.1.2. Employees and contractors
- 10.1.3. Directors and Prescribed officers
- 10.1.4. Suppliers
- 10.1.5. Job applicants
- 10.1.6. Visitors
- 10.1.7. Sponsors
- 10.1.8. Statutory and regulatory bodies and government authorities

10.1.9. Financial institutions

11. CATEGORIES OF PERSONAL INFORMATION PROCESSED BY THE JAC

11.1. The following information shall be processed by the JAC:

11.1.1. Information relating to the gender, sex, age, physical or mental health, well-being, disability and birth of the person;

11.1.2. Information relating to the education or the medical history of the person;

11.1.3. Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;

11.1.4. The biometric information of the person;

11.1.5. Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence; and

11.1.6. The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

12. RECIPIENTS OR CATEGORIES OF RECIPIENTS WITH WHOM THE PERSONAL INFORMATION IS SHARED

12.1. We will not disclose Personal Information unless it is for purposes as set out in the JAC's Privacy Policy or if we have received permission to do so. The following categories of recipients may receive such Personal Information:

12.1.1. JAC's employees, contractors and agents to the extent that these parties need the Personal Information in order for us to provide services;

12.1.2. To our affiliates;

12.1.3. To authorities or governmental agencies in order to comply with any law, regulation or legal process; or

12.1.4. In order to protect our rights, property or safety or those of our employees, contractors, agents, clients or any other third party.

13. INFORMATION SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

13.1. The JAC takes care to ensure that Personal Information is adequately protected against unauthorised access and use and remains secure.

13.2. The JAC may store Personal Information at a physical location or by electronic means, including on a cloud-based system. We will take reasonable, appropriate and generally accepted measures to ensure that the Personal Information is protected against unauthorised and unlawful processing, accidental loss, destruction or damage.

13.3. However, we cannot guarantee that the processing and transmission of Personal Information, particularly when transmitted electronically, is absolutely secure.

13.4. In order to protect Personal Information, we undertake to regularly review our security controls and implement appropriate and generally accepted technical and organisational measures to ensure such protection as far as reasonably possible.

13.5. We further impose necessary security, privacy and confidentiality obligations on those third parties that we have a contractual relationship with to ensure, as far as reasonably possible, that Personal Information remains secure. We also ensure that such third parties agree to treat such Personal Information with the same standard of care as we are obliged to do.

14. TRANSBORDER FLOWS OF PERSONAL INFORMATION

- 14.1. The JAC does not transfer Personal Information across South African borders. However, should it be required for relevant business transactions, such transborder processing will be in line with South Africa's legislative requirements.

15. PRESCRIBED REQUESTS AND FEES

- 15.1. A requestor wishing to have access to the records as set out above, must comply with the procedural requirements contemplated by both the Act as well as this PAIA Manual.

- 15.2. The requestor must complete and submit **FORM C**, which is attached hereto, together with the prescribed fee and a deposit, where applicable, to the JAC's Information Officer, the details of whom are set out in clause 3 above. Form C must be filled out with sufficient detail to allow the Information Officer to determine, to her satisfaction:

- 15.2.1. The record or records requested;
- 15.2.2. The identity of the requestor; and
- 15.2.3. The right or rights that the requestor wishes to exercise or protect.

- 15.3. The JAC will process the request within 30 (thirty) days. The Information Officer may refuse such a request on the basis that the information set out in paragraph 15.2 above has not been provided.

- 15.4. The Information Officer will notify the requestor in writing whether access is granted, either in whole or part, or whether it is denied. The Information Officer will provide reasons for her decision.

15.5. In the event that the request is made on behalf of another person, the requestor must submit proof of his or her capacity to make the request on behalf of another person, as set out in section 53(2)(f) of the Act.

15.6. No obligation is placed on the Information Officer to process the request until the prescribed fee has been paid.

16. FEES PAYABLE ON REQUEST

16.1. A requestor is required to pay the prescribed fees before a request will be processed.

16.2. In the event that the preparation of the record requested requires more than 6 (six) hours, the requestor must pay a deposit of not more than one third of the access fee which would be payable if the request were granted.

16.3. The Information Officer is not obliged to process the request until the prescribed fees have been paid to the JAC. Payments must be made to the JAC.

16.4. The following fees are applicable, in terms of regulation 9(2)(c) and 11(1):

16.4.1. The fee for a copy of the manual or a record which has been requested is R1,10 for every photocopy of an A4-size page or part thereof.

16.4.2. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form is R0,75

16.4.3. For a copy in a computer-readable form on a stiffy disc is R7,50.

16.4.4. For a copy in a computer-readable form on a compact disc is R70,00.

16.4.5. For a transcription of visual images, for an A4-size page or part thereof is R40,00.

16.4.6. For a copy of visual images is R60,00.

16.4.7. For a transcription of an audio record, for an A4-size page or part thereof is R20,00.

16.4.8. For a copy of an audio record is R30,00.

16.4.9. To search for and prepare the record for disclosure is R30,00 for each hour or part of an hour reasonably required for such search and preparation.

16.5. For purposes of section 54(2) of the Act, the following applies:

16.5.1. Six hours as the hours to be exceeded before a deposit is payable; and

16.5.2. One third of the access fee is payable as a deposit by the requester.

16.6. The actual postage is payable when a copy of a record must be posted to a requester.

17. REMEDIES AVAILABLE IN THE EVENT THAT A REQUEST IS REFUSED

17.1. In the event that the JAC refuses a request for information, the requestor has the following remedies available.

17.2. **Internal remedies:** The JAC does not have an internal appeal procedure. The decision taken by the Information Officer is final. If the request is denied, the requestor may use the external appeal procedures set out below.

17.3. **External remedies:** A requestor may apply to a court of competent jurisdiction or the Information Regulator for relief.