

## ACCESSING OUR INFORMATION

### OUR MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2000

#### **SECTION 51 MANUAL**

##### **Preamble**

The Promotion of Access to Information Act No 2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of the Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

In the following pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of the manual is also available on our website at [www.xglobalfx.co.za](http://www.xglobalfx.co.za)

## SECTION A

### Contact Details (section 51(1)(a))

<b>Name of the body:</b>	<b>X Global Africa (Pty) Ltd</b>
<b>Registration Number:</b>	<b>2013/123318/07</b>
<b>Designated Information Officer:</b>	<b>Travis Hoey</b>
<b>E-mail address:</b>	<b><a href="mailto:thoey@98degreesgroup.com">thoey@98degreesgroup.com</a></b>
<b>Physical Address:</b>	<b>Sandton Office Towers Mezzanine Floor 5<sup>th</sup> Street, Sandhurst, Sandton 2196 Gauteng</b>
<b>Postal Address:</b>	<b>Sandton Office Towers Mezzanine Floor</b>

**5<sup>th</sup> Street, Sandhurst, Sandton**

**2196**

**Gauteng**

**Tel no: 0861 936 739**

## **SECTION B**

### **The Section 10 Guide on how to use the Act (section 51(1)(b))**

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide will be available from the South African Human Rights Commission.

Any queries should be directed to:

**The South African Human Rights Commission**

**PAIA Unit**

**The Research and Documentation Department**

Postal address: Private Bag 2700

Houghton

2041

Street Address: Braampark Forum 3

33 Hoofd Street

Braamfontein

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

The Guide will contain the following information:

Part 1 – Why Access to Information (this sets out the objects of the Act)

Part 2 – Access to Information

Part 3 – How to Make a Request for Access to Information

Part 4 – When Access to a Record may be refused

Part 5 – General Information

Part 6 – Public Bodies from whom you can Access Records

**The latest notice in terms of section 52(2) (section 51(1)(c))**

All public articles and press releases relating Uni-Span Holdings (Pty) Ltd as published in the South African media, are available without a person having to request access.

**Records available in terms of any other legislation (section 51(1)(d))**

Records are kept in accordance with such other legislation, as is applicable to Inserve, which includes but is not limited to the following:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Pension Funds Act 24 of 1956
- Skills Development Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Protection of Personal Information Act 4 of 2013
- Consumer Protection Act 68 of 2009

- National Credit Act 34 of 2005

The above records are of a public nature and are available automatically without a person having to request access to them in terms of the Act – section 52 \*

### **Access to records held**

\*For the purpose of this manual and the Act, the records held by BRS are categorised by the nature and content thereof as follows:

- Records relating to the commercial, financial and professional interests of BRS, including but not limited to its client data base, fee structures, product ranges, commercial contracts with third parties and its business plans, systems and procedures; and
- Records of personal information of present, past and prospective employees and directors of BRS; and
- Records of clients of BRS containing personal information, commercial and financial information, information pertaining to contemplated, existing and past litigation, information on agreements, proposals and property of such clients; and
- The website address is [www.inserve.co.za](http://www.inserve.co.za) and is accessible to anyone who has access to the internet; and
- The website contains information in various categories relating to the Company, its contact particulars, fields of expertise and its professional staff.

\*\* The requestor may request access to the following types of documents:

## **Personnel Records / Company Records**

These include:

- Any personal records provided to the private body by their personnel; and
- Any records a third party has provided to the private body about any of their personnel; and
- Conditions of employment and other personnel-related contractual and quasi-legal records; and
- Internal evaluation records; and
- Employment Equity Plan (if applicable); and
- Medical Aid Records; and
- Pension Fund Records; and
- Disciplinary Records; and
- Salary Records; and
- SETA Records; and
- Disciplinary Code; and
- Leave Records; and
- Training Records; and
- Training Manuals; and
- Skills Development Plans and Annual Training Reports; and
- Other internal records and correspondence.

### **Client-Related Records**

A client includes any entity who receives services from the private body.

Client-related information includes the following:

- Any records a customer has provided to a third party acting for or on behalf of the private body; and
- Any records a third party has provided to the private body; and
- Records generated by or within the private body pertaining to the client, including transactional records.

### **Private Body Records**

This includes but is not limited to the following:

- Documents of Incorporation; and
- Memorandum of Incorporation; and
- Minutes of Board of Directors Meetings; and
- Share Register; and
- Financial records; and
- Tax Returns; and
- Accounting Records; and
- Bank Statements; and



- Assets Register; and
- Invoices; and
- Operational records; and
- Databases; and
- Information technology; and
- Marketing records; and
- Internal correspondence; and
- Product records; and
- Statutory records; and
- Internal policies and procedures; and
- Records held by officials of the private body; and
- Black Economic Empowerment Ratings.

### **Other Parties**

The private body may possess records pertaining to other parties, including without limitation, contractors, suppliers, holding companies, service providers. Alternatively, such other parties may possess records which can be said to belong to the private body.

The following records fall under this category:

- Personnel, client or private body records which are held by another party as opposed to being held by the private body; and

- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

\*\*\*Other records held by BRS are as follows:

- Statutes of the private body; and
- Financial Records; and
- Management Reports.

## **The Request Procedure**

### **Form of Request**

- The requestor must use the prescribed form to make the request for access to a record. This must be made to the head of the designated information officer. This request must be made to the address, fax number or e-mail address of the body concerned (s 53(1))
- The requestor must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requestor. The requestor should also indicate which form of access is required. The requestor should also indicate if any other manner is to be used to inform the requestor and state the necessary particulars to be so informed (s 53(2)(a) & (b) & (c))
- The requestor 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 (s 53(2)(d))

- If a request is made on behalf of another person, the requestor must then submit proof of the capacity in which the requestor is making the request to the satisfaction of the head of the private body (s 53(2)(f))
- It is important to note that access is not automatic
- You will be notified in the manner indicated by you on the request form whether your request has been approved.

### **Fees**

A requestor who seeks access to a record containing personal information about that requestor is not required to pay the request fee. Every other requestor, who is not a personal requestor, must pay the required request fee:

- The head of the private body must notify the requestor (other than a personal requestor) by notice, requiring the requestor to pay the prescribed fee (if any) before further processing the request (s 54(1))
- The fee that the requestor must pay to a private body is R50.00. The requestor may lodge an application to the court against the tender or payment of the request fee (s 54(3)(b))
- After the head of the private body has made a decision on the request, the requestor must be notified in the required form
- If the request is granted than a further 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 (s 54(6))

### **Other information as may be prescribed (section 51(1)(f))**

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

### **Availability of the manual (section 51(3))**

The manual is available for inspection at the offices of the private body free of charge; and copies are available with the SAHRC, and in the Government Gazette.

The forms and fee structure can be found on either the SAHRC'S website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) under 'regulations'.

In the preparation of this manual regard was had to the guideline provided by the South African Human Rights Commission.

## **SECTION C**

### **Refusal of access and protection of information:**

Access to certain records may be refused on the grounds set out in the Act. In terms of Chapter 4 of the Act, the Company must refuse access to information falling into the following categories, save in circumstances provided for in the Act:

- information relating to the privacy of natural persons; and

- information which is commercially privileged or confidential in nature; and
- information which the Company cannot disclose by virtue of Non – Disclosure, Confidentiality and Non-Circumvention provisions; and
- information of third parties and which disclosure is refused by the said third party; and
- information for the protection of the safety of individuals and the protection of property; and
- information privileged from production in legal proceedings; and
- third party research information.