

Performanta PAIA Manual

1 Performanta Address

Unit 10, Tuscan Gardens Office Park, 14th Road
Johannesburg, 1685
South Africa
Email: info@performanta.co.za
Phone: +27 11 046 6900
Fax: +27 11 046 6949

MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, 2 OF 2000 FOR THE FOLLOWING ENTITIES:

- Performanta Group
- Performanta Academy
- Performanta Consulting

2 Contents

1	PERFORMANTA ADDRESS	1
2	CONTENTS	1
3	INTRODUCTION OF ENTITIES	3
4	PARTICULARS IN TERMS OF THE SECTION 51 MANUAL	3
5	CONTACT DETAILS	3
6	THE GUIDE AS DESCRIBED IN SECTION 10	3
6.1	TYPES OF RECORDS AVAILABLE.....	4
7	PROCESSING OF PERSONAL INFORMATION	6
8	THE RECIPIENTS OR CATEGORIES OF RECIPIENTS TO WHOM THE PERSONAL	

INFORMATION MAY BE SUPPLIED	7
9 GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES	7
10 PROCEDURE TO REQUEST ACCESS TO INFORMATION	7
10.1 OUR RESPONSE.....	8
10.2 YOUR RIGHT OF ACCESS TO INFORMATION.....	8
10.3 OUR RIGHT TO REFUSE ACCESS TO INFORMATION.....	8
11 PROMOTION OF ACCESS TO INFORMATION ACT	9
11.1 FEES PAYABLE IN RESPECT OF PRIVATE BODIES.....	9
12 REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY	10
12.1 PARTICULARS OF RECORD	11
12.2 NOTICE OF DECISION REGARDING REQUEST FOR ACCESS.....	12

3 Introduction of Entities

Performanta Technologies? (Pty) Limited is a private organization, providing Information Security products and services. Performanta Academy and Performanta Consulting are independently registered companies, with majority shareholdings held by the Performanta Group.

The Information Officer will attend to all matters relating to this Act.

4 Particulars in Terms of the Section 51 Manual

This Manual has been compiled in accordance with the Promotion of Access to Information Act 2 of 2000 (“the Act”) and applies to all the identified Entities.

5 Contact details

The Performanta Information Officer will deal with all deal requests relating to any of the Entities. All requests of this Manual should be directed to:

Unit 10, Tuscan Gardens Office Park,
14th Road,
Noordwyk,
Johannesburg,
1685,
South Africa

Email: info@performanta.com

Phone: +27 11 046 6900

Fax: +27 11 046 6949

6 The Guide as Described in Section 10

The Guide will be available from the South African Human Rights Commission (“SAHRC”), and provides greater clarity on or assistance with the Act. It will, *inter alia*, include the following:

- What the objectives of this Act are;
- The relevant contact details of each public and private body (if available);
- The process that needs to be followed in order to request access to records;
- The assistance available from the information officer of a public body and the SAHRC;
- How to obtain access to a manual of a public and private body;
- All the remedies available in law to you; and
- Details on prescribed fees payable in respect of requests for information.

The guide has been compiled in each official language and contains such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Please direct any queries to:
The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department

Physical address:
Forum 3,
Braampark Office Park,
33 Hoofd Street,
Braamfontein
Postal address: Private Bag 2700 Houghton 2041

Telephone: +27 11 877 3803
Fax: +27 11 403 0625
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

6.1 TYPES OF RECORDS AVAILABLE

Records Available in Terms of any Other Legislation

All records kept and made available in terms of legislation applicable to any of the Entities listed in this Manual, as it applies to the specific environment in which the Entities operate, are available in accordance with the said legislation.

Legislation includes the following:

- Consumer Protection Act, 68 of 2008
- Companies Act, 71 of 2008
- Income Tax Act, 58 of 1962
- Protection of Personal Information Act, 4 of 2013
- Basic Conditions of Employment Act, 75 of 1997
- Occupational Health and Safety Act, 85 of 1993
- Employment Equity Act, 55 of 1998
- Compensation for Occupational Injuries and Diseases Act, 130 of 1993
- Unemployment Insurance Act, 30 of 1966
- Customs and Excise Act, 91 of 1964
- Value Added Tax Act, 89 of 1991
- Copyright Act, 98 of 1978
- Electronic Communications and Transactions Act, 25 of 2002

Records Available without Requesting Access in Terms of the Act

A private body may, on a voluntary and periodic basis, submit to the Minister of Justice a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by way of a notice in the Gazette.

Records Available on Request

Set out below are the subjects and categories of records that are available for the purposes of the Act, subject to grounds for refusal to the access thereof.

Records are maintained on the following subjects:

- Personnel records
- Client related records
- Private body records
- Records in the possession of or pertaining to other parties

Personnel records

“Personnel” refers to any person who works for, or provides services to or on behalf of the Entities, and receives or is entitled to receive remuneration, and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Personal records include the following:

- Personal records provided to the private body by their personnel;
- Records provided by a third party to the private body relating to their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records; and
- Correspondence relating to personnel.

Client related records

A *“client”* refers to any natural or juristic entity that receives services from the private body.

Client records include the following:

- Records provided by the client to a third party acting for or on behalf of the private body;
- Records provided by a third party to the private body;
- Records generated by or within the private body pertaining to the client including transactional records; and
- Records of Performanta (PTY) Limited and other listed Entities.

These records include, but are not limited to, the records which pertain to the various Entities’ own affairs:

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal Policies and Procedures; and
- Records held by officials of the private body.

Other Party records include the following:

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

7 Processing of personal information

Purpose of Processing

The Entities use the Personal Information under their care in the following ways:

- Performing business operations
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

Performanta (PTY) Limited (and/or the other listed Entities) may possess records pertaining to contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers, staff and clients.

Data Subjects	Type of Personal Information Held
Clients - Legal Entities	Full names of contact persons; Name of Legal Entity; Physical and Postal address and contact details of the client; Financial information; Registration Number; Tax-related information; VAT number
Clients: Natural Persons	Full names; contact details; physical and postal addresses; date of birth; ID number; Tax related information; nationality; gender; correspondence of a private/confidential nature
Service Providers	Full name and Registration number of the entity; Physical and Postal addresses; Contact Details; Financial Information; VAT number
Employees	Gender, Pregnancy, Marital Status, Race, Age, Language, Education information, Financial Information, Employment History, ID number,

Physical and Postal address, Contact details, Opinions, Criminal behaviour, well-being

8 The Recipients or Categories of Recipients to Whom the Personal Information may be Supplied

The Entities may supply the Personal Information under their care to service providers who render the following services to the Entities:

- Cloud-based services such as data storage, network, eMail and security services;
- Cloud-based applications such as Human Resource or Marketing solutions;
- Third-party organizations providing legal services;
- Third-party organizations engaged for common commercial purpose, such as Joint Ventures, or collective bid responses;
- Credit reference entities, used in the normal course of business; and
- Government organizations such as South African Revenue Services, as required for legal purposes.

9 General Description of Information Security Measures

The Entities employ the latest technology to ensure the confidentiality, integrity and availability of its information assets which include the Personal Information under its care. These measures include:

- Boundary firewalls and Internet gateways;
- Secure configuration of all devices and software which make up the IT infrastructure;
- Both logical and physical access controls;
- Malware protection;
- Data leakage prevention; and
- Patch management to keep software up to date.

Service Providers who process Personal Information on behalf of the Entities are bound by agreement to implement similar information security controls than those employed by the Entities.

10 Procedure to Request Access to Information

If you want to obtain access to any of the records listed in this manual, you should follow the procedure as set out below, and a non-refundable request fee of R50.00 + VAT.

- Fill in the application form contained in this manual and send it to us via hand delivery, postal service, or email.
- Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you do not have to pay the request fee.
- If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative payment arrangements.

10.1 OUR RESPONSE

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will be one of the following:

- Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
- It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
- We have found the record you're looking for, and you may have access to it, on payment of:
 - an access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
 - a reproduction fee for making photocopies or printouts or copying the record onto a stiffer disc or CD - the prescribed fees are set out in this manual

Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.

If your request is for access to your Personal Information in terms of Section 23 of the Protection of Personal Information Act, we will give you a written estimate of the fee before providing the access. We may require you to pay a deposit for all or part of the fee.

- You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
- We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.
- If we may or must refuse to give you access to part of the requested Personal Information, we will give you access to every other part.

10.2 YOUR RIGHT OF ACCESS TO INFORMATION

Both the Promotion of Access to Information Act and the Protection of Personal Information Act entitle you to have access to our records, if:

- you need access to exercise or protect any of your rights, and
- you apply for access according to the procedure set out in this manual, and
- the Entities do not have grounds for refusing you access.

10.3 OUR RIGHT TO REFUSE ACCESS TO INFORMATION

We have the right to refuse to give you access to our records if any of the following grounds apply:

- the record would unreasonably disclose Personal Information about a natural person, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access);
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access);
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access);
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property;
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection); or
- if the request is for access to your Personal Information, and you could not provide adequate proof of identity to us.

11 Promotion of Access to Information Act

11.1 FEES PAYABLE IN RESPECT OF PRIVATE BODIES

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-size page or part thereof | 1,10 |
| ○ For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,75 |
| • For a copy in a computer-readable form on - | |
| ○ stiffy disc | 7,50 |
| ○ compact disc | 70,00 |
| • For a transcription of visual images | |
| ○ For an A4-sized page or part thereof | 40,00 |
| ○ For a copy of visual images | 60,00 |
| • For transcription of an audio record | |
| ○ For an A4-sized page or part thereof | 500,00 |
| ○ For a copy of an audio record | 30,00 |
| ○ 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 | |
| • For purposes of section 54(2) of the Act, the following applies: | |
| ○ Six hours as the hours to be exceeded before a deposit is payable; and | |
| ○ One third of the access fee is payable as a deposit by the requestor. | |
| • The actual postage is payable when a copy of a record must be posted to a requester. | |

12 Request for Access to Record of a Private Body

(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))
[Regulation 10]

Particulars of private body

The Information Officer, PO Box 9410, Centurion, 0046

Physical Address:

Unit 10, Tuscan Gardens, 14th Road, Noordwyk, Midrand, 1686
Telephone: +27 11 046-6900
Email address: admin@performanta.com

Particulars of person requesting access to the record

Surname:	
First names:	
Identity number:	
Postal address:	
Fax Number:	
Email Address:	
Capacity in which request is made, when made on behalf of another person:	

Particulars of person on whose behalf request is made

(This section must be completed only if a request for information is made on behalf of another person)

Surname:	
First names:	
Identity number:	

12.1 Particulars of Record

- (a) 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.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

The requester must sign all the additional folios. _____

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

- A request for access to a record, other than a record containing Personal Information about yourself, will be processed only after a **request fee** has been paid.
- You will be notified of the amount required to be paid as the request fee.
- 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.

Mark the appropriate open box with an x:					
1. If the record is in written or printed form:					
	Copy of record*				Inspection of record
2. If the record consists of visual images (including photographs, video recordings, computer-generated images, sketches, slides, etc.):					
	View Images		Copy of Images*		Transcription of Images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	Copy of soundtrack				Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:					
	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer-readable format*
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?				Yes	No

NOTES:

- Compliance with your request in the specified form may depend on the form in which the record is available.
- Access in the form requested may be refused in certain circumstances, in such a case you will be informed if access will be granted in another form.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

If you qualify for exemption of the payment of any fee, please state the reason for exemption:

12.2 Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?	
--	--

Signed at _____ this _____ day of _____ 20 _____

Signature of requestor/person on whose behalf
request is made
