

NSOA LEARNING (PTY) LTD

(Registration number: 2002/028899/07)

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

Last updated: October 2011

MANUAL OF NSOA LEARNING (PTY) LTD

(hereafter referred to as "private body")

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No.2 of 2000 (Private Body)

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1. Introduction

On 9 March 2001, the Promotion of Access to Information Act, No.2 of 2000 ("the Act") became operative, giving effect to section 32(2) of the Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provides information on both the types and categories of records held by a private body.

This document serves as the private body's information manual and provides reference to the records held by the private body and the process to request access to such records.

2. Information about the private body

The company is engaged in development, marketing and administration of computer software and operates principally in South Africa.

3. Contact details

Section 51(1)(a)

The following person has been duly authorized to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Contact person:	Mr N Demaine
Postal address:	27 Philamere Avenue, Glenmore, Durban, 4001
Street address:	27 Philamere Avenue, Glenmore, Durban, 4001
Telephone:	031 305 3733
Email:	neville@nsoa.co.za

4. Guide for requesters on how to use the Act

Section 51(1)(b)

A guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The guide is available for inspection, *inter alia*, as follows:

The South African Human Rights Commission:
Website: <http://www.sahrc.org.za>

Kindly direct any queries to:

Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 (11) 484 8300
Fax: +27 (11) 484 0582
E-mail: PAIA@sahrc.org.za

5. Records automatically available to the public

Section 51(1)(c)

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

6. Records available in accordance with other legislation

Section 51(1)(d)

Records are available in accordance with the following legislation:

(mark the appropriate box with an X)

X	Basic conditions of Employment Act, No.75 of 1997
	Broad Based Black Economic Empowerment Act, No.53 of 2003
X	Companies Act, No.71 of 2008
	Close Corporations Act, No.69 of 1984
	Compensation of Occupational Injuries and Diseases Act, No.103 of 1993
	Competitions Act, No 98 of 1987
	Constitution of South Africa Act, No.108 of 1996
	Copyright Act, No.98 of 1987
	Collection Investment Schemes Control Act, No.45 of 2002
	Deeds Registries Act, No.47 of 1973
	Electronic Communications and Transactions Act, No.2 of 2000
	Employment Equity Act, No.55 of 1998
	Environment Conservation Act, No.73 of 1989
	Firearms Control Act, No.60 of 2000
	Financial Advisory and Intermediary Services Act, No.37 of 2002
	Financial Intelligence Centre Act, No.38 of 2001
	Formalities in Respect of Leases of Land Act, No.18 of 1969
X	Income Tax Act, No.58 of 1962
	Labour Relations Act, No.66 of 1995
	Long Term Insurance Act, No.52 of 1998
	National Buildings Regulations and Building Standards, No.103 of 1997
	National Road Traffic Act, No.93 of 1996
X	Occupational Health and Safety Act, No.85 of 1993
X	Promotion of Access to Information Act, No.2 of 2000
	Promotion of Equality and Prevention of Unfair Discrimination Act, No.4 of 2000
	Protected Disclosures Act, No.4 of 2000
	Patents Act, No.57 of 1987
	Regulation of Interception of Communications and Provisions of Communication Related Information Act, No.70 of 2002
	Sales and Service Matters Act, No.25 of 1964
	Skills Development Act, No.97 of 1997
	Skills Development Levy Act, No.9 of 1999
	Short Term Insurance Act, No.53 of 1998
	Securities Service Act, No.36 of 2004
	South African Reserve Bank Act, No.90 of 1989
	Tobacco Products Control Act, No.12 of 1999
	Trade Marks Act, No.40 of 1949
	Unemployment Insurance Act, No.63 of 2001
X	Value-added Tax Act, No.89 of 1991

7. Records subjects and categories

Section 51(1)(e)

The following categories of records are held by the private body:

<p><u>Client service records</u></p> <ul style="list-style-type: none"> ▪ Client agreements ▪ Client correspondence files ▪ Client business information ▪ Client contracts 	<p><u>Finance and administration</u></p> <ul style="list-style-type: none"> ▪ Accounting records ▪ Agreements ▪ Annual financial statements ▪ Banking records ▪ Correspondence ▪ Invoices and statements ▪ Management reports ▪ Tax records and returns
<p><u>Human Resources</u></p> <ul style="list-style-type: none"> ▪ Accounting and payroll records ▪ BEE statistics ▪ Personnel Information ▪ Employee files ▪ Leave records ▪ PAYE records and returns ▪ Provident fund and medical aid records 	<p><u>Library</u></p> <ul style="list-style-type: none"> ▪ Legislation handbooks
<p><u>Information Management and Technology</u></p> <ul style="list-style-type: none"> ▪ Contracts and agreements ▪ Equipment register 	
<p><u>Marketing and Communication</u></p> <ul style="list-style-type: none"> ▪ Business cards ▪ Company brochures ▪ Marketing material 	<p><u>Secretarial Services</u></p> <ul style="list-style-type: none"> ▪ Annual reports ▪ Certificate of incorporations ▪ Copies of identification documents ▪ Memorandum of Incorporation ▪ Shareholder agreements ▪ Minute books

8. Access request procedures

Section 51(1)(e)

8.1 Completion of Access Request Form

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- The Access Request Form must be completed. (*An Access Request Form can be found in Section 11 of this manual.*)
- Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requesters will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question state "nil" in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer with the applicable title.

8.2 Submission of Access Request Form

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above.

The fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

An initial, request fee of R57.00 (incl. VAT) is payable on submission.

8.3 Payment of Fees

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied. The access fee must be paid prior to access being given to the requested record.

If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the records(s) and will be calculated based on the Prescribed Fees. (*A schedule of Prescribed Fees can be found in Section 10 of this manual.*)

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

8.4 Notification

The private body will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which the private body 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 large volume of information, or the request requires search for information held and the information cannot reasonably be obtained within the original 30 day period. The private body will notify the requester in writing should an extension be sought.

8.5 Grounds for refusal of access to records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
 - Information disclosed in confidence by a third party to the private body if disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The commercial activities of the private body which may include:
 - Trade secrets of the private body
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the private body.

9. Availability of the manual

Section 51(3)

A copy of this manual is available to the public for inspection on request from the designated contact person referred to in this manual.

10. Fees in respect of private bodies – Prescribed fees

Section 51(1)(e)

The fees for reproduction payable as contemplated in Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), Regulation 11(1) are as follows		
Please note that all prices listed below are inclusive of Value-added tax (VAT)		
(a)	For every photocopy of an A4-size page or part thereof	R1.25
(b)	For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R0.85
(c)	For a copy in a computer readable for on: i. Stiffy disc ii. Compact disc	R8.55 R79.80
(d)	i. For a transaction of visual images, for an A4-size page or part thereof ii. For a copy of visual images	R45.60 R68.40
(e)	i. For a transcription of an audio record, for an A4-size page or part thereof ii. For a copy of an audio record	R22.80 R34.20
The initial request fee payable by a requester as contemplated in Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), Regulation 11(2) is R57.00 (incl. VAT) and is payable on submission.		
The fees for access fees payable by a requester as contemplated in Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), Regulation 11(3) are as follows:		
(a)	For every photocopy of an A4-size page or part thereof	R1.25
(b)	For every printed copy of an A4 size page or part thereof held on a computer or in electronic or machine-readable form	R0.85
(c)	For a copy in a computer readable for on: iii. Stiffy disc iv. Compact disc	R8.55 R79.80
(d)	iii. For a transaction of visual images, for an A4-size page or part thereof iv. For a copy of visual images	R45.60 R68.40
(e)	iii. For a transcription of an audio record, for an A4-size page or part thereof iv. For a copy of an audio record	R22.80 R34.20
(f)	To search for and prepare the record for disclosure – R34.20 for each hour or part thereof reasonably required for such search and preparation	
For the purpose of Section 54(2) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000), Regulation 11(3), the following applies:		
(a)	Six hours as the hours to be exceeded before a deposit is payable; and	
(b)	One third of the access fee is payable as a deposit by the requester.	
The actual postage fee is payable when a copy of a record must be posted to a requester.		

11. Access request form

<u>ACCESS REQUEST FORM</u>	
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No.2 of 2000) [Regulation 10]	
PARTICULARS OF BODY	
Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:	
Name of entity:	
Contact person:	
Postal address:	
Physical address:	
Phone number:	
Fax number:	
E-mail:	
PARTICULARS OF REQUESTER (If a natural person)	
(a) Particulars of the person who requests access to the record must be recorded below. (b) Furnish an address and/or fax number in the Republic to which information must be sent. (c) Proof of the capacity in which the request is made, if applicable, must be attached.	
Full names and surname:	
Identity number:	
Postal address:	
	Postal code:
Phone number:	
Fax number:	
Email address:	
Capacity in which request is made, when made on behalf of another person:	

PARTICULARS OF REQUESTER (If a legal entity)

- (a) Particulars of the entity that requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of entity:		
Registration number:		
Postal address:		
	Postal code:	
Phone number:		
Fax number:		
Email address:		

PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must ONLY be completed if a request for information is made on behalf of another person.

Full names and surname:	
Identity number:	

PARTICULARS OF RECORD

- (a) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located.
- (b) If 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 applicable: _____

Any further particulars of record: _____

FEES

- (a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** has been paid.
- (b) 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 the record.
- (c) You will be notified of the required amount to be paid as the **access fee**.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

FORM OF ACCESS TO RECORD

Form in which record is required

NOTES:

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

Mark the appropriate box with an X.

If the record is in written or printed form:

Copy of record* Inspection of record

If record consists of visual images:

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

Copy of record* Inspection of record Transcription of the images*

3. If the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack (audio cassette) Transcription of soundtrack* (written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

Printed copy of record* Printed copy of information derived from the record* Transcription of the images*

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

Yes	No
-----	----

Records are available in English language. If the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? _____

In the event of disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required.

Disability:

Form in which record is required:

_____	_____
_____	_____
_____	_____
_____	_____

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.

1 Indicate the right to be exercised or protected:

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

NOTICE OR 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 REQUESTER/PERSON ON WHOSE
BEHALF REQUEST IS MADE

12. Other information as may be prescribed

Section 51(1)(f)

The Minister of Justice has prescribed no additional information to be contained in this Manual.