

## Masimong Group Promotion of Access to Information Act (PAIA) Manual

### FOREWORD

"Masimong", "Masimong Group", "Groups", or "We" refers to Masimong Group Holdings Proprietary Limited and its subsidiaries, affiliates, and any of their respective associated companies and related businesses, registered in the Republic of South Africa.

We are committed to compliance with the directives of the South African Constitution and national legislation.

The scope of the information manual is limited to the records held by Masimong Group Holdings Proprietary Limited and its subsidiaries registered in South Africa.

### 1. Introduction

This manual was compiled in accordance with the Promotion of Access to Information Act (PAI) No. 2 of 2000 and to address the requirements of the Protection of Personal Information Act (POPIA) No. 4 of 2013.

PAIA and POPIA give effect to Section 32 of the South African Constitution, which focuses on the right to access information, ie, everyone has the right of access to information held by the state or a private body to enforce a culture of transparency and accountability.

Section 51 of the PAIA requires Masimong, as a private body, to compile an information manual providing information of both the types and categories of information records held by a private body, as well as providing procedures to be followed in requesting information.

This document services as Masimong's information manual and provides reference to the records held by Masimong, as well as information on the process to follow to request access to such information.

### 2. Availability of Manual

A copy of this manual is available of Masimong's website : [www.Masimong.com](http://www.Masimong.com)

Request from the designated contact person referred to in this information manual. This information manual will be updated as required or when the relevant legislation changes.

### 3. Contact Details

The responsibility for administration of, and compliance with POPIA and PAIA has been delegated to the Privacy Officer. Requests pursuant to the provisions of these Acts should be directed as follows:

#### Privacy Officer

Contact Person: Logamal Ramiah  
Postal Address: PO Box 639, Northlands, 2116  
Physical Address: 57 Smits Road, Dunkveld, Johannesburg, South Africa, 2196  
Phone Number: 010 822 1590  
Email: [info@Masimong.co.za](mailto:info@Masimong.co.za)

### 4. HRC Guide

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 Access to Information Unit  
Braampark Forum 3  
33 Hoofd Street, Braamfontein  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Kindly direct all queries to:  
Postal Address: Private Bag 2700, Houghton, 2041  
Phone Number: 011 887 3600  
Fax Number: 011 403 0625  
Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 5. Legislative Records

Masimong keeps information and records in accordance with legislation, which includes, but is not limited to, the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Electronic Communications Amendment Act 1 of 2014
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Skills Development Levies Act 9 of 1999
- Tax Administration Act 28 of 2011
- Unemployment Insurance Act 63 of 2001
- Value-Added Tax Act 89 of 1991

## 6. Categories of Records Held by Masimong

NOTE: If a request for information, which Masimong deems as highly confidential information, is received, Masimong holds the right to assess whether the disclosure of such information is appropriate and does not create a legal risk to Masimong and/or its stakeholders.

### 6.1 Business Information

1. Documents of Incorporation
2. Memorandum of Incorporation, and Articles of Association
3. Records relating to the appointment of directors/auditor/company secretary/public officer and other officers
4. Share register and other statutory registers

### 6.2 Financial Records

1. Annual financial statements and related financial records
2. Tax returns
3. Accounting records
4. Banking records
5. Related agreements
6. Invoices
7. General correspondence

### 6.3 Income Tax Records

1. PAYE and related income tax records

2. Records of payments made to SARS
3. All other statutory compliances, for example:
  - VAT
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

## 6.4 Human Resources

1. Employment contracts
2. Medical aid records
3. Pension fund records
4. Disciplinary records
5. Salary records
6. Leave records
7. Occupational Health and Safety records

## 7. Access Request Procedure

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application to gain access to a record is subject to certain limitations if the requested record falls within a certain category as specified in Part 3 and Chapter 4 of the PAIA. Further to this, the request for access to personal information must be in line with the provisions of Section 23 of POPIA and further in line with the applicable exemptions as per Sections 36 - 39 of POPIA.

A person who requests access to records must complete the necessary access request form, as set out in Appendix A, and the completed form must be marked for the attention of the Privacy Officer and sent to:

### Privacy Officer

Contact Person: Logamal Ramiah  
Postal Address: PO Box 639, Northlands, 2116  
Physical Address: 57 Smits Road, Dunkveld, Johannesburg, South Africa, 2196  
Phone Number: 010 822 1590  
Email: [info@Masimong.co.za](mailto:info@Masimong.co.za)

### 7.1 Completion of Access Request Form

In order to allow for a timely respond to requests for access to information, all requesters should take note of the following when completing the access request form:

- The access request form must be completed in full.
- Proof of identity is required to authenticate the identity of the requester. Therefore, in addition to the access request form, requesters will be required to supply a certified copy of their identification document (not older than 3 months).
- Provide explanation of which requested record is required for the exercise or protection of that right.
- Provide proof of the capacity in which the requester is requesting the information. Proof of identification of the requester (and related third parties acting on behalf of the requester) must be provided on submitting the access request form.
- Complete the form in BLOCK LETTERS and answer 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 attached page.
- When the use of an attached page is required, precede answer with the applicable title.

## **7.2 Submission of Access Request Form**

The complete access request form, together with a copy of the identity document, must be submitted either via post or email and must be addressed to the contact person as indicated above.

## **7.3 Request Fees**

An initial request fee of R57.00 (including VAT) is payable on submission. This fee is not applicable to personal requesters referring to any person seeking to access records that contain their personal information.

Any other requester who is not a personal information requester must pay the required fee before further processing of the request in terms of Section 54 of the PAIA. Refer to Appendix B for the detailed prescribed fees.

## **7.4 Payment of Fees**

Payment details can be obtained from the contact person as indicated above and can be made via a direct deposit. 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 record(s) and will be calculated based on the prescribed fees as detailed in Appendix B.

If a deposit has been paid in respect of a request for access which is refused, then the company must refund the deposit to the requester.

## **7.5 Notification**

Masimong will, within 30 business days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

The 30 day period within which the company 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 and the information cannot be reasonably obtained within the original 30 day period. The company will notify the requester in writing should an extension be sought.

## **7.6 Grounds for Refusal**

The main grounds for refusal of a request for information include but not limited to:

- Mandatory protection of the privacy of a third party who is natural or juristic person, which would involve the unreasonable disclosure of personal information of that natural or juristic 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 company if the 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 the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The commercial activities of the company which may include:
  - Trade secrets of the company.
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the company.
- Mandatory protection of information, if leaked or shared can result in a breach of non-disclosure agreements, confidentiality and/or other applicable legal instruments between Masimong and a natural or juristic person.

## Appendix A : Access Request Forms

(Section 53(1) of the Promotion of Access of Information Act, 2000 (Act No 2 of 2000)

(Regulation 10)

### Particulars of Private Body

Requests can be submitted either via post or email and should be addressed to the relevant contact person as indicated below:

#### Privacy Officer

Contact Person: Logamal Ramiah  
Postal Address: PO Box 639, Northlands, 2116  
Physical Address: 57 Smits Road, Dunkveld, Johannesburg, South Africa, 2196  
Phone Number: 010 822 1590  
Email: [info@Masimong.co.za](mailto:info@Masimong.co.za)

---

### Particulars of Person Requesting Access to the Record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or email address in the Republic to which the information is to be sent must be given.
- (c) Proof of capacity in which request is made, if applicable, must be attached.

**Full names and surname** :

**Identity number** :

**Postal address** :

**Telephone number** :

**Email address** :

#### **Capacity in which request is made, when made on behalf of another person:**

---

### Particulars of Person Requesting Access to the Record (if a legal entity)

- (a) The particulars of the entity who requests access to the record must be given below.
- (b) The address and/or email address in the Republic to which the information is to be sent must be given.
- (c) Proof of capacity in which request is made, if applicable, must be attached.

**Name of entity** :  
**Registration number** :  
**Postal address** :  
**Telephone 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 requested.
- (b) If the provided space is inadequate, please use a separate folio and attach it to this form. Please sign additional folios.

**Description of record of relevant part of the record:**

**Reference number (if available)** :  
**Any further particulars of record** :

---

**Fees**

- (a) 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.
- (b) You will be notified of the amount to be paid as the request fee.
- (c) 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.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption

**Reason for exemption of payment of fees:**

---

## Form of access to a record

### Form in which record is required

#### Mark the appropriate box with an X 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.

#### 1. If record is in written or printed form:

Copy of record                       Inspection of record

#### 2. If record consists of visual images

View images     Copy images     Transcription of images

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

Listen to the soundtrack     Transcription to the soundtrack

#### 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 record     Printed copy of information derived from record

#### If you requested a copy or transcription of a record (above) do you request a copy of the transcription to be posted to you? Postage is payable

Yes                       No

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.

In which language would you prefer the record:

#### In the event of a 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 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 OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or 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 \_\_\_\_\_ on this day of \_\_\_\_\_ 20\_\_\_\_ .

\_\_\_\_\_  
SIGNATURE OF  
REQUESTER/PERSON ON WHOSE  
BEHALF REQUEST IS MADE

### *Checklist for submission of request*

#### **Your must:**

- Complete all necessary spaces
- Sign the access request form
- Sign additional folios completed

#### **Send with this application:**

- The request fee (if not personal requester)
- Any additional documents completed
- Copy of Identity Document (certified)

## Appendix B : Prescribed Fees

These prescribed fees below were published by the Minister of Justice and Constitutional Development in the Government Gazette No. 23119, General Notice No. 187 of 15 February 2002, and are set out as follows:

<b>Access fees for reproduction</b>	<b>Fee (VAT incl)</b>
Each photocopy of A4 sized part or a part thereof	R1.10
Each photocopy of A4 sized page or part thereof held on a computer or in electronic or machine-readable form	R0.75
Copy of a computer readable memory stick	R7.50
Copy of a computer readable compact disc	R70.00
Transcript copy of visual images of an A4 sized page or part thereof	R40.00
Copy of visual images	R60.00
Transcription of an audio record on an A4 sized page or part thereof	R20.00
Copy of the audio record	R30.00
Times reasonably spent to locate a record and preparation for the disclosure or part thereof	R30.00 per hour
<b>Request fees</b>	
Access to a record containing personal information of the requester	Free
Any other access to a record as a public body made by a requester and another person other than the requester	R50.00
<b>Postal fees</b>	
Postage of a record to the Requester	R9.75
Courier of a record to the Requester	R99.00
<b>Appeal fees</b>	
Lodging an appeal to Masimong upon refusal for the request	R50.00

Value-Added Tax (VAT), as required by the Value-Added Tax Act of 1991.