CHE VAL MODE PTY LTD 2019/302107/07

PAIA MANUAL

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 for CHE VAL MODE PTY LTD 2019/302107/07 ("**the Organisation**")

1. APPLICABILITY AND AVAILABILITY OF THIS MANUAL ("Manual")

1.1. The Promotion of Access to Information Act, No 2 of 2000 ("**the Act**") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights.

1.2. The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet as well as the grounds for refusing requests.

1.3. The Act also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.

1.4. This Manual informs requesters of procedural and other requirements which a request for information must meet, and further, this Manual in its entirety is available for inspection, free of charge, at the Organisation's offices and website (see details below).

2. THE ORGANISATION'S CONTACT DETAILS & PAIA HEAD

PAIA Head:

GARETH SIDNEY PARTRIDGE

Postal/Physical Address:

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50 ANNESU DE VOS STREET,
STEPHANOPARK,
VANDERBIJLPARK,
1912
Telephone Number:
060 933 9624
Website:
www.horze.co.za
E-mail Address of PAIA Head:
gareth@chevalmode.co.za

3. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

The South African Human Rights Commission ("**SAHRC**") is required, as directed by the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC. In this regard, enquiries should be directed to:

The South African Human Rights Commission:
Telephone Number: (011) 484 8300
Fax Number:
(011) 484 7149
Website:
http://www.sahrc.org.za

4. SECTION 52 NOTICE: VOLUNTARY DISCLOSURE AND AUTOMATIC AVAILABILITY OF CERTAIN RECORDS

The following information is automatically available, and does not have to be requested in terms of this Manual:

4.1. All personal information held is available online on the data subject's account and can be accessed via our website as well as updated and changed by the data subject themselves.

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5. THE ORGANISATION'S RECORDS

5.1. Information is available in terms of the following legislation to the persons or entities specified in such legislation:

5.1.1. [Companies Act, 71 of 2008
5.1.2. Income Tax Act, 58 of 1962
5.1.3. Value Added Tax, Act 89 of 1991
5.1.4. Labour Relations Act, 66 of 1995
5.1.5. Basic Conditions of Employment Act, 75 of 1997
5.1.6. Employment Equity Act, 55 of 1998
5.1.7. Skills Development Levies Act, 9 of 1999
5.1.8. Unemployment Insurance Act, 30 of 1966
5.1.9. Compensation of Occupational Injuries and Diseases Act, 130 of 1993
5.1.10. Occupational Health & Safety Act, 85 of 1993
5.1.11. Electronic Communications and Transactions Act, 25 of 2002.
5.1.12. Telecommunications Act, 103 of 1996]

5.2. Access to the documents as set out below may be subject to the grounds of refusal, which grounds of refusal are set out in clause 6 below:

5.2.1. **Customer Records**

"**Customer**" in the Manual refers to a natural person or juristic entity that receives services from the Organisation. Customer records include the following:

5.2.1.1. Any such records which may pertain to products sold and/or services rendered by the Organisation including:

5.2.1.1.1. records provided by a third party and which are in the possession of the Organisation;

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5.2.1.1.2. records provided by a customer to a third party whilst acting for or on behalf of the Organisation;

5.2.1.1.3. records generated by or within the Organisation relating to its customers.

5.2.2. **Supplier Records**

"**Supplier**" in the Manual refers to a natural person or juristic entity that provides services or goods to the Organisation. Supplier records include the following:

5.2.2.1. Any such records which may pertain to products bought and/or services received by the Organisation including;

5.2.2.1.1. records provided by a third party and which are in the possession of the Organisation;

5.2.2.1.2. records provided by a supplier to a third party whilst acting for or on behalf of the Organisation;

5.2.2.1.3. records generated by or within the Organisation relating to its suppliers.

5.2.3. **Personnel Records**

"**Personnel**" in the Manual refers to any person who works for or provides any service to or on behalf of the Organisation and who receives or is entitled to receive remuneration therefrom. Personnel further refers to any other such person who assists in carrying out or conducting the business of the Organisation, and which includes but is not limited to directors, whether executive or non-executive, all permanent, temporary and part-time staff as well as contract workers. Personnel records include inter alia the following:

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5.2.3.1. personal records which are provided by the personnel themselves and/or by any other third party;

5.2.3.2. internal evaluation records as well as other internal records;

5.2.3.3. conditions of the Personnel's employment and other personnel-related contractual and legal records;

5.2.3.4. correspondence relating to personnel; and

5.2.3.5. such training schedules, courses and material as have been provided from time to time.

5.2.4. **Private Body Records**

"**Private Body**" in this Manual refers to the Organisation, and these are records which include, but are not limited to, records pertaining to the affairs of the Organisation, and which include:

5.2.4.1. operational records;

5.2.4.2. databases;

5.2.4.3. financial records;

5.2.4.4. information technology systems and documents;

5.2.4.5. internal correspondence;

5.2.4.6. marketing records;

5.2.4.7. product and/or service records;

5.2.4.8. statutory records;

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5.2.4.9. documentation pertaining to the processing operations as required by section 17 of the Protection of Personal Information Act 4 for 2013;

5.2.4.10. internal policies and procedures.

5.3. Records held by third parties as well as those which pertain to third parties

5.3.1. Personnel, customer or private body records which are in the possession of another party on the Organisation's behalf.

5.3.2. Records held by the Organisation pertaining to other parties, including without limitation, correspondence, financial records, product and service records, contract records, and records which relate to the Organisation's suppliers, contractors and/or service providers.

6. GROUNDS FOR THE REFUSAL OF ACCESS TO RECORDS

The Organisation may refuse a request for information on, inter alia, the basis of any of the following, as provided for in terms of Chapter 4 of the Act:

6.1. The mandatory protection of the privacy of a third party who is a natural person, to avoid the unreasonable disclosure of personal information which concerns such natural person, irrespective of whether such person is alive or deceased at the time of such request.

6.2. The mandatory protection of the commercial information of a third party, if the record contains:

6.2.1. trade secrets pertaining to a third party;

6.2.2. financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would or could be likely to cause harm to the commercial or financial interests of that third party; or

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6.2.3. information supplied in confidence by a third party, the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations, or to prejudice that third party in commercial competition.

6.3. The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement.

6.4. The mandatory protection of the safety of individuals, and the protection of property.

6.5. The mandatory protection of records which would be privileged from discloser in legal proceedings.

6.6. The protection of the Organisation's commercial activities which shall include but not limited to records which contain:

6.6.1. the Organisation's trade secrets;

6.6.2. financial, commercial, customer, scientific or technical information, which, if disclosed could or would be likely to cause harm to the Organisation's commercial or financial interests;

6.6.3. information, the disclosure of which could reasonably be expected:

6.6.3.1. to put the Organisation at a disadvantage in contractual or other negotiations; or

6.6.3.2. to prejudice the Organisation in commercial competition.

6.6.4. computer programs owned by the Organisation and defined as such in terms of the Copyright Act, No 98 of 1978.

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6.7. The mandatory protection of research information of the Organisation or a third party, if disclosure would expose the identity of the Organisation or the third party, the researcher or the subject matter of the research to serious disadvantage.

6.8. Requests for information that are, in the Organisation's reasonable opinion, manifestly frivolous or vexatious or which involve a substantial and unreasonable diversion of resources.

7. REQUEST PROCEDURE

7.1. A requester requiring access to information held by the Organisation is to make such a request in the prescribed form and submit the request, together with the prescribed fee and deposit, if applicable, to the Organisation's PAIA Head at the post, physical or email address as set out in clause 2 above.

7.2. The prescribed form is available on request from the PAIA Head, and which must be completed with enough particularity to enable the Organisation to identify:

7.2.1. the record/s requested;

7.2.2. the identity of the requester;

7.2.3. the form of access required, if the request is granted;

7.2.4. the postal address, fax number or email address of the requester.

7.3. The requester must:

7.3.1. state that the record is required in order to exercise or protect a right; and

7.3.2. provide details of the nature of the right to be exercised or protected.

7.4. Subject to the Organisation's rights which pertain any extension as set out in the Act relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt of a request unless the requester has submitted special reasons to the

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Organisation, which the Organisation's reasonable satisfaction, support that the above time periods be dispensed with.

7.5. The Organisation will give the requestor written notice of its decision as to whether the request is granted, which written notice shall include the reasons for denying such request, should such request be declined.

7.6. The said 30 (thirty) day period may be extended for a further period not exceeding 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 (thirty) day period. The PAIA Head will notify the requester in writing should an extension be sought.

7.7. If a request is made on behalf of another person, such requester must submit, to the reasonable satisfaction of the Organisation, proof of the capacity in which the requester is making the request.

7.8. If an individual is unable to submit a request in the prescribed form on account of illiteracy or disability, such a person is entitled to make the request orally.

7.9. The requester is required to pay the prescribed fee, and deposit where applicable, before the request will be considered.

8. ACCESS TO RECORDS

8.1. In terms of the Act, a requestor will only be given access to a record held by the Organisation if:

8.1.1. the record is required for the exercise or protection of a right;

8.1.2. the requestor has complied with all procedural requirements, set out herein and in terms of the Act, relating to a request for access to a particular record including making the request in the prescribed format; and

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8.1.3. access to that record is not refused on a ground for refusal as provided for in terms of the Act.

9. REMEDIES AVAILABLE SHOULD THE ORGANISATION REFUSE A REQUEST

9.1. Internal Remedies

The Organisation does not have any internal appeal procedures.

9.2. External Remedies

A requester or a third party, who is dissatisfied with the decision of the Organisation in relation to a request for access to a record may, within 30 (thirty) days of such decision apply to the High Court, or any other Court having jurisdiction, for relief.

10. FEES

10.1. When a request is received by the Organisation it will require the requester, on notice, other than a personal request made in respect of a person's own personal records, to pay the prescribed request fee (if any), before further processing the request.

10.2. If the search for the record has been made and the preparation of the record for disclosure would require more time than that prescribed for this purpose, the PAIA Head will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would then be payable if the request is granted.

10.3. The Organisation will withhold a record until the requester has paid the prescribed fees together with the deposit, where applicable.

10.4. A requester whose request for access to a record has been granted, must pay an access fee for reproduction as well as for the search and preparation thereof, and for the time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.

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10.5. If a deposit has been paid in respect of a request which is refused, then the Organisation shall repay the deposit to the requester.

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