



PAIA (PROMOTION OF ACCESS TO INFORMATION ACT) and POPIA (PROTECTION OF PERSONAL INFORMATION ACT) MANUAL

OF

Technology and Finance International SA (Pty) Ltd
(herein referred to as “TFI”)

Company Registration:
2002/020453/07

Registered Office:
29 Blandford Road, Parkwood, 2193

Prepared in accordance with Section 51 of the Promotion of Access to
Information Act, No.2000 and to address the requirements of the Protection of
Personal Information Act, 2013

A copy of the manual is available for inspection at the Company and is available
on the Company Website at <https://tfi.co.za>.

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INTRODUCTION

The Promotion of Access to Information Act, Act 2 OF 2000 ("PAPA") gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

This is the Information Manual in Terms of PAIA in respect of Technology and Finance International SA (Pty) Ltd ("TFI")

TFI is an IT coursing house and regarded as a private body in terms of PAIA.

PURPOSE OF THIS MANUAL

This manual is a guide to accessing records held by TFI and is intended to provide guidelines to the members of the public who wish to exercise their constitutional rights embodied in PAIA.

This manual contains a guide in respect of how to lodge a request for information, the types of records that are available, the grounds for refusal, what procedures will be followed in considering a request, the applicable fee structure and information on the applicable appeal procedures should you not be satisfied with the outcome of the request.

A person requesting access to records from TFI is advised to familiarise themselves with the provisions of PAIA before making any requests to TFI.

TFI makes no representation and gives no undertaking or warranty that any record(s) provided to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and TFI shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any record provided by TFI or any error therein.

All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by TFI.

CONTACT DETAILS

Postal Address	PO Box 41827 Craighall Johannesburg, 2193
Physical Address	29 Blandford Road Parkwood Johannesburg, 2193 Gauteng South Africa
Telephone Number	011 428 0500
Electronic Mail	info@tfi.co.za

Chief Executive Office	Peter Glashagen
Information Office	Peter Glashagen
Deputy Information Officers	Cheryl Pienaar Christo Engelbrecht

THE PROTECTION OF PERSONAL INFORMATION ACT, NO.4 OF 2013 (“POPI”)

POPI amends PAIA in certain instances. Under POPI the South African Human Rights Commission’s (“the SAHRC”) functions in terms of PAIA will be transferred to the Information Regulator. The SAHRC will however still remain its constitutional obligation to promote, protect and monitor the right of access to information as rights enshrined in the Constitution of the Republic of South Africa.

DESCRIPTION OF HOW TO USE PAIA

The SAHRC has compiled a guide in terms of section 10 of PAIA. The guide contains information required by any person wishing to exercise any right set out in PAIA.

The guide is available in all of the official languages from the SAHRC website www.sahrc.org.za.

CATEGORIES OF RECORDS OF TFI WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF PAIA

Records that are automatically available in terms of the Companies Act, No. 71 of 2008.

All information freely available on TFI’s website, namely www.tfi.co.za, is automatically available to any person requesting the information and it is therefore not necessary to apply for access thereto in terms of PAIA.

DESCRIPTION OF RECORDS OF TFI WHICH IS AVAILABLE IN ACCORDANCE WITH ANY LEGISLATION OTHER THAN PAIA

- Basic Conditions of Employment Act, Act 75 of 1997
- Broad Based Black Economic Empowerment Act, Act 53 of 2003
- Companies Act, Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act, Act 130 of 1993
- Consumer Protection Act, Act 68 of 2008
- Customs and Excise Act, Act 91 of 1964
- Electronic Communications and Transaction Act, Act 25 of 2002
- Employment Equity Act. Act 55 of 1998
- Income Tax Act, Act 58 of 1962
- Insolvency Act, Act 24 of 1936
- Labour Relations Act, Act 66 of 1995
- National Credit Act, Act 34 of 2005

- Occupational Health and Safety Act, Act 85 of 1993
- Skills Development Act, Act 9 of 1999
- Trademarks Act, Act 194 of 1993
- Unemployment Insurance Act, Act 63 of 1962
- Value Added Tax Act, Act 89 of 1991

Such records will be made available to only those individuals/entities authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

INFORMATION HELD AT THE OFFICES OF THE BUSINESS

Companies Act Records

- Codes of Conduct
- Documents of Incorporation
- Legal Compliance Records
- Licenses of Copyrights
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Minutes of Shareholders Meetings
- Policies
- Records relating to the appointment of directors/ auditors/ secretary/ public office and other officers
- Share Register and other statutory registers and/or records and/or documents

Financial Records

- Accounting Records
- Annual Financial Statements
- Asset Register
- Auditor's Report
- Bank Payments and Transfers
- Bank Statements

Banking Records

- Detail of Auditors
- Electronic Banking Records
- Invoices
- Rental Agreements
- Tax Returns

Income Tax Records

- Documents issued to employees for income tax purposes
- PAYE Records
- Records of payments made to SARS on behalf of employees
- Value Added Tax Clearance Certificate
- All other statutory compliances:
- Value Added Tax

- Skills Development Levies
- Unemployment Insurance Fund
- Workman's Compensation
- Customs and excise

Personnel Documents and Records

- Attendance Registers
- Benefits Records – Medical Aid, Retirement and Group Life
- Contacts – Telephone and Cell Numbers and Addresses
- Disciplinary Code
- Disciplinary Records
- Employment Contracts
- Employment Equity Plan
- Leave Records
- Records containing all employees' names and occupation
- Salary Records
- Sector Education and Training Authority Records
- Training Manuals
- Training Records
- Employee Photos

Client Records

- Correspondence
- Service Agreements
- Proof of Delivery
- Partner records:
- Contacts – Full names; Telephone numbers; email addresses; physical addresses;
- ID numbers
- Banking details
- Company details; personal & company documents (ID documents; BEE certificates; VAT certificates; company registration documents)
- Remittances; Invoices & customer statements
- Billing reports: End Customer billing details
- Legal agreements; Acknowledgement of debt & Letter of demand
- End customer records:
- Contacts – Full names; Telephone and Cell Numbers and Addresses

Company details

- Billing reports: End Customer billing details
- User details: Full names; Telephone numbers; email addresses; physical addresses

Supplier Records

- The name of the supplier
- The address of the supplier
- A description of the goods
- The quantity or volume of the goods
- Proof of date of payment
- Non-Disclosure Agreements

- Supplier Invoices
- Letter of demand
- Vendor agreements

Electronic Communication and Transactions Records

- Record of the personal information and the specific purpose for which the personal information was collected.

Insurance Records

- Professional indemnity Insurance
- Directors and Officers Insurance
- Cyber Security insurance
- Legal cover for approved credit – Debt source

Immovable and Movable Property Records

- Agreements for the lease of movable property
- Agreements for the lease or sale of land and/or other immovable property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets

Miscellaneous Records

- Agency, management and distribution agreements
- Agreements for the acquisitions and disposals of group companies

Third Party Records

- Records held by TFI pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about any contractors and / or suppliers.
- Records held by TFI pertaining to contractors, subsidiary companies, joint venture companies, special purpose vehicle companies and service providers. (In cases where information requested by the Requester may impact on a third party, the information Officer is obliged to comply with the requirements as set out in terms of the Act).

DETAILS ON HOW TO MAKE A REQUEST

The requester must comply with all the procedural requirements of PAIA relating to the request for access a record.

The requester must complete Form C (available on the website of SAHRC) and submit this form together with a request fee to the Information Officer at TFI.

The prescribed form must contain sufficient particularity in order to enable the Information Officer of TFI to identify –

- the records requested;
- the identity of the requester;
- which form of access is required.

In the prescribed form –

- the requester must identify the right that the requester is seeking to protect;

- the requester must provide an explanation of why the requested record is required for the exercise or protection of any right;
- if, in addition to a written reply, the requester wishes to be informed of the decision in respect of the request in any other manner, the requester must state the manner in which it wishes to be informed;
- if the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the information Officer of TFI.

TFI will inform the requester within 30 (thirty) business days after receipt of the request of its decision whether or not to grant the request.

The 30 (thirty) day period may be extended with a further period of not more than 30 (thirty) business days if the request is for a large number of records or requires TFI to search through a large volume of records or the records are not kept at the offices of TFI.

If the request for access is granted, the notice will state the access fee (if any) to be paid upon access, the form in which the access will be given and that the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure for lodging the court application.

If the request for access is refused, the notice will state adequate reasons for the refusal, including the provisions of PAIA relied upon and will state that the requester may lodge an application with a court against the refusal for the request, and the procedure (including the period) for lodging the application.

GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF PAIA

The following are the grounds on which TFI may, subject to the exceptions contained in Chapter 4 of PAIA, refuse a request for access in accordance with Chapter 4 of PAIA,

If the refusal is for –

- mandatory protection of the private of a third party who is a natural person, including a deceased person, where such disclosure of personal information would be unreasonable;
- mandatory protection of the commercial information of a third party, if the records contain: trade secrets of that third party;
- financial, commercial, scientific or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interest of that third party; and/or
- information disclosed in confidence by a third party to TFI, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in 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 that would be regarded as privileged in legal proceedings;
- protection of the commercial information of TFI, which may include: trade secrets;
- financial/commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interest of TFI;

- information which, if disclosed, could put TFI at a disadvantage in contractual or other negotiations or prejudice TFI in commercial competition;
- protection of research information of TFI or a third party, and if such disclosure would place the research or the researcher at a serious disadvantage;
- unreasonable diversion of resources and request for records are clearly frivolous or vexatious.

REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF PAIA

TFI does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for access is refused.

In accordance with section 56(3) (c) and 78 of PAIA, a requester may apply to a court for relief within 180 days of notification of the decision for appropriate relief.

FEES AND FORM C

The prescribed fee for requests to private bodies is available on the website of the SAHRC. Form C is available on the website of the SAHRC.