



Ultimate Partner (Pty) Ltd

**Promotion of Access to Information Act
(Act 2 of 2000)
Section 51**

**PAIA Manual for Ultimate Partner (Pty) Ltd
2019/486601/07**

Compilation date: 2020/07/19 | Revision date: 2020/07/19

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1. RIGHT OF ACCESS TO INFORMATION

The 1996 South African Constitution entrenches the fundamental right to access to information, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies.

The Promotion of Access to Information Act 2 of 2000 (PAIA), seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to records held by a company.

PAIA establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of the requester's legal rights.
- That requester complies with all procedural requirements.
- Access is not refused in terms of any ground referred to in PAIA.

In terms of PAIA, private bodies are required to publish a manual to assist requesters who wish to request access to a record.

2. INTRODUCTION TO ULTIMATE PARTNER (PTY) LTD

Ultimate Partner (Pty) Ltd (the Company) is an engineering solution provider specialising in computer-aided software. The Company's purpose is to provide knowledge, skills and technology critical to a wide variety of industries and applications across Southern Africa.

Key business areas include:

- Supply of the software solutions.
- Installation, maintenance and support of software.
- Training on supplied software.

3. PAIA MANUAL

3.1. Purpose

This document serves as the PAIA Manual (the Manual) for the Company, in accordance with the requirements of section 51 of PAIA, to facilitate access to the records held by the Company.

The purpose of the Manual is to ensure that any person or entity who seek to enforce any right has the ability to access the required information in accordance with the provisions of PAIA. The Company endorses the spirit of PAIA and believes that this Manual will assist requesters in exercising their rights.

3.2. Availability

A copy of this Manual is available to any person of the public on the website of the Company at www.ultimatepartner.co.za, at the premises of the Company as stipulated in this Manual, or on request from the Information Officer referred to in this Manual.

4. THE INFORMATION OFFICER

The Managing Director of the Company has been designated as the Information Officer and will perform all duties and handle all requests on behalf of the Company. The Information Officer shall ensure that the requirements of PAIA are administered in a fair, objective and unbiased manner.

Information Officer	Elton Murison
Physical Address	342 The Rand Street Lynnwood Pretoria 0081
Tel	012 004 1363
Email	dataprivacy@ultimatepartner.co.za

5. GUIDANCE FROM THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission (SAHRC) has compiled a guide as required in terms of Section 10 of PAIA. This guide contains information to assist any person wishing to exercise a right in terms of PAIA and is available from the [SAHRC website](#).

Additional information required to assist in making a request can be requested from the SAHRC. Queries should be directed to:

The South African Human Rights Commission: PAIA Unit

The Research and Documentation Department

Physical Address	Forum 3 Braampark Office Park Braamfontein 2014
Postal Address	Private Bag 2700 Houghton 2041
Tel	+27 (0) 11 877 3600 (Head Office) +27 (0) 11 877 3750 (GP Office)
Fax	+27 (0) 11 403 0684
Email	info@sahrc.org.za
Website	www.sahrc.org.za

6. COMPANY RECORDS

The following sections describes records held by the company and stipulates which records are freely available and which records must be requested in terms of PAIA.

6.1. Records available in accordance with other legislation

Records are kept in accordance with other legislation as applicable to the Company, which includes, but is not limited to:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Consumer Protection Act 68 of 2008
- Customs and Excise Act of 1964
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Finance Act 2 of 2007
- Income Tax Act 58 of 1962
- Insider Trading Act 135 of 1998
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1995
- Non Profit Organisations Act 71 of 1997
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 14 of 1998
- Promotion of Access to Information Act 2 of 2000
- Protection of Information Act 84 of 1982
- Regulation of Interception of Communication and Provision of Communication Related Information Act 70 of 2002
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- South African Revenue Service Act 34 of 1997
- Statistics Act 6 of 1999

- Unemployment Contributions Act 63 Of 2001
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although the Company has used its best endeavours to supply a list of applicable legislation, it is possible that the above list may be incomplete. Where it comes to the Company's attention that existing or new legislation allows a requester access on a basis other than that set out in PAIA, the list shall be updated accordingly.

6.2. Records available only on request to access in terms of PAIA

The following list serves as a reference to the categories of information the Company holds. This information is classified and access to this information must be made following the process stipulated in this Manual.

Note that the accessibility of the records may be subject to grounds of refusal set out in this Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate the permission from the third party concerned, in addition to normal requirements.

6.2.1. Corporate secretariate and governance

- Applicable statutory documents
- Annual reports
- Codes of conduct
- Legal compliance records
- Memoranda of incorporation
- Minutes of board of directors and board committee meetings
- Minutes of shareholders' meetings
- Share certificates
- Shareholder agreements
- Share registers
- Statutory returns to relevant authorities

6.2.2. Finance and taxation

- Accounting records
- Annual financial statements
- Audit reports
- Capital expenditure records
- Investment records
- Invoices and statements
- Management reports
- Purchasing records
- Sale and supply records
- Tax records and returns
- Treasury dealing
- Transactional records

6.2.3. Human resources

- Education and training records
- Employee benefit records
- Employee contracts
- Employment equity records
- Employee information
- Policies and procedures
- Group life Statements
- Leave records
- Medical records
- Unemployment insurance fund returns

6.2.4. Legal

- Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation
- Material licenses, permits and authorizations

6.2.5. Sales, marketing and communication

- Client information
- Marketing strategies

6.3. Records available without a request to access in terms of PAIA

The following records may be accessed without the need to submit a formal application as stipulated in this Manual:

- Documentation and information relating to the Company which is available to the public on the Companies and Intellectual Properties Commission (CIPC) website.
- Records of a public nature, typically those disclosed on the Company's website and in public reports.
- Sales, marketing and communication records including brochures, newsletters and advertising material.

7. ACCESS PROCEDURE AND REQUESTS

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by the Company.

It is important to note that an application for access to information can be refused if the application does not comply with the procedural requirements of PAIA. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record, and all requests are subject to refusal based on the ground stipulated in this manual.

If it is reasonably suspected that the requester has obtained access to the Company's records through the submission of materially false or misleading information, legal proceedings may be instituted against such a requester.

The Information Officer will keep record of all requests, and the outcome of each request, in a PAIA register.

7.1. Who may request access to information?

PAIA provides that a requester is only entitled to access a record if the record is required to exercise or protect a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities when making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- A personal requester who requests a record about him/herself.
- An agent requester who requests a record on behalf of someone else with that person's consent and where it is required for the protection of that person's legal right.
- A third party requester who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right.
- A public body who may request a record if:
 - it fulfils the requirements of procedural compliance;
 - the record required is for the exercise or protection of a right; and
 - no grounds for refusal exist.

7.2. Guidance on the completion of the prescribed access form

For the Company to facilitate access to record, the prescribed access form attached in Annexure A must be completed. The form must be completed in full, and failure to do so will result in the process being delayed until all information is provided. The Company will not be held liable for delays due to the receipt of incomplete forms.

The Information Officer shall not process any request for access to a record until satisfied that all the requirements have been met:

- The access request form must be completed in English.
- Proof of identity is required to authenticate the requester's identity. If the requester acts as an agent requester, the requester must provide the following:

- proof of identity of the person on whose behalf the request is made;
 - the authority or mandate given to the requester by such person; and
 - the proof of identity of the requester provided as above.
-
- An answer to each question must be typed or printed in BLOCK LETTERS.
 - If a question does not apply, “N/A” must be stated in response to that question.
 - If there is nothing to disclose in reply to a particular question, “nil” must be stated in response to that question.
 - If there is insufficient space on a printed form in which to answer a particular question, additional information may be provided on an additional attached folio. When the use of an additional folio is required, each answer on the folio must be preceded with the title applicable to that question.

7.3. Prescribed fees

PAIA requires that certain fees be paid to the Company when a request for information is made. A breakdown of these fees as prescribed by PAIA can be found in Appendix B.

When a request is received, the Information Officer shall, by notice, require the requester, other than a personal requester to pay the prescribed request fee before further processing of the request.

If the search for a record has been made and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed in regulations for this purpose, the Information Officer shall notify the requester to pay a deposit. If a deposit has been paid and the request for access is refused, the Information Officer must repay the deposit to the requester.

When access to a record has been granted, the requester must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction, search and preparation, and for any time reasonably required in excess of the prescribed hours.

Payment details can be obtained from the Information Officer and payment may be made via an electronic transfer or in cash. Proof of payment must be supplied to the Information Officer. The Information Officer may withhold a record until the requester has paid the prescribed fees and provided sufficient proof of payment.

7.4. Notification

The Company will within thirty days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. This thirty day period shall commence only once a requester has complied with all the requirements of PAIA in requesting access to a record, to the satisfaction of the Information Officer.

The thirty 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 thirty days, if the request is for a large volume of information, or the request contains a search for information that cannot reasonably be obtained within the original thirty day period. The Information Officer will notify the requester in writing should an extension be required.

If the request for access to a record is successful, the requester will be notified of the following:

- the amount of the access fee payable upon gaining access to the record;
- an indication of the form in which the access will be granted; and
- notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period for lodging the application.

If the request for access to a record is not successful, the requester will be notified of the following:

- adequate reasons for the refusal, based on the grounds for refusal as stipulated in this Manual; and
- that the requester may lodge an application with a court against the refusal of the request and the procedure, including the period for lodging the application.

7.5. Records that cannot be found or does not exist.

If the Company has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This notice will include the steps that were taken to try to locate the record.

8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The Information Officer must decide whether to grant or decline the request and give notice with reasons (if required) to that effect. A request for information may be refused based on the following:

- Mandatory protection of the privacy of a third party who is a natural person if access to the record 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:
 - Trades secrets of the Company or a third party.
 - Financial, commercial scientific, or technical information which disclosure of could likely cause harm to the financial or commercial interest of the Company or a third party.
 - Information disclosed in confidence by a third party to the Company if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which would be regarded as privileged in legal proceedings.
- Requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

If a requester has made any request that does not comply with the requirements of PAIA, the Information Officer may not refuse the request because of that non-compliance, unless the Information Officer has:

- notified the requester of the intention to refuse the request and stated in the notice, the reasons for the contemplated refusal, as well availability to assist the requester to remove the grounds for refusal;
- given the requester a reasonable opportunity to seek such assistance;

- as far as reasonably possible, furnished the requester with any information that would assist the making of the request in the prescribed form; and
- given the requester a reasonable opportunity to confirm the request or alter it to comply with the provisions of PAIA.

9. APPEAL

The Company does not have other internal procedures regarding PAIA requests. As such, a decision made by the Information Officer is final. If a requester is aggrieved by the refusal to access a record, the requester may, within 30 days of the notification of the refusal, apply to court for appropriate relief.

10. REVIEW OF THIS MANUAL

The Company reserves the right to amend, including without limitation by the addition of new terms and conditions, this Manual. This Manual will be reviewed at least annually and, where necessary, updated to ensure that the provisions remain sufficient to identify, assess, evaluate and mitigate any compliance risks associated with the provisions of PAIA. The amended version of this Manual shall supersede and replace all previous versions thereof.

APPENDICES

Appendix A: Prescribed access form

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

[Regulation 10]

A. Particulars of private body

The Head: Managing Director
 TANDM Technologies (Pty) Ltd
 342 The Rand Street, Lynnwood, Pretoria, 0081
 dataprivacy@ultimatepartner.co.za

B. Particulars of person requesting access to the record

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

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____ Telephone number: _____

E-mail address: _____

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

C. 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.

Full names and surname: _____

Identity number: _____

D. 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 in a separate folio and attach it to this form. **The requester must sign all the additional folios.***

1. Description of the record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of the record: _____

E. 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 required 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 from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: _____

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 in certain circumstances. In such a case you will be informed if 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 the record is in written or printed form:				
	copy of record*		inspection of record	
2. If the record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)				
	view the images		copy of the images*	transcription of the images*

3. If the record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		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 form* (stiffy or compact disc)	
* If you requested a copy or transcription or a record (above), do you wish the copy or transcript to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

*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.***

1. Indicate which right it to be exercised or protected: _____

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

H. 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 REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

Appendix B: Prescribed fees table

Reproduction fee

This fee is payable with respect to all records that are automatically available.

- | | |
|---|----------|
| • A photocopy of an A4 size page or part thereof | R 1,10 |
| • A printed copy of an A4 size page or part thereof | R 0,75 |
| • A copy in computer readable format, for example: | |
| - Stiffy disk | R 7,50 |
| - Compact disk | R 70,00 |
| • A transcription of visual images, in an A4 size page or part thereof | R 40,00 |
| • A copy of visual images | R 60,00 |
| • A transcription of an audio record for a A4 size page or part thereof | R 20,00 |
| • A copy of an audio record | R 30, 00 |

Request fee

An initial non-refundable R 50,00 (excluding VAT) is payable on submission of a request. This fee is not applicable to personal requesters.

Access fee

If the request for access is successful, an access fee may be required to reimburse the Company for the cost involved in the search reproduction and/or preparation of that record.

- | | |
|--|---------|
| • Information in an A4 size page photocopy or part thereof | R 1,10 |
| • A printed copy of an A4 size page or part thereof | R 0,75 |
| • A copy in computer readable format, for example: | |
| - Stiffy disk | R 7,50 |
| - Compact disk | R 70,00 |
| • A transcription of visual images, in an A4 size page or part thereof | R 40,00 |
| • A copy of visual images | R 60,00 |

- A transcription of an audio record for a A4 size page or part thereof R 20,00
- A copy of an audio record R 30, 00
- A search for a record that must be disclosed (per hour or part of an hour reasonably required for such search) R 30,00
- Where a copy of the record needs to be posted, the actual postage fee is payable

Deposit

A deposit of one third of the amount of the applicable access fee is payable if the Company receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six hours. If access to the requested record is refused, the full deposit will be refunded to the requester.