

De Morgenzon Proprietary Limited

("De Morgenzon")

(Registration number: 2021/351879/07)

PROMOTION OF ACCESS TO INFORMATION MANUAL

(in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 ("PAIA"))

This manual is published in terms of Section 51 of the Promotion to Access to Information Act, 2000 (Act No.2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right to access of information held by the State and to information held by another person or entity, where such information is required by someone to protect his/her rights. This manual serves to inform members of the public of the categories of information the practice holds. Access to the records and information is not automatic. Any person, who would like to request access to any of the above records or information, is required to complete a request form.

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5. Objectives of PAIA

- To promote transparency, accountability and effective governance of all public and private bodies;
- To assist members of the public to effectively scrutinize and participate in decision making by public bodies;
- To ensure that the state promotes a human rights culture and social justice;
- To encourage openness;
- To establish voluntary and mandatory mechanisms or procedures which give effect to the right of access to information in a speedy, inexpensive and effortless manner.

6. Procedure to request access to records held by De Morgenzon terms of Section 51(1)(e)

Use the prescribed 'Form C' which is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

6.1 Address your request to our Information Officer

6.2 Provide sufficient details to enable us to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written notification), the manner and particulars thereof;]
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Procedure when making a PAIA request

A requester must be granted access to the records requested if he/she has complied with the following procedural requirements:

- The PAIA request must be made on the correct form (Form C for private bodies), addressed to the Information Officer, or to the head of the private body;
- The PAIA request form must be hand-delivered, posted, faxed or sent via email to **De Morgenzon** upon request; and
- The records requested are not subject to the refusal grounds provided for under PAIA.

7. Prescribed fees for requesting information:

The following applies to requests (other than personal requests):

- 5.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
It is important to note that requesters who are requesting access to their personal information are exempt from paying the request fee; however, they are still required to pay access fees.
Requesters who earn less than R14, 712 per year (if single) and R27,192 per year (if married or in a life partnership), do NOT have to pay access fees;
- 5.2 If the preparation of the record requested, requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted);
- 5.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 5.4 Records may be withheld until the fees have been paid.
- 5.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

8. Applicable legislation in terms of Section 51(1)(c):

Information is available in terms of the following legislation to the persons or entities specified in such legislation, as well as the specific protections offered by such laws. The following legislation is applicable:

- Basic Conditions of Employment 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- National Credit Act 34 of 2005
- Occupational Health & Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002

- Unemployment Insurance Act 63 of 2001;
- Value Added Tax Act 89 of 1991
- Other

9. Schedule of Records:

At the business, we hold the following categories of information subject to grounds for refusal to the access thereof. We have not submitted any description to the Minister for publication in the Gazette:

Company Information

- Documentation of incorporation
- Minutes of Board and Shareholder meetings;
- Annual Financial Statements and internal accounting records
- Tax returns
- Internal and external correspondence
- Internal Policies and Procedures

Employee Records:

- PAYE records
- UIF records
- Workmen's Compensation records
- Employee records
- Contracts of employment and remuneration records
- Performance appraisals
- Job descriptions
- Training records
- Correspondence relating to personnel
- Consents

Legal

- Material licenses, permits and authorisations
- Contracts

Insurance

- Insurance policies
- Claim records
- Details of insurance coverage, limits and insurers

Operations

- Company Information

- Client and Customer Registry
- Contracts
- Information relating to Work in Progress
- Marketing and Future Strategies
- Marketing and Sales Records
- Suppliers Registry

Client related Records

- Client data basis
- Records generated within the business relating to the client including transactional records.

Other Party Records

The business may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers.

10. Grounds for Refusal of Access to Records

The main grounds for the refusal of a request for information relates to the 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 third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party.
- information disclosed in confidence by a third party to **De Morgenzon**, if the disclosure could put that third party at 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 would be regarded as privileged in legal proceedings;
- the commercial activities of the business, which may include trade secrets of the private body;
- requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, shall be refused.

Signed by Alastair Robert Rimmer

Signature

Date: _____

Capacity: Information Officer