

PAIA Manual

This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to: VAAL AEROZONE (PTY) LTD

Registration number: 2017/498408/07
(hereinafter Vaal AeroZone)

Last updated: September 2024

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Introduction

The Promotion of Access to Information Act 2 of 2000 ("PAIA" or "the Act") 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. The Protection of Personal Information Act 2013 has amended the PAIA and also requires from private bodies to disclose certain information through the relevant organisation's PAIA Manual.

Specifically, section 51(1) of the Act, read with the Protection of Personal Information Act of 2013, requires a private body to compile a manual that must contain information as specified and required by both PAIA and POPI. In addition, the PAIA manual must set out the formal procedure that a person must follow in order to request to view, update or delete personal information held by the private body.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

This organisation falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. In general the limitations relate to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this Manual.

Business And Contact Details

Name of Business: Vaal AeroZone

Head of Business: Petko Atanasov

Position: Managing Director

Physical Address: 1st Floor, Building 2, Needwood Office Park Cnr Cedar Boulevard &, Cedar Rd, Fourways, Johannesburg, 2191

Phone Number: 011 568 1547

Email Address: info@vaalaerozone.co.za

Section 51(1) Of The Promotion Of Access To Information Act (the Act)

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulations 6 and 7 of the Act.

Requesters are referred to the Guide which, in terms of Section 10 as amended, has been compiled by the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013, and which contains information for the purposes of exercising Constitutional Rights.

A "Request for a copy of the Guide (Form 1)" is available at:

<https://www.justice.gov.za/infoereg/docs2-f.html>

The Guide is also available at:

Address: JD House, 27 Stiemens Street Braamfontein, Johannesburg, 2001

Postal Address: P.O. Box 31533 Braamfontein, Johannesburg, 2017

Tel Number: 010 023 5200

Email Address: PAIACompliance@inforegulator.org.za

Description of the records of the body which are available in accordance with any other legislation [S 51(1)(b)(iii)]

Records are kept in accordance with the following legislation (this list is not exhaustive):

Companies Act 71 of 2008

- Company's Memorandum of Incorporation and all amendments
- Company Incorporation
- Names of Directors
- Minutes of Board Meetings
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers.

Basic Conditions of Employment Act 75 of 1997

- record containing the following information Section 31:
- employee's name and occupation;
- time worked (attendance register);
- remuneration paid (wages register);
- date of birth if under 18 years of age.

Occupational Health and Safety Act 85 of 1993

- A copy of the Occupational Health and Safety Act 85 of 1993

Compensation for Occupational Injuries and Diseases Act 130 of 1993

- All records required by the Act.

Employment Equity Act 55 of 1998

- Summary of the Employment Equity Act, 55 of 1998, issued in terms of Section 25(1)

Income Tax Act 58 of 1962

- All records required by the Act.

Labour Relations Act 66 of 1995

- Records of disciplinary hearings (if any)

Unemployment Insurance Act 30 of 1966

- Records detailing the contributions by contributors employed by the employer in respect of earnings paid, time worked, payments made for piece work and overtime.

Value Added Tax Act 58 of 1962.

- All records required by the Act.

Promotion of Access to Information Act 2 of 2000.

- All records required by the Act.

Protection of Personal Information Act 4 of 2013.

- All records required by the Act.

The subjects on which the organisation holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed to these records and that access to them may be refused in accordance with Section 62 of the Act.

Administration

- Attendance registers
- Correspondence
- Founding Documents
- Licences
- Minutes of Management Meetings
- Minutes of Staff Meetings
- Shareholder Register
- Statutory Returns

Human Resources

- Conditions of Service
- Employee Records
- Employment Contracts

- Employment Equity Records
- General Correspondence
- Industrial and Labour Relations Records
- Information relating to Health and Safety Regulations
- Pension and Provident Fund Records
- Performance Appraisals • Personnel Guidelines, Policies and Procedures
- Remuneration Records and Policies
- Skills Requirements
- Staff Recruitment Policies
- Statutory Records
- Training Records

Operations

- Brochures on Company Information
- Client and Customer Registry
- Contracts
- General Correspondence
- Information relating to Employee Performance
- Marketing and Future Strategies
- Marketing Records
- Sales Records
- Suppliers' Registry

Finances

- Annual Financial Statements
- Asset Register
- Banking Records
- Budgets
- Contracts
- Financial Transactions
- General Correspondence
- Insurance Information
- Internal Audit Records
- Management Accounts
- Purchase and Order Information
- Stock Records
- Tax Records (company and employee)

Information Technology

- IT Policies and Procedures
- Network Diagrams
- User Manuals

The Request Procedure

Forms and fees

A request for information must be made in the prescribed form, a copy of which is annexed hereto as Appendix 1, must be addressed to the head of Vaal Aerozone and must be submitted with the prescribed fee (if any).

The prescribed request form and details regarding the prescribed fees are available from the Vaal Aerozone Head of Business, the Information Regulator's website and from the South African Human Commission's offices and website, whose contact details are set out above.

Form of request

The requester must use the prescribed form to make the request for access to a record. This must be made to the head of Vaal Aerozone. This request must be made to the address or electronic mail address of Vaal Aerozone.

The requester must provide sufficient detail on the request form to enable the head of Vaal Aerozone to identify the record and the requester. The requester should also indicate which form of access is required. The requester should indicate if it requires notice of the decision of the head of the private body in any manner, other than in writing.

The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

Fees

A requester who seeks access to a record containing personal information must pay the required request fee, if any.

The head of Vaal Aerozone must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.

The requester may lodge an application to the high court relating to the payment of the request fee.

After the head of Vaal Aerozone has made a decision on the request, the requester must be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.

The prescribed fees are available from the head of Vaal Aerozone and from the SAHRC (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out above.

Protection of Personal Information Act 4 of 2013

We process personal information that is necessary to enable us to provide our various services.

For information on the type and usage of personal information processed by Vaal Aerozone, please refer to our Privacy Policy, available on our website.

Grounds For Refusal Of Access To Records As Stipulated In Section 63 To 69 Of PAIA And POPIA:

Vaal Aerozone may deny access to certain records on the basis of the grounds set out in PAIA.

These include:

- mandatory protection of the privacy of a third party who is a natural person, including a deceased individual;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information, special personal information and confidential information of a third party;
- mandatory protection of the safety of individuals and protection of property;
- mandatory protection of records privileged from production in legal proceedings;
- the commercial information and activities of Vaal Aerozone;
- mandatory protection of research information of a third party; or
- any other ground legally available on which to refuse access to the information requested.

Vaal Aerozone may deny access to commercial information if the record:

- contains trade secrets of a third party;
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to harm the commercial or financial interests of a third party's company; or
- contains information, the disclosure of which would reasonably be expected to put a third party's company at a disadvantage in contractual or other negotiations, or to prejudice the company in commercial competition.

Vaal Aerozone must refuse a request for access to a record if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

Availability Of The Manual

This manual is available for inspection at Vaal Aerozone's physical address as stated above and website, available at: <https://vaalaerozone.co.za>, free of charge.

The request forms and fee structure can be obtained via the Information Regulator's

website and the South African Human Rights Commission's website, details of which are set out above.

Request forms are also available on the Department of Justice and Constitutional Development's website which website can be accessed using the universal resource locator: www.doj.gov.za.

ANNEX 1: Request for Access to Record

ANNEX 2: Outcome of Request and Fees Payable