



MASERUMULE

Corporate Employment Law

PAIA MANUAL

June 2021

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**Maserumule Consulting Learning Organisational Growth (Pty) Ltd
t/a Maserumule Corporate Employment Law**

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1. Preamble

Section 51 of the Promotion of Access to Information Act No.2 of 2000, (“the Act”), as amended by the Protection of Personal Information Act no. 4 of 2013 (“POPIA”) requires that Maserumule Consulting Learning Organisational Growth (Pty) Ltd t/a Maserumule Corporate Employment Law (“Maserumule”), as a private body must compile a manual giving information to the public regarding the procedure to be followed in requesting information from Maserumule for the purpose of exercising or protecting rights in accordance with data protection constraints.

2. Introduction

2.1 Maserumule specialises in employment law and employment relations consultation and training.

2.2 This manual document the categories of information held by Maserumule and aims to assist potential requestors in requesting access to information from Maserumule as contemplated under the Act.

2.3 The following words or expressions bear the following meanings in this manual:

2.3.1 **“the Act”** means the Promotion of Access to Information Act No.2 of 2000, together with the regulations and rules published in terms of this Act;

2.3.2 **“Manual”** means this manual together with its annexures, as amended from time to time, made available at the offices of Maserumule;

2.3.3 **“SAHRC”** means the South African Human Rights Commission.

3. Company Details

Maserumule Consulting Learning Organisational Growth (Pty) Ltd t/a Maserumule Corporate Employment Law

Registration Number: 2001/004653/07

Street Address: 1st floor, Tijger Park 2, No. 51 Willie van Schoor Drive, Bellville 7530

Postal Address: PO Box 3272, Tyger Valley 7536

Tel: +27 21 914 3321

Fax: +27 21 914 8513

Information Officer: Ulrich Stander

Email: ulrich@masconsulting.co.za

Website: www.masconsulting.co.za

4. The Official Guide

4.1 A guide on how to use the Act has been compiled by the SAHRC in terms of section 10 of the Act and can be viewed on the SAHRC website and the website of the Information Regulator. (The transfer of functions of the Act from the South African Human Rights Commission to the Information Regulator effective from 30 June 2021.)

4.2 Any queries should be directed to:

4.2.1 The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Physical address: Braampark Forum 3, 33 Hoofd Street, Braamfontein,
South Africa

Postal Address: Private Bag X2700, Houghton, 2041, Johannesburg,
South Africa Telephone: +27 (0)11 877 3600

Fax: +27 (0)11 403 0668

Website: <https://www.sahrc.org.za/index.php/understanding-paia>

Email: info@sahrc.org.za

4.2.2 The Information Regulator (South Africa)

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

P.O Box 31533, Braamfontein, Johannesburg, 2017

Website: <https://www.justice.gov.za/inforeg/index.html>

Email: inforeg@justic.gov.za

5. Availability of Manual

5.1 This manual is available for inspection by the public upon request, during office hours and free of charge, at the offices of Maserumule.

5.2 Copies of the manual may be made, subject to the prescribed fees, and

- 5.2.1 may be requested from the South African Human Rights Commission (“SAHRC”);
- 5.2.2 may be made available to the Information Regulator upon request.
- 5.3 The manual is also posted on Maserumule’s website at www.masconsulting.co.za.

6. The Processing of Personal Information

- 6.1 Maserumule collects information from our business or our website which information may be of personal information and which information is protected under the Protection of Personal Information Act (POPIA).
- 6.2 Maserumule collects personal information where it has obtained the consent of the person to whom the information belongs and where:
 - 6.2.1 processing complies with an obligation imposed by law on Maserumule;
 - 6.2.2 Maserumule has a legitimate requirement to use or process such information; or
 - 6.2.3 Maserumule meets its responsibilities to clients, employees and other natural or juristic persons.
- 6.3 Maserumule may disclose personal information lawfully to:
 - 6.3.1 any regulatory authority and the regulators they appoint for the various sectors;
 - 6.3.2 comply with any regulation passed under the relevant legislation, or any legal process;
 - 6.3.3 protect and defend Maserumule’s rights and property (including its intellectual property);
 - 6.3.4 protect public interest; or
 - 6.3.5 legal advisors or similar service providers with the appropriate undertakings to protect the information.
- 6.4 Maserumule may supply employee personal information to:
 - 6.4.1 recruitment companies; or
 - 6.4.2 credit Bureau.

6.5 Where Maserumule uses the services of third parties to process personal information, Maserumule will ensure that the necessary contractual measures are in place to protect against loss or disclosure of such personal information.

7. Categories of Data Subjects and Personal Information Processed by the Company

Categories of data subjects and personal information processed by the Company include the following:

<i>Categories of Data Subject</i>	<i>Personal Information Processed</i>
Clients / Prospective Clients: Natural Persons	Names; contact details; physical and postal addresses; dates of birth; identification numbers; financial information; nationality; confidential correspondence.
Clients / Prospective Clients: Juristic Persons	Names of contact persons; name of legal entity; physical / postal addresses and contact details; financial information; registration number; founding documents and related information; authorised signatories; information of connected parties
Contracted Service Providers / Vendors	Names of contact persons; name of legal entity; physical and postal address and contact details; financial information; registration number; founding documents; authorised signatories; BEE Certificates.
Employees / Potential Employees / Contracted staff members	Gender; marital status; race; age; language; identity number; physical and postal addresses and contact details; financial information; pregnancy status; educational information, employment history, medical history, criminal history, opinions

8. Categories of Information Insofar as the Act is concerned

The list of subjects and categories of information held by the Company includes the following:

8.1 Statutory Company Information

- 8.1.1 Memorandum and Articles of Association/Memorandum of Incorporation.
- 8.1.2 Certificates issued by the Registrar of Companies.
- 8.1.3 Company resolutions.
- 8.1.4 Proxy forms.

8.1.5 Company forms lodged with the Registrar in terms of the Companies Act, Minute books.

8.1.6 Share registers.

8.1.7 Director's attendance registers.

8.1.8 Shareholder agreements.

8.2 Accounting Records

8.2.1 Management statements.

8.2.2 Yearend working papers for companies.

8.2.3 Annual financial statements.

8.2.4 Books of account.

8.2.5 Fixed asset registers.

8.2.6 Sales invoices with supporting documentation.

8.2.7 Supplier/Provider Invoices.

8.2.8 Credit and debit notes.

8.2.9 Purchase Orders.

8.2.10 Income Tax returns.

8.2.11 Value Added Tax returns.

8.2.12 Bank statements.

8.2.13 Costing records.

8.3 Banking Details

8.3.1 Bank facilities and account details.

8.3.2 Overdraft facilities.

8.3.3 Bank statements.

8.3.4 Bank signatory forms.

8.3.5 Other banking records and agreements.

8.4 Human Resources / Employment Records

8.4.1 Payroll.

8.4.2 Pay as You Earn (PAYE) records.

8.4.3 Contracts of employment.

8.4.4 Policies and Procedures.

8.4.5 Personnel files.

8.4.6 Disciplinary records.

8.4.7 Salary and wage register.

- 8.4.8 Attendance and leave registers.
- 8.4.9 Expense accounts.
- 8.4.10 Human resource policies and codes of conduct.
- 8.4.11 Training manual.
- 8.4.12 Workmen's Compensation documents.
- 8.4.13 Timesheets.

8.5 Client Information

- 8.5.1 Documentation and other information received from clients.
- 8.5.2 Documentation and other information received from third parties.
- 8.5.3 Correspondence with clients.
- 8.5.4 Correspondence with third parties.
- 8.5.5 Information prepared by employees for clients, including opinions, memoranda, and reports.
- 8.5.6 Other information relating to, or held on behalf of, clients.

8.6 Insurance Records

- 8.6.1 Short term insurance schedules and claim reports.
- 8.6.2 Insurance policies taken out for the benefit of Maserumule and its employees.

8.7 Immovable And Movable Property

- 8.7.1 Agreements of lease of immovable property occupied by Maserumule.
- 8.7.2 Credit sale agreements and/or hire purchase agreements.
- 8.7.3 Other agreements for the purchase, ordinary sale, conditional sale or hire of assets.

8.8 Information Technology

- 8.8.1 Computer software, support and maintenance agreements.
- 8.8.2 Other documentation pertaining to computer systems and computer programmes held by Maserumule.

8.9 Sales And Marketing

- 8.9.1 Brochures, Newsletters and Advertising Materials.
- 8.9.2 Marketing agreements.

8.10 Miscellaneous Agreements

- 8.10.1 Loans from third parties (including banks).
- 8.10.2 Suretyship agreements.
- 8.10.3 Security agreements, guarantees and indemnities.
- 8.10.4 Agreements with suppliers.
- 8.10.5 Confidentiality and/or non-disclosure agreements.
- 8.10.6 Any other relevant agreements.

8.11 System Documentation

- 8.11.1 Products.
- 8.11.2 Templates.
- 8.11.3 Resources.

9. Records Available in terms of Other Legislation

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

- 9.1 Income Tax Act 58 of 1962
- 9.2 Financial Advisory and Intermediary Services Act 37 of 2002
- 9.3 Financial Intelligence Centre Act, 38 of 2001
- 9.4 Value Added Tax Act 89 of 1991
- 9.5 Occupational Health and Safety Act 85 of 1993
- 9.6 Labour Relations Act 66 of 1995
- 9.7 Basic Conditions of Employment Act 75 of 1997
- 9.8 Employment Equity Act 55 of 1998
- 9.9 Prevention of Organised Crime Act 121 of 1998
- 9.10 Protection of Constitutional Democracy against Terrorism and Related Activities Act No. 33 of 2004
- 9.11 Protection of Personal Information Act no. 4 of 2013
- 9.12 Skills Development Levies Act 9 of 1999
- 9.13 Skills Development Act 97 of 1998
- 9.14 Unemployment Insurance Act 63 of 2001
- 9.15 Unemployment Insurance Contributions Act 4 of 2002
- 9.16 Companies Act 71 of 2008
- 9.17 Compensation for Occupational Injuries and Diseases Act, No.130 of 1993

- 9.18 Promotion of Access to Information Act, 2 of 2002
- 9.19 Broad-based Black Economic Empowerment Act 53 of 2003
- 9.20 Copyright Act 98 of 1978
- 9.21 Electronic Communications and Transactions Act 25 of 2002
- 9.22 Electronic Communications Act, 36 of 2005
- 9.23 Insolvency Act No. 24 of 1936
- 9.24 National Credit Act 34 of 2005
- 9.25 Pension Funds Act 24 of 1956

10. Information Automatically Available

- 10.1 The following categories of records are automatically available for inspection, or photocopying without having to be requested in terms of the Act:
 - 10.1.1.1 Newsletters.
 - 10.1.1.2 Booklets.
 - 10.1.1.3 Pamphlets / Brochures.
 - 10.1.1.4 Reports of a public nature.
 - 10.1.1.5 Other information intended for public viewing.
- 10.2 The only fee payable for access to the records listed in this clause 10 is a prescribed fee for reproduction.

11. Information Security Measures to Protect Personal Information

- 11.1 Maserumule is committed to developing appropriate safeguards to make sure that personal data is kept secure and confidential and is protected against reasonably anticipated threats to its security or integrity, and against unauthorised access or use that might result in substantial harm or inconvenience to data subjects.
- 11.2 Reasonable technical and organisational measures are implemented for the protection of personal information processed by the Company.
- 11.3 The Company continuously implements and monitors technical and organisational security measures to protect personal information against unauthorised access as well as accident or wilful manipulation, loss, or destruction.

12. Request Procedures

All records shall only be made available subject to the provisions of the Act.

12.1 Form Of Request

12.1.1 When making a request to access a record, the requester must use the prescribed form (refer to Annexure B), addressed to the head of the body.

12.1.2 The requester must provide sufficient detail on the request form to allow for the identification of the record and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number in the Republic.

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

12.1.4 If a request is being made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request.

12.2 Fees

12.2.1 A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee.

12.2.2 Where fees are payable these are detailed in the request form.

12.2.3 If the request is granted, a further fee will be payable for the search, preparation, and reproduction of the record.

12.2.4 The requester may lodge an application to the court against the tender or payment of the request fee or may lodge a complaint with the Information Regulator.

12.3 Decision

12.3.1 The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request, providing reasons to that effect.

12.3.2 The 30-day period within which the Company has to decide whether to grant or refuse a request may be extended for a further period of not more than 30 days if reasonably required under the circumstances.

12.3.3 If the request for access is refused the requester may lodge an application to court or alternatively, lodge a complaint with the Information Regulator.

12.4 **Grounds for Refusal**

12.4.1 Maserumule has the right to refuse a request for information based on any of the following grounds:

12.4.1.1 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;

12.4.1.2 Mandatory protection of the commercial information of a third party, if the record contains:

12.4.1.2.1 Trade secrets of that third party;

12.4.1.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and

12.4.1.2.3 Information disclosed in confidence by a third party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

12.4.1.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;

12.4.1.4 Mandatory protection of the safety of individuals and the protection of property;

12.4.1.5 Mandatory protection of records which would be regarded as privileged in legal proceedings;

12.4.1.6 The information relates to the commercial activities of Maserumule, which may include:

12.4.1.6.1 Trade secrets of Maserumule;

12.4.1.6.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Maserumule;

- 12.4.1.6.3 Information which, if disclosed, could put Maserumule at a disadvantage in negotiations or commercial competition;
- 12.4.1.6.4 A computer program which is owned by Maserumule and which is protected by copyright;
- 12.4.1.6.5 Training material which is owned by Maserumule and which is protected by copyright.

12.4.1.7 The research information of Maserumule or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

12.4.2 A request for information that is clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources will be refused.

13. Prescribed Fees and Forms in respect of Private Bodies

The prescribed fees and form for requests to private bodies, are attached to this manual, marked "Annexure A" and "Annexure B" respectively and are available on the websites of the Information Regulator,

<https://www.justice.gov.za/inforeg/docs.html> and the SAHRC, www.sahrc.org.za.

Annexure A: Fee Schedule

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

PART I

FEES IN RESPECT OF GUIDE

The fee for a copy of the guide as contemplated in regulations 2(3)(b) and 3(4)(c) is R0,60 for every photocopy of an A4-size page or part thereof.

PART II

FEES IN RESPECT OF PUBLIC BODIES

Not applicable to Maserumule

PART III

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. For every photocopy of an A4-size page or part thereof R1,10
 - b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - c. For a copy in a computer-readable form on –
 - i. stiffy disc R7,50
 - ii. compact disc R70,00
 - d.
 - i. For a transcription of visual images, for an A4-size page or part thereof R40,00
 - ii. For a copy of visual images R60,00
 - e.
 - i. For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - ii. For a copy of an audio record R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - a. For every photocopy of an A4-size page or part thereof R1,10
 - b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75
 - c. For a copy in a computer-readable form on –
 - i. stiffy disc R7,50
 - ii. compact disc R70,00
 - d.
 - i. For a transcription of visual images, for an A4-size page or part thereof R40,00
 - ii. For a copy of visual images R60,00
 - e.
 - i. For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - ii. For a copy of an audio record R30,00
 - f. To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
5. For purposes of section 54(2) of the Act, the following applies:
 - a. Six hours as the hours to be exceeded before a deposit is payable; and
 - b. one third of the access fee is payable as a deposit by the requester.
6. The actual postage is payable when a copy of a record must be posted to a requester.

Annexure B: 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: [Insert company name here]
Name of Head/CEO/or Information Officer:
Postal address:
E-mail address:
Telephone number:
Physical address:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address, email 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:

Initial

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 on a separate folio and attach it to this form.

The requester must sign all the additional folios.

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of 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:

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 for the record, if any, will be determined partly by the form in which access is requested.

Initial

Mark the appropriate box with an X			
1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record

2. If record consists of visual images - this includes photographs, slides, video recordings, computer-generated images, sketches, etc					
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of images	<input type="checkbox"/>	Transcription of images

3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information - derived from the record*	<input type="checkbox"/>	copy in computer readable form*

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available
In which language would you prefer the record?

G. Notice of decision regarding request for access

Requesters 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?

Initial

H. 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.

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

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

Initial
