

**Manual published in terms of Section 51 of
The Promotion of Access to Information Act 2/2000 (the "ACT")**

by

Vexall (Pty) Ltd
(Registration Number 2018/292224/07)



Table of Contents

1. INTRODUCTION	3
2. COMPANY CONTACT DETAILS - Section 51 (1) (a).....	3
3. THE PAIA ACT GUIDE - Section 51 (1) (b).....	3
4. VOLUNTARY DISCLOSURE - Section 51 (1) (c)	4
5. APPLICABLE LEGISLATION - Section 51 (1) (d)	4
6. SCHEDULE OF RECORDS AND FORM OF REQUEST - Section 51 (1) (e)	5
7. HOW TO MAKE A REQUEST FOR ACCESS	7
9. PRESCRIBED FEES – Section 54(1)	8
10. APPENDIX A – PAIA FORM C.....	9
11. APPENDIX B – POPIA FORM 1.....	13
12. APPENDIX C – POPIA FORM 2.....	15

1. INTRODUCTION

Vexall (Pty) Ltd is an ICT support services company, positioned to provide high quality support services through a decentralised support network which ensures clients have a single point of contact with a representative that is close to their business.

Vexall (Pty) Ltd is a private body as defined in the Promotion of Access to Information Act, No. 2 of 2000.

2. COMPANY CONTACT DETAILS - Section 51 (1) (a)

Information Officer:	Clayton Andrews
Chief Executive Officer:	Christiaan Stavast
Company Physical Address:	Office Park 66 Cnr Lenchen Ave and Von Willich Ave Centurion Gauteng 0157
Company Postal Address:	Office Park 66 Cnr Lenchen Ave and Von Willich Ave Centurion Gauteng 0157
Company Telephone Number:	012 110 4370
Privacy Email Address:	privacy@vexall.co.za

3. THE PAIA ACT GUIDE - Section 51 (1) (b)

- 3.1. 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.
- 3.2. Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 3.4. The contact details of the Commission are:

Physical Address:	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, Gauteng
Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	011 877 3600
Fax Number:	011 403 0625
Website:	www.sahrc.org.za

4. VOLUNTARY DISCLOSURE - Section 51 (1) (c)

4.1. In terms of section 52(1), the head of a private body may make certain categories of records automatically available without a person having to request access in terms of the Act. These would include:

4.1.1. Product and Services Brochures

4.1.2. News and Other Marketing material

5. APPLICABLE LEGISLATION - Section 51 (1) (d)

Records are available in accordance with the following current South African legislation (only to the extent that the relevant Act is applicable, and which therefore makes disclosure of records compulsory)

Act	Reference
Basic Conditions of Employment	No. 75 of 1997
Broad-Based Black Economic Empowerment Act	No. 53 of 2003
Companies Act	No. 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act	No. 130 of 1993
Competition Act	No. 89 of 1998
Consumer Protection Act	No. 68 of 2008
Copyright Act	No. 98 of 1978
Electronic Communications Act	No 36 of 2005
Electronic Communications and Transactions Act	No. 25 of 2002
Employment Equity Act	No. 55 of 1998
Financial Intelligence Centre Act	No. 38 of 2001
General Pensions Act	No. 29 of 1979
Income Tax Act	No. 95 of 1967
Insolvency Act	No. 24 of 1936
Intellectual Property Laws Amendments Act	No. 38 of 1997
Labour Relations Act	No. 66 of 1995
National Credit Act	No. 34 of 2005
Occupational Health & Safety Act	No. 85 of 1993
Pension Funds Act	No. 24 of 1956
Prevention and Combating of Corrupt Activities Act	No. 12 of 2004
Promotion of Access to Information Act	No. 2 of 2000
Protection of Personal Information Act	No. 4 of 2013
Regulation of Interception of Communications and Provision of Communication Related Information Act	No. 70 of 2002
Skills Development Act	No. 97 of 1998
Skills Development Levies Act	No. 9 of 1999
Trade Marks Act	No. 194 of 1993
Unemployment Contributions Act	No. 4 of 2002
Unemployment Insurance Act	No. 63 of 2001
Value Added Tax Act	No. 89 of 1991

6. SCHEDULE OF RECORDS AND FORM OF REQUEST - Section 51 (1) (e)

Category / Act	Reference
Companies Act Records	<ul style="list-style-type: none"> • documents of incorporation • memorandum and articles of association • memorandum of incorporation • minutes of board meetings • share register and other statutory registers • records relating to the appointment of directors • auditor • company secretary • public officer and other officers
Financial	<ul style="list-style-type: none"> • Annual Financial Statements • Account Records • Asset Register • Leases (Property, Vehicles, Equipment) • Rental Agreements • Electronic Banking Records • Invoices
Tax Records	<ul style="list-style-type: none"> • Records of payments made to SARS on behalf of employees • Documents issued to employees for income tax purposes • PAYE Records • Skills Development Levies • UIF • Workmen's Compensation Returns • VAT Returns
Marketing and Sales	<ul style="list-style-type: none"> • Product and Services Brochures • Market Information • Sales Records • Customer Database
Intellectual Property	<ul style="list-style-type: none"> • Copyright • Trademarks • Licenses
Personnel Records	<ul style="list-style-type: none"> • Employment contracts • Employment Equity plan • Medical aid records • Pension fund records • Disciplinary records and code • Salary records • SETA records • Leave records • Training records • IRP5's • Organisational Structures
Insurance	<ul style="list-style-type: none"> • Insurance Policies
Legal	<ul style="list-style-type: none"> • Contracts (Customer, Supplier, Service Providers and other Third Parties) • Health and Safety Records? • Records relating to Commercial Disputes, Arbitration or Regulatory investigations.

In terms of Section 23 of POPIA, a person has the right to request information pertaining to the following:

Category	Records
Personal Information	<ul style="list-style-type: none">• any recorded piece of information relevant to a data subject, including but not limited to the following, which can be in either hard copy or electronic format:• race, gender, sex, pregnancy, marital status, nationality, ethnicity, or social origin; colour; sexual orientation; age; physical or mental health and well-being• belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history• an identifying number or symbol• disability, personal opinions, blood type, biometric information• views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person• name of a person if it appears with other personal information• consumer or purchasing pattern• e-mail address and physical address, location information or online identifier and telephone number and mobile number
Special Personal Information	<ul style="list-style-type: none">• a special category of personal information - is religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information. Where personal information is referenced, it will automatically include special personal information unless otherwise indicated.

7. HOW TO MAKE A REQUEST FOR ACCESS

7.1. PAIA REQUESTS

To facilitate the processing of a request, the requester must kindly:

- 7.1.1. Complete Appendix A – PAIA Form C.
- 7.1.2. Submit your request together with request fee to the Information Officer of the Company (IO).
- 7.1.3. Provide sufficient details to enable the COMPANY to identify:
 - 7.1.3.1. The record(s) requested
 - 7.1.3.2. The requester (and if an agent is lodging the request, proof of capacity)
 - 7.1.3.3. The form of access required
 - 7.1.3.4. (a) The postal address or fax number of the requester in the Republic
(b) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof
 - 7.1.3.5. 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

7.2. POPI REQUESTS

- 7.2.1. As mentioned earlier in this manual, in terms of Section 23 of POPIA, a data subject has the right to request information pertaining to Personal Information and / or Special Personal Information. The data subject may also request deletion or correction of such personal information. This can be done by completing and submitting Appendix C – Form 2.
- 7.2.2. A data subject may also object to the processing of Personal Information by completing and submitting Appendix B – Form 1.
- 7.2.3. Requests may be submitted by sending the request to the Company postal address or by emailing the request to privacy@vexall.co.za.

7.3. REQUEST PROCESS

- 7.3.1. Requests for information will be evaluated, once all requirements have been fully satisfied, the requestor will be notified within a 30-day period.
- 7.3.2. The request will be assessed to ensure the requestor requires the record to exercise or protect a right along with an explanation as to why the record is necessary to exercise or protect a right. If the Information Office is satisfied with the reasons for the request, the process will continue.
- 7.3.3. The request will be assessed to determine if the request may be refused on the basis of a ground for refusal either mandatory or by discretion.
- 7.3.4. Once the Information Office has made a decision, the requestor must be informed. If the request is refused, reasons must be provided.

8. GROUNDINGS FOR REFUSAL

The Act provides that any request for access to information shall be refused on the following grounds:

- 8.1.1. Protecting the privacy of a third party
- 8.1.2. Protecting the commercial records of a third party
- 8.1.3. Protecting confidential information in terms of an agreement
- 8.1.4. Protecting the safety of a person or Juristic person
- 8.1.5. Protecting information in legal proceedings
- 8.1.6. Protecting research information of a third party and private body
- 8.1.7. Commercial information of a private body
- 8.1.8. National Security

9. PRESCRIBED FEES – Section 54(1)

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

- 9.1.** A requestor is required to pay the prescribed fees (R50.00) before a request will be processed
- 9.2.** 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 were granted)
- 9.3.** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- 9.4.** Records may be withheld until the fees have been paid
- 9.5.** The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za

10. APPENDIX A – PAIA FORM C

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REPUBLIC OF SOUTH AFRICA

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:

--

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 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:

.....

Telephone number:

.....

Fax 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:

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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.

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

.....

.....

.....

.....

2. Reference number, if available:

.....

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.....

.....

3. 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 below, 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 for access 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 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 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 of a record (above), do you wish the copy or transcription 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 is 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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

11. APPENDIX B – POPIA FORM 1

FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013
(ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION,
2018
 [Regulation 2]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the objection may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

.....
Signature of data subject/designated person

12. APPENDIX C – POPIA FORM 2

**REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 3]

Note:

1. *Affidavits or other documentary evidence as applicable in support of the request may be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*
3. *Complete as is applicable.*

Mark the appropriate box with an "x".

Request for:

☐

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

☐

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTRUCTED/ DESTROYED

D	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and or REASONS FOR *DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. <i>(Please provide detailed reasons for the request)</i>

Signed at this day of20.....

.....
Signature of data subject/ designated person