

PAIA MANUAL & POLICY

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

1. PURPOSE OF THE MANUAL

The purpose of this manual is to set out the information which Liquid Current is legally required to disclose under the Promotion of Access to Information Act (PAIA) and to explain how to exercise statutory rights under this Act with respect to records.

2. THE ACT AND THE INFORMATION REGULATORS GUIDE

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on the 3rd of February 2000, giving effect to the constitutional right of access to any information held by the State and any information held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request. An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA. This Guide is made available by the Information Regulator (established in terms of the Protection of Personal Information Act).



3. APPLICABLE LEGISLATION

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

NO.	ACT
1.	Companies Act
2.	Copyright Act
3.	Employment Equity Act
4.	Income Tax Act
5.	Labour Relations Act
6.	Value Added Tax Act
7.	Basic Conditions of Employment Act
8.	Electronic Communications and Transactions Act
9.	Financial Advisory and Intermediary Services Act
10.	Unemployment Insurance Act
11.	Direct Marketing Association Code of Ethics and Standard of Practice
12.	Protection of Personal Information Act
13.	Promotion of Access to Information Act 2 of 2000
14.	Compensation for Occupational Injuries and Health Diseases Act
15.	Competition Act
16.	Consumer Protection Act
17.	Financial Intelligence Centre Act
18.	National Credit Act
19.	Occupational Health and Safety Act
20.	Pension Funds Act
21.	Prevention of Organised Crime Act
22.	Prevention and Combating of Corrupt Activities Act
23.	Promotion of Equality and Prevention of Unfair Discrimination Act



4. SCHEDULE OF RECORDS

Records that may be requested

4.1. Personnel Records:

- 4.1.1. Personal records provided by personnel;
- 4.1.2. Records provided by a third party relating to personnel;
- 4.1.3. Conditions of employment and other personnel-related contractual and quasi- legal records;
- 4.1.4. Internal evaluation records and other internal records;
- 4.1.5. Correspondence relating to personnel;
- 4.1.6. Training schedules and material.

4.2. Customer Related Records:

- 4.2.1. Records provided by a customer to a third party acting for or on behalf of Liquid Current
- 4.2.2. Records provided by a third party;
- 4.2.3. Records generated by Liquid Current relating to its customer.



4.3. Private Body Records:

- 4.3.1. Financial Records
- 4.3.2. Operational Records
- 4.3.3. Database
- 4.3.4. Marketing Records
- 4.3.5. Internal Correspondence
- 4.3.6. External Correspondences
- 4.3.7. Product Records
- 4.3.8. Statutory Records
- 4.3.9. Internal Policies and Procedures
- 4.3.10. Legal Agreements and Records

5. The Request Procedure

Access to records held by Liquid Current may be accessed by requesters only once the prerequisite requirements for access have been met.

- 5.1. The requester must use the prescribed form (enclosed herewith in Annexure A) to make the request for access to a record.
- 5.2. The request should be made to the Information Officer of Liquid Current.
- 5.3. The prescribed form must be filled in with sufficient details, such as:
 - 5.3.1. Sufficient information to enable the Information Officer to identify the requestor;



5.3.2.If the request is made on behalf of another person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of

the Information Officer;

5.3.3.Sufficient information to enable the Information Officer to identify the record(s) requested;

5.3.4.The form of access required;



5.3.5.The requestor's postal address and / email address in South Africa;

5.3.6.If the requestor wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

5.3.7.Identification of the right which the requestor is seeking to exercise or protect;

5.3.8.An explanation on why the requested record is required to exercise or protect that right.

5.3.9.If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

5.4.The prescribed time periods will not commence until all the required information has been furnished to the Information Officer.

6. Timelines for consideration of a request for access

Liquid Current within 30 (Thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reason (if required) to that effect.

The 30 (thirty) day period with which Liquid Current has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of information, or the request requires a search for information and the information cannot reasonably be obtained within the initial 30 (thirty) day period. Liquid Current will notify the requester in writing should an extension be sought.

7. Potential grounds for refusal of a request

The Information Officer will refuse access to a record in accordance with one of the prescribed grounds in terms of the Act.

These grounds include:

7.1.the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;

- 7.2.the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- 7.3.if disclosure would result in the breach of a duty of confidence owed to a third party;
- 7.4.if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- 7.5.if the record was produced during legal proceedings, unless that legal privilege has been waived;



7.6. if the record contains trade secrets, financial or sensitive information or any information that would put Liquid Current (at a disadvantage in negotiations or prejudice it in commercial competition); and/or

7.7. if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Liquid Current.

Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal:

- (i) a substantial contravention of, or failure to comply with the law; or
- (ii) there is an imminent and serious public safety or environmental risk; and
- (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such a third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

8. Right of appeal to relevant authority

A requestor or third party referred to in S 74 of the Act, may only apply to court for appropriate relief in terms of S 82 of the Act after that requestor or third party has exhausted the internal appeal procedure against a decision of the Information Officer, as provided for in S74 of the Act and the Regulator's complaints procedure as referred to in S 77A.

If the requestor has any complaints regarding the access to information process, the requester may contact the Information Regulator. Email: infoereg@justice.gov.za.

9. Prescribed Fees

The following applies to requests:

- 9.1. A requestor is required to pay the prescribed fees before a request will be processed;
2. If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid;

3. A requestor may lodge an application with a court against the tender / payment of the request fee and / or deposit;
4. Records may be withheld until the fees have been paid;
5. The fee structure is enclosed herewith in Annexure B



ANNEXURE A

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER
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 Information Officer:

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

*** Compulsory Information**

Full Names and Surname / Full Company Name

Identity / Registration
Number

Physical
Address

Postal Address

Telephone Number

Fax
Number

Email



Contact Person (for Company or other entity)

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

*** Attach Power of Attorney hereto**

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 you know that, 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 required (copy, original, dated, stamp)

2. Reference
Number _____

3. Any further particulars of
record _____

E. FORM OF ACCESS TO RECORD

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.

F. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED:

NOTES:

If the provided space is inadequate, please continue of a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which rights are to be protected:



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

G. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS:

NOTES:

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

1. How would you prefer to be informed of the decision regarding your request for access to the record?

YOU MUST:

1. Complete all necessary spaces
2. Sign the access request form
3. Sign additional folios completed Document

SEND WITH THIS APPLICATION:

1. The request fee
2. Any additional folios
3. Copy of Identity

Signature.....

Requester/Person on behalf of whom request is made

.....

Signed at..... on this..... day of20.....



ANNEXURE B

FEES IN RESPECT OF PRIVATE BODIES

DESCRIPTION		RAND
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) - for every photocopy of an A4-size page or part thereof	1,10
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
(a)(i)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c)	For a copy in a computer-readable form on -	
(ii)	compact disc	70,00
(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)	For a copy of an audio record	30,00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	50,00
4	The access fees payable by a requester referred to in regulation 11(3) are as follows:	
4.1(a)	For every photocopy of an A4-size page or part thereof	1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
(c)	For a copy in a computer-readable form on -	
(i)	compact disc	70,00

(d)(i)	For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii)	For a copy of visual images	60,00
(e)(i)	For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii)	For a copy of an audio record	30,00
(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.	
4.2	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.	
4.3	The actual postage is payable when a copy of a record must be posted to a requester.	



