



PAIA and POPI Manual

of

XBC

in terms of

Section 51 of

The Promotion of Access to Information Act
(the "ACT")

The purpose of this document is to serve as the Manual as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records.

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1. Introduction

The XBC Group of Companies covered by this manual, comprises of XBC Network Products (Pty) Ltd with registration number 1998/015847/07, XBC Networks (Pty) Ltd with registration number 2002/017097/07, XBC Supplies (Pty) Ltd with registration number 2004/034007/23 and XBC Properties (Pty) Ltd registration number 2000/030299/07 whom will be referred to collectively as “XBC” hereafter. XBC conducts business and provides leading edge Data, Voice, Print and Pro - Active Managed Services to the South African Market.

This Promotion of Access to Information Manual (“Manual”) provides an outline of the type of records and the personal information it holds and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act 2 of 2000 (“PAIA Act”).

The PAIA and POPI Acts give effect to everyone’s constitutional right of access to information held by private sector or public bodies, if the record or personal information 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 shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with hereunder.

2. Company contact details: Section 51(1)(a)

This manual is published on the Company website at www.xbcit.co.za or alternatively, a copy can be requested from The Chief Executive. The Chief Executive of XBC have duly authorised the contact person below to ensure that the Act is complied with:

Directors	Mr David Glen and Mr Lloyd Webb
Contact Person	Michelle Oberholzer
Designation	Chief Information Officer
Physical Address	#14 High-Tech Village, Superior Road, Midrand
Postal Address	PO Box 30274, Kyalami, South Africa, 1684
Telephone	+2711 315-8085
Fax	+2711 315-4913
E-mail address	michelleo@xbc.co.za
Website address	www.xbcit.co.za

3. The Act: 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 of the Act which has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or at their website - <http://www.sahrc.org.za/>.

The contact details of the SAHRC are:

Physical Address The Human Rights Commission
 29 Princess of Wales Terrace
 Cnr York and St. Andrews Street
 Parktown
 Postal Address Private Bag 2700
 Houghton
 Telephone +27 11 877 3600 Fax +27 11 403 0625
 Website address www.sahrc.org.za

4. Applicable Legislation: Section 51(1)(c)

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

<u>No</u>	<u>Ref</u>	<u>Act</u>
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act

5. Schedule of Records available: Section 51(1)(d)

The following categories of records are automatically available without a person having to request access in terms of this Act:

<u>Records</u>	<u>Subject</u>
Public Affairs	<ul style="list-style-type: none"> • Public Product Information • Public Corporate Records • Media Releases
Financial	<ul style="list-style-type: none"> • Financial Statements • Financial and Tax Records (Company & Employees) • Asset Register • Management Accounts

- | | |
|-----------------|--|
| Marketing | <ul style="list-style-type: none"> • Market Information • Public Customer Information: <ul style="list-style-type: none"> ○ Product Brochures ○ Owner Manuals • Field Records • Performance Records • Product Sales Records • Marketing Strategies • Customer Database • Dealer Franchise Documents |
| Human Resources | <ul style="list-style-type: none"> • Recruitment Documents • Commencement Documents • Training Records • Performance Managements Records • Medical Records |

6. Form of request: Section 51 (1)(e)

To facilitate the processing of your request, kindly:

- 6.1. Use the prescribed form, available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.
- 6.2. Address your request to the Head of the Company (Chief Information Officer).
- 6.3. Provide sufficient details to enable the Company 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) 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.

Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to the CIO whose name and address details appear in paragraph 2 hereof.

7. Prescribed fees: Section 51 (1)(f)

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

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 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);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

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- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za

Please note that the correct completion and submission of a Request for Access form does not automatically entitle or allow the applicant access to the requested record.

An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in Part 3 Chapter 4 of the Act.

Please further note that if it is reasonably suspected that an applicant has obtained access to a record on the basis of the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such applicant.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act, an extract of the details of which is attached at the end of this manual.

7.1 Completion of Request for Access Form

All applicants should take note of the following guidelines when completing the attached Request for Access to Record:

- The form must be completed by filling in all lines and spaces.
- Proof of the identity, in the form of a copy of the applicant's identity document, is required to be submitted with the application.
- If the applicant is a body corporate, the authority of the person submitting the application on behalf of such body corporate must be proven on the basis of a written authority to be attached.
- Type or print in a clear eligible manner, if a question does not apply indicate so by inserting "N/A" in response to that question, and if there is nothing to disclose in response to a particular question write "NIL" in response thereto.
- If there is insufficient space in the form, add additional folios on which the additional information is provided, clearly indicating to which question this relates.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

7.2 Notification of extension period (if required)

Applicants must take note that in terms of the Act, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension);

7.3 The access fee and/or deposit

The applicant will be informed of the access fee or deposit (if any) which is payable for having access to the records and for the search, reproduction and/or preparation work

involved, the account details and of the methods in which payment may be made. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

7.4 Decision on request

The applicant will be informed whether or not the application for access has been denied or granted. In the event that the application is refused, the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

7.5 Grounds for refusal

XBC may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which XBC may refuse include:

- Protecting personal information that XBC hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that XBC holds about a third party or XBC (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of XBC or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of XBC;
- Disclosure of the record would put XBC at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and/or
- The record contains information about research being carried out or about to be carried out on behalf of a third party of XBC.

7.6 Records that cannot be found or do not exist

If XBC has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

8 Third party information

If access is requested to a record that contains information about a third party, XBC is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated CIO will consider these reasons in determining whether access should be granted, or not.

FORM

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: _____
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: _____

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.
- (c) Description of record or relevant part of the record:
- (d) Reference number, if available:
- (e) 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.
- (e) 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:	Form in which record is required
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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	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 _____ 2018.

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE