



ACCESS TO INFORMATION MANUAL (PRIVATE BODY)

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

1. Purpose of the Manual in terms of PAIA

The purpose of this Manual is to assist people wishing to access information from Savvy Skills in terms of the Protection of Access to Information Act 2 of 2000 (PAIA).

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 in terms of the Act, the public body must be acting in the public interest. Requests in terms of the Act shall be made in accordance with the prescribed procedures, and at the prescribed fees.

A guide on how to use the Act has been compiled by the SAHRC in terms of section 10 of the Act and is available on the SAHRC website (www.sahrc.org.za).

2. Request for access to information

In the event that a person or entity requires access to information as contemplated in the Act, the requester must contact the Information Officer as identify in this Manual.

Section 25(2) of PAIA states that:

(2) If the request for access is granted, the notice in terms of subsection (1)(b) must state—

- a) the access fee (if any) to be paid upon access;
- b) the format in which access will be given; and
- c) that the requester may lodge an internal appeal or an application with a court, as the case may be, against the access fee to be paid or the format of access to be granted, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

(3) If the request for access is refused, the notice in terms of subsection (1)(b) must—

- a) state adequate reasons for the refusal, including the provisions of this Act relied upon;
- b) exclude, from such reasons, any reference to the content of the record; and
- c) state that the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request, and the procedure (including the period) for lodging the internal appeal or application, as the case may be.

3. Terms used in this document

Terms defined in the act shall have the meaning set out therein;
Reference to sections shall be a reference to sections in the Act.

"the Act" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;

"Savvy Skills" means Savvy Skills, a professional specialist that renders human resources services to small and medium enterprises and organisations;

"Client" means a natural or juristic person who or which receives services from Savvy Skills;

"Correspondence" means written and electronic communication exchanged between two or more parties;

"Employee" means any person who works for, or provides services to, or on behalf of Savvy Skills, and receives or is entitled to receive remuneration;

"Information Officer" means the designated information officer/s or the head of the body, as described in this Manual;

"Manual" means this manual, together with all annexures thereto as amended and made available at the offices of Savvy Skills from time to time;

"Requester" means any person or entity requesting access to a record that is under the control of Savvy Skills; and

"SAHRC" means the South African Human Rights Commission.

4. Background of Savvy Skills

Savvy Skills is a sole trader providing independent human resources services to South African commercial and non-profit organisations since 2014. We are based in the Western Cape.

5. Organisation Details

Cape Town

Aurora Street

Durbanville

Cape Town, 7551

Tel: 084 500 7170 / 081 276 7216

info@savvyskills.co.za

6. Details of the Information Officer

Information Officer : WL Burmeister
willow@savvyskills.co.za

7. Information freely available from Savvy Skills - Section 51(1) (c)

In terms of Section 52, a private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records which are automatically available without a person having to request access in terms of this Act. This includes records which are available:

- for inspection
- for purchase or copying from the private body; and
- from the private body free of charge)

8. Information kept by Savvy Skills in accordance with other legislation - Section 51(1) (d)

Records are kept in accordance with legislation applicable to Savvy Skills, which includes but is not limited to, the following -

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act of 2003 (Act No. 53 of 2003)
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002

9. Information held by Savvy Skills - Section 51(1) (e)

This section sets out the categories and descriptions of records held by Savvy Skills. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

- Accounting records
- Information Technology
- Intellectual Property
- Employee Records
- Sales and Marketing
- Statutory Company records
- Client Databases
- Internal Phone lists
- Policies
- Directives
- Minutes of Meetings
- Administrative information

10. Requesting Procedure

- 10.1 The Requester must provide sufficient detail on the Request Form to enable the Information Officer to identify the record and the Requester. The Requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The Requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed [See s 53(2)(a) and (b) and (c) and (e) of the Act]. 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 [See s 53(2)(d) of the Act]. 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 [See s 53(2)(f) of the Act].
- 10.2 In terms of Part 3, Chapter 4 of the Act, Savvy Skills may and in certain instances refuse access to records on the following grounds:
- professional privilege;
 - the record constitutes privileged information for the purposes of legal proceedings;
 - it is necessary to protect the commercial information or the confidential information of a third party;
 - it is necessary to protect the commercial information of Savvy Skills;
 - it is necessary to protect the safety of individuals or property;
 - it is necessary to protect the research information of a third party or of Savvy Skills; and
 - granting access would result in the unreasonable disclosure of personal information about a third party.
- 10.3 If, after all reasonable steps to locate a record have been taken, and no record is found, then the Information Officer will notify the Requester, by way of an affirmation or affidavit that access to the requested and titled document cannot be provided. The affirmation or affidavit will include detailed account of the steps taken to try to locate the record. Should a record be found at a later stage, the Information Officer shall provide the Requester access to such record, unless access to the record is refused on the grounds permitted by the Act (Part 3, Chapter 4).
- 10.4 A requester who seeks access to a record containing personal information about that requester is not required to pay the request fees. Any other requester who is not a personal requester must pay the required fee in terms of S54 of the Act:
- 10.4.1 A requester fee of R50 should be paid, this amount will be refunded should the request for access be refused.
- 10.4.2 A portion of the access fee (not more than one third) may be required before the request is considered.
- 10.4.3 The requester may lodge an application with a court against the payment of the request fee in terms of S54(3)(b) of the Act.
- 10.4.4 Savvy Skills may withhold a record until the requester has paid the applicable fees.

10.4.4 Prescribed forms and fee structure in respect of private bodies s 53 and 54 of the Act are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development (www.doj.gov.za), under the 'regulations' section as well as the SAHRC website (www.sahrc.org.za).

11. Availability of the Manual – Section 51(3)

11.1 This manual is available on the website of Savvy Skills, www.savvyskills.co.za.

11.2 Copies may also be requested from the South African Human Rights Commission at the address indicated below.

12. Details of the South African Human Rights Commission

Any queries with regard to this manual should be directed to:

The South African Human Rights Commission; PAIA Unit Research
and Documentation Department
Private Bag 2700
Houghton
2041

Phone: 011 484 8300

Fax: 011 484 0582

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

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