

# **Aktiv60 PAIA Manual**

**Aktiv60 (Pty) Ltd**

## **THE PROMOTION OF ACCESS TO INFORMATION MANUAL**

**(“The Manual”)**

## **1 PREAMBLE**

- 1.1. The Promotion of Access to Information Act, 2000 (“PAIA”) came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.
- 1.2. Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private bodies and stipulates the minimum requirements that the manual has to comply with.
- 1.3. This Manual constitutes the Aktiv60 PAIA manual. This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (“POPIA”), which gives effect to everyone’s Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.
- 1.4. This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

## **2 ABOUT AKTIV60**

- 2.1 The Manual is applicable to Aktiv60 and is available to view at its premises at:  
24 Walton Road, Midrand, Johannesburg, 1684.
- 2 This PAIA Manual is compiled not only to ensure that Aktiv60 complies with PAIA and POPIA, but is also intended to:
  - 2.2.1 foster a culture of transparency and accountability within Aktiv60 by giving effect to the right to information that is required for the exercise or protection of any right; and
  - 2.2.2 actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

## **3 OBJECTIVES OF THIS MANUAL**

The objectives of this Manual are:

- 3.1 to provide a list of all records held by Aktiv60;
- 3.2 to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
  - 3.2.1 to define the manner and form in which a request for information must be submitted; and
  - 3.2.2 to comply with the additional requirements imposed by POPIA.

## **3.3 CONTACT DETAILS**

**Name of Private Body:**

Aktiv60 South Africa (Pty) Ltd

**Designated Information Officer:** Tyy Ford (Managing Director)  
**Email address of Information Officer:** please enquire for the Information Officer's email address at: [admin@aktiv60.co.za](mailto:admin@aktiv60.co.za)  
**Street address:** 24 Walton Avenue, Midrand, Johannesburg, 1684  
**Phone number:** 010 312 5000

#### 4 THE INFORMATION AND DEPUTY INFORMATION OFFICERS

- 4.1 PAIA and POPIA require the appointment of an Information Officer which in relation to a private body means the head of a private body as contemplated in section 1 of PAIA.
- 4.2 Section 56 of POPIA makes provision for the appointed Information Officer to delegate the associated duties and responsibilities to a duly authorised person. All requests to Aktiv60 for information in terms of the Act must be addressed to the Deputy Information Officer.

#### 4.3 Contact details of Deputy Information Officers

**Deputy Information Officer:** Not yet appointed  
**Physical Address:** TBC  
**Telephone Number:** TBC

#### 5 INFORMATION REGULATORS GUIDE

- 5.1 An official Guide will be or has been, compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from the Information Regulator and the Information Officer free of charge. Any request for public inspection of the Guide at the office of the Information Officer or a request for a copy of the Guide from the Information Officer must substantially correspond with Form 1 of Annexure A to Government Notice No. R.757 dated 27 August 2021, promulgated under the PAIA Regulations. Please refer to Annexure C.
- 5.2 Any enquiries regarding the Guide should be directed to:  
Postal Address:  
JD House, 27 Stiemens Street  
Braamfontein, Johannesburg, 2000  
E-mail Address: [infoleg@justice.gov.za](mailto:infoleg@justice.gov.za)  
Website: <https://www.justice.gov.za/infoleg/>

#### 6 ENTRY POINT FOR REQUESTS

- 6.1 PAIA provides that a person may only make a request for information if the information is required for the exercise or protection of a legitimate right.
- 6.2 Information will therefore not be furnished unless a person provides sufficient particulars to enable Aktiv60 to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality, and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.
- 6.3 The Information Officer has been delegated with the task of receiving and coordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.
- 6.4 The Information Officer will facilitate the liaison with the internal legal team on all these requests.
- 6.5 All requests in terms of PAIA and this Manual must be addressed to the Information Officer using the details

in paragraph 1.10 above.

## **7 AUTOMATICALLY AVAILABLE INFORMATION**

- 7.1 Information that is obtainable via the Aktiv60 website about Aktiv60 is automatically available and need not be formally requested in terms of this Manual.
- 7.2 The following categories of records are automatically available for inspection, purchase or photocopying:
  - 7.2.1 brochures
  - 7.2.2 press releases
  - 7.2.3 publication; and
  - 7.2.4 various other marketing and promotional material.

## **8 INFORMATION AVAILABLE IN TERMS OF POPIA**

Categories of personal information collected by Aktiv60

Aktiv60 may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to-

- 8.1 information relating to the gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and the birth of the person;
- 8.2 information relating to the education or the medical, financial, criminal or employment history of the person;
- 8.3 any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- 8.4 the personal opinions, views or preferences of the person;
- 8.5 correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- 8.6 the views or opinions of another individual about the person; and
- 8.7 the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person;
- 8.8 the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- 8.9 the criminal behaviour of a data subject to the extent that such information relates to-
  - 8.9.1 the alleged commission by a data subject of any offence; or
  - 8.9.2 any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

## **9 THE PURPOSE OF PROCESSING PERSONAL INFORMATION**

- 9.1.1 In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Aktiv60 will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to Aktiv60's Privacy Policy for further information.
- 9.1.2 In general, personal information is processed for purposes of dealing with customers, complaints, procurement purposes, records management, security, employment and related matters.
- 9.2 A description of the categories of data subjects and of the information or categories of information relating thereto Aktiv60 holds information and records on the following categories of data subjects:

- 9.2.1 Members or clients of Aktiv60 (including ex-members who are no longer members but have remaining debts outstanding with Aktiv60);
- 9.2.2 Employees/personnel of Aktiv60;
- 9.2.3 Any third party with whom Aktiv60 conducts business;
- 9.2.4 Tenants and independent contractors of Aktiv60;

## **10 SUPPLIERS AND SERVICE PROVIDERS OF AKTIV60. (THIS LIST OF CATEGORIES OF DATA SUBJECTS IS NON-EXHAUSTIVE.)**

The recipients or categories of recipients to whom the personal information may be supplied depending on the nature of the personal information, Aktiv60 may supply information or records to the following categories of recipients:

- 10.1 Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information;
- 10.2 Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules;
- 10.3 South African Revenue Services, or another similar authority;
- 10.4 Anyone making a successful application for access in terms of PAIA or POPIA; and
- 10.5 Subject to the provisions of POPIA and other relevant legislation, Aktiv60 may share information about a client's creditworthiness with any credit bureau or credit provider industry association or other association for an industry in which Aktiv60 operates.

## **11 PLANNED TRANSBORDER FLOWS OF PERSONAL INFORMATION**

- 11.1 If a data subject visits Aktiv60's website from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries.
- 11.2 Aktiv60 may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.
- 11.3 These countries may not have data protection laws which are similar to those of South Africa

## **12 A GENERAL DESCRIPTION OF INFORMATION SECURITY MEASURES TO BE IMPLEMENTED BY AKTIV60**

- 12.1 Aktiv60 takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. Aktiv60 takes appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

## **13 INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
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- Promotion of Access of Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998 Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001 Value Added Tax Act 89 of 1991

## 14 CATEGORIES OF RECORDS AVAILABLE UPON REQUEST

- 14.1 Aktiv60 maintains records on the categories and subject matters listed below. Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.
- 14.2 Please note further that many of the records held by Aktiv60 are those of third parties, such as clients and employees, and Aktiv60 takes the protection of third-party confidential information very seriously. Where Aktiv60 acts as a professional advisor to clients, many of the records held are confidential and others are the property of the client and not of Aktiv60. For further information on the grounds of refusal of access to a record please see paragraph 15.5 below. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

### *Category of records*   *Records*

<i>Category of records</i>	<i>Records</i>
<p><b>Internal records</b>  <i>The records listed pertain to Aktiv60’s own affairs. Some of these categories of records are covered in more detail below</i></p>	<ul style="list-style-type: none"> <li>• Memoranda and Articles of Association</li> <li>• Financial records</li> <li>• Operational records</li> <li>• Intellectual property</li> <li>• Marketing records</li> <li>• Internal correspondence</li> <li>• Service records</li> <li>• Statutory records</li> <li>• Internal policies and procedures Minutes of meetings</li> </ul>
<p><b>Personnel records</b>  <i>For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of Aktiv60 and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Aktiv60. This includes partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.</i></p>	<ul style="list-style-type: none"> <li>• Any personal records provided to us by our personnel</li> <li>• Any records a third party has provided to us about any of their personnel</li> <li>• Conditions of employment and other personnel-related contractual and quasilegal records</li> <li>• Employment policies and procedures</li> <li>• Internal evaluation and disciplinary records and other internal records and correspondence.</li> </ul>
<p><b>Client-related records</b></p>	<ul style="list-style-type: none"> <li>• Contracts with the client and between the client and other persons</li> </ul>
<p><b>Other third-party records</b>  <i>Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Aktiv60 is a party, contractors and sub- contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Aktiv60.</i></p>	<ul style="list-style-type: none"> <li>• Personnel, client, or Aktiv60 records</li> <li>• which are held by another party as opposed to being held by Aktiv60</li> <li>• Records held by Aktiv60 pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers</li> </ul>
<p><b>Strategic Planning Records</b></p>	<ul style="list-style-type: none"> <li>• Operational plans</li> <li>• Strategic plans</li> </ul>

<b><i>Human Resources Records</i></b>	<ul style="list-style-type: none"> <li>• Booklets and Codes for employees Collective agreements</li> <li>Human Resources Policies Employee records relating to: <ul style="list-style-type: none"> <li>• Employment Manning</li> <li>• Remuneration and Incentives Accommodation</li> <li>Performance Management Employee Development</li> <li>Employee Relations Employee Care</li> </ul> </li> <li>• Human Resource Administration</li> <li>• Health and Wellness</li> <li>• Separations</li> <li>• Managerial</li> <li>• Disciplinary Hearings</li> </ul>
<b><i>Business Development Records</i></b>	Books and publications Brokers notes Information relating to: <ul style="list-style-type: none"> <li>• Aktiv60 Competitors</li> <li>• Transactions and agreements with third parties</li> </ul>
<b><i>Finance Records</i></b>	Records for Aktiv60 comprise: <ul style="list-style-type: none"> <li>• Vendor invoices</li> <li>• Remittance advices</li> <li>• Accounts receivable</li> <li>• Banking records</li> <li>• Management and monthly accounts, quarterly and annual financial statements</li> <li>• External audit reports and records</li> <li>• Annual budgets</li> <li>• Fixed asset register</li> <li>• Accounting policies and procedures</li> </ul>
<b><i>Legal Records</i></b>	<ul style="list-style-type: none"> <li>• Details of external counsel used by the company (locally and abroad)</li> <li>• Copies of agreements to which group companies are party to</li> <li>• List of current matters Details of legal proceedings</li> <li>General legal correspondence</li> </ul>
<b><i>Tax Records</i></b>	<ul style="list-style-type: none"> <li>• Tax returns as filed with the South African Revenue Services (“SARS”)</li> <li>• Correspondence with SARS on various issues – including objections to assessments, rulings obtained etc.</li> <li>• Documentation on tax advice and opinions obtained from external counsel</li> <li>• Documentation on “internal” matters of Aktiv60 e.g., employees’ tax matters etc.</li> </ul>
<b><i>Operations Records</i></b>	Current records concerning: <ul style="list-style-type: none"> <li>• Business plans</li> <li>• Capital projects</li> <li>• Administration and management of the operations</li> <li>• Health, safety and environmental Operational reports</li> </ul>
<b><i>Other records</i></b>	<ul style="list-style-type: none"> <li>• Information relating to Aktiv60</li> </ul> Research information belonging to Aktiv60 or carried out on behalf of a third party

Table i - Category of Records

## **15 REQUEST PROCEDURE**

15.1.1 Completion of the prescribed form

15.1.2 Any request for access to a record in terms of PAIA must substantially correspond with Form 2 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations and should be specific in terms of the record requested. Please refer to Annexure A.

15.1.3 POPIA provides that a data subject may, upon proof of identity, request Aktiv60 to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information.

15.1.4 Any request for access to personal information under POPIA must be submitted in the form attached hereto as Annexure G.

15.1.5 POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Aktiv60 must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

15.1.6 A request for access to information that does not comply with the formalities as prescribed by PAIA/POPIA will be returned to you, but you can contact our Information Officer should you require assistance.

15.1.7 Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.

15.1.8 POPIA provides that a data subject may object, at any time, to the processing of personal information by Aktiv60, on reasonable grounds relating to his/her situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as Annexure E and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

15.1.9 A data subject may also request Aktiv60 to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that Aktiv60 is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.

15.1.10 A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as Annexure F.

### **15.2 Proof of identity**

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

### **15.3 Payment of the prescribed fees**

15.3.1 There are two categories of fees which are payable:

*15.3.1.1 The request fee: R140.00*

*15.3.1.2 The access fee: This is calculated by considering reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in Annexure B.*

15.3.2 Section 54 of PAIA entitles Aktiv60 to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in Annexure B of Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Please refer to Annexure B.

15.3.3 Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

### **15.4 Timelines for consideration of a request for access**



- 15.4.1 Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.
- 15.4.2 The Information Officer will inform the requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with Form 3 of Annexure A to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Please refer to Annexure D.
- 15.4.3 Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

## **15.5 Grounds for refusal of access and protection of information**

- 15.5.1 There are various grounds upon which a request for access to a record may be refused. These grounds include:
- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
  - 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);
  - if disclosure would result in the breach of a duty of confidence owed to a third party;
  - if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
  - if the record was produced during legal proceedings unless that legal privilege has been waived;
  - if the record contains trade secrets, financial or sensitive information or any information that would put Aktiv60 (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
  - if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Aktiv60.
- 15.5.2 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.
- 15.5.3 If the request for access to information affects a third party, then such 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.

## **16 REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS**

- 16.1 If the Information Officer decides to grant you access to the record, such access must be granted within 30 (thirty) days of being informed of the decision.
- 16.2 There is no internal appeal procedure that may be followed if a request to access information has been refused. The decision made by the Information Officer is final. If you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.
- 16.3 Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

## **17 AVAILABILITY OF THIS MANUAL**

Copies of this Manual are available for inspection, free of charge, at the offices of Aktiv60 at Street address: 24 Walton Avenue, Midrand, Johannesburg, 1684  
The Manual is also available on the website of Aktiv60 at [www.aktiv60.co.za](http://www.aktiv60.co.za)