

## PAIA & POPI Manual

THIS MANUAL WAS PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("The Act") AND TO ADDRESS REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (" POPI")

This manual applies to Empowerdex (Pty) Ltd and includes all its subsidiaries.

Empowerdex (Pty) Ltd

Registration number: 2001/027963/07

Registered office address:

1<sup>st</sup> Floor, Building 3, Inanda Greens Business Park

54 Wierda Road West

Wierda Valley

Sandton

2196

(the "Company")



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## INTRODUCTION

The promotion of Access to Information Act, No. 2 of 2000 (the "Act") was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the state and any information that is held by another party that is required for the exercise or protection of any rights. This Act gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released.

This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act. This Act is read in conjunction with the Protection of Personal Information Act 4 of 2013.

## Nature of the Business

Empowerdex provides B-BBEE Verification and various related services to its clients.

## Contact Details

Name of Business : Empowerdex (Pty) Ltd

Information Officer : Lerato Ratsoma (Managing Director)

Street Address : 1<sup>st</sup> Floor, Building 3, Inanda Greens Business Park, 54 Wierda Road West, Wierda Valley, Sandton, 2196

Postal Address : Postnet Suite 273, Private Bag X26, Sunninghill, 2157

Telephone : 011 883 8548

Email : [lratsoma@empowerdex.com](mailto:lratsoma@empowerdex.com)

Website : [www.empowerdex.com](http://www.empowerdex.com)

  

Subsidiaries : Empowerdex Northern Regions (Pty) Ltd  
: Empowerdex Verification Services Kwazulu-Natal (Pty) Ltd  
: Express Verification Services (Pty) Ltd  
: Carvel Holdings (Pty) Ltd  
: Carvel Capital (Pty) Ltd



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## **GUIDE OF HUMAN RIGHTS COMMISSION / INFORMATION REGULATOR**

A guide to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide and its contents should be directed to:

**The South African Human Rights Commission:**

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484 8300

Fax: +27 11 484 7146

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [PAIA@sahrd.org.za](mailto:PAIA@sahrd.org.za)

Alternatively, its successor,

**The Information Regulator (South Africa)**

SALU Building, 316 Thabo Sehume Street, Pretoria

Ms Mmamoroke Mphelo

Telephone: +27 12 406 4818

Fax: +27 86 500 3351

Email: [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## **ACCESS TO RECORDS HELD BY THE COMPANY**

Records held by the Company may be accessed on request only once the requirements for access have been met. A requestor is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requestors:

### **Personal Requestor**

A personal requestor is a requestor who is seeking access to a record containing personal information about the requestor. Subject to the provisions of the Act and applicable law, the Company will provide the requested information, or give access to any record with regard to the requestor's personal information.



### **Other Requestor**

This requestor (other than a personal requestor) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requestor fulfilling the requirements for access in terms of the Act.

### **Request Procedure**

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in Appendix 1 and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer at the postal or physical address or electronic mail address stated herein. The prescribed form must be filled in with enough information to at least enable the Information Officer to identify:

- The record/records requested;
- The identity of the requester;
- What form of access is required, if the request is granted;
- The postal address or contact details of the requester.

A requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requestor must also provide an explanation of why the requested record is required for the exercise or protection of that right.

The Company will process a request within 30 days, unless the requester has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

The requester shall be informed in writing whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

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

The requester must pay the prescribed fee, before any further processing can take place. If an Information Officer fails to give the decision on a request for access to the requester concerned within 30 days, the information officer is regarded as having refused the request.

### Decision

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

### FEES

- When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester, other than a Personal Requester, to pay the prescribed request fee of R50.00 (excluding VAT), before further processing of the request for Access.
- Prescribed fees (excluding VAT) are set out as follows:
  - o The fee for a copy of this manual is contemplated in regulation 9 (2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.
  - o The fees for access/reproduction referred to in regulation 11(1) are as follows:

(a)		For every photocopy of an A4-size page or part thereof	R 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	R 0.75
(c)		For a copy in a computer-readable device like a CD	R 70.00
(d)	(i)	Transcription of visual images, for an A4-size page or part thereof	R 40.00
	(ii)	For a copy of visual images	R 60.00
(e)	(i)	For a transcription of an audio record, for an A4-size page or part thereof	R 20.00
	(ii)	For a copy of an audio record	R 30.00
(f)		Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation	



(g)	Actual postage/courier fee, whichever is preferred
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- If the search for a Record requires more than the prescribed hours for this purpose, the Information Officer will notify the Requester to pay as a deposit, the prescribed portion of the access fee (being not more than one third) which would be payable if the Request for Access is granted.
- The Information Officer shall have the right to withhold a record until the Requester has paid the fees as set out above.
- A requester whose request for access to a record has been granted, must pay an access fee for the reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the information for disclosure, including making arrangements to make it available in a requested form provided for in PAIA.
- If a deposit has been paid in respect of a request for access which is refused, the Information Officer will repay the deposit to the requester.

## **CATEGORIES OF RECORDS HELD BY THE COMPANY (SECTION 51(1)(E))**

This section serves as a reference to the records that the Company and all its subsidiaries holds. It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter. The information is classified and grouped according to records relating to the subjects and categories mentioned below:

### **Companies Act Records**

- Documents of Incorporation
- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors / auditors / secretary / public officer and other officers
- Share Register and other statutory registers

### **Financial Records**

- Annual financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices



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## **Tax Records**

- PAYE Records
- Documents issued to employees for tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - o VAT
  - o Skills Development Levies
  - o UIF
  - o Workmen's Compensation

## **Private Body Records**

- Operational records
- Databases
- Information technology
- Marketing records
- Internal correspondence
- Internal Policies and Procedures
- All records which pertain to the Company and its subsidiaries' own affairs.

## **Personnel Documents and Records**

- "Personnel" refers to any person who works for, or provides a service to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.
- Personal records provided by personnel
- Records provided by a third party relating to personnel
- Employment contracts
- Internal evaluation records and other internal records
- Correspondence relating to personnel
- Training schedules, material, manuals and records
- Employment Equity Plan (if applicable)
- Disciplinary records
- Salary records
- Disciplinary code, procedures and records
- Leave records
- Policy & Procedure documents

**Client Related Records**

- A "client" refers to any natural or juristic person that receives a service from the Company.
- All records provided by a client in order for the Company to supply the services for which it was appointed, including without limitation, financial records, correspondence, contractual records, statutory records, and records about their contractors, suppliers, employees, beneficiaries, shareholders, directors etc.
- Records provided by a third party.
- Records generated by or within the Company relating to its clients.

**PROCESSING OF PERSONAL INFORMATION**

**Purpose of Processing**

The Company uses the Personal Information under its care in the following ways:

- Rendering of the services in accordance with the instructions received by clients
- Staff administration
- Keeping of accounts and records
- Complying with tax and other laws and regulations

**Categories of Data Subjects and their Personal Information**

In terms of the Act, and for the purpose of receiving client information in order to provide a service, the Company will be deemed the Operator. In terms of the collection of employee information, the Company will be deemed the Responsible Party.

The Company may process records relating to suppliers, shareholders, contractors, service providers, staff and clients:

Entity Type	Personal Information Processed
Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Company Registration information; Founding documents;



	<p>Tax related information;</p> <p>Employee information;</p> <p>Skills Development information;</p> <p>Employment Equity Information,</p> <p>Identification information;</p> <p>Management and Shareholders information;</p> <p>Supplier Information;</p> <p>Economic Development Information;</p> <p>Social Responsibility information</p>
Contracted Service Providers	<p>Names of contact persons;</p> <p>Name of Legal Entity;</p> <p>Physical and Postal address and contact details;</p> <p>Financial information;</p> <p>Registration information;</p> <p>Founding documents;</p> <p>Tax related information,</p>
Employees, Directors & Shareholders	<p>Gender;</p> <p>Pregnancy,</p> <p>Marital Status;</p> <p>Colour;</p> <p>Age;</p> <p>Language;</p> <p>Race;</p> <p>Education information;</p> <p>Financial Information;</p> <p>Employment History;</p> <p>ID number;</p> <p>Physical and Postal address;</p> <p>Contact details;</p>

**Categories of Recipients for Processing the Personal Information**

The Company may supply the Personal Information to service providers who render the following services:

- Capturing and organising and storing of data



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- B-BBEE Verifications
  - Financial Auditing
  - Sending of emails and other correspondence to clients
  - Conducting due diligence checks;
  - Administration of the Collective Investment / Retirement schemes;

### **General Description of Information Security Measures**

The Company employs up to date technology to ensure the confidentiality, integrity and availability of the Personal Information under its care. Measures include:

- Firewalls
- Virus protection software and update protocols
- Logical and physical access control;
- Secure setup of hardware and software making up the IT infrastructure;
- Outsourced Service Providers are contracted to implement and maintain security controls.

### **REFUSAL OF ACCESS TO RECORDS**

#### **Grounds to Refuse**

The main grounds to refuse a request for information relates to the:

- Mandatory protection of the privacy of a third party who is a natural person/juristic, which would involve the unreasonable disclosure of personal information of that natural person/juristic;
- Mandatory protection of the commercial information of a third party, if the record contains trade secrets of the third party;
  - o Financial, commercial, scientific, legal or technical information which disclosure could likely cause harm to the financial, legal or commercial interests of that third party;
  - o Information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of the Company, which may include:
  - o Trade secrets;
  - o Financial, commercial, scientific or technical information which disclosure should likely cause harm to the financial or commercial interests of the Company;



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- Information which, if disclosed could put the Company at a disadvantage in negotiations or commercial competition;
  - Any computer programmes which are owned by the Company, and which are protected by copyright;
  - The research information of the Company or a third party, if its disclosure would disclose the identity of the Company, the researcher or the subject matter of the research would place the research at a serious disadvantage.
- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Section 23(4)(a) of the Protection of Personal Information Act plies the same grounds to refuse access.

## **REMEDIES AVAILABLE IF REQUEST FOR INFORMATION IS REFUSED**

### **Internal Remedies**

The Company does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

### **External Remedies**

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **LIST OF APPLICABLE LEGISLATION**

Records of the company's and other legal entities in which the Company has a direct controlling interest (or an indirect controlling interest through its subsidiaries) may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company and/or its subsidiaries from time to time:

- Basic Conditions of Employment Act 57 of 1997
- Broad-based Black Economic Empowerment Act 53 of 2003



- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act 130 of 1993
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Promotion of Access to Information Act 2 of 2000
- Skills Development Act 97 of 1998
- Skills Development Levy Act 9 of 1999
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a requester believes that a right to access a record exists in terms of other legislation listed above or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

## AVAILABILITY OF THE MANUAL

The manual is available for inspection, on reasonable prior notice, at the office of the company free of charge. Copies of the manual of the Company are also available from the SAHRC.

## APPROVAL

ASSENTED TO ON BEHALF OF THE COMPANY ON THIS 8th day OF June 20 21

  
LERATO RATSOMA



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**APPENDIX 1: PRESCRIBED FORM C TO BE COMPLETED BY A REQUESTOR**

([https://www.justice.gov.za/forms/paia/J752\\_paia\\_Form%20C.pdf](https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf))

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. Particular 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 requestor must sign all the additional folios.

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

2. Reference number, if available:

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 hereunder, state your disability and indicate in form the record is required.

Disability:	Form in which record is required:
<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 / printed form:	<input type="checkbox"/> copy of record <input type="checkbox"/> inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	<input type="checkbox"/> view the images <input type="checkbox"/> copy of the images <input type="checkbox"/> transcription of the images
3. If record consists of recorded words or information which can be reproduced in sound:	<input type="checkbox"/> listen to the soundtrack on audio cassette <input type="checkbox"/> transcription of soundtrack written / printed document
4. If record is held on computer or in an electronic or machine-readable form:	<input type="checkbox"/> printed copy of record <input type="checkbox"/> printed copy of information derived from the record <input type="checkbox"/> copy in computer readable form (cd or other)

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 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 \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER  
/ PERSON ON WHOSE BEHALF REQUEST IS MADE