

PAIA Manual

**Required in terms of section 51 of the *Promotion of Access to Information Act 2 of 2000*
(as amended)**

DATE OF COMPILATION : JULY 2022

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1. INTERPRETATION

In this document, clause headings are for the purposes of convenience and reference only and shall not be used in the interpretation of this document, unless the context clearly indicates a contrary intention -

- 1.1. a reference to:-
 - 1.1.1. any particular gender shall include the other genders;
 - 1.1.2. the singular shall include the plural and vice versa;
 - 1.1.3. a natural person shall include a juristic person (whether a corporate or unincorporated created entity) and vice versa;
- 1.2. all of the annexes hereto are incorporated herein and shall have the same force and effect as if they were set out in the body of this agreement;
- 1.3. words and/or expressions defined in this agreement shall bear the same meanings in any annexes hereto which do not contain their own defined words and/or expressions;
- 1.4. where a period consisting of a number of days is prescribed, it shall be determined by excluding the first and including the last day. Where the day upon or by which any act is required to be performed is not a Business Day, the parties shall be deemed to have intended such act to be performed upon or by the first Business Day thereafter;
- 1.5. this document does not deal with every action provided in the Act, and the person reading this document should further familiarise his/her/itself with the provisions of the Act; and
- 1.6. should there be any conflict in respect of the interpretation of this document and the Act, the Act shall prevail.
- 1.7. the following terms shall have the meanings assigned to them hereunder and cognate expressions shall have corresponding meanings, namely-
 - 1.7.1. “**document**” means this document together with all annexures, as amended from time to time;
 - 1.7.2. “**Company**” means ENDEMIK CONSULTING (PTY) LIMITED;
 - 1.7.3. “**Act**” means the *Promotion of Access to Information Act 2* of 2000. Including regulations promulgate in terms of the Act; as amended from time to time;
 - 1.7.4. “**Information Officer**” means the Information Officer as specified in clause 3.3; and
 - 1.7.5. “**Regulator**” means the Information Regulator as prescribed in the Act;

2. PURPOSE OF MANUAL AND THE ACT

- 2.1. The purpose of the Act is to promote the right of access to information.
- 2.2. This manual aims to assist the public with the request for access to records of the Company in terms of the Act, by providing the relevant information to the public as required by the Act.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE COMPANY

3.1. The Company

Full Name: Endemik Consulting (Pty) Limited
Registration Number: 2016/407480/07
Postal Address: 14 Glen Lodge, 28 Palliser Road, Eden Glen, Gauteng, 1609
Physical Address: 14 Glen Lodge, 28 Palliser Road, Eden Glen, Gauteng, 1609
Telephone: 083 324 1078
Website: <https://endemik.co.za>
Email: info@endemik.co.za

3.2. Managing Director/ Head of the Company - Section 51(1)(a)

Name: Andrew James Senior
Tel: 083 324 1078
Email: andrew.senior@endemik.co.za
Fax number: N/A

3.3. Information Officer

Name: Andrew James Senior
Tel: 083 324 1078
Email: andrew.senior@endemik.co.za
Fax Number: N/A

4. SA HUMAN RIGHTS COMMISSION GUIDE

4.1. The Regulator has, in terms of section 10(1) of the Act, made available a guide on how to use the Act in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

4.2. The Guide is available in each of the official languages and in braille from the SAHRC.

4.3. The Contact details of the SAHRC are:

Postal address : Private Bag 2700
Houghton
2041
Telephone : +27 11 484 8300
Telefax : +27 11 484 0582
Email : www.sahrc.org.za

5. LATEST NOTICE IN TERMS OF SECTION 52(2)

At this stage no notice has been published on the categories of records that are automatically available without request in terms of section 52(2) of the Act.

6. RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

Where applicable to its operations, the Company also retains records and documents in terms of the legislation below. Any request to access such documents must be done in accordance with the Act and the relevant legislation:*

- 6.1 Companies Act 71 of 2008;
- 6.2 Basic Conditions of Employment Act 75 of 1997;
- 6.3 Compensation for Occupational Injuries & Diseases Act 130 of 1993;
- 6.4 Financial Intelligence Centre Act 38 of 2001;
- 6.5 Labour Relations Act 66 of 1995;
- 6.6 Occupational Health & Safety Act 85 of 1993.

** it is possible that this list may be incomplete and accordingly whenever it comes to the Company's attention that existing or new legislation allows a requester access on a basis other than as set out in the Act, we shall update the list accordingly. If a requester believes that a right of access to 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.*

7. PROCESS FOR REQUESTING INFORMATION

- 7.1 A requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 7.2 A request shall be made on the prescribed form enclosed herewith, together with proof of payment of the prescribed fee to the Information Officer at the address of the Information Officer above.
- 7.3 The form is also available from the website of the SAHRC, or the website of the *Department of Justice and Constitutional Development* at www.doj.gov.za.
- 7.4 The requested must indicate the reason for request and clearly state the nature of the right to be exercised / protected and the reason why the record is necessary to exercise or protect such right.
- 7.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.
- 7.6 The Company, as soon as reasonably possible and within thirty (30) days after the request

- has been received, shall decide whether or not to grant the request.
- 7.7 The requester will be notified of the decision of the head of the Company or the Information Officer in the manner indicated by the requester.
- 7.8 If the request is granted, the requester shall be informed by the Company or the Information Officer in the manner indicated by the requester in the prescribed form.
- 7.9 Notwithstanding the foregoing, the Company will advise the requester in the manner stipulated by the requester in the prescribed form of -
- 7.9.1 the access fee to be paid for the information;
 - 7.9.2 the format in which access will be given; and
 - 7.9.3 the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 7.10 After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 7.11 The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.
- 7.12 If the request for access is refused, the Company or the Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall state -
- 7.12.1 adequate reasons for the refusal;
 - 7.12.2 that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 7.13 Upon the refusal by the Company or the Information Officer, the deposit paid by the requester will be refunded.
- 7.14 If the Company or the Information Officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the Company has refused the request.
- 7.15 The Company may decide to extend the period of thirty days ("*original period*") for another period of not more than thirty (30) days if –
- 7.15.1 the request is for a large number of records;
 - 7.15.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company;
 - 7.15.3 consultation among divisions or departments, as the case may be, of the Company is required;
 - 7.15.4 the requester consents to such an extension in writing; and
 - 7.15.5 the parties agree in any other manner to such an extension.
- 7.16 Should the Company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 7.17 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

8. ACCESS TO RECORDS BY REQUESTER

8.1 The Act provides for two types of requesters –

8.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

8.1.1.1 The Company will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information, subject to the prescribed fee for reproduction of the information being paid.

8.1.2 A requester other than a personal requester is entitled to request access to information on third parties.

8.1.2.1 In considering such a request, the Company will adhere to the provisions of the Act.

8.2 The following records are available without a formal application in terms of the Act, but require an appointment with the Information Officer -

8.2.1 Record of a public nature, typically those disclosed on the Company website.

8.2.2 Non-confidential records, such as the statutory records held and maintained by CIPC.

9. PRESCRIBED FEES

9.1 The Act provides for two types of fees –

9.1.1 A request fee of R50 (fifty Rand), is payable by all requesters except personal requesters, before the request is considered. The request fee is a non-refundable administrative fee; and

9.1.2 An access fee, payable by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the Company in obtaining and preparing a record for delivery to the requester –

Description	Cost payable
A4 size photocopy or part thereof	R1,10
A4 print	R0,75
Copy of information on- Compact Disk (CD)	R70,00
Stiffy disk	R7,50
Transcription of visual images on A4 size page or part	R40,00

thereof	
Transcription of audio recording per A4 size page or part thereof	R20,00
Copy of visual images	R60,00
Copy of Audio record	R30,00
A search for a record that must be disclosed *per hour or part of an hour reasonably required for such search.	R30,00
Posting Costs	Actual Postage Fee

9.2 The fee(s) are payable by the requester prior to the processing of the request and the Information Officer is entitled to withhold any such record requested until such time payment of the fees have been received by the Company.

10. REPRODUCTION FEES

10.1 Where the Company has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

Description	Cost payable
A4 size Photocopy or part thereof	R1,10
A4 print	R0,75
Copy of information on- Compact Disk (CD)	R70,00
Stiffy disk	R7,50
Transcription of visual images on A4 size page or part thereof	R40,00
Transcription of audio recording per A4 size page or part thereof	R20,00
Copy of visual images	R60,00
Copy of Audio record	R30,00

A search for a record that must be disclosed *Per hour or part of an hour reasonably required for such search.	R30,00
Posting Costs	Actual Postage Fee

11. AVAILABILITY AND UPDATE OF THE MANUAL

11.1 A copy of the Manual is available -

11.1.1 on <https://endemik.co.za>;

11.1.2 at the head office of the Company for public inspection during normal business hours;

11.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

11.1.4 to the Information Regulator upon request.

11.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

11.3 The Company will update this Manual as such intervals as may be deemed necessary.

Issued by

Andrew James Senior

Managing Director

Date: 14 July 2022

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.

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

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2. Reference number, if available:

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3. Any further particulars of record:

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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:

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.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access 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.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

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		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
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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:

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.....

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

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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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE