

# **iSolve Business Solutions (Pty) Ltd**

**Promotion of Access to Information Manual in terms of in terms of Section 51 of  
The Promotion of Access to Information Act, 2 of 2000  
AND  
The Protection of Personal Information Act, 4 of 2013**

**Version 1.0**

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## 1. Introduction

- 1.1 This manual is prepared in line with section 51 of the Promotion of Access to Information Act, 2000 (Act no. 2 of 2000) (“the Act”) as read with the provisions of the Protection of Personal Information Act, 2013 (Act no 4 of 2013) (“POPIA”).
- 1.2 The Constitution of the Republic of South Africa, 1996 (Act no 108 of 1996), section 32 stipulates that everyone has the right of access to any information held by the State or any other person provided the information is required for the exercise or protection of any rights. The Act further stipulates that the National Legislation must be enacted to give effect to this right.
- 1.3 The Act gives effect to the constitutional right of access to information held by any public or private body and is required for the exercise or protection of any rights. The Act details the procedures to be followed when making such request for information, held either by a public body or private body.
- 1.4 Personal Information as defined in POPIA is used in the day-to-day operational processes of iSolve Business Solutions (Pty) Ltd (“iSolve”) as well as employment processes including recruitment, employment contracts, employment equity, medical aid/provident fund, disciplinary actions, performance management, benefits and remuneration, training, SETA records or other employment related requirements.
- 1.5 iSolve may process personal information as part of standard business operations, including audits, review, market research, and other legitimate business purposes.
- 1.6 The purpose of this manual is therefore to inform a person on how to obtain access to the records held by iSolve as a private body thus giving effect to section 14 of the Act.

## 2. Structure and Functions

- 2.1 iSolve Business Solutions Ltd. was formed in 2003 as a Systems integrator specialising on the Microsoft platform. iSolve is a subsidiary of the Morvest Business Group.
- 2.2 iSolve provides a selection of appropriate technology platforms to achieve specific and general business requirements – and the ongoing management of those systems.

## 3. Company Contact details

- **Information Officer:**

Name: Himal Ramjee  
Telephone Number: 011 568 9310  
Email Address: [himal.ramjee@isolve.co.za](mailto:himal.ramjee@isolve.co.za)

- **Deputy Information Officer:**

Name: Chanel Breukel  
Telephone Number: 011 568 9310

Email Address: [chanel.breukel@iSolve.co.za](mailto:chanel.breukel@iSolve.co.za)

- Postal Address: P.O. Box 997, Sunninghill 2157
- Physical Address: Building 1, 2<sup>nd</sup> Floor, Golder House,  
Maxwell Office Park, Magwa Crescent  
West, Waterfall City
- Telephone number: 011 568 9310

#### 4. **Particulars in terms of section 51**

- 4.1 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. It stipulates the procedure to follow to get access (subject to a number of conditions), to records held by such bodies.
- 4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.
- 4.3 The Manual is applicable to iSolve and contains the details of the types of records kept at iSolve. The manual is available for inspection at the offices of iSolve as well as on the iSolve website – [www.isolve.co.za](http://www.isolve.co.za).

#### 5. **The Guide as described in section 10**

- 5.1 The South African Human Rights Commission (SAHRC) has published a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA.
- 5.2 Copies of the Guide are available at the office of the SAHRC, the details of which are as follows:
- Postal Address: Private Bag x2700 Houghton 2041
  - Physical Address: The South African Human Rights Commission  
33 Hoofd Street 2nd Floor Forum III, Braampark  
Braamfontein, Gauteng 2098
  - Telephone: (011) 877 3600
  - Fax: (011) 403 0625
  - Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)
  - Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### 6. **Types of Records**

- 6.1 Records available in terms of any other legislation

All records kept and made available according to legislation, include the following:

Electronic Communications and Transactions Act	No 25 of 2002
Promotion of Access of Information Act	No 2 of 2000
Protection of Personal Information Act	No. 4 of 2013
Unemployment Insurance Act	No 30 of 1996
Companies Act	No 71 of 2008
Copyright Act	No 98 of 1978
Employment Equity Act	No 55 of 1998
Income Tax Act	No 95 of 1967
Basic Conditions of Employment Act	No 75 of 1997
Labour Relations Act	No 66 of 1995
Value Added Tax Act	No 89 of 1991
Compensation for Occupational Injuries and Diseases Act	No 130 of 1993
Skills Development Act	No. 97 of 1999
Constitution of South Africa	No 108 of 1996

## 6.2 Records available without requesting access in terms of the Act

### (a) Access to Records for Employees

The following records are automatically available to all employees and need not be requested in accordance with the outlined procedure:

- Contract of employment of the employee, together with payslips;
- Payroll records;
- Personnel records of the employee concerned;
- Records of disciplinary hearings and related matters of the employee concerned;
- iSolve's policies and procedures manual;
- Performance Evaluation and disciplinary records;
- Registration with Department of Employment and Labour, Unemployment Insurance Fund, Compensation Fund and in terms of the Skills Development Levies Act.

These records are processed for purposes of personnel management, administration, work and general business management, regulatory compliance and statutory reporting.

(b) Records available to both Employees and to the General Public

The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined:

- iSolve's Employment Equity Plan;
- Press releases;
- Marketing material; and
- Internet web page and the records uploaded thereon.

(c) Records that may be formally requested

Categories of Records held by iSolve

iSolve holds information pertaining to the subjects listed below and access to some of the information will be restricted in accordance with the provisions of the Act and other relevant legislation. This implies that not all the records listed below will be made available upon formal request and due cognisance of the Act will be taken into consideration.

(i) Legislation and legal matters

- Legal permits, authorizations, deeds and licenses
- Service Level and Business Agreements

(ii) Corporate governance matters

- Minutes of Board and management meetings
- Resolutions passed
- Strategic and corporate planning documentation
- Delegation of authority
- Declaration of interests
- Statutory records
- Company Secretarial

(iii) Finance

- Tax Records;
- A list of iSolve's creditors and debtors;
- Bank account information, statements and other banking records; and
- Fixed assets register.

- (iv) Risk management
  - Information on the management of iSolve's operational risks;
  - Insurances; and
  - Security (physical) information.
  - Information generally related to projects conducted by the company from time to time.
- (v) Information Technology
  - Asset Register;
  - Operating Systems and other operational records;
  - Agreements with suppliers;
  - User manuals and licences; and
  - Telecommunication records.
- (vi) Company Documents
  - Company Secretarial Records
  - iSolve's brochures and publications;
  - iSolve's media releases.
- (vii) Support Services
  - List of suppliers.

## 7. **General description of Information Security Measures**

7.1 iSolve has implemented reasonable organisational, technical measures and security safeguards to ensure the confidentiality, integrity and availability of the information that is to be processed in order to guard against unauthorised access of personal information.

7.2 Such measures include but are not limited to:

- Firewalls;
- Virus protection software;
- Physical access control;
- Secure set up of IT Infrastructure; and
- Outsourced service providers who process personal information on behalf of the Company are contractually obliged to implement security controls.

8. Actual or planned cross border flows of information

iSolve will only transfer Personal Information to third parties who are in jurisdictions where such third parties are subject to and comply with laws providing the same level or more stringent level of protection in relation to privacy, data protection and confidentiality as that prescribed by POPIA.

## **9. Procedure for requesting Information not automatically available**

- 9.1 A person who wants access to the records of iSolve must complete the necessary request form. The request form can be found at the end of PAIA and can also be downloaded from the SAHRC website.
- 9.2 All requests for records (other than records freely available to the public) should be directed to the Deputy Information Officer.
- 9.3 If a person needs assistance with obtaining the form or on any other matter, they should contact the Deputy Information Officer.
- 9.4 The completed request form must be sent to the address or fax number provided and marked for the attention of the Deputy Information Officer which request shall include the following:
  - 9.5 The records requested;
  - 9.6 The identity of the requester;
  - 9.7 Which form of access to the records is required, should the request be granted; and
  - 9.8 The postal address or facsimile number of the requester.
- 9.9 The requester of the information must explain what other right is being protected or exercised.
- 9.10 The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner.
- 9.11 If the request is made for 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 Deputy Information Officer.
- 9.12 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Deputy Information Officer.
- 9.13 The requester must pay the prescribed fee (if applicable) before any further processing can take place, which is annexed hereto.
- 9.14 The Deputy Information Officer will process the request and inform the requester of the fees (if any and if so, will be available on the Information Regulator's website/access to information/the Act) that are payable and of the different procedures that must be followed until the request is finalised.
- 9.15 A copy of the fee structure applicable to private bodies can be accessed on [www.sahrc.org.za](http://www.sahrc.org.za).



9.16 All the pertinent sections must be completed fully, failing which the process will be delayed while the Deputy Information Officer obtains such additional information.

## 10. **The outcome of a request (Granting or Refusal)**

10.1 Should the request be granted, the notice will state the access fee (if any) to be paid upon access, the form in which access will be given and further that the requester may lodge an application with a court of law against the access fee to be paid or the form of access granted, and the procedure for lodging such application.

10.2 Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requester complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground as contemplated in Chapter 4 of Part 3 of the Act

10.3 Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a court of law against the refusal of the request, and the procedure (including the time period) for lodging the application.

## 11. **Grounds for refusal of access to records**

All sections referred to in this clause are those of the Act. Some of the grounds on which iSolve may rely on when refusing a request for information as contemplated by the Act include:

- 11.1 The Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (including deceased individuals). (Section 63(1));
- 11.2 The Protection of commercial private information of a third party as defined in the Act;
- 11.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);
- 11.4 Protection of safety of individuals and protection of property (Section 66);
- 11.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
- 11.6 Protection of commercial activities;
- 11.7 The research information of iSolve or a third party for iSolve the disclosure would expose the identity of the third party, iSolve, the researcher or the subject matter of the research to serious disadvantage (Section 69).
- 11.8 The protection of personal information of a person or entity if disclosure would constitute breach of POPIA. Requests for information that are, in iSolve's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

**12. Remedies available in refusal of a request for information (Part 4 of the Act):**

- 12.1 iSolve does not have internal appeal procedures and as such, the decision made by the Information Officer is final.
- 12.2 Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a court of law for the appropriate relief.
- 12.3 Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, the third party may within 30 days of notification of such decision, apply to a court of law for the appropriate relief.

**13. Availability of the Manual**

- 13.1 The manual is available for inspection free of charge at the iSolve's offices and on the iSolve website ([www.isolve.co.za](http://www.isolve.co.za)).
- 13.2 This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our offices located at the above-mentioned address.

**FORM A**

**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
(Section 18(1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000)  
[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number:

Request received by  
name and surname of information officer/deputy information officer on  
(date) at (place)

Request fee (if any): R.....

Deposit (if any): R .....

Access fee: R.....

.....Signature of information officer/deputy Information Officer

**A Particulars of public body**

The Information Officer/Deputy Information Officer:

**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.**

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

<u>Disability:</u>		Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access 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 to 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:			
<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"/>		<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 (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or 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"/>		<input type="checkbox"/>	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?			<input type="checkbox"/> YES
<b>Postage is payable.</b>			<input type="checkbox"/> NO
Note that <i>if</i> the record is not available in the language you prefer, access may <i>be granted</i> in the language in <i>which</i> the record is available.			

In which language would you prefer the record?

**G. Notice of decision regarding request for access**

You will be notified 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 1 PERSON ON  
WHOSE BEHALF REQUEST IS MADE