

Nolands

Manual

The Promotion of Access to Information Act (Nolands Jhb Inc)

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Manual of Nolands Jhb Incorporated (referred to as Nolands Jhb Inc) (Private Body).

Prepared and compiled on 18 June 2021 (compilation date) in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 in respect of Nolands Jhb Inc

Registration Number: 2006/008947/21

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Promotion of Access of Information Act, No 2 of 2000

1. Introduction

Due to the legislation of the Promotion of Access of Information Act, all natural and juristic bodies in South Africa who have access to personal information are required to have documented procedures stating who will have access to this information and how the information will be shared. This document will lay out the steps to be following when requesting access to information.

2. Scope

The procedure as set out in this document must be followed by person requesting access to information, where in a personal capacity or on behalf of another party.

3. Prerequisites

All employees of Nolands Jhb Inc and Requesters of information must be aware of the company requirements for the Access of Information.

4. The Act

The Promotion of Access to Information Act, No. 2 of 2002, referred to as PAIA (“The Act”) was enacted on 3 February 2000. This Bill is entrenched in the Bill of Rights in the Constitution of South African, section 32. The Act provides that everyone has the right to access information held by the State (Government), as well as information held by another person or private entity, when such privately-held information is required for the exercise and protection of rights.

Basically, The Act aims to highlight the importance of access to information in the democratic society by promoting a culture of transparency and accountability. The Act does this by requiring Government (public) and non-government (private) entities to create both a manual describing the type of records they hold, and procedures for others to access that information.

Where a request for access to information is made, the body to which the request is made is not obligated to release the information, except in the instance where The Act expressly provides that the information may or must be released. The Act indicates the procedure attached to such requests.

5. Purpose of the Manual

In order to promote effective governance of private bodies (non-government), it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of The Act in order for them to exercise their rights in relation to public (government) and private bodies.

Section 9 of The Act, nonetheless, recognizes that such rights to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

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- (i) Limitation aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance, and
- (ii) In a manner that balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to “Private Body” in this manual, it will refer to Nolands Jhb Inc

6. Contact Details

6.1 Information Officer

Name: Darryl Fordham
 Postal Address: P.O Box 2971, Pinegowrie, 2123
 Physical Address: Building 1, Ground Floor, 152 Bryanston Drive, Bryanston Sandton, 2191
 Telephone Number: (011) 789 4966
 Email Address: Darrylf@nolandsjhb.co.za

Deputy Information Officer

Name: Nicole Braude
 Postal Address: P.O Box 2971, Pinegowrie, 2123
 Physical Address: Building 1, Ground Floor, 152 Bryanston Drive, Bryanston Sandton, 2191
 Telephone Number: (011) 789 4966
 Email Address: Nicoleb@nolandsjhb.co.za

Deputy Information Officer

Name: Janine Berkely
 Postal Address: P.O Box 2971, Pinegowrie, 2123
 Physical Address: Building 1, Ground Floor, 152 Bryanston Drive, Bryanston Sandton, 2191
 Telephone Number: (011) 789 4966
 Email Address: Janineb@nolandsjhb.co.za

6.2 General Information

Name of Private Body: Nolands Jhb Inc
 Business Name: Nolands Jhb Inc
 Registration Number: 2006/008947/21
 Postal Address: P.O Box 2971, Pinegowrie, 2123
 Physical Address: Building 1, Ground Floor, 152 Bryanston Drive, Bryanston Sandton, 2191
 Telephone Number: (011) 789 4966
 Email: PAIA-requests@nolandsjhb.co.za
 Website: <https://www.nolands.co.za/>

7. South African Human Rights Commission Guide

The South African Human Rights Commission had compiled the guide contemplated in Section 10 of The Act. It contains such information as may reasonably be required by a person who wishes to exercise any right considered in The Act. The guide is available for inspection, inter alia at 29 Princess Wales Terrace, corner of York and St Andrews Street. Any enquiries regarding the guide should be directed to:

Name: The Research and Documentation Department
 Postal Address: Private Bag X2700, Houghton, 2041
 Telephone Number: (011) 484 8300
 Facsimile Number: (011) 484 1360
 Website: www.sahrc.org.za

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Email Address: PAIA@sahrc.org.za

8. Records Automatically Available to the Public

The following documentation of Nolands Jhb Inc is automatically available without formal request:

- Promotion of Access to Information Manual
- News Letters
- Contact details of Chief Executive Officer's of all Nolands Inc affiliated entities
- Privacy Policy
- Terms and Conditions for Audit Engagements
- Disclaimer

9. Records of the Private Body

This clause serves as a reference to the records that Nolands Jhb Inc holds in order to facilitate a request in terms of The Act.

The information is classified and grouped according to records relating to the following subject and categories: (It is noted that the accessibility of the documents listed below, are subject to refusal as set out in this document).

- 9.1 **Compliance Records**
 - Compliance Handbooks
- 9.2 **Legislative and Policy Framework Records**
 - Research papers
 - Documents distributed for purposes of meetings with international bodies
 - Legal opinions
- 9.3 **Corporate Governance Records**
 - Organizational and business plans
 - Memoranda of understanding
 - Nolands Policies and Procedures
 - Nolands Standard Operating Procedures
- 9.4 **Information Technology Records**
 - Asset registers
 - System event logs
 - System performance logs
 - System maintenance checklists
 - Service Level Agreements
 - IT Policies and Procedure Manuals
 - Network maintenance
- 9.5 **Financial Management Records**
 - Financial Accounting
 - Financial Reporting
 - Contracts and Tender Administration
 - Asset Management
 - Management Accounting

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- 9.6 **Human Resources Management Records**
 - HR Policies and Procedures
 - Advertised posts
 - Skills Development and Training Plan
 - Employment Equity Plan
- 9.7 **Communications Records**
 - Official external communication records e.g.: media releases
 - Website content
 - Corporate Identity

10. Records held in respect of 3rd Party (ies)

- 10.1 **Audit**
 - Annual Financial Statements
 - Audit Documentation
- 10.2 **Company Secretarial**
 - Memorandum of Incorporation
 - Shareholder Details
- 10.3 **Tax**
 - Income Tax records
 - Provisional Tax records
 - PAYE records
 - Skills Development Levies records
 - Unemployment Insurance Fund records
- 10.4 **Payroll**
 - Payroll records

11. Request procedure for obtaining information

Access to records held by Nolands Jhb Inc, may be accessed by request only once the prerequisite for access have been met. The requester must fulfil the prerequisites for access in terms of The Act, including the payment of a requested access fee/s.

The requester must comply with all the procedural requirements contained in The Act relating to the request for access to a record.

11.1 How to request information from Nolands Jhb Inc

Complete Form C, which is attached as Annexure 1 to this manual. The request must be made in person or by e-mail, fax or post to the Information Officer listed in Paragraph 6 of this manual. If an acknowledgement of receipt for the request is not received within 14 days, please contact the Information Officer to ensure that the request has been received.

The prescribed form must be completed with sufficient information to at least enable the Information Officer to identify the following:

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- A detailed description of the records being requested, to enable the Information Officer to clearly identify it accurately;
- The identify of the requester;
- Which form of access is required, if the request is granted;
- The postal address/fax number or email address of the requester
- Each section of the form contains instructions that should be followed to improve the likelihood of the request being granted with minimal delay experienced;
- Where the request is made for records relating to an organization, it is recommended that the organizations public officer or chief executive officer make or authorize the request;
- If records are requested on behalf of another person, please include a copy of the mandate authorizing you to act on behalf of the other person;
- The request must state what he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right to be exercised or protected is;
- The requester must also clearly specify why the record is necessary to exercise or protect such a right.

If any difficulties are experienced in completing the request form or if a disability prevents the requester from completing it, please contact the Information Officer directly for assistance.

11.2 Waiting period for information requested

The Information Officer is required to make a decision on the validity of the request within 30 days of receipt of the request, unless the requester has stated a special reason which is satisfactory to the Information Officer which dictates that the above time period need not to be complied with.

Should the requester not receive a decision from the Information Officer, the request is deemed to have been refused.

In the event that the request is granted, the requester will be notified by the Information Officer's decision in the manner as specified on the request form.

The Information Officer may extend the period for taking a decision to 60 days under the following circumstances:

- 11.2.1 If the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the business activities of Nolands Inc;
- 11.2.2 If the requested records are not situated in the same town or city as that of Nolands Inc main office, where the request cannot be reasonably fulfilled within the 30-day period;
- 11.2.3 Where the Information Officer needs to consult with other divisions and/or other entities to establish if the request will be granted and in which the consultation cannot reasonably be completed within 30 days;
- 11.2.4 If the requester consents in writing to the extension.

Should the 30-day period be extended the Information Officer will notify the requester of the extension as well as provide the requester with the reason for the extension.

11.3 Circumstances under which access to information will be refused

Access to a record may be refused on one or more grounds as per The Act, which fall into the following mandatory categories:

- Protection of privacy of a third party who is a natural person, which would disclose personal information of the natural person;

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- Protection of commercial information for a third party, if the records contain trade secrets, financial, commercial, scientific or technical information, which if disclosed may cause harm to the financial and commercial interest of the third party. This includes any information disclosed in confidence to Nolands Inc, which if disclosed may put the third party at a disadvantage in negotiations or commercial competition;
- Protection of confidential information of third parties if it is protected in terms of any agreement;
- Protection of confidential information of the protection of property;
- Protection of records privileged from production of legal proceedings;
- Protection of certain records of Nolands Inc, which may include, its trade secrets, financial, commercial, scientific or technical information, which if disclosed may cause harm to the financial and commercial interest of Nolands Inc. This includes any information which if disclosed could put Nolands Inc at a disadvantage in negotiations or commercial competition;
- A computer program/software owned by Nolands Inc and protected by copyright;
- Protection of research information of a third party and Nolands Inc, which if disclosed would reveal the identity of Nolands Inc, the researcher, the recipient or the subject matter of the research and would place the research at a serious disadvantage;
- Manifestly frivolous or vexatious requests or substantial and unreasonable diversion of resources.

11.4 Steps by the requester should the request be refused

If the Information Officer does not provide a decision on the request for access to information to the requester within the 30-day period or within the extension period, the request is automatically deemed as refused.

Should be requester not be satisfied with the decision of the Information Officer, the requester may resort to the following remedies:

- Internal Remedies - Nolands Jhb Inc does not have an internal appeal procedure, as such, the decision made by the Information Officer is final and the requester will have to make use of external remedies available.
- External Remedies - The requester may apply to the Magistrates Court for relief. The application must be made within 30 days after the decision or deemed refusal made by the Information Officer. The courts on hearing the application may grant a fair order including:
 1. Confirming, setting aside or amending the decision that is the subject of the application;
 2. Requiring the Information Officer to take some action or to refrain from taking such action as the court may deem fit within the period mentioned in the order;
 3. Granting an interdict, interim or specific relief, a declaratory order or compensation; or
 4. Costs

11.5 Granted requests

Access to information will be granted to the requester if all procedural requirements have been complied with according to The Act, that is:

- The request is properly documented on the prescribed form;
- Proof of authority have been supplied in the instance where requests are being made on behalf of another person;
- The record being requested is sufficiently described for the Information Officer to identify the information requested;
- Payment of all required fees.

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12. Fees

The Act makes references to two types of fees, namely:

- A request fee, which is the standard fee; and
- An access fee, which is the fee calculated taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the Information Officer receives a request, the officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.

If the search for the record has been made in the preparation of the record for disclosure, including arrangements to make the available in the requested form, and it requires more than the hours prescribed in the regulation for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.

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 record for disclosure, including making arrangements to make it available in the requested form.

If a deposit has been paid in respect for a request for access which is refused, the Information Officer must repay the deposit to the requester.

In addition, The Act makes reference to persons who are exempt from paying the access fee. These persons are stated as:

- A single person whose annual income, after allowable deductions, does not exceed R 14 712.00 per annum; and
- A married person/s and his/her life partner whose annual income, after allowable deductions, does not exceed R 27 192.00 per annum.

Furthermore:

- Where the cost of collecting any fees contemplated in Annexure 2 exceeds the amount charged, such fees does not apply;
- The access fee is in relation to personal records of the requester;
- The request and access fees do not apply to the record/s requested by a maintenance officer or maintenance investigator for purposes of a maintenance investigation or inquiry in terms of the provisions of the Maintenance Act, No.99 of 1998, or regulations made under section 44 of that Act.

13. General

This manual will be updated, if necessary, on an annual basis.

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Annexure 1 - Form C - Prescribed form to be Completed by a Requester

REQUEST FOR ACCESS TO RECORDS OF NOLANDS INC

As per Section 53(1) of the Promotion of Access to Information Act, No.2 of 2000)

Regulation 4

FOR INTERNAL USE ONLY

Reference number	
Request received by	
Date request received	
Place request received	
Request Fee	
Deposit (if any)	
Access fee (if any)	

Signature of Information Officer/
Deputy Information Officer

A) PARTICULARS OF THE NOLANDS INC

The Information Officer/Deputy Information Officer

Attention:

Mr Darryl Fordham/Miss Nicole Braude/Mrs Janine Berkley
Telephone: 011 789 4966
Email: PAIA-requests@nolandsjhb.co.za
Postal Address: P.O 2971, Pinegowrie, 2123

B) PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- a) The particulars of the person who requests access to the records must be recorded below.
b) Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.
c) Proof of capacity in which the request is made, if applicable, must be attached.
d) Reason for the request in writing.

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Full name and surname	
Postal address	
Identify number	
Fax number	
Telephone number	
E-mail address	
Capacity in which the request is made, when on behalf of another person	

C) PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

The section must be completed only if a request for information is made on behalf of another person

Full name and surname	
Identify number	
Company Name (in applicable)	

D) PARTICULARS OF THE 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 page and attach it to this form.
c) Please sign all additional pages*

1. Full description of the record or relevant part of the record

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2. Reference number(s), if available

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3. Any further particulars of the record

E) FEES

- a) A request for access to a record containing personal information about you 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 fees payable for access to a record depends on the form in which the access is required and the reasonable time required to searching for and preparing a record.
d) If you qualify for exemption for the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees

F) FORM OF ACCESS TO THE 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 which form the record is required.

DISABILITY:	FORM IN WHICH RECORD IS REQUIRED
_____	_____
_____	_____
_____	_____

Mark the appropriate box with an "X"

Notes:

- a) Your indication as to the required form of access depends 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 fees 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:

<input type="checkbox"/>	Copy of record*
<input type="checkbox"/>	Inspection of record

2. If the record consists of visual images:

This includes photographs, slides, video recordings, computer generated images, sketches, etc.)

<input type="checkbox"/>	View the images
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	Copy of the image*
	Transcription of the images*
3. If the 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 the record is held on computer or in an electronic or machine-readable form:	
	Printed copy or record
	Printed copy of information derived from the record*
	Copy in computer readable form* (stiffy or computer disc)
<i>If you requested a copy or transcription of a record (above), do you want the copy or transcription to be posted to you?</i>	
	Yes
	No

G) PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED:

*If the provided space is inadequate, please continue of a separate page and attach it to this form.
The requester must sign all additional pages*

Indicate which right is to be exercised or protected:

Explain why the requested record is required for the exercising 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 thereof 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 _____(place) this ____ day of (date) _____(month)
20__(year).

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SIGNATURE OF THE REQUESTER/
PERSON ON WHO'S BEHALF REQUEST IS MADE

Annexure 2 - Production Fees

1. The Applicable Fees for the Reproduction as referred to below are:

Description	Fee
For every photocopy of an A4-size page or part thereof	R 0 - R 10.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form	R 0 - R 75.00
For a copy in a computer-readable form on:	Stiffy Disc: R 7.00 - R 50.00 Compact Disc: R 70.00
A transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
A transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 30.00

2. Request Fees

The request fee payable by every requester, other than a personal requester, from a private body, the cost of R 50.00 is payable.

3. The Access payable by a requester as referred to below are:

Description	Fee
For every photocopy of an A4-size page or part thereof	R 0 - R 10.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic machine-readable form	R 0 - R 75.00
For a copy in a computer-readable form on:	Stiffy Disc: R 7.00 - R 50.00 Compact Disc: R 70.00
A transcription of visual images, for an A4-size page or part thereof	R 40.00
For a copy of visual images	R 60.00
A transcription of an audio record, for an A4-size page or part thereof	R 20.00
For a copy of an audio record	R 20.00
To search for a record that must be disclosed (per hours or part of an hour reasonably required for such search)	R 30.00

4. Copies shall be printed in black and white.

5. Where a copy of a record has to be posted the actual postal fee is payable (*).

6. Deposits

Where Nolands Inc receives a request for access to information on a person other than the requester him/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

Note: In terms of Regulation 8, VAT must be added to all fees prescribed in terms of the Regulations.

7. Availability of the Manual

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The PAIA manual of Nolands is available at the premises of the Nolands Jhb Inc as well as on the website of Nolands Inc.

Signed by: Darryl Wayne Fordham

Signature: 

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Annexure 3 - Glossary

Access Fee	A fee prescribed for the purpose of reproduction, search and preparation of records and, if applicable, postal fees.
Date of Submission	The date on which the requester submits the PAIA request. The Information Officer must respond to the request within 30 days of this date
Deputy Information Officer	The individual in the private or public body who is responsible for assisting the Information Officer with the PAIA requests.
Information Officer	The individual in the private or public body who is responsible for dealing with the PAIA requests.
PAIA	The Promotion of Access to Information Act, No.2 of 2000.
Personal Requester	A requester seeking access to a record containing personal information about themselves.
Private Body	Generally, any kind of business operation independent from the Government.
Public Body	Generally, any section of Government, or any organization that is set up by the Government, set up by law, or gets its money from the Government
Requester	An individual seeking or requesting access to records and/or information held by the state or public body
Request Fee	The fee that must be paid by the requester before a request can be processed.

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