



Promotion of Access to Information Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000

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Signature	
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1. Background

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) gives effect to the constitutional right of access to any information in records held by public (government) or private (non-government) bodies that is required for the exercise of protection of any rights.

Where a request is made in terms of the Act, Shomang Group is obliged to release the information, subject to applicable legislative and regulatory requirements, except where the Act expressly provides that the information may or must not be released.

The act sets out the relevant procedure to be adopted when requesting information from a Public or a Private Body.

The Act also recognises certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective, efficient, and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution of the Republic of South Africa.

The purpose of this manual is to ensure that Shomang Group comply with the Act and informs requesters of procedural and other requirements which they must meet as prescribed by the Act.

It has been prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (“PAIA”) and the Protection of Personal Information Act 4 of 2013 (“POPIA”).

2. Guide by South African Human Rights Commission

The South African Human Rights Commission is required in terms of the Act to compile a guide in every official language, in an easily comprehensible form and manner, as may be required by a person who wishes to exercise any right contemplated in the Act.

Any enquiries regarding this guide should be directed to:

Postal Address:

The South African Human Rights Commission PAIA Unit
The Research and Documentation Department Private Bag X2700
Houghton
2041

Telephone Number: +27(0) 11 484 8300

Fax Number: +27(0) 11 484 0582

Email Address: paia@sahrc.org.za

Website: <http://www.sahrc.org.za>

3. Appointment of Information Officer

The PAIA act prescribed that the company has to appoint an Information Officer who will be responsible for assessing the request for access to information. The Protection of Personal Information Act 4 of 2012 also prescribe that the private body has to appoint the Information Officer whose responsibilities are detailed on Section 55.

4. Contact Details

Physical Address	Postal Address
Information Officer 57a Plantation Road Eastleigh Edenvale 1610	Information Officer Suite 84 Private Bag X1001 Edenvale 1610
Email: mosidi@shomanggroup.co.za	Website: www.shomanggroup.co.za
Tel: 011-452-4662	

5. Types of Records held by Shomang Group.

The accessibility of the documents listed below may be subject to the grounds of refusal set out in this manual.

5.1 Employee Records

"Employee" refers to any person who works for or provides services to or on behalf of Shomang Group and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Shomang Group and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Employee Records may include the following.

- Any personal records provided to Shomang Group by their employees.
- Any records provided to Shomang Group by a third party relating to employees.
- Conditions of employment and other employee related contractual and quasi-legal records.
- Internal evaluation records.
- Other internal records and correspondence.

5.2 Client Related Records

A "client" refers to any natural or juristic entity that receives services from Shomang Group of companies.

Client Records may include the following:

- Any records provided by a client by the client.
- Any records provided by a third party to Shomang Group.
- Records generated by or within Shomang Group relating to clients, including transactional records.

5.3 Finance, IT, Compliance and Operational Records

These includes but not limited to:

- Financial records, operational records, data bases, information technology, marketing records, internal correspondence, product records, statutory records, internal policies and procedures and records held by employees of Shomang Group.

5.4 Other Parties

Shomang Group may possess records pertaining to other parties, including but not limited to, contractors, suppliers, joint venture companies, service providers. Alternatively, such other parties may possess records which can be said to belong to Shomang Group.

6. Records available in accordance with other legislation

A requester may also request information that is available in terms of other legislation.

- Basic Conditions of Employment Act, 75 of 1997 Companies Act 61 of 1973
- Compensation of Occupational Injuries and Diseases Act 130 of 1993 Competition Act 89 of 1998 Electronic Communications and Transaction Act 25 of 2002 Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002 Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1991
- Insolvency Act 24 of 1936
- Inspection of Financial Institutions Act 80 of 1998 Labour Relations Act 66 of 1995
- Long-term Insurance Act 52 of 1998
- Medical Schemes Act 131 of 1998
- Pension Funds Act 24 of 1956 Policyholder Protection Rules Pension Fund Regulations
- Prevention and combating of Corrupt Activities Act 12 of 2004 Prevention of Organised Crime Act 121 of 1998
- Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004 Securities Services Act 36 of 2004
- Short-term Insurance Act
- Skills Development Levies Act 9 of 1999 Trust Property Control Act 57 of 1988
- Unemployment Insurance Act 30 of 1996
- Value-added Tax Act 89 of 1991
- National Payment System Act 78 of 1998
- Employment Equity Act
- Skills Development Act
- Financial Intelligence Centre Act
- Occupational Health and Safety Act

- Companies Act

7. Request procedure

The requester requiring access to information held by Shomang Group must complete the prescribed Form C post on the Shomang Group website.

- Submit the completed form to the Information Officer at the postal or physical address, or electronic mail address recorded above.
- Pay a request fee and a deposit, where so advised.

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

- The record(s) requested.
- The identity number of the requester.
- The form of access required if the request is granted.
- The e-mail, postal address, or fax number of the requester.

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.

The requester must state that they 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 and clearly specify why the record is necessary to exercise or protect such a right.

The requester will be informed in writing whether access has been granted or denied. Should the requester require reasons for the decision he must state the manner and the particulars that such reasons are required.

Should an individual requester be unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer by contacting our office on the number above.

Where applicable, the requester must pay the prescribed fee if applicable, before any further processing can take place.

8. Decision

Shomang Group will within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

Should the information requested be large or there are reasonable factors causing the delay in providing the information, Shomang Group may extend the 30days period. The Information Officer will advise the requester if such extension is required.

The request may indicate in writing if there are special reasons where the information is required earlier than the set date which request must satisfy the Information Officer that circumstances dictate that the information be expedited.

9. Grounds for refusal of access to records

The request may be refused based on the following grounds:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that third party.
 - Financial, commercial, scientific, or technical information which disclosure
 - could likely cause harm to the financial or commercial interests of that third party; and
- Information disclosed in confidence by a third party to Shomang Group, 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 or legislation.

- 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.
- If applicable fees are not paid by the requester.

