

# PAIA MANUAL

## FIRST EQUITY PROFESSIONAL LIABILITY (PTY) LTD

First Equity Professional Liability (Pty) Ltd  
**Promotion of Access to Information Act Manual**  
In terms of Section 51 of the Promotion of Access to Information Act 2 of 2000

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## 1 Introduction

This manual extends to the information held by First Equity Professional Liability (“FEPL”). This manual is intended to foster a culture of transparency and accountability, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have active access to information to enable them to fully exercise and protect their rights.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is permitted and educated to understand their rights in terms of the PAIA Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the PAIA Act however recognises that such a right to access to information cannot be unrestricted and should be subject to justifiable limitations, 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.

This manual is available on the website of FEPL (see clause 3 below).

## 2 Purpose of PAIA

This manual is compiled in accordance with section 51 of the PAIA Act. It is intended to provide:

- A description of the records held by FEPL.
- Stipulate the grounds for refusal of access to any records.
- Outline the procedure to be followed and the fees payable when requesting access.

## 3 Contact Details

### 3.1 General Contact Details

Company name: First Equity Professional Liability (Pty) Ltd  
Principal Officer: Werner Slabbert  
Postal address: PO BOX 71431, Bryanston, Johannesburg  
Physical address: 10 Rydall Vale Park, Douglas Saunders Drive  
La Lucia Ridge, KwaZulu-Natal, 4320  
Telephone number: 011 510 1300  
Website: [www.firstequity.co.za](http://www.firstequity.co.za)

### 3.2 Information Officer Contact Details

Name: Werner Slabbert  
Postal address: PO BOX 71431, Bryanston, Johannesburg  
Physical address: 10 Rydall Vale Park, Douglas Saunders Drive  
La Lucia Ridge, KwaZulu-Natal, 4320  
Telephone number: 011 510 1300  
E-mail address: [slabbert.werner@psg.co.za](mailto:slabbert.werner@psg.co.za)

### 3.3 South African Human Right Commission: The PAIA Unit

The South African Human Rights Commission is required in terms of the PAIA Act to compile a guide in every official language, containing information as may reasonably be required by a person who wishes to exercise any right contemplated in the act, in a manner that is easily comprehensible to any such person. As at the date of publishing this manual, the guide had not yet been compiled. Any enquiries regarding the guide should be directed to:

Name: The PAIA Unit: Information and Communications  
Postal address: Private Bag X2700, Houghton, 2041  
Physical address: South African Human Rights Commission: PAIA Unit  
27 Stiemens Street  
Braamfontein  
Telephone number: 082 059 6520  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## 4 Records of FEPL

Records are broadly classified and grouped according to the following subjects and categories:

### 4.1 Personnel Records

- Accident books and records;
- Address Lists;
- CV's
- Disciplinary Code and Records;
- Employee benefits arrangements rules and records;
- Employment Contracts;
- Employment Equity Plan
- Forms and Applications;
- Grievance Procedures;
- Leave Records;
- Medical Aid Records;
- Payroll reports/ Wage register;
- Pension Fund Records;
- Safety, Health and Environmental records;

- Salary Records;
- SETA records
- Standard letters and notices
- Training Manuals;
- Training Records;
- Workplace and Union agreements and records.

#### **4.2 Procurement**

- Standard Terms and Conditions for supply of services and products;
- Contractor, client and supplier agreements;
- Lists of suppliers, products, services and distribution; and
- Policies and Procedures.

#### **4.3 Sales**

- Customer details
- Proposal forms
- Information and records provided by a third party

#### **4.4 Marketing**

- Advertising and promotional material
- Distribution lists including details of consent or non-consent

#### **4.5 Risk Management and Audit**

- Audit reports;
- Risk management frameworks; and
- Risk management plans.

#### **4.6 Safety, Health and Environment**

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans
- Inquiries, inspections, examinations by environmental authorities

#### **4.7 Information Technology**

- Computer / mobile device usage policy documentation;
- Disaster recovery plans;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals
- Information usage policy documentation;
- Project implementation plans;
- Software licensing; and

- System documentation and manuals.

#### **4.8 Other Party Records**

FEPL, suppliers, and service providers and such other parties may possess records that can be said to belong to FEPL.

- Personnel, member, dependant, customer or FEPL records which are held by another party, as opposed to the records held by FEPL itself.
- Records held by FEPL pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about contractors/suppliers.

### **5 Grounds for Refusal to Access Records**

FEPL may refuse a request for information. The basis on which FEPL may refuse a request for information have been detailed below:

#### **5.1 Mandatory Protection of Privacy of Third Party who is Natural Person**

A request for access to a record may be refused if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

#### **5.2 Mandatory Protection of Commercial Information of Third Party**

A request for access to a record may be refused if the record contains

- Trade secrets of a third party;
- Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- Information supplied in confidence by a third party, the disclosure of which could reasonably be expected
  - To put that third party at a disadvantage in contractual or other negotiations; or
  - To prejudice that third party in commercial competition.

#### **5.3 Mandatory Protection of Certain Confidential Information of Third Party**

A request for access to a record may be refused if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

#### **5.4 Mandatory Protection of Records Privileged from Production in Legal Proceedings**

A request for access to a record may be refused if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.

#### **5.5 Commercial Information of Private Body**

A request for access to a record may be refused if the record

- Contains trade secrets of FEPL;
- Contains financial, commercial, scientific or technical information, other than trade secrets, of FEPL, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body;
- Contains information, the disclosure of which could reasonably be expected
  - To put FEPL at a disadvantage in contractual or other negotiations; or
  - To prejudice the body in commercial competition

**5.6 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.**

## **6 Access to Records held by FEPL**

Records held by FEPL may be accessed by requests only once the prerequisite requirements for access have been met.

A requester is any person making a request for access to a record of FEPL.

There are two types of requesters:

### **6.1 Personal Requester**

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- FEPL will voluntarily provide the requested information or give access to any record with regard to the requester's personal information.

### **6.2 Other Requester**

This requester (other than a personal requester) is entitled to request access to information on third parties. However, FEPL is not obliged to voluntarily grant access. The requester must fulfil the procedural requirements for access in terms of the PAIA Act, including the payment of a request and access fee.

### **6.3 Request Procedure**

The requester must complete Form C (See Annexure A) and submit this form together with a request fee, to the Information Officer of FEPL.

The form must be submitted to the information officer of FEPL at the address or electronic mail address as stated earlier in this manual.

### **6.4 Form of request:**

- The requester must use the prescribed form, as attached in terms of Annexure A of this manual, to make the request for access to a record. This must be made to the information officer. This request must be made to the address or electronic mail address of the body concerned [s 53(1)].

- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- 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 designated head of FEPL 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The Information Officer of FEPL must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the Information Officer of FEPL has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

## 7 Fees in Respect of Private Bodies

The PAIA Act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received by the information officer, the officer will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request (refer to **Annexure B** of this manual).

The information officer will withhold a record until the requester has paid the fees as indicated.

A requester whose request for access to a record has been granted, must pay an access fee for 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 of a request for access, which is refused, then the information officer will repay the deposit to the requester.

**Annexure A: PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER**

**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

In terms of Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

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**A. Particulars of private body**

The Information Officer (name of body):

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**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:

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**C. Particulars of person on whose behalf request is made**

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*This section must be completed ONLY if a request for information is made on behalf of another person.*

Full names and surname:

Identity number:

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**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:

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**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 which form the record is required.*

Disability:

Form in which record is required:

**NOTES:**

*(a) Compliance with your request 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.*

*Mark the appropriate choice with an X.*

**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 file)
- 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:

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 \_\_\_\_\_

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

## Annexure B: FEES

### COPIES OF PAIA MANUAL

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
  - a. (a) For every photocopy of an A4-size page or part thereof R1,10
  - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0,75
  - c. (c) For a copy in a computer-readable form on - (i) stiffy disc R 7, 50; (ii) compact disc R 70,00
  - d. (d) (i) For a 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. (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
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) are as follows:
  1.
    - 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 form on - (i) stiffy disc R 7,50; (ii) compact disc R 70,00
    - d) (i) For a 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) To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation.
  2. For purposes of section 54(2) of the Act, the following applies:
    - (a) Six hours as the hours to be exceeded before a deposit is payable; and
    - (b) one third of the access fee is payable as a deposit by the requester.
  3. The actual postage is payable when a copy of a record must be posted to a requester.