

ASTRAIA TECHNOLOGIES (PTY) LTD

Registration Number

Company Registration No: 2013/185065/07

THE PROMOTION OF ACCESS TO INFORMATION MANUAL (PAIA Manual)

Use and Distribution :

The contents of this document should only be used for and by Astraia Technologies (Pty) Ltd and may not be distributed unlawfully. Older versions are not deemed official. Only the latest version is acceptable.

1. INTRODUCTION

- Astraia Technologies (Pty) Ltd Promotion of Access to Information Manual (“Manual”) is published in terms of section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) as amended by the Protection of Personal Information Act 4 of 2013 (POPIA) as well as section 18 of POPIA.
- PAIA gives effect to the provisions of section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by any another person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints.
- Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible.

2. PURPOSE

- The purpose of this Manual is to facilitate requests for access to records (including records containing personal information (as defined in terms of Astraia Technologies (Pty) Ltd Privacy Policy)) of Astraia Technologies (Pty) Ltd.
- Where this Manual does not deal with a procedure provided for in PAIA, the Requester or any other interested party is to look at the Act for guidance in relation thereto. Same is to be included as part of the Manual. A person requesting access to records from Astraia Technologies (Pty) Ltd (“the Requester”) is advised to familiarise themselves with the provisions of PAIA before making any requests to Astraia Technologies (Pty) Ltd in terms of PAIA.
- Astraia Technologies (Pty) Ltd makes no representation and gives no undertaking or warranty that any record(s) provided to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and Astraia Technologies (Pty) Ltd shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any record provided by Astraia Technologies (Pty) Ltd or any error therein.
- All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by Astraia Technologies (Pty) Ltd.

3. COMPANY OVERVIEW

- Astraia Technologies (Pty) Ltd is a private company established in 2013 and based in Cape Town.
- Astraia Technologies (Pty) Ltd business is the implementation of accounting software for clients.

4. REQUIREMENTS IN TERMS OF PAIA

4.1 Contact Details of Information and Deputy Information Officers : Section 51(1)(a)

Information Officer	Frederick David Bryant
Deputy Information Officer	Brett Duminy
Email Address	davidB@astraia.co.za/brettd@astraia.co.za
Postal Address	Postnet Suite 23, Private Bag X31, Knysna, 6741
Street Address	9B Hope Street, Hunters Home, Knysna, 6571
Contact Number	082 771 8300

4.2 Description of Guide referred to in Section 10: Section 51(1)(b)

The South African Human Rights Commission (as provided for in section 10 of PAIA) has compiled and published a “Guide on How to Use the Promotion of Access to Information Act 2 of 2000”. This Guide will assist persons in using and understanding PAIA. The Guide can be accessed via the South African Human Rights website (www.sahrc.org.za).

4.3. Notice in Terms of Section 52(2)

Astraia Technologies (Pty) Ltd does not have any categories of records which are automatically available without a person having to request access in terms of PAIA, and as such no notice has been published. All categories of records of Astraia Technologies (Pty) Ltd require a formal request to access such records.

4.4. Records Available in Terms of Other Legislations and Regulations: Section 51(1)(d)

The following legislations and regulations create the obligation to keep certain records:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communication and Transaction Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Occupational Health and Safety Act 85 of 1993
- Protection of Personal Information Act 4 of 2013
- Skills Development Act 97 of 1998
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Such records will be made available to only those individuals/entities authorised to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than that set out in PAIA, we shall update the list accordingly. If the 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.

4.5. Subjects and Categories of Records Held by Astraia Technologies (Pty) Ltd: Section 51(1)

PAIA requires that sufficient detail be provided to facilitate a request for access to a record held by Astraia Technologies (Pty) Ltd. A description of the subjects on which Astraia Technologies (Pty) Ltd holds records and the categories of the records held under each subject can be found in **Annexure "A"** of this Manual, which forms an integral part of this Manual. In addition, reference can be made to Astraia Technologies (Pty) Ltd's Privacy Policy for the categories of personal information held.

5. ACCESS TO RECORDS AND REQUEST PROCEDURES

Introduction

- 5.1. Access to records held by Astraia Technologies (Pty) Ltd is not automatic and can be refused by Astraia Technologies (Pty) Ltd on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of PAIA.
- 5.2. In order to request access to records held by Astraia Technologies (Pty) Ltd, the Requester must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in PAIA.
- 5.3. If the Requester requests information on behalf of a public body i.e. the state, the Requester must identify that the request for information is in the public's interest by stipulating adequate reasons.
- 5.4. If the Requestor is making a request on behalf of another person, sufficient proof (to the satisfaction of Astraia Technologies (Pty) Ltd) of the capacity in which the Requestor is making the request/acting must be submitted. The type of proof required will be advised by Astraia Technologies (Pty) Ltd upon receipt of request.

Procedural Requirements

- 5.5. In order to facilitate such a request for access to records, the Requester needs to complete the **Form J752 Request for Access to Record of Private Body** (Access Form), as attached. The prescribed Access Form must be completed in full. If not, the process may be delayed until such additional information has been provided.
- 5.6. In terms of section 23(1) of POPIA, adequate proof of identity is required from the Requestor. Therefore, in addition to the prescribed Access Form, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- 5.7. The request form and proof of identity must be provided to the Information Officer of Astraia Technologies (Pty) Ltd at the physical address or e-mail set out above. Astraia Technologies (Pty) Ltd may, in its sole discretion, request that original certified copies be provided in certain circumstances such as if the electronic copies provided are not clear or are questionable.

- 5.8. The Requester must provide sufficient detail on the prescribed Access Form to enable the Information Officer to identify the record requested. When completing the prescribed Access Form, the Requester should also indicate:
- Which form of access is required;
 - The right the Requester is seeking to exercise or protect and explain why the requested record is required for the exercise or protection of that right;
 - Whether the Requester wishes to be informed of the decision in any other manner, in addition to a written reply, to state the manner and necessary particulars to be so informed; and
 - an email address, telephonic contact numbers and postal address in the Republic of South Africa.
- 5.9. If a request is made on behalf of another person, the Requester must show, to the reasonable satisfaction of the Information Officer, that he or she is duly authorised to make such request.
- 5.10. If an individual is unable to complete the prescribed Access Form because of illiteracy or disability, such an individual may make the request verbally.
- 5.11. The prescribed Access Form must be adequately completed, with sufficient information particularly so that the Information Officer can identify and determine what the access fee will be, should access be granted.
- 5.12. A request will not be processed until the request fee has been paid.

Refusal in terms of PAIA

- 5.13. Astraia Technologies (Pty) Ltd may refuse access to the requested record or parts thereof as allowed in terms of Chapter 4, namely sections 62 to 70 of PAIA.
- 5.14. In instances whereby a third party needs to be notified of a request in order to authorise or decline access, Astraia Technologies (Pty) Ltd undertakes to request same from the third party within 21 days of receipt of the request and to include the required information provided for in terms of section 71(3) of PAIA.
- 5.15. In the event that the request is declined by the third party, Astraia Technologies (Pty) Ltd cannot be held responsible for same.

Notification of Refusal or Granting of Access to Information

- 5.16. Requestors will be informed within 30 days of receipt of the prescribed Access Form if Astraia Technologies (Pty) Ltd's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of PAIA. The 30 day period may be extended for a further 30 day period should more time be required to gather the requested information. The Requester will be notified if the initial 30 day notice period is to be extended for a further 30 days.

Remedies Available to Requester on Refusal of Access

- 5.17. There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.
- 5.18. Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

Refusal Since Record Cannot be Found

- 5.19. If all reasonable steps have been taken by Astraia Technologies (Pty) Ltd to find the record requested by the Requester and same cannot be found for reasons justifiable as per section 55 of PAIA, the Information Officer shall provide an affidavit or affirmation to the Requester advising that it is not possible to give access to the record requested.
- 5.20. The affidavit or affirmation will comply with all the requirements provided for in terms of section 55(2) of PAIA.
- 5.21. In the event the record is subsequently found, Astraia Technologies (Pty) Ltd undertakes to contact the Requester in order to gain access to same, subsequent to the payment of the applicable access fee.

6. FEES

6.1. There are two basic types of fees applicable in terms of PAIA, namely “Request” and “Access” fees.

Request Fee

- 6.2. The request fee is an administration fee that is payable on submission of the request for access to a record and must be paid before the request is considered (unless the request is to access the requestor’s personal information in which event there is no applicable fee). The request fee is not refundable if the request for access has been granted however it is refundable if the request for access has been denied by Astraia Technologies (Pty) Ltd.
- 6.3. The request fee is currently statutorily set at R50 for a private body.
- 6.4. In line with section 23(1)(a) of POPIA, a Data Subject has a right to request Astraia Technologies (Pty) Ltd to confirm, free of charge, whether or not Astraia Technologies (Pty) Ltd holds personal information about the Data Subject.

Access Fee

- 6.5. The access fee is payable prior to the Requester actually gaining access to the records in the required form.
- 6.6. The access fee is intended to reimburse Astraia Technologies (Pty) Ltd for the costs involved in reproduction of documents, searching and preparing the record requested and for any time reasonably required (in excess of the prescribed hours) to search and prepare the record.
- 6.7. Should the preparation of the required record take more than 6 hours, a deposit of a third of the access fee is payable before the request will be processed by Astraia Technologies (Pty) Ltd.
- 6.8. Astraia Technologies (Pty) Ltd may withhold a record until the Requester has paid the applicable fees.
- 6.9. In accordance with Section 23(3) of the POPIA, Astraia Technologies (Pty) Ltd may charge an access fee to the Data Subject to enable Soutie Press (Pty) Ltd to respond to the request. In such instances Astraia Technologies (Pty) Ltd must provide the Data Subject with a written estimate of the fee before providing the services.

Notices

- 6.10. The Information Officer shall provide the Requester with a Notice in terms of section 54(3) of PAIA on initial receipt and consideration of the request for access. This Notice is attached as **Annexure B** of the Manual.
- 6.11. Once the request fee has been paid in full, the Information Officer will consider the request for access and will provide the Requester with his/her decision to the request. This Decision Notice is attached as **Annexure C** of the Manual.

7. AVAILABILITY OF THE MANUAL

The Manual is available for inspection, free of charge, at the offices of Astraia Technologies (Pty) Ltd.



FREDERICK DAVID BRYANT
Information Officer

2 July 2024

Date