

INFORMATION PAIA MANUAL OF VELD COOPER & ASSOCIATES

("PAIA MANUAL")

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, Number 2 of 2000 ("the Act")

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## **BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT**

1.1 The Promotion of Access to Information Act, no 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right in terms section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("the Constitution") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

1.2 In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual ("PAIA Manual").

1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or 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.

## **2. VELD COOPER & ASSOCIATES**

2.1 Veld Cooper & Associates Registration Number: 2004/003364/07. This PAIA Manual is relevant and has application for the major subsidiaries/portfolios/franchisees of Veld Cooper & Associates.

This PAIA Manual of Veld Cooper & Associates is available to view at its premises:

39 Greybe Street,

Rynfield, Benoni

1501

as well as on its website: [www.veldcooper.com](http://www.veldcooper.com) or through request via postal mail

39 Greybe,

Rynfield, Benoni,

1501

### **3. PURPOSE OF THE PAIA MANUAL**

3.1. This PAIA Manual is intended to ensure that Veld Cooper & Associates complies with the Act and to foster a culture of transparency and accountability within Veld Cooper & Associates 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 effective access to information to enable them to access their information in a formal prescribed manner

3.2. In order to promote effective governance of private bodies, 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 and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1 Limitations aimed at the reasonable protection of privacy;

3.3.2 Commercial confidentiality; and

3.3.3 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.

3.4. This PAIA Manual has been drafted in accordance with the generic manual for the Financial Services Industry, which has been submitted to the Human Rights Commission by the Compliance Institute of South Africa. The records retention draws from SAICA retention of records standards.

3.5 In addition, this PAIA Manual complies with the requirements of Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible to regulate compliance with the Act and its Regulations by Public and Private Bodies.

#### **4. CONTACT DETAILS OF THE INFORMATION OFFICER AND DEPUTY INFORMATION OFFICER (SECTION 51(1)(A))**

4.1. All PAIA requests can be made and submitted to the designated and appointed Information officer or the designated and appointed Deputy Information Officers as listed below.

Information officer: Hayley Hynd

Registered Address:

39 Greybe,

Rynfield, Benoni,

1501

Postal Address:

39 Greybe,

Rynfield, Benoni,

1501

Telephone Number: 011 425 3575

Email: [vca@veldcooper.com](mailto:vca@veldcooper.com)

Website: [www.veldcooper.com](http://www.veldcooper.com)

Deputy Information Officer: Denise Krizek

Registered Address:

39 Greybe,

Rynfield, Benoni,

1501

Telephone Number: 011 425 3575

Email: [vca@veldcooper.com](mailto:vca@veldcooper.com)

Website: [www.veldcooper.com](http://www.veldcooper.com)

4.2. The Act prescribes the appointment of an Information Officer for Public Bodies where such Information Officer is responsible to, inter alia, assess requests for access to information. The Head of a Private Body fulfils such a function in terms of section 51. Veld Cooper & Associates has opted to appoint an Information Officer and a deputy information Officer to assess requests for access to information as well as to oversee its required functions in terms of the Act.

4.3. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and

responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

4.4. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render Veld Cooper & Associates as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All requests for information in terms of the Act must be addressed to the Information Officer.

## **5. GUIDE OF SA HUMAN RIGHTS COMMISSION**

5.1. The South African Human Rights Commission has compiled the Guide as required in terms of Section 10 of the Act. The Guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act and accordingly it:

5.1.1 Contains information on understanding and how to use the Act;

5.1.2. Includes: The objectives of the Act; Of every Public and Private Body; The manner and form for requests; Contents of the Regulations

5.1.3. Will be updated and published every two years.

5.3 The Guide is available in all the official languages of the Republic of South Africa.

5.4. Any enquiries regarding this Guide should be directed to:

The South African Human Rights Commission, at:

PAIA Unit (The Research and Documentation Department),

Private Bag X2700, Houghton, 2041

Telephone Number: (011) 877-3803

Facsimile Number: (011) 403-0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail Address: [section51.Daia@sahrc.org.za](mailto:section51.Daia@sahrc.org.za)

## 6. RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT (SECTION 51(1)(D))

### 6.1 Records held by Veld Cooper & Associates

6.1.1 This clause serves as a reference to the categories of information that Veld Cooper & Associates holds. The information is classified and grouped according to records relating to the following subjects and categories:

Record Grouping	Record	Length of Time	Accessibility
General Business Records	Registration and Incorporation Documents	Permanently	Not accessible
	Patents, trademark registrations, copyright registrations	Permanently	Not accessible
	Property Records	Permanently	Accessible via PAIA process with justifiable reason.
	Company Documents	Permanently	Accessible via PAIA process with justifiable reason
	Tax Documents	Permanently	Accessible via PAIA process with justifiable reason
Staff Documents	Staff Files – Employment contract, employee personal details, banking details, income tax numbers, etc.	For length of employment and 5 years post termination/retirement/death	Accessible through PAIA process
Financial Business Records	Financial Statements	5 years	Accessible via PAIA process with justifiable reason
	Tax Returns and Filings	5 years	Accessible via PAIA process with justifiable reasons
	Audit Reports	5 years	Accessible via PAIA process with justifiable reason
	Cash books	5 years	Accessible via PAIA process with justifiable reason
	Charts of Accounts	5 years	Accessible via PAIA process with justifiable reason
	Salaries/PAYE/UIF/SDL	5 years	Accessible via PAIA process with justifiable reason

	Bank Reconciliations	5 years	Accessible via PAIA process with justifiable reason
	Client Account Details – invoices, credit notes etc.	5 years	Accessible via PAIA process with justifiable reason
	Bank records and statements	5 years	Accessible via PAIA process with justifiable reason
Insurance Records	Company Insurance Details	Permanently or for length of insurance cover	Accessible via PAIA process with justifiable reason
	Vehicle Insurance Details	Lifetime of vehicle plus 3 years	Accessible via PAIA process with justifiable reason
Vehicle Records	Registration Documents	Lifetime of vehicle plus 3 years	Accessible via PAIA process with justifiable reasons
	Financing Documents	Lifetime of vehicle plus 3 years	Accessible via PAIA process with justifiable reasons
Policies	Policy Documents	Permanently	Accessible via PAIA process with justifiable reasons

## 7. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

7.1 Records of a public nature, typically those disclosed on the Veld Cooper & Associates' website and in its various annual reports, may be accessed without the need to submit a formal application.

7.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

## 8. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

8.1. Where applicable to its operations, Veld Cooper & Associates also retains records and documents in terms of the legislation listed below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the

requirements and conditions of the Act; the below mentioned legislation, and applicable internal policies and procedures, should such interested parties be entitled to such

- 8.1.1 Attorneys Act No. 53 of 1979;
- 8.1.2 Auditing Professions Act No. 26 of 2005;
- 8.1.3 Basic Conditions of Employment Act No. 75 of 1997;
- 8.1.4 Broad-Based Black Economic Empowerment Act, 2003;
- 8.1.5 Business Act No. 71 of 1991;
- 8.1.6 Companies Act No. 71 of 2008;
- 8.1.7 Compensation of Occupational Injuries and Diseases Act No. 130 of 1993;
- 8.1.8 Competition Act. No. 71 of 2008;
- 8.1.9 Constitution of the Republic of South Africa 2008;
- 8.1.10 Copyright Act No. 98 of 1978;
- 8.1.11 Electronic Communications Act No. 36 of 2005;
- 8.1.12 Electronic Communications and Transaction Act No. 25 of 2002;
- 8.1.13 Employment Equity Act No. 55 of 1998;
- 8.1.14 Income Tax Act No. 58 of 1962;
- 8.1.15 Labour Relations Act No. 66 of 1995;
- 8.1.16 Occupational Health and Safety Act No. 85 of 1993;
- 8.1.17 Pension Funds Act No. 24 of 1956;
- 8.1.18 Promotion of Access to Information Act No. 2 of 2000;
- 8.1.19 Protection of Personal Information Act No. 4 of 2013;
- 8.1.20 Revenue laws Second Amendment Act. No 61 of 2008;
- 8.1.21 Skills Development Levies Act No. 9 of 1999;
- 8.1.22 Short-term Insurance Act No. 53 of 1998;
- 8.1.23 Taxation Laws Amendment Act No. 7 of 2010;
- 8.1.24 Trademarks Act No. 194 of 1993;
- 8.1.25 Unemployment Insurance Act No. 30 of 1966;
- 8.1.26 Value Added Tax Act 89 of 1991.

8.2 It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.



## **9. REQUEST PROCEDURE**

### **9.1. Procedural Requirements**

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

9.1.2 The requester must complete the prescribed form enclosed herewith in both Section 17 of this document and submit same as well as payment of a request fee and a deposit (if applicable) physical address, fax number or electronic mail address as noted in clause 5 above.

9.1.3 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify: the record or records requested; and the identity of the requester. The requester should indicate which form of access is required and specify a postal address or fax number of the requester in the Republic;

9.1.4 The requester must state that he / she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

9.1.5 Veld Cooper & Associates will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.

9.1.6 The requester shall be advised whether access is granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

9.1.7 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 (section 53(2)(f)).

9.1.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

9.1.9 The requester must pay the prescribed fee, before any further processing can take place.

9.1.10 All information as listed in clause 11 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer shall provide a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

## **10. REFUSAL OF ACCESS TO RECORDS**

### **10.1 Grounds to Refuse Access**

A Private Body such as Veld Cooper & Associates is entitled to refuse a request for information.

10.1.1 The main grounds for Veld Cooper & Associates to refuse a request for information relates to the:

10.1.1.1 mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

10.1.1.2 mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;

10.1.1.3 mandatory protection of the commercial information of a third party (section 64), if the record contains:

10.1.1.3.1 trade secrets of the third party;

10.1.1.3.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

10.1.1.3.3 information disclosed in confidence by a third party to Veld Cooper & Associates if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

10.1.1.4 mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

10.1.1.5 mandatory protection of the safety of individuals and the protection of property (section 66);

10.1.1.6 mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

10.1.2 The commercial activities (section 68) of a Private Body, such as Veld Cooper & Associates which may include:

10.1.2.1 trade secrets of Veld Cooper & Associates;

10.1.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Veld Cooper & Associates;

10.1.2.3 information which, if disclosed could put Veld Cooper & Associates at a disadvantage in negotiations or commercial competition;

10.1.2.4 a computer program which is owned by Veld Cooper & Associates, and which is protected by copyright;

10.1.2.5 the research information (section 69) of Veld Cooper & Associates or a third party, if its disclosure would disclose the identity of Veld Cooper & Associates, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

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

10.1.4 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

10.1.5 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access to such record.

## **11. REMEDIES AVAILABLE WHEN VELD COOPER & ASSOCIATES REFUSES A REQUEST**

### **11.1 Internal Remedies**

Veld Cooper & Associates does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

### **11.2 External Remedies**

11.2.1 A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

11.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

## **12. ACCESS TO RECORDS HELD BY VELD COOPER & ASSOCIATES**

### **12.1 Prerequisites for Access by Personal/Other Requester**

12.1.1 Records held by Veld Cooper & Associates may be accessed by requests only once the prerequisite requirements for access have been met.

12.1.2 A requester is any person making a request for access to a record of Veld Cooper & Associates. There are two types of requesters:

#### **12.1.3 Personal Requester**

12.1.3.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

12.1.3.2 Veld Cooper & Associates will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

#### 12.1.4 Other Requester

12.1.4.1 This requester (other than a personal requester) is entitled to request access to information on third parties.

12.1.4.2 In considering such a request, Veld Cooper & Associates will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him / her that he /she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information. Veld Cooper & Associates is not obliged to voluntarily grant access to such records. The requester must fulfil the prerequisite requirements.

### **13. FEES**

#### 13.1 Fees Provided by the Act

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

13.1.1.1 A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered. The request fee is not refundable; and

13.1.1.2 An access fee, which is paid by all requesters if a request for access is granted. This fee is inclusive of costs involved by the Private Body in obtaining and preparing a record for delivery to the requester.

13.1.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54 (1)).

13.1.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations 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.

13.1.4 The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

13.1.5 A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 request form.

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

#### 14. REPRODUCTION FEES

14.1 Where Veld Cooper & Associates has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

Reproduction of Information Fees	
Information in an A-4 size page photocopy or part	R1,10 thereof
A printed copy of an A4-size page or part thereof	R0,75
A copy in computer-readable format, for example:	
Compact disc	R70,00
A transcription of visual images, in an A4-size page or	R40,00 part thereof
A copy of visual images	R60,00
A transcription of an audio record for an A4-size page or	R20,00 part thereof
A copy of an audio record	R30,00

#### 14.2 Request Fees

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the institution will further process the request received.

### 14.3 Access Fees

14.3.1 An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

16.3.2 The applicable access fees which will be payable are:

Access of Information Fees	
Information in an A-4 size page photocopy or part	R1,10 thereof
A printed copy of an A4-size page or part thereof	R0,75
A copy in computer-readable format, for example: Compact disc	R70,00
A transcription of visual images, in an A4-size page	R40,00 or part thereof
A copy of visual images	R60,00
A search for a record that must be disclosed	R30,00*
*Per hour or part of an hour reasonably required for such search.	
Where a copy of a record needs to be posted the actual postal fee is payable.	

## 15. DECISION

### 15.1 Time Allowed to Institution

15.1.1 Veld Cooper & Associates will, within 30(thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

15.1.2 The 30 (thirty) day period within which Veld Cooper & Associates has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of Veld Cooper & Associates and the information cannot reasonably be obtained within the original 30 (thirty) day period.

15.1.3 Veld Cooper & Associates will notify the requester in writing should an extension be sought.

## 16. AVAILABILITY AND UPDATING OF THE PAIA MANUAL

### 16.1 Regulation Number R.187 of 15 February 2002

16.1.1 This PAIA Manual is made available in terms of Regulation Number R.187 of 15 February 2002. Veld Cooper & Associates will update this PAIA Manual at such intervals as may be deemed necessary.

16.1.2 This PAIA Manual of Veld Cooper & Associates is available to view at its premises as noted in the clauses.

## **17. REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

17.1 In order to facilitate the PAIA request for information, Veld Cooper & Associates require particulars of person requesting access to the record as noted below:

- (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:

17.2 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. Proof is required for authority in the form of a letter of authorisation from the person on whose behalf the request is made and a certified copy of the identification of the requester and the person on whose behalf the request is made is required.

FULL NAMES AND SURNAME:

IDENTITY NUMBER:

17.3 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 a separate folio and attach it to this document.

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

17.4. 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.

(e) Reason for exemption from payment of fees:

#### 17.5 Particulars of right to be exercised or protected

If the provided space is inadequate, please continue a separate folio and attach it to this document. 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 right:

#### 17.6. 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 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 a \_\_\_\_\_ this \_\_\_\_\_ day of 20\_\_\_\_

\_\_\_\_\_

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE