

**ACCESS TO INFORMATION MANUAL
(PRIVATE BODY)**

**PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION
ACT 2 OF 2000**

**GABSTEN TECHNOLOGIES (PTY) LIMITED
2011 / 116365 / 07**

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1. INTRODUCTION

Gabsten Technologies is an established data management consulting company, based in Johannesburg, South Africa. We have been operational since 2009, offering consulting, technical support, managed services and training. We can maximise the management and backup of data for your business, including cloud adoption and integration strategies; on-site or hybrid data solutions; disaster recovery consulting; and managed services.

2. COMPANY CONTACT DETAILS (Section 51 (1) (a))

Persons designated/duly authorised persons:

Managing Director: Mr. ID Dreyer
(Designated PAIA Information Officer)

Operations Manager: Mr. H Harie

Office Manager: Ms. N van Schalkwyk

Postal Address: Suite 35, Private Bag X3, Strubensvalley, 1735

Street Address: Lower Ground Floor, Gateview Block A3, Constantia Park,
Corner Hendrik Potgieter Road and 14th Avenue,
Weltevreden Park, Roodepoort, Johannesburg, 1709

Telephone Number: +27 (0)87 654 1615

Email: info@gabsten.co.za

3. THE ACT (Section 51(1) (b))

- a) The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- b) Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act and appended as Annexure 1 and Annexure 2.
- c) Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

4. APPLICABLE LEGISLATION (Section 51 (1) (c))

Ref	Act
Act 71 of 2008	Companies Act
Act 98 of 1978	Copyright Act
Act 55 of 1998	Employment Equity Act
Act 95 of 1967	Income Tax Act
Act 66 of 1995	Labour Relations Act
Act 89 of 1991	Value Added Tax Act
Act 75 of 1997	Basic Conditions of Employment Act
Act 25 of 2002	Electronic Communications and Transactions Act
Act 2 of 2000	Promotion of Access of Information Act
Act 30 of 1996	Unemployment Insurance Act
Act 130 of 1993	Compensation for Occupational Injuries & Health Diseases
Act 9 of 1933	Currency and Exchanges
Act 114 of 1998	Debtor Collectors
Act 85 of 1993	Occupational Health & Safety
Act 34 of 2005	National Credit
Act 90 of 1989	SA Reserve Bank
Act 9 of 1999	Skills Development Levies
Act 89 of 1991	Value Added Tax
Act 97 of 1998	Skills Development

5. SCHEDULE OF RECORDS (Section 51 (1) (d) and (e))

Records	Subject	Availability
Administration	<ul style="list-style-type: none"> • Founding Documents • Minutes of Management Meetings • Minutes of Operations Meetings • Shareholder Register • Statutory Returns • BEE Status • SARS Certificate • CIPC Certificate 	<p>Request in terms of PAIA. Request in terms of PAIA.</p> <p>Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Free access via request. Free access via request. Free access via request.</p>
Human Resources	<ul style="list-style-type: none"> • Conditions of Service • Employee Records • Employment Contracts • Employment Equity Records • Industrial and Labour Relations Records • Health and Safety Regulations • Pension and Provident Fund Records 	<p>Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA.</p>

DATE OF COMPILATION: 26/06/2018
DATE OF REVISION:

	<ul style="list-style-type: none"> • Performance Appraisals • Personnel Guidelines, Policies and Procedures • Skills Requirements • Staff Recruitment Policies • Statutory Records • Training Records 	<p>Request in terms of PAIA. Request in terms of PAIA.</p> <p>Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA.</p>
Financial	<ul style="list-style-type: none"> • Financial Statements • Financial and Tax Records (Company & Employees) • Asset Register • Banking Records • Budgets • Contracts • Financial Transactions • General Correspondence • Insurance Information • Internal Audit Records • Management Accounts • Purchase and Order Information 	<p>Request in terms of PAIA. Request in terms of PAIA.</p> <p>Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA.</p>
Sales and Marketing	<ul style="list-style-type: none"> • Public Product Information • Media Releases • Product Brochures • Product Manuals • Contracts • General Correspondence • Information relating to Employee Sales Performance • Marketing and Future Strategies • Marketing Records • Sales Records • Market Information • Field Records • Performance Records • Product Sales Records • Client Database 	<p>Available on www.gabsten.co.za Available on www.gabsten.co.za Free access via request. Free access via request. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA.</p> <p>Request in terms of PAIA.</p> <p>Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA.</p>
Information Technology	<ul style="list-style-type: none"> • IT Policies and Procedures • Network Diagrams • User Manuals 	<p>Request in terms of PAIA. Request in terms of PAIA. Request in terms of PAIA.</p>

a) Gabsten Technologies (Pty) LTD has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Gabsten Technologies (Pty) LTD and its services is freely available on the Gabsten Technologies (Pty) LTD website – www.gabsten.co.za

- b) Certain other information relating to Gabsten Technologies (Pty) LTD is also made available on such website from time to time.
- c) Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

6. FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of your request, kindly:

- a) Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za or see Annexure 2 of this Manual for Form C.
- b) Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.
- c) Address your request to the Designated PAIA Information Officer.
- d) Provide sufficient details to enable the COMPANY to identify:
 - i. The record(s) requested;
 - ii. The requester (and if an agent is lodging the request, proof of capacity);
 - iii. The form of access required;
 - iv. The postal address or fax number of the requester in the Republic;
 - v. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof.
- e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. PRESCRIBED FEES (Section 51 (1) (f))

See Annexure 1 of this Manual for SAHRC Published Fee Schedule or refer to the SAHRC website.

- a) The following applies to requests (other than personal requests):
 - i. A requestor is required to pay the prescribed fees before a request will be processed;
 - ii. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
 - iii. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
 - iv. Records may be withheld until the fees have been paid.
- b) We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.
- c) Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

- d) Access will be granted to a record only if the following criteria are fulfilled:
 - i. The record is required for the exercise or protection of any right; and
 - ii. The requestor complies with the procedural requirements set out in the Act relating to a request; and
 - iii. Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.
 - iv. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za or refer to Annexure 1 of this Manual.
- e) There are two basic types of fees payable in terms of the Act:
 - i. Request Fee - The non-refundable request fee of R 50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.
 - ii. Access Fee - The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.
- f) Denial of access refers to instances where access to any record may be refused under certain circumstances. These include but are not limited to:
 - i. The protection of personal information from unreasonable disclosure concerning any natural person;
 - ii. The protection of commercial information held concerning any third party (for example trade secrets);
 - iii. The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
 - iv. Disclosures that would result in a breach of a duty of confidence owed to a third party;
 - v. Disclosures that would jeopardize the safety or life of an individual;
 - vi. Disclosures that would prejudice or impair the security of property or means of transport;
 - vii. Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
 - viii. Disclosures that would prejudice or impair the protection of the safety of the public;
 - ix. Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
 - x. Disclosures of details of any computer programme;
 - xi. Disclosures that will put Gabsten Technologies (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
 - xii. Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Gabsten Technologies (Pty) Ltd

- xiii. Disclosures of any record containing information about research and development being carried out or about to be carried out by Gabsten Technologies (Pty) Ltd.
- g) If access to a record or any other relevant information is denied, our response will include:
 - i. Adequate reasons for the refusal; and
 - ii. Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

8. AVAILABILITY OF MANUAL

- a) This Manual is available at the offices of the South African Human Rights Commission. The Manual is also available at www.gabsten.co.za
- b) Copies may also be obtained from the Office Manager of Gabsten Technologies (Pty) Ltd. In respect of hard copies, any transmission costs or postage will be for the account of the requester.
- c) This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our offices:

Lower Ground Floor, Gateview Block A3, Constantia Park,
Corner Hendrik Potgieter Road and 14th Avenue,
Weltevreden Park, Roodepoort, Johannesburg, 1709

9. DETAILS OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Any queries with regard to this manual should be directed to:

The South African Human Rights Commission; PAIA Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Phone: 011 877 3600
Fax: 011 403 0625
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

ANNEXURE 1 – SCHEDULE OF FEES

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Tel: (011) 877 3600

Fax: 011 403 0625

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity

Chairperson: ML Mushwana; Deputy Chairperson: P Govender; Commissioners: L Mokate, B Malatji, J Love, D Titus
Chief Executive Officer: K Ahmed

ANNEXURE 2 – FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

A. Particulars of private body

The Head:

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:

C. 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.

Full names and surname:

Identity number:

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.
- c) The requester must sign all the additional folios.

Description of record or relevant part of the record:

Reference number, if available:

Any further particulars of record:

E. Fees

- | |
|--|
| <p>a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

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:
Mark the appropriate box with an X.	
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 for 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 record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack	<input type="checkbox"/>	transcription of soundtrack*
<input type="checkbox"/>	audio cassette	<input type="checkbox"/>	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* (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

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:

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 of20...

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE