

Document Number: AC000-000002-94  
File Name: 2016.01.04 - PAIA Manual.odt  
Issue: 1  
Issue Date: 4 January 2016

**PAIA MANUAL FOR:  
M-TEK (Pty.) Ltd.**

**(Registration Number: 98/15119/07) (the "Company")**

**PREPARED AND COMPILED IN TERMS OF:**

**The Promotion of Access to Information Act (PAIA),  
Act 2 of 2002 (the "Act")**

**PREPARATION AND COMPILATION OF THIS PAIA MANUAL  
WAS DONE IN COMPLIANCE WITH SECTION 51 OF THE ACT**

***M-TEK*** (Pty.) Ltd.

131 Edison Crescent  
Hennospark Ext 26  
CENTURION  
(012) 653-2528 (T)  
(012) 653-2524

## 1. INTRODUCTION

### 1.1. General

The Act aims to give effect to the constitutional right 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.

Section 51 of the Act specifically provides that the head of a *private body* must make a manual available which contains the information and details prescribed via sections 51(1)(a) through 51(1)(e) of the Act. In this context a "*private body*" is defined to include, amongst others, any former or existing juristic person (but excluding a "*public body*" as defined).

The Company qualifies under the definition of "*private body*", and as such this PAIA Manual was prepared and compiled in compliance with section 51 of the Act.

### 1.2. Right Of Access

Section 50(1) of the Act provides that any requester must be given access to any record of a *private body* if:

- that record is required for the exercise or protection of any rights;
- the requester complies with the procedural requirements of the Act relating to a request for access to that record; and
- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of the Act.

Accordingly this PAIA Manual provides a reference to the records held by the Company and the process that needs to be adopted to access such records.

**All requests for access to information (other than information which is available to the public) must be addressed to the information officer named in section 2 of this PAIA Manual.**

## 2. CONTACT DETAILS

### 2.1. Company

<b>Name:</b>	M-TEK (Pty) Ltd
<b>Registration Number:</b>	98/15119/07
<b>Postal Address:</b>	P.O. Box 10239, Centurion
<b>Street Address:</b>	131 Edison Crescent, Hennopspark Ext 26
<b>Phone Number:</b>	(0)12 653-2528 / 0046
<b>Fax Number:</b>	(0)12 653-2524
<b>Website:</b>	<a href="http://www.mtek.co.za">www.mtek.co.za</a>

## 2.2. Head of Company

<b>Name and Surname:</b>	Ian Middleton
<b>Position within Company:</b>	Managing Director
<b>Postal Address:</b>	P.O. Box 10239, Centurion
<b>Street Address:</b>	131 Edison Crescent, Hennospark Ext 26
<b>Phone Number:</b>	(0)12 653-2528 / 0046
<b>Fax Number:</b>	(0)12 653-2524
<b>E-Mail</b>	<a href="mailto:paia@mtek.co.za">paia@mtek.co.za</a>

## 2.3. Information Officer

<b>Name and Surname:</b>	Ian Middleton
<b>Position within Company:</b>	Managing Director
<b>Postal Address:</b>	P.O. Box 10239, Centurion
<b>Street Address:</b>	131 Edison Crescent, Hennospark Ext 26
<b>Phone Number:</b>	(0)12 653-2528 / 0046
<b>Fax Number:</b>	(0)12 653-2524
<b>E-Mail</b>	<a href="mailto:paia@mtek.co.za">paia@mtek.co.za</a>

## 3. GUIDE

The South African Human Rights Commission is required, in terms of section 10 of the Act, to compile a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Section 10 of the Act further provides that the Information Regulator must update and make available the existing guide that has been compiled by the South African Human Rights Commission.

At date of compilation of this PAIA Manual, any enquiries regarding the aforementioned guide should be directed to the South African Human Rights Commission at:

<b>Postal Address:</b>	PAIA (Promotion of Access to Information), Information and Communications, Private Bag 2700, Houghton, 2041.
<b>Street Address:</b>	The South African Human Rights Commission Head Office, Braampark Forum 3, 33 Hoofd Street, Braamfontein.
<b>Phone Number:</b>	(011) 484 8300
<b>Fax Number:</b>	(011) 484 1360
<b>E-Mail:</b>	<a href="mailto:paia@sahrc.org.za">paia@sahrc.org.za</a>
<b>Website:</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

At date of compilation of this PAIA Manual, the Information Regulator was in the process of being formed and structured. Once the Information Regulator is fully operational, enquiries regarding the aforementioned guide could be directed to the Information Regulator also.

## 4. RECORDS OF THE COMPANY

The accessibility of the records listed below, may be subject to any ground for refusal contemplated in Chapter 4 of Part 3 of the Act.

The following is a list of records that are held at the Company's office. The Company's records are classified and grouped according to the following subjects and categories:

<b>Administration:</b>	Attendance Registers Memorandum of Incorporation Correspondence Constitutional/Founding Documents Licenses, Permits and other Authorisations Minutes of Management, Board, Shareholder, Employee and Staff Meetings Records Relating to the appointment of Directors / Auditors / Secretaries / Public Officers and other officers Securities Register Statutory Returns and Records Administrative Records Internal Policies and Procedures
<b>Human Resources:</b>	Conditions of Service Employee Records Employment Contracts Employment Equity Records General Correspondence Industrial and Labour Relations Records Information relating to Health and Safety Regulations and Incidents Pension and Provident Fund Records Performance Appraisals Personnel Guidelines, Policies and Procedures Remuneration Records and Policies Salary Surveys Skills Requirements Staff Requirement Policies Statutory Records Training Records

<b>Operations:</b>	Brochures on Company Information Client and Customer Registry Supplier Registry Company Generated Records Regarding Clients, Customers, Suppliers, Business and Operations Contracts Product Records General Correspondence Information Relating to Sales Information Relating to Development Operational Records Marketing and Future Strategies Statutory Records Internal Policies and Procedures
<b>Finances:</b>	Annual Financial Statements Banking Records Bank Statements Invoices Asset Registers Budgets and Projections Feasibility Studies Business Plans Financial Transactions General Correspondence Insurance Information Internal Audit/Review Information Management Accounts Purchase and Order Records Stock Records Tax Records and Returns (Company and Employee) Records of payments made to SARS Contracts Statutory Records Internal Policies and Procedures
<b>Information Technology:</b>	IT Policies, Manuals and Procedures Network Diagrams and Information User Manuals Statutory Records Internal Policies and Procedures

<b>Statutory Records:</b>	<p>These include records held by the Company (if any) in terms of:</p> <p>Arbitration Act 42 of 1965  Attorneys Act 53 of 1979  Basic Conditions of Employment Act, Act 75 of 1997  Companies Act, Act 71 of 2008  Compensation for Occupational Injuries and Health Diseases Act, Act 130 of 1993  Competition Act 89 of 1998  Consumer Protection Act, Act 68 of 2008  Copyright Act 61 of 1978  Electronic Communications and Transactions Act 25 of 2002  Employment Equity Act, Act 55 of 1998  Financial Advisory and Intermediary Services Act no 37 of 2002  Financial Intelligence Centre Act, Act 38 of 2001  Income Tax Act, Act 58 of 1962  Insolvency Act 24 of 1936  Insurance Act 27 of 1943  Intellectual Property Laws Amendments Act 38 of 1997  Interception and Monitoring Prohibition Act 127 of 1992  Labour Relations Act, Act 66 of 1995  Long Term Insurance Act 52 of 1998  National Credit Act, Act 34 of 2005  Non-profit Organisations Act 71 of 1997  Occupational Health and Safety Act, Act 85 of 1993  Prevention of Organised Crime Act 121 of 1998  Protection of Businesses Act 99 of 1978  Regional Service Councils Act 109 of 1985  SA Schools Act 84 of 1996  Sectional Titles Act 95 of 1986  Short Term Insurance Act 53 of 1998  Short-term Insurance Act no. 53 of 1998  Skills Development Act 97 of 1998  Skills Development Levies Act 9 of 1999  Stamp Duties Act 77 of 1968  The Co-operatives Act 14 of 2005  The Fund-Raising Act 107 of 1978  The National Credit Act 34 of 2005  Trade Marks Act 194 of 1993  Trust Property Control Act 57 of 1988  Unemployment Contributions Act, Act 4 of 2002  Unemployment Insurance Act, Act 63 of 2001  Value Added Tax Act, Act 89 of 1991</p> <p><b>The above is not an exhaustive list of statutes that may require the Company to keep records</b></p>
---------------------------	---

## 5. INFORMATION REQUEST PROCEDURE

### 5.1. General

The Company's records may only be accessed by a requester once all of the prerequisite requirements for access have been met. This includes that:

- the requested record is required for the exercise or protection of any rights;
- the requester complies with the procedural requirements set out in the Act relating to a request for access to that requested record; and
- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of Part 3 of the Act.

### 5.2. Request Form

A requester must use the prescribed form to make a request for access to a record of the Company. A request form is available from the offices of the Company or at [www.mtek.co.za](http://www.mtek.co.za). For avoidance of doubt a request for access to a record of the Company must:

- substantially correspond with Form C of Annexure B to the Act; and
- provide, indicate, specify, identify and/or state the disclosures/items required in section 53(2) of the Act. This includes that the request form must be completed with enough particularity to at least enable the Company's Information Officer (refer to 2.3 above) to identify: i) The Company record or records requested; ii) The full names and identity number of the requester; iii) The form of access required, if the request is granted; iv) The postal address or fax number of the requester; v) The right the requester is seeking to exercise or protect and vi) An explanation of why the requested record is required for the exercise or protection of the relevant right.

### 5.3. Submission and Processing

The completed request form must be submitted to the Company's Information Officer identified in 2.3 above, at the postal or physical address, fax number or electronic mail address recorded in 2.3 above.

Processing of any request for information will be subject to payment of any and all mandatory fees as per 7 below.

If the request is made on behalf of another, the requester must submit proof of the capacity in which he is making the request, to the reasonable satisfaction of the Company's Information Officer (refer to 2.3 above).

### 5.4. Decision and Reply

**The successful completion and submission of a request form does not automatically allow or grant a requester access to the requested record.**

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

If, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, he must state that manner and the necessary particulars, along with the relevant request form, in order to be so informed.

The 30 day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large volume of records, or the request requires a search for information held at another office of the Company and the information cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be or become relevant.

---

## 6. DENIAL OF ACCESS

### 6.1. Grounds

The Act provides a number of grounds on which a request for access to information could be refused. These grounds mainly protect the privacy of individuals and the confidential information of third parties.

Access to information could be refused in terms of Chapter 4 of Part 3 of the Act 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 person;
- Mandatory protection of commercial information of third party, if the records contain: i) trade secrets of that third party; ii) financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; iii) Information disclosed in confidence by a third party to the Company, 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;
- The commercial activities of the Company, which may include: i) Trade secrets of the Company; ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company; iii) information which, if disclosed, could put the Company at a disadvantage in negotiations or commercial competition; iv) a computer program which is owned by the Company and which is protected by copyright;
- The research information of the Company or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.



## 6.2. Remedies available when the Company denies a request for information

The Company does not have internal appeal procedures. Therefore, the decision made by the Information Officer is final. Requesters who are dissatisfied with a decision of the Information Officer will have to exercise external remedies at their disposal.

A requester or a third party, who is dissatisfied with an Information Officer's refusal to disclose information, or with the disclosed information, may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

## 7. FEES

### 7.1. General

The fees applicable are prescribed in terms of the Regulations to the Act. There are two types of fees payable in terms of the Act, namely Request Fees and Access Fees.

The Company's Information Officer (refer to 2.3 above) will withhold a record until the requester has paid the fees as indicated.

### 7.2. Request Fees

The non-refundable request fee is payable upon submission of any request for access to any record. This does not apply if the request is for personal records of the requester (no fee is payable in such circumstances).

The applicable request fee amounts to R50.00 (incl. VAT).

### 7.3. Access Fees

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 specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of section 54(8).

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 to the Act for this purpose, the Company's Information Officer (refer to 2.3 above) will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted. If a deposit has been paid in respect of a request for access, which is refused, then the Company's Information Officer (refer to 2.3 above) will repay the deposit to the requester.

The applicable access fees which will be payable are (incl. VAT):

For every photocopy of an A4-size page or part thereof	R 1,25
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R 0,85
For a copy in a computer-readable form on:	
Stiffy disc	R 8,55
Compact disc	R 79,80

A transcription of visual images for an A4-size page or part thereof	R 45,60
For a copy of visual images	R 68,40
A transcription of an audio record, for an A4-size page or part thereof	R 22,80
For a copy of an audio record	R 34,20
To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	R 34,20
Where a copy of a record needs to be posted the actual postal fee is payable	


## 8. MANUAL AVAILABILITY

This PAIA Manual is available at:

- The offices of the South African Human Rights Commission
- [www.mtek.co.za](http://www.mtek.co.za) ; and
- The Company's head office as set out in 2.1 above.

In respect of hard copies, any transmission costs or postage will be for the account of the requester.

## 9. SIGNATURE AND ENDORSEMENT BY THE HEAD OF COMPANY AS PER 2.2 ABOVE:

<b>SIGNATURE:</b>	
<b>DATE:</b>	4 January 2016