SBDS GAUTENG

1ST FLOOR BLOCK 3
THE COURTYARDS
32 PETER PLACE
LYME PARK 2191
PO BOX 41133
CRAIGHALL 2024
TEL +27 11 884 3236
E-mail info@sbdsjnb.co.za
Website www.sbds.co.za

# SBDS CONSTRUCTION CONSULTANTS:

# PROTECTION OF ACCESS TO INFORMATION ACT (PAIA) MANUAL

| | |
|---|---|
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QUANTITY SURVEYORS

# POLICY STATEMENT

- This manual forms part of SBDS Construction Consultants internal business processes and procedures.
- Any reference to the “company” shall be interpreted to include “SBDS Construction Consultants” and vice versa.
- The company’s employees, contractors, suppliers and any other persons acting on behalf of the company are required to familiarise themselves with the manual’s requirements and undertake to comply with the stated processes and procedures.
- Risk owners and control owners are responsible for overseeing and maintaining control procedures and activities as prescribed in this manual.

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# 1. DEFINITIONS

**PAIA** means the Promotion of Access to Information Act 2 of 2000.

**POPIA** means the Protection of Personal Information Act 4 of 2013.

**Information Regulator** means the Regulator as established in terms of Section 39 of POPIA.

**Person** means a natural person or a juristic person.

**Private body** means:

- a natural person who carries or has carried on any trade, business or profession, but only in such capacity;
- a partnership which carries or has carried on any trade, business or profession; or
- any former or existing juristic person, but excludes a public body.

**Public body** means:

- any department of state or administration in the national or provincial sphere of government or any municipality in the local sphere of government; or
- any other functionary or institution when:
  - exercising a power or performing a duty in terms of the Constitution or a provincial constitution; or
  - exercising a public power or performing a public function in terms of any legislation.

**Head,** in relation to the company means the Chief Executive Officer (CEO) or equivalent officer of the juristic person or any person duly authorised by that officer.

**Information Officer** means the responsible person for ensuring the company's compliance with POPIA. The Information Officer must be registered with the South African Information Regulator established under POPIA prior to performing his duties.

**Requester** in relation to the company means any person, including, but not limited to a public body or an official thereof, making a request for access to a record of the company or a person acting on behalf of such a person.

**Personal Requester** means a requester seeking access to a record containing Personal Information about the requester.

**Personal Information** is any information that can be used to reveal a person's identity. Personal Information relates to an identifiable, living, natural person, and where applicable, an identifiable, existing juristic person (such as a company), including, but not limited to information concerning:

- race, gender, sex, pregnancy, marital status, national or ethnic origin, colour, sexual orientation, age, physical or mental health, disability, religion, conscience, belief, culture, language and birth of a person;
- information relating to the education or the medical, financial, criminal or employment history of the person;
- any identifying number, symbol, email address, physical address, telephone number, location information, online identifier or other particular assignment to the person;
- the biometric information of the person;
- the personal opinions, views or preferences of the person;
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- the views or opinions of another individual about the person;
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

**Request for access** means a request for access to a record of the company in terms of section 50 of PAIA.

**Record** means any recorded information regardless of the form or medium, in the possession or under the control of the company irrespective of whether or not it was created by the company.

**Data Subject** means the person to whom personal information relates.

**Third Party** in relation to a request for access to a record held by the company, means any person other than the requester.

**Processing** means any activity or any set of operations, whether or not by automatic means, concerning personal information, including

- the collection, receipt, recording, company, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- dissemination by means of transmission, distribution or making available in any other form; or
- merging, linking, as well as restriction, degradation, erasure or destruction of information.

## 2. PURPOSE OF A PAIA MANUAL

On 9 March 2001, the Promotion of Access to Information Act, No 2 of 2000 became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in PAIA is the compilation of an information manual that provides information on both types and categories of records held by a private body, such as SBDS Construction Consultants.

This document serves as the SBDS Construction Consultants information manual and provides reference to the records held by the company and the process to request access to such records.

The purpose of PAIA is to:

- foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information; and to
- actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their Constitutional rights.

The company recognises everyone's right to access to information and is committed to provide access to the company's records where the proper procedural requirements as set out by PAIA and POPIA have been met.

The company's PAIA manual is compiled in accordance with section 51 of the Act and contains the following Annexures:

| **Annexure A: Contact Details** |
|---|
| This Annexure provides the company's postal and street address, phone and fax number and, if available, the e-mail address of the MD and Information Officer of the company. |
| **Annexure B: Section 10 PAIA Guide** |
| This Annexure provides a description of the guide referred to in Section 10 of PAIA and how you may obtain access to it |
| **Annexure C: Statutory Records** |
| This Annexure provides a description of the various laws of South Africa in terms of which the company is required to maintain records |

| |
|---|
| **Annexure D: Availability of Records** |
| This Annexure provides a list of records held by the company. |
| **Annexure E: Request Procedure** |
| This Annexure sets out the procedure required to obtain access to a record. |
| **Annexure F: Prescribed Fees** |
| This Annexure sets out the fees that are payable to the company prior to processing a request to obtain access to a record held by the company. |

# 3. DUTIES OF THE INFORMATION OFFICER

The Information Officer of the company is responsible for:

- Publishing and proper communication of the manual i.e. creating policy awareness;
- The facilitation of any request for access to information;
- Providing adequate notice and feedback to the requester of the information;
- Determining whether to grant a request for access to a complete/full record or only part of a record;
- Ensuring that access to a record, where so granted, is provided timeously and in the correct format; and
- Reviewing the policy for accuracy and communicating any amendments.

**Right of Access**

The Information Officer may only provide access to any record held by the company to a requester if:

- The record is required for the exercise or protection of any right; and
- The requester complies with the procedural requirements relating to a request for access to that record; and
- Access to that record is not refused in terms of any of the grounds for refusal listed below.

**Grounds for Refusal**

The Information Officer must assess whether there are any grounds for refusing a request for access. Where any grounds for refusal are found, a request for access will not be granted.

However, despite finding any grounds for refusal, access to the record(s) will be provided where:

- the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with any legislation; or
- the disclosure of the record would reveal imminent and serious public or environmental risk, and
- the public interest in disclosing record, will clearly outweigh the harm contemplated in the provision in question.

Where there are no grounds for refusal, request for access will be granted.

If a request for access is made with regards to a record containing information that would justify a ground for refusal, every part of the record which does not contain and can reasonably be severed from any part that contains, any such information must, despite any other provision of PAIA, also be disclosed to a requester.

The grounds for refusal are set out below:

- Mandatory protection of the privacy of a Third Party who is a natural/juristic person, which would involve the unreasonable disclosure of personal information of that natural/juristic person.

- Mandatory protection of the commercial information of a third party, if the record contains:
  - Trade secrets of that party;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party; Information disclosed in confidence by a third party to SBDS Construction Consultants;
  - if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
  The commercial activities of SBDS Construction Consultants which may include:
  - Trade secrets of the company;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the company.

**Notification**

SBDS Construction Consultants will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect. The 30 day period within which the company has to decide whether to grant of refuse the request may be extended for a further period of not more than 30 days, if the request is for a large volume of information, or the request requires a search for the information held at another office of SBDS Construction Consultants and the information cannot reasonably be obtained within the original 30 day period. SBDS Construction Consultants will notify the requester in writing should an extension be sought.

# ANNEXURE A: CONTACT DETAILS

**A. Company Contact Details**

| | |
|---|---|
| Address: | The Courtyards, Block 3 1st Floor, 32 Peter Place, Lyme Park |
| Phone number: | (011) 884 3236 |
| Fax number: | none |

**B. Managing Director**

| | |
|---|---|
| Full names & surname: | Leonardus Messerschmidt |
| Email address: | nardus@sbdsjnb.co.za |

**C. Information Officer**

| | |
|---|---|
| Full names & surname | Leonardus Messerschmidt |
| Email address: | nardus@sbdsjnb.co.za |
| Phone number: | (011) 884 3236 |

# ANNEXURE B: SECTION 10 PAIA GUIDE

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights.

Where a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the rates provided.

Requesters are referred to the guide in terms of section 10 of the Act which has been compiled by the South African Human Rights Commission. The guide contains information for the purposes of exercising Constitutional rights.

The guide is available in all South African official languages free of charge and any person may request a copy of the guide.

A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

**Postal Address:** The South African Human Rights Commission, PAIA Unit, Private Bag 2700, Houghton, 2041

- Telephone Number: **(011) 484 8300**
- Fax Number: **(011) 484 0582**
- Email: **PAIA@sahrc.org.za**
- Website**: www.sahrc.org.za**

# ANNEXURE C: LEGISLATIVE RECORDS

The company maintains statutory records and information in terms of the following legislation[1] (where applicable):

| |
|---|
| Basic Conditions of Employment Act |
| Companies Act |
| Compensation of Occupational Injuries & Diseases Act |
| Broad Based Black Economic Empowerment Act |
| Employment Equity Act |
| Labour Relations Act |
| Occupational Health and Safety Act  Promotion of Access to Information Act |
| Skills Development Act |
| Unemployment Insurance Act |
| Quantity Surveying Profession Act |
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# ANNEXURE D: AVAILABILTY OF RECORDS

The company maintains the following categories of records and related subject matters. The status of the record's availability, the purpose for its processing and the relevant data subject category to who the record relates are set out below:

| Category: | Record: |
|---|---|
| Records in respect of clients | Client Correspondence<br>Client Audit Files<br>Client Fee Records<br>Client Contracts/Service Level Agreements<br>Client Internal Information<br>Client Business Information<br>Findings and Recommendations Reports<br>Investigative Material<br>Legal Documentation<br>Proposal and Tender Documentation<br>Working Papers |
| Regulatory & Administrative | Policies and procedure documentation<br>Codes of Conduct<br>Minutes of Meetings<br>Register of Board of Directors<br>Internal correspondence (e-mails/memos)<br>Insurance Policies held by company |
| Human Resources | Employment Applications Employment Contracts<br>Personal Information of Employees<br>Employment Equity Plan<br>Medical Aid Records<br>Pension Fund Records<br>Returns to UIF<br>Disciplinary Code<br>Leave Records<br>Training Records<br>Training Manual |
| Financial | Financial Statements<br>Financial and Tax Records<br>Asset Register<br>Management Accounts and Reports<br>Vouchers, Cash Books and Ledgers<br>Banking Records and Statements |
| Marketing | Marketing Material<br>Advertisments |
| Third Party | Letters of Intent<br>Supplier Contracts |

# ANNEXURE E: REQUEST PROCEDURE

To facilitate the processing of your request, kindly complete and submit the form on page 14 below to the e- mail address of the Information Officer indicated in Annexure A.

The Information Officer will notify the requester that a request for access has been received and that the prescribed fee (if any) is payable prior to processing the request. Please refer to Annexure F for a full breakdown of fees payable. Personal requesters will not be charged a request fee.

Once the request has been processed, the Information Officer will inform you of the outcome of your request and any additional fees that may fall due.

Please be advised that PAIA provides a number of grounds on which a request for access to information must be refused. These grounds mainly comprise instances where:

- the privacy and interests of other individuals are protected;
- where such records are already otherwise publicly available;
- instances where public interest are not served;
- the mandatory protection of commercial information of a third party; and
- the mandatory protection of certain confidential information of a third party.

When completing the form below please:

- indicate the identity of the person seeking access to the information;
- provide suff icient particulars of the requested information to enable the Information Officer to identify the information requested;
- specify the format in which the information is required;
- indicate the contact details of the person requiring the information;
- indicate the right to be exercised and/or to be protected, and specify the reasons why the information required will enable the person to protect and/or exercise the right;
- where the person requesting the information wishes to be informed of the decision of the request in a particular manner, state the manner and particulars to be so informed;
- if the request for information is made on behalf of another person, submit proof that the person submitting the request, has obtained the necessary consent to do so.

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| **A. Request for Information in terms of PAIA:** |
|---|
| Details of the Information Officer of SBDS Construction Consultants : |
| |
| **B. Particulars of person requesting access to the record** |
| i. The particulars of the person who requests access to the record must be recorded below.<br>ii. Furnish an address and/or fax number in South Africa to which information must be sent.<br>iii. Proof of the capacity in which the request is made, if applicable, must be attached. |
| Full names &<br>surname:<br>Identity number:<br>Postal address:<br>Fax number:<br>Telephone<br>number:<br>Email address:<br>Capacity: |
| **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 &<br>surname:<br>Identity number: |
| **D. Particulars of Record** |
| i. Provide full particulars of the record to which access is requested.<br>ii. If the provided space is inadequate, please continue on a separate page and attach to this form. Please sign any additional pages |
| Description of record:<br><br><br><br>Reference number:<br>Any further particulars: |
| **E. Fees** |
| i. 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.<br>ii. You will be notified of the amount required to be paid as the request fee.<br>iii. 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.<br>iv. If you qualify for exemption of the payment of any fee, please state the reason therefor. |
| Reason for exemption: |

| **F. Form of access to record** |
| --- |
| Financial Statements |
| If you are prevented by a disability to read, view or listen to the record in the form of access provided hereunder, please state your disability and indicate in which form the record is required. |
| Disability:<br><br>Form in which required: |
| Mark the appropriate box with an "X"<br>i. Your indication as to the required form of access depends on the form in which the record is available.<br>ii. Access in the form requested may be refused in certain circumstances, in such a case you will be informed of access will be granted in another form.<br>iii. The fee payable for access to 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:<br>• copy of record<br>• inspection of record<br>2) If record consists of visual images:<br>• view the images<br>• copy of the images<br>• transcription of the images<br>3) If the record consists of recorded words or information which can be reproduced in sound:<br>▪ listen to the soundtrack<br>▪ transcription of the soundtrack<br>4) If the record is held on computer or in an electronic or machine-readable form:<br>• printed copy of record<br>• copy in computer readable form |
| Please indicate the preferred method of delivery<br>• By hand<br>• Email<br>• Post<br>• Fax |
| **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 additional folios. |
| Indicate which right is to be exercised or protected:<br><br>Explain why the record requested is required for the exercise or protection of the aforementioned right: |

| H. Notice of decision regarding the request for access |
| --- |
| You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof 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? |

| I. Signature page |
| --- |
| Signed at:<br>Date:<br>Signature of Requester / Person on whose behalf request is made: |

# ANNEXURE F: PRESCRIBED FEES

The following applies to requests (other than personal requests):

- A requester is required to pay a preliminary request fee before a request will be processed.
- If the preparation of the record requested requires more than the prescribed hours (six), an additional deposit shall be paid (of not more than one third of the access fee which would be payable if the request was granted).
- A requestor may lodge an application to a relevant court for waiver of the payment of the required fee and/or deposit.
- Records may be withheld until the fees have been paid.
- All prices listed below are inclusive of Value-Added Tax (VAT).
- The fee structure is also available on the South African Human Rights Commission's website at www.sahrc.org.za

| No. | Description | Fee |
|---|---|---|
| 1. | The fee for a copy of the manual as contemplated in regulation 9(2)(c), for every photocopy of an A4-size page or part thereof | R1.10 |
| | | |
| 2. | The fees for reproduction referred to in regulation 11(1) are as follows: | - |
| | a) For every photocopy of an A4 size page or part thereof | R1.10 |
| | b) For every printed copy of an A4 size page or part thereof held on a computer or in electronic readable form | R0.75 |
| | c) For a copy in a computer-readable form on stiffy disc | R7.50 |
| | d) For a copy in a computer-readable form on compact disc | R70.00 |
| | e) For a transcription of visual images, for an A4 size page or part thereof | R40.00 |
| | f) For a copy of a visual image | R60.00 |
| | g) For a transcription of an audio record | R20.00 |
| | h) For a copy of an audio record | R30.00 |
| | | |
| 3. | The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) | R50.00 |
| | | |
| 4. | The request fee payable by a requester, other than a personal requester, referred to in regulation 11(3): | - |
| | a) For every photocopy of an A4 size page or part thereof | R1.10 |
| | b) For a printed copy of an A4 size page or part thereof held on a computer or in electronic readable form | R0.75 |
| | c) For a copy in a computer readable form on stiffy disc | R7.50 |
| | d) For a copy in a computer readable form on compact disc | R70.00 |
| | e) For a transcription of visual images, for an A4 size page or part thereof | R40.00 |
| | f) For a copy of a visual image | R60.00 |
| | g) For a transcription of an audio record, for A4 size page or part thereof | R20.00 |
| | h) For a copy of an audio record | R30.00 |
| | | |
| 5. | The actual postage fee is payable when a copy of a record must be posted to a requester | - |
| | | |
| 6. | For purposed of section 54(2) of the Act, the following applies: | - |
| | a) Six hours as the hours to be exceeded before a deposit is payable | - |
| | b) One third of the access fee is payable as a deposit by the requester | - |

| | |
|---|---|
| Head signature: | |
| Date: | |

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