



PROMOTION OF ACCESS TO INFORMATION ACT (“PAIA”) MANUAL

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1. INTRODUCTION

Digital Process Automation (Pty) Ltd (DPA) endorses the spirit of the Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) and believes that this Manual will assist requesters in exercising their rights in this regard.

The Act seeks, inter alia, to give effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right.

This PAIA Manual was compiled in terms of Section 51 of the Act to facilitate access to records held by DPA. It contains information required by a person wishing to exercise any right, contemplated by the Act.

2. DIGITAL PROCESS AUTOMATION (PTY) LTD THE COMPANY

DPA is a private company that provides products and services for the ICT market. DPA combines technological resources, know-how, products and services to create and deliver technology-based business solutions that meet the information management needs of all communities.

DPA is committed to conducting its business in a manner that ensures long-term sustainability for the benefit of communities and all stakeholders. Sustainability is a continuous journey and requires a multi-disciplinary approach. Good governance, sound risk management, stakeholder engagement, environmental awareness, all form part of DPA’s vision to be a leading emerging markets ICT company.

3. DPA CONTACT DETAILS

Digital Process Automation (Pty) Ltd

Registration Number: 2021/346881/07

Physical Address: 48 Dublin Street, Krugersdorp

Telephone Number: +27 61 520 6017

Website: www.dpa-sa.co.za

4. INFORMATION OFFICER

The Information Officer of Digital Process Automation (Pty) Ltd is:

Name: Mr. Michael Dawson - DPA Director

E-mail: paia@dpa-sa.co.za

5. CONFIDENTIALITY AND ACCESS TO INFORMATION POLICY

DPA will protect the confidentiality of information provided to it by third parties, subject to DPA’s obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, DPA is obliged to attempt to contact this third-party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

6. RECORDS AUTOMATICALLY AVAILABLE - [Section 51(1)(c)]

At this stage, no notice(s) has/have been published in terms of section 52 of the Act on the categories of records that are automatically available without a person having to request access in terms of the Act.

Records that are automatically available at the registered office of DPA on payment of the prescribed fee for reproduction:

- Records of DPA lodged in terms of government requirements such as the Registrar of Deeds.
- Documentation and information relating to DPA which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008.
- Product and Services Brochures.
- News and other Marketing Information.
- Certain other information relating to DPA may also be made available from time to time.

7. PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

7.1. On 9 March 2001, the Act came into effect. The Act seeks to advance a culture of transparency and accountability in both public and private bodies. The legislation was enacted as a direct response to Section 32(2) of the Constitution of South Africa – the right of access to information – which requires that the Government implements laws to make information pertaining to public and private bodies more accessible to all.

7.2. The Act gives 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. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

7.3. One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, DPA is regarded as a “private body” and therefore the requirements regarding access must comply with the provisions of the Act relevant to private bodies and more in particular Section 51 of the Act.

7.4. In compliance with Section 51 of the Act this PAIA Manual sets out the following details:

7.4.1. DPA’s contact details including, physical and postal addresses, telephone and fax numbers, electronic mail address of the person tasked in terms of this Code of Conduct.

7.4.2. Information on how to obtain and access this Code of Conduct and a guide on how to use it.

7.4.3. Categories of information held by DPA that is available without a person having to formally request such details in terms of the Act.

7.4.4. Categories of information held by DPA that is available in accordance with other legislation and which, subject to the Act, may be made available by DPA on receipt of and consideration of a formal request, made in terms of the Act.

7.4.5. Sufficient information to facilitate a request for access to records and a description of the subjects on which records are available from DPA.

7.5. Adherence to these requirements entails not only compilation of the external manual but also compliance with the general provisions stated in the Act.

8. GUIDE ON HOW TO USE THE ACT – [Section 10]

8.1. The Human Rights Commission has been tasked with the administration of the Act.

8.2. In terms of Section 10 of the Act, the Human Rights Commission has compiled a guide which is intended to assist users in the interpretation of the Act and how to access the records of private and public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

8.3. Should any person have queries or concerns relating to their rights and in particular their right to access information from a private or public body, such queries should be directed to:

The South African Human Rights Commission PAIA Unit

Private Bag X2700

Houghton, 2041

Republic of South Africa

Business phone: +27 11 877 3600

Fax: +27 11 403 0625

Email address: section51.paia@sahrc.org.za

Website: www.sahrc.org.za

9. CATEGORIES OF RECORDS HELD - [SECTION 51(1)(e)]

The below identifies the types of records of information which DPA has available in terms of laws applicable to DPA listed under section 5 above:

- Corporate Secretariat and Governance
- Finance and Taxation
- Personnel Documents and Records
- Information Technology and Infrastructure
- Intellectual Property
- Legal
- Sales, Marketing and Communication
- Business Interactions with other entities
- Insurance
- Environmental
- Regulatory
- Logistics and Procurement
- Administrative

10. RECORDS THAT ARE NOT AUTOMATICALLY AVAILABLE

Records of DPA which are not automatically available must be requested in terms of the procedure set out in this PAIA Manual and which may be subject to the restrictions and right of refusal to access as provided for in the Act.

11. INFORMATION REQUEST PROCEDURE

- 11.1. Any person making a request for access to records of DPA is referred to as a "requester".
- 11.2. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to records.
- 11.3. The requester must complete the prescribed form application form attached hereto marked Annexure A and submit the form as well as payment of the request fee and a

deposit, if applicable, to the Information Officer of DPA at the postal or physical, fax or electronic mail address as stated above.

The prescribed form must be filled in with sufficient particulars to at least enable the Information Officer of DPA to identify:

- 11.3.1. The record or records requested.
- 11.3.2. The identity of the requester.
- 11.3.3. Which form of access is required if the request is granted; and
- 11.3.4. The postal address, telephone number and fax number of the requester.
- 11.4. The requester must state that he/she requires the information to exercise or protect her/his right and clearly state what the nature of the right is to be exercised or protected. In addition, the requester must clearly specify why the records are necessary to exercise or protect such a right.
- 11.5. Such request must be processed within 30 (thirty) days after the request has been received.
- 11.6. The requester shall be informed whether the access has been granted or denied within 30 (thirty) days of receipt of the request and give notice with reasons to that effect.
- 11.7. The 30 (thirty) day period within which the company must decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the request is for a vast amount of information, or the information cannot reasonably be obtained within the original 30 (thirty) day period. The Information Officer will notify the requester in writing should an extension be sought.
- 11.8. If the request for access is granted, the Information Officer of DPA must advise the requestor:
 - 11.8.1. the access fee (if any) to be paid upon access.
 - 11.8.2. the form in which access will be given; and
 - 11.8.3. that the requester may lodge an application with a court against the access to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.
- 11.9. If the request for access is refused, the Information Officer of DPA must:
 - 11.9.1. state adequate reasons for the refusal, including the provisions of this Act relied on;
 - 11.9.2. exclude, from any such reasons, any reference to the content of the record; and
 - 11.9.3. state that the requester may lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.
- 11.10. In terms of Section 54 of the Act, if all reasonable steps have been taken to find the record requested and there are reasonable grounds to believe that the record is in possession of DPA but cannot be found, and if it does not exist, then the Information Officer of DPA must notify by way of affidavit or affirmation, the requester that it is not possible to give access to that record.
- 11.11. If after notice is given, the record in question is found, the requester must be given access thereto unless the ground for the refusal of access exists.
- 11.12. If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requester wish appeal the decision.
- 11.13. Section 59 provides that the Information Officer of DPA may serve a record and grant access only to that portion which the law does not prohibit access to.

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

12. FEES

- 12.1. The Act provides for two types of fees, namely:
- 12.1.1. A request fee, which will be a standard fee; and
 - 12.1.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as delivery costs.
- 12.2. When the request is received by the Information Officer of DPA, such person shall by notice require the requester to pay the prescribed request fee, if any, before further processing of the request.
- 12.3. If a requester requires access to records of his/her personal information there shall be no request fee payable. However, the requester must pay the prescribed access and reproduction fees for such personal information.
- 12.4. If the search for the record has been made and the preparation of the record for disclosure including arrangements to make it available in the request form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer of DPA 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.
- 12.5. The Information Officer of DPA shall withhold the record until the requester has paid the fees as indicated in **Annexure "B"** hereto.
- 12.6. A requester whose request for access to a record has been granted, must pay an access 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 records for disclosure including making arrangements to make it available in the request form.
- 12.7. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer of DPA must repay the deposit to the requester with interest at the prescribed rate.

13. THIRD PARTIES

- 13.1. If the request is for the record pertaining to the third party, the Information Officer of DPA must take all reasonable steps to inform the third party of the request. This must be done within 21 (twenty-one) days of receipt of the request. The way this is done must be by the fastest means reasonably possible, but if orally, the Information Officer of DPA must thereafter give the third party a written confirmation of the notification.
- 13.2. The third party may within 21 (twenty-one) days thereafter either make representation to the company as to why the request should be refused; alternatively grant written consent to the disclosure of the record.
- 13.3. The third party must be advised of the decision taken by the Information Officer of DPA whether to grant or to decline the request. A third party who is dissatisfied with the Information Officer of DPA's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

14. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS – [Section 62-69]

DPA has the right to refuse access to information on one or more of the following grounds:

- 14.1. ***Mandatory protection of the privacy of a third party who is a natural person***, if such disclosure would involve the unreasonable disclosure of personal information about

a third party, including a deceased individual, subject to the provisions of section 63 (2).

- 14.2. **Mandatory protection of the commercial information of a third party**, if the record contains:
 - 14.2.1. Trade secrets of that party.
 - 14.2.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party.
 - 14.2.3. Information disclosed in confidence by a third party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
 - 14.2.4. Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- 14.3. **Mandatory protection of certain confidential information of third party**, where the head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- 14.4. **Mandatory protection of the safety of individuals and the protection of property**, where such disclosure could endanger the life or physical safety of an individual, or prejudice or impair the security of:
 - 14.4.1. a building, structure or any system
 - 14.4.2. a means of transport, or
 - 14.4.3. any other property.
- 14.5. **Mandatory protection of records, which would be regarded as privileged from production in legal proceedings.**
- 14.6. **Commercial information of private body**, in that a request for access to a record may be refused if the record contains:
 - 14.6.1. trade secrets, financial, commercial, scientific or technical information of the institution, which disclosure, could likely cause harm to the financial or commercial interest of the institution;
 - 14.6.2. information which, if disclosed could prejudice or put the institution at a disadvantage in negotiations or commercial competition; and
 - 14.6.3. a computer program which is owned by the institution and which is protected by copyright.
- 14.7. **Mandatory protection of research information of the institution.** A request will be refused if this disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the researcher at a serious disadvantage.
- 14.8. **Mandatory disclosure in public interest.** Despite any of the protections mentioned above, the Director of the Company shall grant a request for access to a record if:
 - 14.8.1. the disclosure of the record would reveal evidence of-
 - 14.8.1.1. a substantial contravention of, or failure to comply with, the law;
or
 - 14.8.1.2. imminent and serious public safety or environmental risk; and
 - 14.8.2. the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

15. APPEAL AND REMEDIES [Section 57(1)]

DPA does not have an internal appeal procedure. As such, the decision made by the Information Officer of DPA is final and requesters will have to exercise such external remedies at their disposal

if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer of DPA.

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

The court will review the request and decide whether in fact the Information Officer of DPA should give the requester the information requested or not. A court hearing application in terms of the Act may grant any order that is just and equitable including orders:

- a. confirming, amending or setting aside the decision which is the subject of the application;
- b. requiring the Information Officer of DPA or relevant authority of a public body
- c. or the head of a private body to take such action or to refrain from taking such action, as the court
- d. considers necessary within the period mentioned in the court order;
- e. granting an interdict, interim or specific relief, a declaratory order or compensation; or
- f. granting an order as to costs.

16. DEFINITIONS

Information Officer Means:

- a. in the case of a natural person, that natural person or any person duly authorized by that natural person;
- b. in the case of a partnership, any partner of the partnership or any person duly authorized by the partnership;
- c. in the case of a juristic person –
 - i. the chief executive officer or equivalent officer of the juristic person or any person duly authorized by the officer; or
 - ii. the person who is acting as such or any person duly authorized by such acting person.

Private Body Means:

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

Public Body Means:

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

Record Means

Any recorded information:

- a. regardless of form or medium;
- b. in the possession or under the control of that public or private body, respectively; and
- c. whether or not it was created by that public or private body, respectively.

Requester

In relation to a private body, means:

- a. any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- b. a person acting on behalf of the person contemplated in subparagraph (a)

ANNEXURE A

PAIA REQUEST FOR ACCESS TO RECORD FORM

Request for access to a record in terms of Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No 2 of 2000)

A. PARTICULARS OF DPA

The Information Officer

Digital Process Automation (Pty) Ltd

E-mail address: paia@dpa-sa.co.za

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

- a. The particulars of the person who requests access to the records must be recorded below.
- b. Furnish an address and/or fax number in the Republic South Africa to which information must be sent must be given.
- c. Proof of identity and the capacity in which the request is made must be attached.

Full Name and Surname	
Identity Number	
Postal Address	
Address	
Telephone Number	
E-mail Address	
Capacity in which request is made, when made on behalf of another person	

C. PARTICULARS OF PERSON ON WHO'S BEHALF REQUEST IS MADE:

This section must be completed only if a request for information is made on behalf of another person.

Full Name and Surname	
Identity Number	
Postal Address	
Address	

Telephone Number	
E-mail Address	
Capacity in which request is made, when made on behalf of another person.	

D. PARTICULARS OF RECORD:

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.

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.

The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):

- Mandatory protection of the privacy of a third party who is a natural person (human being);
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of commercial information of third party;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of a private body;
- Mandatory protection of research information of a third party and a private body.

Description of record or relevant part of record.	
Reference number (if available).	
Any further particulars of record.	

E. FEES

A request for access to a record, other than record containing personal information about yourself, will be processed only after a **request fee** has been paid.

You will be notified of the amount required to be paid.

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.

If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Note: Refer Annexure B for Fees

Reason for exemption from payment of fees:	
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F. FORM OF ACCESS TO RECORD

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for hereunder, state your disability and indicate in which form the record is required.

Disability:	
Form in which record is required:	

NOTES:

- a. Your indication as to the required form of access depends 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 to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate shaded box with an "X"

1. If the record is in written or printed form:					
Copy of Record*		Inspection of Record			
2. If record consists of visual images: (includes photographs, slides, video recordings, computer-generated images, sketches etc.)					
View the images		Copy of the images*		Transcription of the images*	

3. If record consists of recorded words or information which can be reproduced in sound:					
Listen to the soundtrack (audio cassette)		Transcription of soundtrack* (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		Copy in computer readable format*	
* If you requested a copy or transcription of a record (above), do you wish for a copy or transcription to be posted to you? <i>Postal fees apply.</i>				Yes	No

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED:

If the provided space is inadequate, please continue 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 requested record is required for the exercising 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 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?

H. SIGNATURES

Signed at _____ this _____ day of _____ 20 ____

_____ (sign & print name)

SIGNATURE OF REQUESTER

_____ (sign & print name)

SIGNATURE OF EPRESENTATIVE

ANNEXURE B

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1.10 for every photocopy of an A4-size page or part thereof.
2. The request fee payable by a requester referred to in regulation 11(2) is R50.00. People who are requesting access to their personal information are exempt from paying a request fee – all other fees are the same.
3. 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 or machine-readable form	R0.75
c. i. For a transcription of visual images, for an A4-size page or part thereof ii. For a copy of visual images	R40.00 R60.00
d. i. For a transcription of an audio record, for an A6-size page or part thereof ii. For a copy of an audio record	R20.00 R30.00

4. The access fees payable by a requester referred to in regulation 11(3) 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 or machine-readable form	R0.75
c. For a copy in a computer-readable form on compact disc	R70.00
d. For a copy of visual images, for an A4 size page or part thereof	R60.00
1. For a transcription of an audio record, for an A4-size page or part thereof	R20.00
2. For a copy of an audio record	R30.00
3. To search for and prepare the record for disclosure a rate per hour or part of an hour as reasonably required for such search and preparation.	R30.00

5. Postage Fee

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

6. The DPA banking details to be used are as follows:

Pay: Digital Process Automation (Pty) Limited

Bank: FirstRand Bank Limited (FNB)

Business Account Number: 62888493807

Branch: Remote Accounting

Branch Code: 210835

Reference: PAIA + surname