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**MANUAL PREPARED IN ACCORDANCE WITH:**

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

**FOR IMPLEX CONSULTING AND AUDITING PROPRIETY LIMITED AND IMPLEX TRAINING PROPRIETY LIMITED**

**1. INTERPRETATION**

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

**1.1.** an expression which denotes –

1.1.1. any gender includes the other genders.

1.1.2. a natural person includes an artificial or juristic person and vice versa.

1.1.3. the singular includes the plural and vice versa.

**1.2.** the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.2.1. "This document" – this document together with all its annexures, as amended from time to time.

1.2.2. "The company" – Implex Consulting and Auditing (Pty) Ltd or Implex Training (Pty) Ltd or both in combination.

1.2.3. "PAIA" - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the PAIA.

1.2.4. "POPIA" – Protection of Personal Information Act No. 4 of 2013, as amended from time to time including the regulations promulgated in terms of the POPIA.


1.2.5. "Information Officer" - the designated Information Officer/s or head of the body, as described in this manual responsible for discharging the duties and responsibilities assigned to the Information Officer as prescribed in terms of PAIA and POPIA.

**1.3.** any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation of other legislation as at the signature date, and as amended or substituted from time to time.

**1.4.** if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party, then notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document.

**1.5.** where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document.

**1.6.** where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.

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- 1.7. any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months, or years, as the case may be.
- 1.8. insofar as there is a conflict in the interpretation of or application of this document and PAIA or POPIA, the legislation shall prevail.
- 1.9. this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in PAIA or POPIA. A requester is advised to familiarise his/her/itself with the provisions of PAIA and POPIA before lodging any request with the company.

## 2. PREAMBLE AND PURPOSE


- 2.1. PAIA gives effect to section 32 of the Constitution, providing everyone with the right to access to information and determines the platforms to be made available to individuals to indeed have access to such information. In compliance with section 51 of PAIA, this manual is published with the aim of setting-out the Company's commitment to transparency, accountability, and effective governance of its affairs.
- 2.2. Furthermore, and in compliance with the provisions of sections 23, 24 and 25 of POPIA, this Policy read together with the Company's Privacy Policy, set-out the way certain information can be requested, processed and requested to be deleted.
- 2.3. Implex will review and update this PAIA manual as and when necessary and will ensure the updated version is made available.

## 3. BACKGROUND TO IMPLEX

Implex is a dedicated Occupational Health, Safety and Environmental (SH&E) legal compliance consultancy, founded in May 2005. Implex Legal Compliance Solutions (Pty) Ltd management made a strategic decision to divide the business into two key focus areas, namely Implex Training, and Implex Consulting and Auditing, with effect 1 March 2017. Implex renders array of services within the legal compliance and training sphere, including but not limited to auditing (external, internal, and third-party auditing), consulting, training and training products as well as legal advice.

## 4. PURPOSE

The purpose of this manual is to facilitate requests for access to records of the company as provided for in PAIA, and to inform data subjects on the types of information Implex collects and processes, and how a data subject may request access to this information.

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## 5. INFORMATION AND CONTACT DETAILS


<b>Information Officer</b>	Telephone number: 012 644 0047
	Email address: lucinda@implex.co.za
<b>Implex Head Office</b>	Telephone number: 012 644 0047
	Physical address: 180 Blackwood Road, Centurion, 0157
	Postal address: Same as physical address

## 6. RECORDS HELD BY IMPLEX

### 6.1. Records kept by Implex in accordance with the provision of legislation


In accordance with certain applicable legislation, Implex is to retain certain records. We hold records for the purposes of PAIA in accordance with the following legislation, among others –

- 6.1.1. Basic Conditions of Employment Act 75 of 1997.
- 6.1.2. Broad-Based Black Economic Empowerment Act 53 of 2003.
- 6.1.3. Companies Act 71 of 2008.
- 6.1.4. Compensation for Occupational Injuries and Diseases Act 130 of 1993.
- 6.1.5. Electronic Communications and Transaction Act 25 of 2002
- 6.1.6. Employment Equity Act 55 of 1998.
- 6.1.7. Financial Intelligence Centre Act 38 of 2001.
- 6.1.8. Income Tax Act 58 of 1962.
- 6.1.9. Labour Relations Act 66 of 1995.
- 6.1.10. Legal Practice Act 28 of 2014.
- 6.1.11. Occupational Health and Safety Act 85 of 1993.
- 6.1.12. Skills Development Levies Act 9 of 1999.
- 6.1.13. Skills Development Act 9 of 1999.
- 6.1.14. Unemployment Insurance Act 63 of 2001 and
- 6.1.15. Value Added Tax Act 89 of 1991.
- 6.1.16. Promotion of Access to Information Act 2 of 2000.

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## 6.2. Other records kept by Implex in terms of section 51(1) of PAIA

SUBJECT	DESCRIPTION OF RECORD/S HELD
<b>Statutory records</b>	<ul style="list-style-type: none"> <li>• Company incorporation documents</li> <li>• Share register</li> <li>• Memorandum of Incorporation</li> <li>• Minutes of meetings of the board of directors</li> <li>• Records relating to the appointment of directors, auditors, and other officers</li> </ul>
<b>Income Tax</b>	<ul style="list-style-type: none"> <li>• Pay-as-you-earn (PAYE) records</li> <li>• Documents issued to employees for income tax purposes</li> <li>• Records of payments made to South African Revenue Services on behalf of employees</li> <li>• All or any statutory compliance</li> <li>• Value Added Tax</li> <li>• Skills development levies</li> <li>• Unemployment Insurance Fund</li> </ul>
<b>Labour Relations</b>	<ul style="list-style-type: none"> <li>• Personnel documents and records</li> <li>• Employment contracts</li> <li>• Medical aid records</li> <li>• Pension Fund records</li> <li>• Disciplinary records</li> <li>• Salary records</li> <li>• Disciplinary code and/or procedures</li> <li>• Leave records</li> <li>• Training records</li> <li>• Training manuals</li> <li>• Address lists</li> <li>• Internal telephone lists</li> </ul>
<b>Finance</b>	<ul style="list-style-type: none"> <li>• Receipts and payments</li> <li>• Bank statements</li> <li>• A list of the company's debtors and creditors</li> <li>• Budgets</li> <li>• Management accounts</li> <li>• Asset registers</li> <li>• Invoices</li> <li>• Salaries</li> <li>• Minutes of meetings</li> <li>• Correspondence</li> </ul>
<b>Risk &amp; Compliance</b>	<ul style="list-style-type: none"> <li>• Contracts</li> <li>• Policies and procedures</li> <li>• Risk assessment</li> <li>• Compliance records</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• IT usage statistics and equipment details</li> <li>• Supplier lists</li> </ul>

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SUBJECT	DESCRIPTION OF RECORD/S HELD
	<ul style="list-style-type: none"> <li>• Secretarial records</li> <li>• Media releases and public relation events record</li> <li>• Training schedules and material</li> <li>• External documentation or information in different format linked to the Implex legal register by its clients.</li> </ul>

### 6.3. PROCESSING OF PERSONAL INFORMATION

6.3.1. Chapter 3 of POPIA provides for the minimum conditions for lawful processing of Personal Information. These conditions may not be derogated from unless specific exclusions apply as outlined in POPIA. For Implex' detailed compliance approach in this regard, the Implex Privacy Policy can be referred and can either be made available upon request or viewed on the Implex website ([www.implex.co.za](http://www.implex.co.za)).

6.3.2. Implex processes personal information of both natural and juristic persons and does so in accordance with the provisions and requirements of POPIA. In terms of our privacy policy, Implex will ensure that all processing conditions of POPIA are complied with at the time of processing of personal information.

6.3.3. In line with Implex' privacy policy, we may disclose a person's personal information to third parties such as our directors and/or service providers and/or related third parties, for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.

### 6.4. DATA SECURITY

Implex takes reasonable, appropriate and adequate technical and organisational measures to ensure that your personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access.

## 7. HOW TO REQUEST ACCESS TO A RECORD

To request a record in terms of PAIA, the requestor must complete the prescribed form attached to this manual as Annexure A. This request must be sent to the Information Officer at the addresses provided above.

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**ANNEXURE A:**

**FORM C – REQUEST OR ACCESS TO RECORD OF PRIVATE BODY IN TERMS OF SECTION 53(1) OF PAIA**

**A. Particulars of private body**

- The Head: \_\_\_\_\_
- Company Name: \_\_\_\_\_
- Company Registration Number: \_\_\_\_\_

**B. Particulars of person requesting access to the record**

*The particulars of the person who requests access to the record must be given below. The address and/or fax number in the Republic to which the information is to be sent must be given. 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:	
Postal address:	
Fax number:	
Telephone number:	
E-mail address:	
Capacity in which request is made, when made on behalf of another person:	

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**D. Particulars of person on whose behalf request is made**

*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.*

Description of record or relevant part of the record:	
Reference number, if available:	
Any further particulars of record:	

**E. Fees**

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

**F. Form of access to record**

Mark the appropriate box with an X

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: _____

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.

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- (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 box with an X

<b>1. If the record is in written or printed form:</b>				
Copy of record		Inspection of record		
<b>2. If record consists of visual images</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)				
View the images	Copy of the images	Transcription of the images		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>				
listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>				
Printed copy of record	Printed copy of information derived from record*	Copy in computer readable form		
* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>			Yes	No

**G. Particulars of right to be exercised or protected**

- (a) Indicate which right is to be exercised or protected:

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- (b) Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**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.

(a) How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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Signature of requestor / person on whose behalf request is made

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Name of requestor / person on whose behalf request is made

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**ANNEXURE B: FEES PAYABLE IN RESPECT OF RECORDS REQUESTED**

ITEM	FEE
For every photocopy of an A4-size page or part thereof	R1.10
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
For a copy in a computer-readable form on –	USB R 7.50
	Compact Disc: R70
For a transcription of visual images, for an A4-size page or part thereof	R40
For a copy of visual images	R60
For a transcription of an audio record, for an A4-size page or part thereof	R20
For a copy of an audio record	R30
The request fee payable by a requester, other than a personal requester	R50
The access fees payable by a requester are as follows -	
For every photocopy of an A4-size page or part thereof	R1.10
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
For a transcription of visual images, for an A4-size page or part thereof	R40
For a copy of visual images	R60
For a transcription of an audio record, for an A4-size page or part thereof	R20
For a copy of an audio record	R30
To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	
For purposes of section 54(2) of PAIA, the following applies –	
<ul style="list-style-type: none"> <li>• Six hours as the hours to be exceeded before a deposit is payable; and</li> <li>• One third of the access fee is payable as a deposit by the requester.</li> </ul>	
The actual postage is payable when a copy of a record must be posted to a requester.	