

# PAIA Manual

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This manual was prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 and to address requirements of the Protection of Personal Information Act, 2013.

This manual applies to

Food and Allergy Consulting and Testing Services (Pty) Ltd

Registration number: 2020/119640/07

(hereinafter FACTS SA)



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## **1. Background to the Promotion of Access to Information Act**

- 1.1. The Promotion of Access to Information Act, No. 2 of 2000 (the “Act”) was enacted on 3 February 2000, giving effect to the constitutional right in terms of section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 (the “Constitution”) 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.
- 1.2. In terms of section 51 of the Act, all Private Bodies are required to compile an Information Manual (“PAIA Manual”).
- 1.3. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.

## **2. Food and Allergy Consulting and Testing Services (Pty) Ltd – “FACTS SA”**

- 2.1. FACTS SA is a laboratory who can help to achieve your commercial objectives in crucial areas, such as food product safety, quality and authenticity, innovation and meeting the demands of legislation and consumers. These operations are situated Stellenbosch in the Western Cape.
- 2.2. Subsidiaries
  - 2.2.1. FACTS SA does not have any subsidiaries

2.3. This PAIA Manual of FACTS SA is available at its premises: Office 11, 1<sup>st</sup> Floor, Woodmill Centre, Vredenburg Road, Stellenbosch, 7600, South Africa

### **3. Purpose of the PAIA Manual**

3.1. The purpose of PAIA is to promote the right of access to information, to foster a culture of transparency and accountability within FACTS SA by giving the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.

3.2. In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.

3.3. Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

3.3.1. Limitations aimed at the reasonable protection of privacy;

3.3.2. Commercial confidentiality; and

3.3.3. Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

3.4. This PAIA Manual complies with the requirements of the guide mentioned in section 10 of the Act and recognises that in terms of the Protection of Personal

Information Act 4 of 2013, that the Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

#### 4. Contact Details of the Managing Director [Section 51(1)(a)]

Managing Director:	Dr Harris Andrew Steinman
Registered Address:	Office 11, 1 <sup>st</sup> Floor, Woodmill Centre, Vredenburg Road, Stellenbosch, 7600, South Africa
Postal Address:	As above
Telephone Number:	27 21 882 9883
Website:	<a href="https://www.factssa.com">https://www.factssa.com</a>

#### 5. The Information Officer [Section 51(1)(b)]

5.1. The Act prescribes the appointment of an Information Officer for public bodies where such Information Officer is responsible to, inter alia, assess request for access to information. The head of a private body fulfils such a function in terms of section 51.

5.2. The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the Protection of Personal Information Act 4 of 2013. The Information Officer oversees the functions and responsibilities as required for in terms of both this Act as well as the duties and responsibilities in terms of section 55 of the Protection of Personal Information Act 4 of 2013 after registering with the Information Regulator.

5.3. The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of the Act as well as section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render FACTS SA as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the Protection of Personal Information Act 4 of 2013. All request for information in terms of this Act must be addressed to the Information Officer.

Information Officer	Dr Harris Andrew Steinman
Deputy Information Officer	Bianca Stals
Registered Address:	Office 11, 1 <sup>st</sup> Floor, Woodmill Centre, Vredenburg Road, Stellenbosch, 7600, South Africa
Postal Address:	As above
Telephone Number:	27 21 882 9883
Website:	<a href="https://www.factssa.com">https://www.factssa.com</a>

## **6. Guide of SA Human Rights Commission (Section 51(1) (b))**

6.1. 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.

6.2. 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.

6.3. 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.

6.4. The contact details of the South African Human Rights Commission

Physical Address	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown
Postal Address:	Private Bag 2700, Houghton 2041
Email:	PAIA@sahrc.org.za
Telephone Number:	+27 11 877 3600
Website:	www.sahrc.org.za

## 7. Notice in terms of section 52(2) of the Act

At this stage no notice(s) has / have been published

## 8. Applicable Legislation

- No 61 of 1973 Companies Act
- No 98 of 1978 Copyright Act
- No 55 of 1998 Employment Equity Act
- No 95 of 1967 Income Tax Act
- No 66 of 1995 Labour Relations Act
- No 89 of 1991 Value Added Tax Act
- No 37 of 2002 Marine Living resources Act
- No 75 of 1997 Basic Conditions of Employment Act

- No 69 of 1984 Close Corporations Act
- No 25 of 2002 Electronic Communications and Transactions Act
- No 2 of 2000 Promotion of Access of Information Act
- No 30 of 1996 Unemployment Insurance Act

## **9. Records that may be requested**

### 9.1. Records that may be requested

The information is classified and grouped according to records relating to the following subjects and categories:

#### 9.1.1. Personnel Records

- a. Personal records provided by personnel;
- b. Records provided by a third party relating to personnel;
- c. Conditions of employment and other personnel-related contractual and quasi-legal records;
- d. Internal evaluation records and other internal records;
- e. Correspondence relating to personnel;
- f. Training schedules and material.

“Personnel” refers to any person who works for, or provides services to or on behalf of FACTS SA, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of FACTS SA. This includes, without limitation, directors (executive and non-executive, all permanent, temporary and part-time staff, as well as contract workers).

#### 9.1.2. Customer Related Records

- a. Records provided by a customer to a third party acting for or on behalf of FACTS SA in the financial services industry;



- b. Records provided by a third party;
- c. Records generated by or within FACTS SA in the financial services industry relating to its customers, including transactional records.

A “customer” refers to any natural or juristic entity that receives services from FACTS SA

#### 9.1.3. Private Body Records

- a. Records held by officials of FACTS SA

These records include, but are not limited to, the records which pertain to FACTS SA’s own affairs.

#### 9.1.4. Other Party Records

- a. Personnel, customer or private body records which are held by another party, as opposed to the records held by FACTS SA itself.
- b. Records held by FACTSSA pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- c. FACTS SA may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to FACTS SA.

### **10. Records Available without a Request to Access in terms of the Act**

- 10.1. Records of a public nature, may be accessed without the need to submit a formal application.

10.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

## **11. Prescribed Fees (Section 51 (1) (f))**

### 11.1. Fees Provided by the Act

The Act provides for two types of fees, namely:

1. A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
2. An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the private body in obtaining and preparing a record for delivery to the requester.

11.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request (section 54(1)).

11.3. 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 for this purpose, the Information Officer 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.

11.4. The Information Officer shall withhold a record until the requester has paid the fees as indicated below.

11.5. A requester whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process 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 record for disclosure including making arrangements to make it available in the request form.

11.6. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

Information in an A-4 size page photocopy or part thereof	R 1,10
A printed copy of an A4-size page or part thereof	R 0,75
A copy in computer-readable format, for example: flash drive	R 7,50
A transcription of visual images, in an A4-size page or part thereof	R 40,00
A copy of visual images	R 60,00
A transcription of an audio record for an A4-size page or part thereof	R 20,00
A copy of an audio record	R 30,00

## 12. Grounds to Refuse Access

A private body such as FACTS SA is entitled to refuse a request for information.

12.1. Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act 4 of 2013, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

12.2. mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of the Protection of Personal Information Act 4 of 2013;

12.3. Mandatory protection of the commercial information of a third party (section 64) if the record contains:

12.3.1. trade secrets of the third party;

12.3.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

12.3.3. mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

12.3.4. information disclosed in confidence by a third party to FACTS SA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

12.3.5. mandatory protection of the safety of individuals and the protection of property (section 66);

12.3.6. mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).

### **13. Availability of this Manual**

This manual is available for inspection by the general public upon request, during office hours and free of charge at the offices of FACTS SA.

This manual is also published on the FACTS SA website referred to above.

## 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.
- The requester must sign all the additional folios.

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 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.

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
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.

<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 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 of .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE