



PAIA MANUAL

AS REQUIRED BY SECTION 51 OF ACT NO. 2 OF 2000, PROMOTION OF ACCESS TO INFORMATION ACT ("THE ACT")

LAST UPDATED: DECEMBER 2018

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WWW.MJKINC.CO.ZA



 MJ KOTZE INC -
34 COUNTRY VIEW RD
MOOIKLOOF
PRETORIA

POSTNET SUITE 311
PRIVATE BAG XI
WOODHILL
0074
AND NOTARY PUBLIC

DIRECTOR:
MARTIN KOTZE
BCOMM (UP) LLB (UP)
ATTORNEY, CONVEYANCER



1. INTERPRETATION

- 1.1. In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –
- 1.2. an expression which denotes –
 - 1.2.1. any gender includes the other genders;
 - 1.2.2. a natural person includes an artificial or juristic person and vice versa;
 - 1.2.3. the singular includes the plural and vice versa;
- 1.3. the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –
 - 1.3.1. this "document" means this document together with all of its annexures, as amended from time to time;
 - 1.3.2. the "Company" means MJ Kotze Incorporated;
 - 1.3.3. the "Act" means the Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
 - 1.3.4. "request liaison officer" means the person duly authorised by the head of the Company and appointed by the Company to facilitate or assist the head of the Company with any request in terms of the Act.
- 1.4. any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.5. 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;
- 1.6. 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;
- 1.7. 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;
- 1.8. 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;
- 1.9. the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the eiusdem generis rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.10. insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 1.11. this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Company.



2. DETAILS

Name: MJ Kotze Inc.
Registration No.: 1990/007215/21
Postal address: PostNet Suite 311
Private Bag X1
Woodhill
0074
Physical address: 34 Country View Street
Mookloof
Pretoria
0081
Telephone: 082 891 3029
Website: www.mjkinco.co.za
Email: martin@mjkinco.co.za

3. CONTACT DETAILS OF THE HEAD OF THE COMPANY AND REQUEST LIAISON OFFICER

- 3.1. The head of the Company and the request liaison officer is Mr. Martin Kotze.
- 3.2. His contact details are –
 - 3.2.1. Telephone: 082 891 3029
 - 3.2.2. Email: martin@mjkinco.co.za

4. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES

- 4.1. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 7 –
 - 4.1.1. personnel records are available to the employee whose file it is;
 - 4.1.2. records of disciplinary hearings and related matters are available to the employee concerned;
 - 4.1.3. the Company's policies.

5. RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(D) OF THE ACT

- 5.1. The following records are not automatically available without a request in terms of the Act –
 - 5.1.1. all statutory returns –
 - 5.1.2. VAT;
 - 5.1.3. workmen's compensation;
 - 5.1.4. UIF;
 - 5.1.5. regional services levies; and
 - 5.1.6. skills development levies.
- 5.2. documents concerning compliance by the Company, insofar as it may be necessary, with legal obligations in terms of the Legal Practice Act No. 28 of 2014, the Occupational Health and Safety Act No. 85 of 1993 and any other applicable environmental legislation.



6. OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(C)

- 6.1. These records are not automatically available without a request in terms of the Act.
- 6.2. A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a Company must refuse a request for access to a record of the Company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.
- 6.3. Human Resources records
 - 6.3.1. Personnel information including personal information, employment history and health records that the Company may hold from time to time.
- 6.4. Training and development information.
 - 6.4.1. General files containing information on employee benefits and employee recruitment and selection information.
- 6.5. Project management
 - 6.5.1. Information generally related to projects conducted by the Company from time to time.
 - 6.5.2. Information technology
 - 6.5.3. Usage statistics.
 - 6.5.4. Equipment details.
 - 6.5.5. Costings of hardware and software.
 - 6.5.6. Catering
 - 6.5.7. Function records and related costings.
 - 6.5.8. Stock sheets.
 - 6.5.9. List of suppliers.
 - 6.5.10. Company secretarial records.
- 6.6. Finance/Accounts
 - 6.6.1. Financial records.
 - 6.6.2. A list of the Company's creditors and debtors.
 - 6.6.3. Salary information.
 - 6.6.4. Bank account information.
 - 6.6.5. Fixed assets register.
- 6.7. Marketing department
 - 6.7.1. Company brochures and publications.
 - 6.7.2. Documents relating to public relation events.
 - 6.7.3. Company media releases.
- 6.8. Support services
 - 6.8.1. Delivery and collection sheets.
 - 6.8.2. List of suppliers.



7. PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE

- 7.1. A request shall be made on the prescribed form. A copy of the form is attached marked annexure "A" ("the prescribed form"). The form is also available from the website of the HRC, or the website of the Department of Justice and Constitutional Development at www.doj.gov.za.
- 7.2. The prescribed form shall be submitted to the request liaison officer at his e-mail address.
- 7.3. The same procedure as set out in 7.1 and 7.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the Company.
- 7.4. The head of the Company, as soon as reasonably possible and within 30 days after the request has been received, shall decide whether or not to grant the request.
- 7.5. The requester will be notified of the decision of the head of the Company or the request liaison officer in the manner indicated by the requester.
- 7.6. If the request is granted, the requester shall be informed by the head of the Company or the request liaison officer in the manner indicated by the requester in the prescribed form.
- 7.7. Notwithstanding the foregoing, the Company will advise the requester in the manner stipulated by the requester in the prescribed form of –
 - 7.7.1. the access fee to be paid for the information (in accordance with paragraph 8);
 - 7.7.2. the format in which access will be given; and
 - 7.7.3. the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 7.8. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 7.9. If the request for access is refused, the head of the Company or the request liaison officer shall advise the requester in writing of the refusal. The notice of refusal shall state –
 - 7.9.1. adequate reasons for the refusal;
 - 7.9.2. that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
 - 7.9.3. Upon the refusal by the head of the Company or the request liaison officer, the deposit paid by the requester will be refunded.
- 7.10. If the head of the Company or the request liaison officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the head of the Company or the request liaison officer has refused the request.
- 7.11. The head of the Company may decide to extend the period of 30 days ("original period") for another period of not more than 30 days if –
 - 7.11.1. the request is for a large number of records;
 - 7.11.2. the search for the records is to be conducted at premises not situated in the same town or city as the head office of the Company;
 - 7.11.3. consultation among divisions or departments, as the case may be, of the Company is required;
 - 7.11.4. the requester consents to such an extension in writing; and
 - 7.11.5. the parties agree in any other manner to such an extension.
- 7.12. Should the Company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.
- 7.13. The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.



8. FEES PAYABLE

8.1. The fees for reproduction of a record as referred to in section 52(3) 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	R0,75
for a copy of a compact disc	R70,00
for a transcript of visual images for an A4 size page or part thereof	R40,00
for a copy of visual images	R60,00
for a transcript of an audio record, for an A4-size page or part thereof	R20,00
for a copy of an audio record	R30,00
The request fee payable by a requester , other than a personal requester is	R50, 00

8.2. If the head of the Company or if the request liaison officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third of an amount of R30 for each hour or part thereof, exceeding the six hours.

9. INFORMATION OR RECORDS NOT FOUND

- 9.1. If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the head of the Company or the request liaison officer shall notify the requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 9.2. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the Company or the request liaison officer with every person who conducted the search.
- 9.3. The notice, as set out in 9.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 9.4. If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the Company or the request liaison officer.
- 9.5. The attention of the requester is drawn to the provisions of Chapter 4 of Part 3 of the Act in terms of which the Company may refuse, on certain specified grounds, to provide information to a requester.



10. INFORMATION REQUESTED ABOUT A THIRD PARTY

- 10.1. Section 71 of the Act makes provision for a request for information or records about a third party.
- 10.2. In considering such a request, the Company will adhere to the provisions of sections 71 to 74 of the Act.
- 10.3. The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the Company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the Company or the request liaison officer by referring the matter to the High Court.

11. UPDATING OF MANUAL

- 11.1. The Company may update this manual every six months or at such intervals as may be necessary

ANNEXURE A

FORM A

REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 6]

<p>FOR DEPARTMENTAL USE</p> <p>Reference number: _____</p> <p>Request received by _____</p> <p>(state rank, name and surname of information officer/deputy information officer) on _____ (date) at _____ (place).</p> <p>Request fee (if any): R</p> <p>Deposit fee (if any): R</p> <p>Access fee: R</p> <p>_____</p> <p style="text-align: right;">SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER</p>

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of the 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: _____

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 the record or relevant part of the record: _____

2 Reference number, if available: _____

3 Any further particulars of the 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 the 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 the exemption of the payment of any fee, please state the reason for exemption.

Reason for the exemption from payment of fees: _____

F. Form of access to record

<p><i>If you are prevented by disability to read, view of 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.</i></p>			
Disability:		Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for the access to the record, if any, will be determined partly by the form in which access is requested.</p>			
<p>1. If the record is in written or printed form:</p>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<p>2. If the record consists of visual images- (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</p>			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
<p>3. If record consists of recorded words or information which can be reproduced in sound:</p>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<p>4. If record is held on computer or in an electronic or machine-readable form:</p>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>	YES	NO
<p><i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i></p>		
<p>In which language do you prefer the record?</p>		
<p></p>		

G. 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?

Signed at _____ this _____ day of _____.

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

FORM B

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 8]

**STATE YOUR REFERENCE
NUMBER: _____**

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) *The particulars of the person who lodge the internal appeal must be given below.*
(b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
(c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.*

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail: _____

Capacity in which and internal appeal on behalf of another person is lodged:

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

<input type="checkbox"/>	Refusal of request for access
<input type="checkbox"/>	Decision regarding fees prescribed in terms of section 22 of the Act
<input type="checkbox"/>	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
<input type="checkbox"/>	Decision to grant request for access

E. Grounds for appeal

*If the provided space is inadequate, please continue on a separate folio and attach it to this form. **You must sign all the additional folios.***

State the grounds on which the internal appeal is based: _____

State any other information that may be relevant in considering the appeal: _____

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:

Particulars of manner:

Signed at _____ this _____ day of _____.

SIGNATURE OF APPELLANT

FOR DEPARTMENTAL USE:

OFFICIAL RECORD OF INTERNAL APPEAL:

Appeal received on _____(date) by _____

(state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on _____(date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW
DECISION SUBSTITUTED

NEW DECISION: _____

DATE

RELEVANT AUTHORITY

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE
RELEVANT AUTHORITY ON (date): _____

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 public body

The Head:

B. Particulars of person requesting access to the record

- | |
|---|
| <p>(a) <i>The particulars of the person who requests access to the record must be recorded below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which information must be sent.</i></p> <p>(c) <i>Proof of the capacity in which the request has been made, if applicable, must be attached.</i></p> |
|---|

Full names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail: _____

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 the record or relevant part of the record: _____

2 Reference number, if available: _____

3 Any further particulars of the record:

E. Fees

- (a) A request for access to a record other than 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 the 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 the exemption of the payment of any fee, please state the reason for exemption.

Reason for the exemption from payment of fees: _____

F. Form of access to record

If you are prevented by disability to read, view of 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:

Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request for access 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 the 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:					
	copy of record*		inspection of record		
2. If the record consists of visual images- (this 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 the record*		copy in computer readable form* (stiffy or 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?	YES	NO
Postage is payable.		

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.***

- Indicate which right is to be exercised or protected: _____

- 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 _____.

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE