

ONLINE INTELLIGENCE
PROMOTION OF ACCESS TO INFORMATION (PAIA)

SECTION 51 MANUAL

Online Intelligence
MADE SIMPLE



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1. DOCUMENT MANAGEMENT

1.1. Document Details

Document Title	PAIA Section 51 Manual
Prepared By	Dewald Vorster
Effective Date	13/08/2019

1.2. Document Revision Details

Revision Nr	Description	Revised By	Date
Draft	First Draft	DV	13/03/2019
Revision 1	Revision	DV	25/05/2019
Revision 2	Revision	DV	11/08/2019
Revision 3	Revision	DV	04/03/2020

1.3. Approvals

This document required the following approvals:

Name	Title	Company	Approved	Date
Dewald Vorster	Managing Director	Online Intelligence	✓	04/03/2020
Jan Botha	Business Development Director	Online Intelligence	✓	04/03/2020
Rudi Minty	CEO	Online Intelligence	✓	04/03/2020

1.4. Authorisation

It is hereby confirmed that this document is in effect.

Name	Title	Effective Date	Approved
Dewald Vorster	Managing Director	04/03/2020	

2. INTRODUCTION

Online Intelligence was established as a partnership in 2001. Delivering on a unique value-proposition, the company rapidly went strength to strength and in 2003 Online Intelligence Pty (Ltd) was formed.

Today, we are a leading supplier of Enterprise Risk Solution across Africa with thousands of users spanning across multiple continents, industries and sectors.

We are a dynamic, ever growing company committed to client satisfaction. Through dedicated leadership and teamwork, we demonstrate our commitment to delivering a caring, professional service. Our integrity, values and ongoing investment in our people and technology provides exceptional and continued, sustainable growth.

To this extend, Online Intelligence has provided solutions to various clients since 2003. Online Intelligence is committed to become the long-term preferred partner of our clients and partners for the design, implementation and supply of bespoke Enterprise Solutions.

Online Intelligence strives to become the global leader and industry norm in Enterprise Risk Solutions, ultimately contributing towards safer communities and assurance.

3. SECTION 51 (1) (A) - COMPANY CONTACT DETAILS

Name of Company: Online Intelligence Pty Ltd

Company Type: Private Company

Registration Number: 2003/007922/07

VAT Number: 4530216201

Directors: Mr. D Vorster (Managing)

Mr. JPCN Botha

CEO: Mr. Rudi Minty

Postal Address: Suite 296
Private Bag X025
Lynnwood Ridge
Pretoria
South Africa
0040

Street Address: Candlewood House
Greenhill Village Office Park
Cnr Nentabos & Botterklapper Streets
Die Wilgers
Pretoria
0040

Telephone Number: +27 12 816 7300

Email: rudi@onlineintelligence.co.za

4. SECTION 51(1) (B) - THE ACT & SECTION 10

4.1. Request for information

- 4.1.1. 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.
- 4.1.2. 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.
- 4.1.3. 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.

4.2. Commission Contact Details

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	www.sahrc.org.za

5. SECTION 51 (1) (c) – RECORD CATEGORIES

5.1. Latest Notice

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

5.2. Categories of records available without request

5.2.1. None

6. SECTION 51 (1) (D) – RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

6.1. Records Available

6.1.1. Information is available in terms of the following legislation, if and where applicable:

No	Reference	Description
1	No 71 of 2008	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 75 of 1997	Basic Conditions of Employment Act
8	No 69 of 1984	Close Corporations Act
9	No 25 of 2002	Electronic Communications and Transactions Act
10	No 2 of 2000	Promotion of Access of Information Act
11	No 30 of 1996	Unemployment Insurance Act
12	No 130 of 1993	Compensation for Occupational Injuries and Health Diseases Act
13	No 97 of 1998	Skills Development Act
14	No 4 of 2002	Unemployment Contributions Act
15	No 89 of 1991	Value Added Tax Act

6.1.2. Schedule of Records

Category	Detail	Availability
Compliance	Membership with industry bodies	Request in terms of PAIA
	Regulatory reports	Request in terms of PAIA
	Legislation compliance	Request in terms of PAIA
	Policies and procedures	Request in terms of PAIA
	Financial compliance (VAT, TAX)	Request in terms of PAIA
	BBBEE compliance	Request in terms of PAIA
Corporate Governance	Company documents and registrations	Request in terms of PAIA
	Company directorships	Request in terms of PAIA
	Annual reports	Request in terms of PAIA
	Company board administration	Request in terms of PAIA
Finance	Creditors control	Request in terms of PAIA
	Debtors control	Request in terms of PAIA
	Insurance	Request in terms of PAIA
	Salary administration	Request in terms of PAIA
	Tax management	Request in terms of PAIA
	Audit management	Request in terms of PAIA
Human Resources	Disciplinary actions	Request in terms of PAIA
	Job profiles	Request in terms of PAIA
	Performance management	Request in terms of PAIA
	Staff list	Request in terms of PAIA
	Training and skills development	Request in terms of PAIA

	Employment contracts	Request in terms of PAIA
	SETA records	Request in terms of PAIA
	Leave records	Request in terms of PAIA
Information Security	Technology assets	Request in terms of PAIA
	Software licensing	Request in terms of PAIA
	Information systems	Request in terms of PAIA
Property Management	Building management	Request in terms of PAIA
	Leasing agreements	Request in terms of PAIA
Procurement	Agreements	Request in terms of PAIA
	Compliance documentation of service providers	Request in terms of PAIA
	Procurement proposals & tenders	Request in terms of PAIA
	Service provider records	Request in terms of PAIA
Client management	Customer database	Request in terms of PAIA
	Agreements	Request in terms of PAIA
	Client financial records	Request in terms of PAIA
Marketing	Market information	Request in terms of PAIA
	Product information	Freely available

7. SECTION 51 (1) (E) – FORM OF REQUEST

7.1. Your request

- 7.1.1. Any request for access to other records must be made on the prescribed form (Form C), downloadable from the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za. (also attached hereto as “Annex A”)
- 7.1.2. Your request for information will be evaluated and you will be notified within 30 days of receipt of your request of our decision.

7.2. Notification of extension period (if required)

- 7.2.1. In terms of the Act the 30 (thirty) day period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances. Should we need to extend this period, we will provide you with notification of such extension.

7.3. The request fee; access fee and/or deposit

- 7.3.1. You will be informed of the request and/or access fee (if any) that is payable for making a request or having access to the records. A deposit may be requested whilst your request is being considered for the access fee, which is fully refundable should your request be refused. You must pay the request and access fee prior to the information being provided to you.

7.4. Decision on request

- 7.4.1. Your request for information may be granted or refused. You will be informed accordingly. Should your request be refused you will be given adequate reasons for the refusal and you may lodge an application to court against the refusal of the request. We will also provide you with details of the procedure for such application to court.

7.5. Grounds for refusal

- 7.5.1. We may legitimately refuse to grant you access to a requested record that falls within any of the following grounds for refusal:
- we are protecting personal information that we hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
 - we are protecting commercial information that we hold about a third party (for example trade secrets, financial, commercial, scientific or technical information where disclosure may harm the commercial or financial interests of that third party);
 - the disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;

- the disclosure of the record would endanger the life or physical safety of an individual;
- the disclosure of the record would prejudice or impair the security of property or means of transport;
- the disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- the disclosure of the record would prejudice or impair the protection of the safety of the public;
- the record is privileged from production in legal proceedings, and the person entitled to legal privilege has not waived the privilege;
- the disclosure of the record (where the record contains trade secrets, financial, commercial, scientific, or technical information) would harm our commercial or financial interests;
- the disclosure of the record would put us at a disadvantage in contractual or other negotiations or prejudice us in commercial competition;
- the record is a computer programme; and
- the disclosure of the record (where the record contains information about research being carried out or to be carried out by or on behalf of us or a third party) would expose us, the third party, the person carrying out the research or the subject matter of the research itself to serious disadvantage.

7.6. **Records that cannot be found or do not exist**

- 7.6.1. If we have searched for a record and it is believed that the record either does not exist or cannot be found, you will be notified by way of an affidavit or affirmation of this fact. We will include information regarding the steps that were taken to try to locate the record.

7.7. **Third party information**

- 7.7.1. If access is requested to a record that contains information about a third party, you must provide specific written consent of the third party or show that you require the information in order to exercise or protect a right. We are obliged to attempt to contact the third party to inform them of your request. This enables the third party the opportunity to respond by either consenting to the access or by providing reasons why access should be denied. In the event of the third party furnishing reasons for the denial of access, we will consider these reasons in determining whether access should be granted or not, and advise you accordingly

7.8. **Facilitation of Request**

- 7.8.1. No request for information will be considered if not lodged on the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.
- 7.8.2. Address your request to the Head of the Company (CEO).
- 7.8.3. Provide sufficient details to enable the company to identify:
- a) The record(s) requested;
 - b) The requester (and if an agent is lodging the request, proof of capacity);
 - c) The form of access required;
 - d) With regard to communication:
 - i. The postal address of the requester in the Republic;

- ii. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7.9. **Right of Refusal**

7.9.1. Online Intelligence has the right to reject any request for information submitted in terms of Section 62 to 70 of Chapter 4 of the PAIA act.

7.10. **Prescribed Fees & Request requirements**

7.10.1. A requestor is required to pay the prescribed fees before a request will be processed;

7.10.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

7.10.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

7.10.4. Records may be withheld until the fees have been paid.

7.10.5. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

8. SECTION 51 (1) (F) – OTHER INFORMATION

8.1.1. The minister of justice and constitutional development has not made any regulations in this regard.

9. AVAILABILITY OF THIS MANUAL (SECTION 51(3))

9.1.1. This Manual is available for perusal, free of charge.



REPUBLIC OF SOUTH AFRICA

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:

Telephone number: (.....)..... Fax 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:

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FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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:

.....
.....
.....
.....
.....

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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 below, 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 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 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? 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:

FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE