

Promotion of Access to Information Manual

4D Group Solutions (Pty) Ltd

"The Responsible Party"

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1. VERSION CONTROL

Version	Version	Summary of changes made
number	date	
1	2011/12/08	Main Policy drafted
2	2023/10/17	Changes implemented

2. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	"CEO"	Chief Executive Officer
1.2	"DIO"	Deputy Information Officer;
1.3	"IO"	Information Officer;
1.4	"Minister"	Minister of Justice and Correctional Services;
1.5	"PAIA"	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	"POPIA"	Protection of Personal Information Act No.4 of 2013;
1.7	"Regulator"	Information Regulator; and
1.8	"Republic"	Republic of South Africa

3. INTRODUCTION

On 23 November 2001. The Promotion of Access to Information Act No. 2 of 2000, ("the Act") came into operation. Section 51 requires that we as a private body compile a manual providing information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights of those requesters. This manual is to be read with the POPIA Policy or statement of the institution as well.

When a request is made in terms of the Act, there is an obligation to release the information, except in circumstances whereby the Act expressly provides that the information must not be released, or may be withheld. The Act stipulates the requisite procedures in order to process any request for information.

Members of the public will be able to:

- review the categories of information which we possess and which they can obtain access to;
- know the process to follow when requesting information;
- access the contact details of the Information Officer <and Deputy Information Officer (if applicable)>;
- know the purpose of processing personal information and the description of categories of data subjects, if we will process personal information;

A copy of this manual is also available on our website: www.4dgs.co.za

4. CONTACT DETAILS

Name of Private Body: 4D Group Solutions (Pty) Ltd Physical Address: 175 Corobay Avenue, Menlyn Corporate Park, Block C2nd Floor, Waterkloof Glen, 0181 Postal Address: PO Box 73481, Lynnwood Ridge, Pretoria, 0040 Head of Private Body: TJP Ebersohn / L Rourke Telephone: 012 991 9600 Facsimile: 086 603 8337 E-mail: ebersohnj@4d.co.za / Ir@4d.co.za

Designated Information Officer: Laurika Sunnelle Du Plessis Telephone: 012 991 9672 Facsimile: 086 603 8337 E-mail: dplessisl@4d.co.za Access to information general contacts: Laurika Sunnelle Du Plessis Email: dplessisl@4d.co.za

5. THE ACT

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. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.

6. RECORDS OF THE RESPONSIBLE PARTY

This section serves as a reference to the records we hold in order to facilitate a request in terms of the Act.

It is recorded that the accessibility of the documents listed below, may be subject to the grounds of refusal set out hereinafter and in the Act.

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

7. AUTOMATICALLY AVAILABLE RECORDS

Records that are automatically available to the public are all records of the Responsible Party lodged in terms of government requirements with various regulatory and statutory bodies, including the Registrar of Companies, and the Registrar of Deeds etc. Other records includes but are not limited to:

- Website information
- Brochures
- Pamphlets
- General Marketing campaigns

8. NON-AUTOMATICALLY AVAILABLE RECORDS

8.1 Internal Company Records

- Operational records;
- Product & service records;
- Records held by officers of the Responsible Party;
- Statutory records;
- Taxation;
- Agreements and contracts;
- Databases;
- Financial records;
- Fixed, movable and intellectual property;

- Information technology
- Insurance;
- Internal correspondence;
- Internal policies and procedures; and
- Marketing records.

8.2 Human Resource Records

This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Internal evaluation records and performance appraisals;
- Personal records provided by and to personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and legal records;
- Correspondence relating to personnel; and
- Training schedules and materials.

8.3 Client Related Records

This refers to any natural or juristic entity that utilises the products and services of the Responsible Party and includes:

- Records and correspondence provided by clients;
- Records provided by a client to a third party or outsourced service provider acting for or on behalf of the Responsible Party;
- Records provided by a third party of a client;
- Any other client related record generated though the lifetime of the relationship or thereafter.

9. OTHER PARTY RECORDS

These include:

- Internal Company Records, Human Resource, or Client records that are held by another party, as opposed to the records held by the Responsible Party;
- Records held by the Responsible Party 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.
- the Responsible Party 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 the Responsible Party.

It is recorded that the accessibility of the records and documents listed above, may be subject to the grounds of refusal as set out in this manual below.

10.GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

4D Group Solutions may refuse a request for information on the following basis:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - o Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - Information disclosed in confidence by a third party to 4D Group Solutions if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which would be regarded as privileged in legal proceedings;
- The commercial activities of 4D Group Solutions, which may include:
- Trade secrets of 4D Group Solutions
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of 4D Group Solutions;
 - Information, if disclosed, could put 4D Group Solutions at a disadvantage in negotiations or commercial competition;
 - A computer program which is owned by 4D Group Solutions and which is protected by copyright.
- The research information of 4D Group Solutions or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- Request for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

- mandatory protection of the safety of individuals and the protection of property;
- mandatory protection of records that would be regarded as privileged in legal proceedings;
- the commercial activities of the Responsible Party, which may include:
 - trade secrets;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Responsible Party;
 - information, which, if disclosed, could put the Responsible Party at a disadvantage in negotiations or commercial competition;
 - a computer programme which is owned by the Responsible Party, and which is protected by copyright.

The research information of the Responsible Party or a third party, if its disclosure would disclose the identity of the Responsible Party, the researcher or the subject matter of the research, and would place the research at a serious disadvantage.

Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources shall be refused.

11. REMEDIES IN CASE OF INFORMATION REQUEST DENIAL

11.1 Internal Remedies

The decision made by the Information Officer 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.

11.2 External Remedies

A requester that is dissatisfied with the information officer's refusal to disclose information, may within 30 calendar days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 calendar days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

12. ACCESS TO RECORDS PROCEDURE

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to any of the above categories of information.

The requester must complete the prescribed Form 02 in accordance with Regulation 7, and submit same as well as payment of a request fee and a deposit, if applicable, to the information officer or the designated deputy information officer, at the postal or physical address, facsimile number or electronic mail address.

The prescribed form which is also available on the Information Regulator's website (<u>www.inforegulator.gov.za</u>) must be filled in with enough particularity to at least enable the information officer to identify:

- the record or records requested;
- the identity of the requester;
- which, form of access is required, if the request is granted;
- the postal address or facsimile number of the requester.

The requester must state that he/she/it requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

the Responsible Party will process the request within 30 calendar days unless the requester has stated special reasons which would satisfy the information officer that circumstances dictate that the above time periods not be complied with. The requester shall be informed in writing whether access was granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

If a requester is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The requester must pay the prescribed fee as detailed in this policy before any further processing can take place.

13. TYPES OF REQUESTERS

Records held by the Responsible Party may be accessed by requests only once the prerequisite requirements for

access have been met.

A requester is any person making a request for access to a record of the Responsible Party. There are two types of requesters:

13.1 Personal Requester

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- the Responsible Party will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

13.2 Other Requester

 The requester (other than a personal requester) is entitled to request access to information on third parties. However, the Responsible Party is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

14. FEES

The Act provides for two types of fees, namely:

- a request fee, which will be a standard fee; and
- an access fee which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

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 (if any), before further processing of the request.

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.

The information officer shall withhold a record / outcome until the requester has paid the fees in accordance with Regulation 8 and as captured in Form 03.

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 record for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer must repay the deposit to the requester.

15. DECISIONS

The Responsible Party will, within 30 calendar days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30 calendar day period with which the Responsible Party has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 calendar days if the request is for a large number of information, or the request requires a search for information held at another office of the Responsible Party, and the information cannot reasonably be obtained within the original 30 calendar day period. the Responsible Party will notify the requester in writing should an extension be sought.

16. AVAILABILITY OF THE MANUAL

The manual is made available in terms of Regulation Number R 187 of 15 February 2002 and is available on our website as well as at our registered offices on the contact details as stated in this policy.

17. UPDATING THE MANUAL

The head of 4D Group Solutions (Pty) Ltd will update this manual as and when updates are deemed necessary.

18. INTERNAL APPEAL RELATED TO PUBLIC BODIES

It is important to note that there is a process in place regarding the Internal appeal against the decision of the Information Officer of a Public Body.

A complainant may lodge an internal appeal against a decision of the Information Officer of a Public Body as contemplated in section 75(1) of the Act, in accordance with Regulation 9 and <u>Form 04.</u>

19. APPENDIX 1: INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

The Responsible Party is required to keep records in terms of certain legislation. Insofar as may be applicable, the Responsible Party keeps records of information to the extent required in terms of the following legislation, as amended, and codes of best business practice:

Administration of Estates Act No. 66 of 1965 Basic Conditions of Employment Act No. 75 of 1997 Companies Act No. 71 of 2008 Compensation for Occupational Injuries and Diseases Act No. 130 of 1993 Competition Act No. 89 of 1998 Consumer Protection Act No. 68 of 2008 Employment Equity Act No. 55 of 1998 Financial Advisory and Intermediary Services Act No. 37 of 2002 Financial Intelligence Centre Act No. 38 of 2001 Income Tax Act No. 58 of 1962 Labour Relations Act No. 66 of 1995 National Credit Act No. 34 of 2005 Occupational Health and Safety Act No. 85 of 1993 Prescription Act No. 68 to 1969 Prevention of Organised Crime Act No. 121 of 1998 Transfer Duty Act No. 40 of 1949 Unemployment Insurance Act No. 63 of 2001 Value-added Tax Act No. 89 of 1991

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

- 1. Proof of identity must be attached by the requester.
- 2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

TO: The Information	Officer			
		_		
(Addros				
(Addres	55)			
E-mail address:				
Fax number:				
Mark with an "X"				
Request is mad	e in my owr	n name	equest is made	on behalf of another person.
		PERSONAL INFOR	IATION	
Full Names				
Identity Number				
Capacity in which request is made (when made on behalf of another person)				
Postal Address				
Street Address				
E-mail Address				
Contact Numbers	Tel. (B):		Facsimile	
	Cellular:			
Full names of person on whose behalf request is made (if applicable):				
Identity Number				
Postal Address				

Street Address				
E-mail Address				
Contact Numbers	Tel. (B)		Facsimile	
	Cellular			I
	PAR	TICULARS OF RECORD REC	QUESTED	
that is known to you, to	o enable th	ord to which access is reque ne record to be located. (If the attach it to this form. All additio	e provided sp	bace is inadequate, please
Description of record or relevant part of the record:				
Reference number, if available				
Any further particulars				
of record				
TYPE OF RECORD (Mark the applicable box with an " X ")				
Record is in written or printed form				
Record comprises virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)				
Record consists of recorded words or information which can be reproduced in sound				
Record is held on a computer or in an electronic, or machine-readable form				

FORM OF ACCESS (Mark the applicable box with an "X")	
Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS (Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language	
(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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED			
If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.			
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:	

	FEES			
a)	A request fee must be paid before the request will be considered.			
b)	You will be notified of the amount of the access fee to be paid.			
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)				
Reaso				

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)		
Signed at	this	day of 20		

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by:	
(State Rank, Name And	
Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8]

Note:

- 1. If your request is granted the—
 - (a) amount of the deposit, (if any), is payable before your request is processed; and
 - (b) requested record/portion of the record will only be released once proof of full payment is received.
- 2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.

OR

Printed copies of the information (including copies of any virtual images, transcriptions and	
information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video	
recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive(including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

You requested:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language:	
(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)	

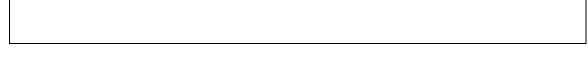
Kindly note that your request has been:

	1

2.

Approved

Denied, for the following reasons:



4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
 For a copy in a computer-readable form on: (i) Flash drive To be provided by requestor (ii) Compact disc If provided by requestor 	R40.00 R40.00		
 If provided to the requestor 	R60.00		
For a transcription of visual images per A4-size page Copy of visual images	Service to be outsourced. Will depend on the quotation of the		
	service provider		
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record(i)Flash drive•To be provided by requestor(ii)Compact disc	R40.00		
If provided by requestor	R40.00		
If provided to the requestor	R60. 00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes	No	
Hours of search	Amount of deposit (calculated on one third of total amount per request)	

The amount must be paid into the Name of Bank: Name of account holder: Type of account: Account number: Branch Code: Reference Nr: Submit proof of payment to:		nk account:	
Signed at	this	day of	20
Information officer			

INTERNAL APPEAL FORM

FORM 4

[Regulation 9]

Reference Number:

PARTICULARS OF PUBLIC BODY						
Name of Public Body	,					
Name and Surname of Information Officer:						
PARTICI	JLARS OF CO	MPLAINANT WHO LODO	SES THE I	NTERNAL	APPEAL	
Full Names						
Identity Number						
Postal Address						
	Tel. (B)		Facsimil	е		
Contact Numbers	Cellular					
E-Mail Address						
Is the internal appeal	lodged on beh	alf of another person?	Yes		No	
	son is lodged:	h an internal appeal on (Proof of the capacity in e, must be attached.)				
PARTICULARS	S OF PERSON	ON WHOSE BEHALF TH (If lodged by a third pa		NAL APPE	AL IS LOD	OGED
Full Names						
Identity Number						
Postal Address						
	Tel. (B)		Facsimil	e		
Contact Numbers	Cellular					
E-Mail Address						

DECISION AGAINST WHICH THE INTERNAL APPEAL IS LODGED (mark the appropriate box with an "X")

Refusal of request for access

Decision regarding fees prescribed in terms of section 22 of the Act

Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act

Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester

Decision to grant request for access

GROUNDS FOR APPEAL

(If the provided space is inadequate, please continue on a separate page and attach it to this form. all the additional pages must be signed)

State the grounds on which the internal appeal is based:	
State any other information that may be relevant in considering the appeal:	

You will be notified in writing of the decision on your internal appeal. Please indicate your preferred manner of notification:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at	this	day of	20
Signed at	uns	uay 01	20

Signature of Appellant/Third party

FOR OFFICIAL USE

OFFICIAL RECORD OF INTERNAL APPEAL

Appeal received by: (state rank, name and Officer)	d surna	ame of	Information				
Date received:							
					on officer's decision and, where n or which the record relates,	Yes	
submitted by the informa						No	
		C		F AF	PEAL		
Refusal of request for	Yes		New decisi	on			
access. Confirmed?	No		confirmed	1)			
Fees (Sec 22).	Yes		New decisi	on			
Confirmed?	No		confirmed	1)			
Extension (Sec 26(1)).	Yes		New decisio	on			
Confirmed?	No		confirmed	1)			
Access (Sec 29(3)).	Yes		New decisi	on			
Confirmed?	No		confirmed	1)			
Request for access	Yes		New decisi	on			
granted. Confirmed? No			confirmed	1)			

Signed at ______ this _____ day of _____ 20 _____

Relevant Authority