

PAIA MANUAL

OF

MC DESIGN AND CONTRACTING (PTY) LTD

**IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000,
AS AMENDED (“PAIA”)**

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1. 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 |

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MC DESIGN & CONTRACTING

3.1. Chief Information Officer

Name: MR ETTIENE STEYN - CEO
Tel: (041) 451-3249
Fax number: (041) 451-3347

3.2. Deputy Information Officer designated in terms of section 17 (1) of PAIA.

Name: PAMELA VAN WYK
Tel: (041) 450-2817
Email: pamela.vanwyk@mcdesign.co.za
Fax Number: (041) 451-3347

3.3 Access to information general contacts

Email: pamela.vanwyk@mcdesign.co.za

3.4 **National or Head Office**

Postal Address: PO BOX 7881, NEWTON PARK, GQEBERHA, 6055

Physical Address: 1 CADLE ROAD, SIDWELL, GQEBERHA, 6001

Telephone: (041) 451- 3249

Email: info@mcdesign.co.za

Website: www.mcdesign.co.za

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objective of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

- 4.3.2.1. the Information Officer of every public body, and
- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) that record is required for the exercise or protection of any rights;
- b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and
- c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- 4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 English and Afrikaans

5. CATEGORIES OF RECORDS OF MC DESIGN & CONTRACTING , WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available upon request
HR	Personal Records of employees him/herself	No	Yes
HR	Company Policies and Procedures	No	Yes
Corporate Governance	Business Management Plan	No	Yes
Sales/Marketing	Product and Services Information	Yes	Yes
Corporate Governance	News and Media Releases	Yes	Yes
Company Information	Statutory Records held at CIPRO	No	Yes

6. DESCRIPTION OF THE RECORDS OF MC DESIGN & CONTRACTING WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	Applicable Legislation
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Statutory Employee Records	Basic Conditions of Employment Act, 75 of 1997
Equity Policies	Broad-Based Black Economic Empowerment Act, 53 of 2003
Occupational Injuries Policies	Compensation for Occupational Injuries and Diseases Act, 130 of 1993
Equity Policies	Employment Equity Act, 55 of 1998
Tax Compliance Status	Income Tax Act, 95 of 1967
Occupational Safety Policies	Occupational Health and Safety Act, 85 of 1993
Skills Development Policies	Skills Development Act, 97 of 1998
Skills Development Policies	Skills Development Levies Act, 9 of 1999
Tax Compliance Status	Value Added Tax Act, 89 of 1991
PAIA Manual	Protection of Personal Information Act, 4 of 2013
Statutory Employee Records	Unemployment Insurance Act, 4 of 2002
Statutory Employee Records	Labour Relations Act, 66 of 1995
Statutory Company Information	Intellectual Property Laws Amendment Act, 38 of 1997
Statutory Employee Records	Medical Schemes Act, 131 of 1998
Environmental Policies	National Environment Management Act, 107 of 1998
Environmental Policies	National Environmental Management: Air Quality Act, 39 of 2004
Environmental Policies	National Environmental Management: Waste Act, 59 of 2008
Occupational Safety Policies	National Road Traffic Act, 93 of 1996
Environmental Policies	National Water Act, 36 of 1998
Statutory Employee Records	Pension Funds Act, 24 of 1956
Statutory Employee Records	Protected Disclosures Act, 26 of 2000

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY MC DESIGN & CONTRACTING.

Category	Records Held
Statutory Company Information	a. Registration Certificate b. Certificate of Change of Name (where required) c. Minutes of Board Meetings d. Resolutions passed (where applicable) e. Share Registers and Certificates f. Company Disclosure Certificates g. Annual Financial Statements h. Management Accounts i. Director Reports j. Auditors Reports k. Books of account regarding information required by the Companies Act. l. Supporting Schedules and documentation relating to management accounts m. All other forms and notices in terms of the Companies Act.
Corporate Governance	a. Code of Conduct b. Risk Management Registers and associated records c. Legal Compliance Registers and associated records d. Policies and Procedures. e. Fraud alerts and whistle blowing
Accounts Records	a. Books of accounts including journals and ledgers. b. Delivery Notes, orders, invoices, statements, receipts, vouchers, and bills of exchange (where required). c. Agreements d. Banking Records e. Audited Financial Statements f. Payment Files including supporting documentation g. Tax Records, Returns and Supporting documentation. h. PAYE records and returns

Category	Records Held
Accounts Records	i. UIF Returns j. VAT Records k. Payroll records l. Expense accounts m. Compensation Fund Records and supporting docs n. General Correspondences o. Management Reports p. Budgets q. General Ledger, Sub Ledger and Trial Balances r. General Ledger Reconciliations
Fixed Property	a. Title Deeds b. Leases c. Mortgage bonds or other encumbrances to fixed property d. Register of all immovable property owned by the company. e. Building Plans
Insurance	a. Insurance Policies b. Insurance Declarations c. Details of insurance coverage, limits, and insurers d. Claim Records
Moveable Property	a. Assets register. b. Finance and lease agreements c. Notarial Bonds d. Deeds of pledge e. Vehicle registration documents
Agreements & Contracts	a. Material agreements concerning provision of services or materials b. Agreements with shareholders, officers and/or Directors. c. Acquisition or disposal documentation. d. Agreements with contractors, supplier and service providers e. Agreement with customers

Category	Records Held
Agreements & Contracts	f. Sale agreements g. Distributor, dealer or agency agreements h. Restraint agreements i. Non-disclosure agreements j. Agreements with governmental agencies (where required) k. Purchase or lease agreements
Intellectual Property	a. Designs b. Solutions and products developed c. Know-how d. Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, copyright agreements, use agreements, joint venture agreements and joint venture development agreements (where necessary) e. Litigation and other disputes involving intellectual property.
Taxation	a. Copies of all income tax returns and other tax returns and documents
Legal	a. Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, commercial disputes, arbitration or regulatory investigation. b. Agreements & Contracts c. Third Party Disputes d. Ex-employee Disputes e. Subpoenas f. SAPS Investigations and Cases g. Records of Stolen Goods h. Settlement Agreements
Business Development, Sales & Marketing	a. Product Records b. Market Information c. Customer Records & Database

Category	Records Held
Business Development, Sales & Marketing	d. Sales Records e. Brochures, newsletters and advertising materials f. Customer Satisfaction Surveys g. Marketing Strategies h. Client Specifications i. Designs & Drawings j. Proposals and Tender Documentation k. Bills of Quantity l. Letters of Intent m. Client Purchase Orders n. Media releases
Human Resources	a. BEE Statistics b. Career Development Records c. Personnel Information d. Employment Equity Reports e. General Terms of Employment f. Letters of Employment g. Leave Records h. Health Records i. Performance Management Records j. Retirement Benefit and Medical Aid Records k. Training Manuals (Learning & Development) l. Training Records and Statistics m. Training Agreements n. Policies and Procedures o. CV's, application Details p. Disciplinary Code and Records q. Disciplinary Procedures, CCMA and court matters, r. Retrenchment and legal processes regarding employment matters. s. Settlement Agreements t. Ex-employee's disputes u. Job Profiles v. SETA Records

Category	Records Held
Statutory Employee Records	a. Employee's names and occupations b. Salary and wages register c. Employment Equity Plan d. Collective Agreements e. Arbitration Awards f. Determinations made in terms of Wage Act g. Records of strikes, lockouts and protest action h. Training Records i. Staff records (after date of employment ceases) j. Expense accounts k. IRP5 for employee returns l. PAYE records and returns m. Returns to UIF n. Payroll records
Supply Chain Management (Logistics & Procurement)	a. Suppliers and Manufacturers Details b. Supplier, Service Provider and Contractors Agreements c. Standard Terms and Conditions of Supply of Services, Products and Software. d. Purchase and Lease Agreements e. Bill of Quantities f. Tender Documents or Information g. Inventory Records h. Dispatch documentation i. Delivery Notes j. Purchase Orders k. Calibration Records l. Load Testing & Inspection Records
Information Technology	a. Hardware b. Operating systems c. Telephone Exchange Equipment d. Telephone lines, leased lines and data lines e. Disaster Recovery Policy and Systems

Category	Records Held
	f. Internal systems support and programming/development g. Contracts and agreements h. Licenses i. Policies, procedures, standards, templates, and guidelines j. Security Access k. Performance of IT Infrastructure l. Faults, Trouble shooting and reporting
Safety, Health, Environmental & Quality	a. Noise and exposure records b. Water Quality Monitoring Records c. Extraction Survey Records d. Hazardous Chemical Substances monitoring records e. Risk Assessment Records f. Legal Compliance Registers and associated records g. Emergency Response Plans h. Aspects and Impacts Registers i. Incident Registers & Reports j. Permits k. Audit Reports l. Compliance Related Records m. General Administration Records n. Medicals/ Health Records o. Management system & Standards p. Disposal Records q. Load Testing & Inspection Records r. Customer Complaints s. SHE File documentation, including employee ID's t. Equipment & Material Data Sheets u. Non-Destructive Testing Records v. Welders Records w. Authorised Inspection Authority Records x. Pressure Testing Records

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Personal Information is processed for employees, customers/clients, service providers.

The purpose for processing of personal information is necessary for MC Design & Contracting to comply with all legislative requirements applicable to performing its legal and contractual duties.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	name, address, registration numbers or identity numbers, intellectual property, and bank details
Service Providers	names, registration number, vat numbers, address, and bank details
Employees	address, qualifications, gender, race, pregnancy, age, medical information, criminal history, disability, biometric information, ID numbers, physical or mental health, telephone numbers, employment status/history, marital status, nationality and language

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services /
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus
Identity number and names, medicals and qualifications/ education for SHE files	Client
Identity numbers, names, address and SARS reference numbers for processing of PAYE and / or any relevant obligation towards SARS	South African Revenue Services
Identity number and names, information in contract of employment	Department of Labour
Identity number, names and contact details	Clients at whose premises employees are required to work
Identity number, names, contact details and medical information	Department of Labour in terms of the Compensation for Occupational Injuries and Diseases Act, 130 of 1993

8.4 Planned transborder flows of personal information

There is no transborder flow of information

8.5 General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

Anti-virus and anti-malware solutions, access control, data backup, firewalls, use of strong passwords, careful use of email and websites, employee education, up to date operation system and security patch, secure laptops/mobile phones (encrypted)

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on www.mcdesign.co.za, if any;

9.1.2 head office of the MC DESIGN & CONTRACTING, GQEBERHA for public inspection during normal business hours;

9.1.3 to any person upon request to the Information Officer and / or Deputy Information Officer and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

MC DESIGN & CONTRACTING will update this manual when legislation changes or as may be deemed necessary.

11. RECORDS REQUEST PROCEDURE

11.1 PROCEDURE FOR REQUESTING ACCESS TO RECORDS

11.1.1 If you wish to request access to any of the above records (Section 7) you are required to complete a request form as set out in Form C – “Annexure A”, under section 13 of this document. This form is available from:

- a. MC Design’s Deputy Information officer (Contact details under Section 3.2 of this document)
- b. The Department of Justice and Constitutional Development website (<https://www.justice.gov.za>)

11.1.2 Address your request to the Head of the Company (CEO)/Information Officer or Deputy Information Officer.

11.1.3 Provide sufficient details to enable MC Design 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. The postal address or fax number of the requester in the Republic;
- e. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- f. 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.

11.1.4 The requestor should note that all the information as listed above should be provided, failing which the process will be delayed while MC Design requests such additional information. The prescribed time periods will not

commence until all pertinent information has been furnished by the requestor.

- 11.1.5 If an individual is unable to complete the prescribed form because of illiteracy or disability, such person may make the request orally to the Deputy Information Officer.
- 11.1.6 A request will not be automatically granted and short reasons for the refusal shall be supplied. It should be noted that a request for access to information can be refused if the application does not comply with the requirements of the Act. Further the completion and submission of a request does not automatically allow the requester access to the requested record.
- 11.1.7 There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees can be found in Section 12 hereto.
- 11.1.8 When a request is received by the Deputy Information Officer, he/she shall by notice require the requester, other than the personal requester, to pay the prescribed request fee, before further processing of the request.
- 11.1.9 The requester maybe required to pay the additional fees prescribed by regulation for searching for and compiling the information which has been requested, including copying charges 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.

- 11.1.10 The Deputy Information Officer shall withhold a record until the requester has paid the fee or fees as indicated. If a deposit has been paid in respect of a request for access, which is refused, then the Deputy Information Officer shall repay the deposit to the requester.
- 11.1.11 It is important to note the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested records falls within a certain category as specified within Part 3, Chapter 4 of the PAIA Act.
- 11.1.12 MC Design will process the request within 30 days of receipt of the request and decide whether to grant or decline the request. If the request is:
- a. Granted: The notification must state the applicable fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
 - b. Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon and provide the procedure to be followed should the requestor wish to apply to court against the decision.
- 11.1.13 The 30-day period within which MC Design must decide whether to grant or refuse the request, may be extended for a further period of not more than

30 days, if the request is for a large volume of information, or the request requires a search for information held in another office and the information cannot reasonably be obtained within the original 30-day period. MC Design will notify the requester in writing should extension be sought.

11.1.14 If all reasonable steps have been taken to find a record that has been requested and there are reasonable grounds for believing that the record cannot be found or does not exist, the Deputy Information Officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.

11.1.15 If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

11.1.16 The completed Access Request Form together with a copy of the identity document must be submitted via conventional mail or email and must be addressed to the Deputy Information Officer whose details can be found under section 13 of this document.

11.2 THIRD PARTIES

11.2.1 If the request is for the record pertaining to the third party, the Deputy Information Officer must take all reasonable steps to inform the third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be by the fastest means reasonably

possible, but if orally, the Deputy Information Officer of the Company must thereafter give the third party a written confirmation of the notification.

11.2.2 The third party may within 21 days thereafter either make presentation to MC Design as to why the request should be refused; alternatively grant written consent to the disclosure of the record.

11.2.3 The third party must be advised of the decision taken by the Deputy Information Officer whether to grant or to decline the request. The third party who is dissatisfied with the Deputy Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

11.3 GROUNDS FOR REFUSAL OF A REQUEST

11.3.1 MC Design has the right to refuse access to information on legal grounds as set out in POPIA and in PAIA which will mainly be on one or more of the following grounds:

a. Unreasonable disclosure of the personal information of natural person third parties to requestors. This includes the personal information of deceased individual or child, subject to the provisions of section 63 of PAIA.

b. Requests relate to records containing third party information pertaining to:

➤ Trade secrets

- Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
 - Information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
- c. Disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- d. Where such disclosure could endanger the life or physical safety of an individual, or prejudice or impair the security of:
- A building, structure or any system
 - A means of transport, or
 - Any other property
- e. If the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived it.
- f. Commercial information of private body, in that a request for access to a record may be refused if the record contains:
- Trade secrets, financial, commercial, scientific or technical information where disclosure could likely cause harm to the financial or commercial interest of the company.

- Information which, if disclosed could prejudice or put the company at a disadvantage in negotiations or commercial competition; and
 - A computer program which is owned by the company.
- g. Disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage.
- h. Despite any of the protections mentioned above, the Information Officer (CEO) shall grant a request for access to a record if:
- The disclosure of the record would reveal evidence of a substantial contravention of or failure to comply with the law or imminent and serious public safety or environmental risk.
 - The public interest in the disclosure clearly outweighs the harm.

11.4 PROCEDURE IF REQUEST FOR INFORMATION IS REFUSED

- 11.4.1 If the request for information is refused, the Deputy Information Officer must:
- a. State adequate reasons for the refusal, including the provisions of this Act relied on;
 - b. Exclude, from any such reasons, any reference to the content of the record; and

- c. State that the requester must lodge an application with a court against the refusal of the request, and the procedure (including the period) for lodging the application.

11.4.2 Internal Process

- a. MC Design does not have an internal appeal procedure. As such, the decision made by the Information Officer and Deputy Information Officer pertaining to a request is final, and requestors will have to follow the external process if they are not satisfied with the response.

11.4.3 External Process

- a. A requestor that is dissatisfied with the Information Officer or Deputy Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a court for appropriate relief.
- b. Courts which have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status. The court will review the request and decide whether in fact the Deputy Information Officer of MC Design should give the requestor the information requested or not.
- c. A court hearing an application in terms of the PAIA Act may grant any order that is just and equitable including orders:
 - Confirming, amending or setting aside the decision which is the subject of the application;

- Requiring the Deputy Information Officer to take any action, or refrain from taking any action as identified by the court within the specified period;
- Granting an interdict, interim or special relief, declaratory order or compensation; or costs.

11.5 OBJECTION TO PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

11.5.1 You may object to processing of your personal information at any time by completing Annexure B – Form 1 attached hereto and submitting it to the Deputy Information Officer whose details can be found under Section 3.2 of this document.

11.6 REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING /DESTRUCTION THEREOF IN TERMS OF POPIA

116.1 You may request for correction or deletion of personal information or destroying/destruction or deletion of a record of personal information at any time by completing Annexure C – Form 2, attached hereto and submitting it to the Deputy Information Officer whose details can be found under Section 3.2 of this document.

11.7 WITHDRAWAL OF CONSENT IN TERMS OF POPIA

11.7.1 You may withdraw consent to process your personal information at any time by completing Annexure D – Form 3 attached hereto and submitting it to the Deputy Information Officer whose details can be found under Section 3.2 of this document.

12. PRESCRIBED FEES

12.1 TYPES OF FEES

12.1.1 Payment of fees is regulated in terms of section 54 of the PAIA Act. The Regulations provide for two types of fees:

- a. Request Fee – which is a form of administration fee paid by all requestors, except personal requestors, before the request is considered, and is not refundable.
- b. Access Fee – which is paid by all requestors, in the event of a request for access being granted. This fee is intended to re-imburse MC Design for the costs involved in searching for a record and preparing it for delivery to the requestor.

12.1.2 The Deputy Information Officer shall withhold the record until the requester has paid the fees as indicated in the sections below.

12.2 REQUESTOR OTHER THAN A PERSONAL REQUESTER

12.2.1 When the request is received by the Deputy Information Officer, such person shall by notice require the requester to pay the prescribed request fee, if any, before processing of the request.

12.2.2 If the search for the record has been made and the preparation of the record for disclosure including arrangements to make it available in the request form, requires more than the hours prescribed in the PAIA Act (Part 6), the Deputy 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. If the request is declined, the deposit must be repaid to the requestor.

12.2.3 The notice given by the Deputy Information Officer must advise the requestor that he/she has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

12.4 PERSONAL REQUESTER

12.4.1 If a requestor requires access to records of his/her Personal Information, there shall be no request fee payable. However, the requester must pay the prescribed access and reproduction fees for such Personal Information.

12.5 REPRODUCTION FEES

12.5.1 Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body.

12.5.2 The applicable reproduction fees which will be payable are:

Reproduction of Information Fees	Fees to be charged
Photocopy of an A4 size page or part thereof	R 1.10
Printing of an A4 page or part thereof	R 0.75
A copy in electronic format (CD/DVD/Memory Stick)	R 70.00
Transcription of an audio recording per A4 page or part thereof	R 20.00
Transcription of visual images, in an A4 size page or part thereof	R 40.00
A copy of visual images	R 60.00
Copy of an audio record	R 30.00

12.6 REQUEST FEES

12.6.1 Where a requester submits a request for access to information held by MC Design on a person other than the requester himself/herself, a request fee in the amount of R 50.00 is payable up front before MC design will further process the request received.

12.7 ACCESS FEES

12.7.1 An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

12.7.2 The applicable access fees which will be payable are:

Access of Information Fees	Fees to be charged
Photocopy of an A4 size page or part thereof	R 1.10
Printing of an A4 page or part thereof	R 0.75
A copy in an electronic format (CD/DVD/Memory Stick)	R 70.00
Transcription of an audio recording per A4 page or part thereof	R 20.00
Transcription of visual images, in an A4 size page or part thereof	R 40.00
A copy of visual images	R 60.00
Copy of an audio record	R 30.00
A search and preparation of a record that must be disclosed. *Per hour or part thereof reasonably required for such search.	R 30.00*
Where a copy of a record needs to be posted the actual postal fee is payable.	TBA

12.8 DEPOSITS

12.8.1 Where a private body receives a request for access to information held on a person other than the requester himself/herself and the Deputy Information Officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

12.8.2 The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

12.9 COLLECTION FEES

12.9.1 The initial "Request fee" of R 50.00 should be deposited into MC Design's bank account and a copy of the deposit slip, application form and other correspondence/documents, forwarded to the Deputy Information Officer for review and approval.

12.9.2 MC Design's banking details will be made available to Requester/s, where applicable.

12.9.3 All fees are subject to change as allowed for in the Act and consequently such escalations may not always be immediately available at the time of the request being made. Requesters shall be informed of any changes in the fees prior to making payment.

13. ANNEXURES

13.1 ANNEXURE A – FORM C - REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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/ mobile 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:

D. 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:

.....

.....

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.

1. If the record is in written or printed form:				
	Copy of record*		Inspection of record	
2. If record consists of visual images (includes photographs, slides, video recordings, computer-generated images, sketches, etc.)				
	View the images		Copy of the images"	Transcript 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* (CD/DVD)
* 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 of20.....

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

13.2 ANNEXURE B – FORM 1 – OBJECTION TO PROCESSING OF PERSONAL INFORMATION

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.

4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 2(1)]

Note:

1. Affidavits or other documentary evidence in support of the objection must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this

Form and sign each page.

Reference Number.....

A. DETAILS OF DATA SUBJECT	
Name and surname of data subject:	
Residential, postal or business address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
B. DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural person):	

Residential, postal or business address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
Name of public or private body (if the responsible party is not a natural person):	
Business Address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
C. REASONS FOR OBJECTION (Please provide detailed reasons for the objection)	

Signed atthis day of 20

.....

Signature of data subject (applicant)

13.3 ANNEXURE C – FORM 2 – CORRECTION OR DELETION OR DESTROYING/ DESTRUCTION OF PERSONAL INFORMATION

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR
DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF
SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT
NO.

4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017

[Regulation 3(2)]

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

A. DETAILS OF DATA SUBJECT	
Surname:	
Full Names:	
Identity Number:	
Residential, postal or business address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	

B. DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
Name of public or private body (if the responsible party is not a natural person):	
Business Address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
C. REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. (Please provide detailed reasons for the request)	

***DELETE** whichever is not applicable.

Signed atthis day of 20
.....

.....

Signature of data subject (applicant)

13.4 ANNEXURE D – FORM 3 – WITHDRAWAL OF CONSENT NOTICE TO PROCESS PERSONAL INFORMATION

FORM 3

REQUEST FOR WITHDRAWAL OF CONSENT TO PROCESS PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.4 OF 2013)

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number.....

I wish to withdraw my consent for the collection, use and disclosure (processing) of personal information provided to your company for:

Mark the appropriate box with an “X”:

Request for:

☐

All the purposes I had provided my consent for; **or**

☐

For only the following purposes:

State the purpose of withdrawal to be applied to:

.....

.....

I fully understand and agree that the withdrawal of my consent to any or all purposes – depending on the nature of my request – may result in the responsible party not being in a position to continue to provide services, products etc. to me.

A. DETAILS OF DATA SUBJECT	
Surname:	
Full Names:	
Identity Number:	
Residential, postal or business address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
B. DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural person):	
Residential, postal or business address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	
Name of public or private body (if the responsible party is not a natural person):	
Business Address:	
	Code:
Contact number (s):	
Fax Number:	
Email address:	

**C. REASONS FOR *THE WITHDRAWAL OF CONSENT TO PROCESS PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY.
(Please provide detailed reasons for the request)**

***DELETE** whichever is not applicable.

Signed atthis day of 20
.....

.....

Signature of data subject (applicant)