

## **SOUTH AFRICAN PAIA MANUAL**

### **Prepared in terms of section 51 of the South African Promotion of Access to Information Act 2 of 2000 (as amended)**

**Date of compilation: September 2023**

**Date of revision: Version 1**

#### **1. List of acronyms and abbreviations**

- 1.1. **“Minister”** South African Minister of Justice and Correctional Services
- 1.2. **“PAIA”** South African Promotion of Access to Information Act, 2000
- 1.3. **“POPIA”** South African Protection of Personal Information Act, 2013
- 1.4. **“Regulator”** South African Information Regulator

#### **2. Purpose of PAIA Manual**

The purpose of this document is to serve as the manual for Flexpay (Pty) Ltd (“**Flexpay**”) (registered in South Africa) as required in terms of Section 51 of PAIA to promote the right of access to information, giving effect to the constitutional right in terms of section 32 of the Constitution of the Republic of South Africa (“**Manual**”).

This Manual sets the responsibilities of the Flexpay appointed Information Officer who will fulfil the duties mandated in terms of PAIA to ensure compliance with PAIA.

This Manual also provides a reference to the records held by Flexpay and the procedures that need to be followed to request such records.

This PAIA Manual is also useful for the public to-

- 2.1. check the categories of records held by Flexpay 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 Flexpay, by providing a description of the subjects on which Flexpay holds records and the categories of records held on each subject;
- 2.3. know the description of the records of Flexpay which are available in accordance with any other legislation;
- 2.4. access all the relevant contact details of the 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 Flexpay 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 Flexpay 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 Flexpay 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 Flexpay: section 51(1)(A)**

#### **3.1. Information Officer**

Name: Selesha Pillay  
Email: [selesha.pillay@paymentology.com](mailto:selesha.pillay@paymentology.com)

#### **3.2. Access to information general contacts**

Email: [legal@paymentology.com](mailto:legal@paymentology.com)

#### **3.3. South African Office**

Postal Address: Building 1, Bentley Office Park, 67 Wessels Road, Rivonia, South Africa, 2128  
Physical Address: Building 1, Bentley Office Park, 67 Wessels Road, Rivonia, South Africa, 2128  
Telephone: 011 803 3118  
Email: [compliance@paymentology.com](mailto:compliance@paymentology.com)  
Website: <http://www.flexpay.com>

### **4. PAIA: Section 51(1)(b)**

PAIA 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. For the purposes of PAIA, Flexpay is a private body.

### **6. Availability of the Manual**

A copy of this Manual is available to the public for inspection on Flexpay's website at [www.Flexpay.com](http://www.Flexpay.com) or on request from the designated contact person referred to in this manual.

#### **6.1 Contact details: Section 51(1)(a)**

The responsibility for the administration of, and compliance with PAIA, has been delegated to Flexpay's Data Protection Officer. A request pursuant to the provisions of PAIA should be directed as follows:

Contact Person: Selesha Pillay  
Postal address: Building 1, Bentley Office Park, 67 Wessels Road, Rivonia, South Africa, 2128  
Physical Address: Building 1, Bentley Office Park, 67 Wessels Road, Rivonia, South Africa, 2128  
Phone number: 011 803 3118  
E-mail: [compliance@paymentology.com](mailto:compliance@paymentology.com)

#### **6.2 Guide for requesters on how to use PAIA: Section 51(1)(b)**

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.

Should you require greater clarity on or assistance with PAIA, we refer you to the Guide that has been published by the Human Rights Commission in terms of section 10 of PAIA. It includes:

- what the objects of PAIA are

- the relevant contact details of each public and private body (where possible)
- the process that needs to be followed in order to request access to records
- assistance available from the South African Human Rights Commission and information officers of public bodies
- how to get access to the manual of a private body
- all the remedies available in law to you
- details on prescribed fees payable in respect of requests for information.

The Guide has been printed in each official language in the *Government Gazette* and is available for inspection by the public at the offices of the Human Rights Commission.

Please direct any queries to:

**The South African Human Rights Commission:**

PAIA Unit  
Braampark Forum 3  
33 Hoofd Street  
Braamfontein

Website: <http://www.sahrc.org.za>

Kindly direct any queries to:

Phone number: +27 (11) 877 3608  
Fax number: +27 (11) 484 0582  
E-mail: PAIA@sahrc.org.za  
svanderberg@sahrc.org.za  
tsebulela@sahrc.org.za  
Website: <http://sahrc.org.za>

**6.3 Automatic Disclosure: Section 51(1)(c)**

**Records automatically available to the public**

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of PAIA, has to date not been published.

**6.4 Records held in accordance with legislation: Section 51(1)(d)**

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad-Based Black Economic Empowerment Act, No 53 of 2003
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Competition Act, No. 89 of 1998
- Constitution of South Africa Act, No. 108 of 1996
- Copyright Act, No. 98 of 1987
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Financial Intelligence Centre Act, No. 38 of 2001
- Labour Relations Act, No. 77 of 1995
- Occupational Health and Safety Act, No. 85 of 1993
- Protection of Personal Information Act, No 4 of 2013
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000
- Protected Disclosures Act, No. 26 of 2000

- Regulation of Interception of Communications and Provisions of Communication related Information Act, No. 70 of 2002
- Skills Development Act, No. 97 of 1997
- Skills Development Levy Act, No. 9 of 1999
- South African Reserve Bank Act, No. 90 of 1989
- Trade Marks Act, No. 194 of 1993
- Unemployment Insurance Act, No. 63 of 2001
- Value-added Tax Act, No. 89 of 1991

## 6.5 Records Held: Section 51(1)(e)

### Records subject and categories

Flexpay is a registered company and holds the following categories of records:

#### A. Client Records

- Client Correspondence
- Client Contracts
- Client Statutory and Tax records
- Client Business Information
- Client Information

#### B. Corporate Governance

- Meeting Minutes
- Executive Committee Meeting Minutes
- Enterprise-Wide Risk Management Records

#### C. All other Records held

##### *Legal*

- All Agreements across all departments
- Litigation and other claims
- Patents and Trademark Documents
- Applicable statutory documents such as but not limited to certificates of incorporation and certificates to commence business
- Memoranda and Articles of Association
- Share Certificates
- Shareholder Agreements

##### *Finance*

- Accounting Records
- Annual Financial Statements (which includes audit reports)
- Correspondence (proof of payments)
- Invoices and statements
- Management Reports
- Tax Records and Returns (including VAT returns)
- Insurance documents
- BEE Statistics
- Travel Documentation
- Statutory Returns to Relevant Authorities

##### *People Team*

- Payroll Records
- Career Development Records
- Employee Information

- Employment Equity Reports
- General Terms of Employment
- Letters of Employment
- Leave Records
- PAYE Records and Returns
- Performance Management Records
- Policies and Procedures
- Return to UIF Records
- Retirement Benefit and Medical Aid Record

*Information Management and Technology and Infrastructure*

- Equipment Register
- Information Policies, Standards, Procedures and Guidelines
- Software register
- Access Control Records
- General Correspondence

*Marketing and Communication*

- Proposal Documents
- Brand Information Management
- Marketing Strategies
- Communication Strategies
- Marketing and advertising materials
- Corporate Structure Diagrams

**6.6 Access requests: Section 51(1)(e)**

**Access Request Procedure**

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.

It is important to note that 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 record falls within a certain category as specified within Part 3 chapter 4 of PAIA.

**Completion of the Access Request Form**

To facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form (refer to Annexure A: Form C):

- The Access Request Form must be completed in full.
- Proof of Identity is required to authenticate the identity of the requester. Therefore, in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS in answer to every question in a clear eligible manner.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “nil” in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, write the applicable title followed by each answer.

**Submission of Access Request Form**

The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail or e-mail or and must be addressed to the contact person as indicated in this Manual. An initial request fee of R57.50 (incl. VAT) is payable on submission of the Access Request Form. This fee is however not applicable to Personal Requesters, referring to any person seeking access to records that contain their own personal information.

### **Payment of Fees**

Payment details can be obtained from the contact person as indicated in this Manual and can be made either via a direct deposit, or via electronic funds transfer. Proof of payment must be supplied. The access fee must be paid prior to access being given to the requested record. If the request for access is successful an access fee may be required for the search, reproduction and/ or preparation of the record(s) and will be calculated based on the prescribed fees set out in PAIA. If a deposit has been paid in respect of a request for access, and the request is refused, then the Information Officer concerned must repay the deposit to the requester.

## **6.7 Access Request Procedure: Section 51(1)(e)**

### **Notification**

Flexpay 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 within which Flexpay must 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 volume of information, or the request requires a search for information held at another office of Flexpay and the information cannot reasonably be obtained within the original 30 calendar day period. Flexpay will notify the requester in writing should an extension be required.

### **Grounds for refusal of access to records**

The main grounds for refusal of a request for information are:

- 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:
  - Trade secrets of that party.
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
  - Information disclosed in confidence by a third party to Flexpay if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- 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 record which could be regarded as privileged in legal proceedings.
- The commercial activities of Flexpay which may include, but is not limited to:
  - Trade secrets of Flexpay
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Flexpay.

### **Reproduction Fees**

Where Flexpay has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for the reproduction of the record in question.

Information relating to personal records of the person requesting the information would not be subject to a charge.

The applicable fees for reproduction of information requested as referred to above, excluding VAT, are as follows:

Description	Amount
For every photocopy of an A4 size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on a Compact disc or flash drive	R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00

*The above amounts may be amended from time to time in terms of PAIA.*

### Access Fees

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 PAIA or an exclusion is determined by the Minister in terms of section 54(8).

The applicable access fees which will be payable, excluding VAT, are:

Description	Amount
For every photocopy of an A4 size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form on a Compact disc or flash drive	R70.00
For a transcription of visual images, for an A4-size page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record, for an A4-size page or part thereof	R20.00
For a copy of an audio record	R30.00
To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

*The above amounts may be amended from time to time in terms of PAIA.*

### Deposits

Where Flexpay has received a request for access to information other than personal information and the Head of Compliance, upon receipt of the request, is of the opinion that the preparation of the required records for disclosure will take more than 6 hours, a deposit is payable by the requester.

The amount of the deposit is equal to one-third of the amount of the applicable access fee. If the request has been refused, the deposit will be repaid.

### Application to waive request fee and deposit

The requester may lodge an application with a court against the payment of the request fee and deposit if the requester believes that the request fee or deposit is not required.

### Postage

Where applicable, the actual postage is payable when a copy of a record must be posted to a requester.

SIGNED AND DATED AT \_\_\_\_\_ ON \_\_\_\_\_

\_\_\_\_\_  
**DRISHA KIRKMAN**  
**DIRECTOR**



**Annexure A – PAIA FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**REQUEST FOR ACCESS TO RECORD**

[Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)] also applicable to the POPI Act in terms of section 25

**A. Particulars of Flexpay.**  
 FLEXPAY PROPRIETARY LIMITED.  
 Building 1  
 Bentley Office Park  
 67 Wessels Road  
 Rivonia  
 South Africa  
 2128

**B. Particulars of the person requesting access to the record**

Note:

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address in the Republic of South Africa and/or email 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:	
E-mail address:	
Capacity in which request is made, when made on behalf of another person:	

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:	
Identity number:	

**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form.

**The requester must sign all the additional folios.**

1. **Description of record or relevant part of the record:**  
\_\_\_\_\_
2. **Reference number, if available:**  
\_\_\_\_\_
3. **Any further particulars of record:**  
\_\_\_\_\_

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.  
Reason for exemption from payment of fees:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Form of access to a 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 below 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 to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is a written or printed form:	
Copy of record*	Inspection of record
2. If the record consists of visual images: this includes photographs, slides, video recordings, computer-generated images, sketches, etc	

	View the images		Copy of images		Transcription of images*
3. If records consist of words or information which can be reproduced in sound:					
	Listen to the soundtrack audio cassette		Transcription of soundtrack* written or printed document		
4. If a record is held on computer or in an electronic or machine-readable form:					
	A printed copy of record*		A printed copy of information derived from the record		Copy in computer-readable form* (stiffy or a compact disc)
* If you requested a copy or a record (above), do you wish the copy or transcription be posted to you? <b>Postage is payable.</b>			Yes	No	

**F. Particulars of the 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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**G. Notice of decision regarding a 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:

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**H. Response time with respect to the request**

The response time in relation to the request made would depend on the nature of the request, the number of records requested and the period for which the records are requested.

the requester will in due course be informed as to when the information would be available.

Signed at \_\_\_\_\_ this day of \_\_\_\_\_ 20\_\_

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SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE