

PAIA AND POPIA MANUAL OF UNLOK CONSULTING PROPRIETARY LIMITED ("UNLOK")

Registration number 2021/466054/07

in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 as amended ("PAIA") and Section 55 of the Protection of Personal Information Act No. 4 of 2013 as amended ("POPI Act")

Created: JUNE 2021

I. SCOPE

I.1 OBJECTIVE

The purpose of this document is to serve as the Manual for UNLOK Consulting (Pty) Ltd ("UNLOK") (also known as the Company) as required in terms of Section 51 of the Promotion of Access to Information Act No: 2 of 2000 ("PAIA") in order 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 Act No: 108 of 1996 ("the Constitution") Section 9 of PAIA limits the right to access information, such justifiable limitations includes commercial confidentiality, good governance and the protection of personal information as prescribed by the Protection of Personal Information Act No: 4 of 2013 ("POPIA").

This Manual sets out the responsibilities of UNLOK appointed Information Officers who will take up the duties mandated in PAIA and POPIA, to ensure compliance with PAIA and POPIA. This Manual provides a reference to the records held by UNLOK and the procedures that need to be followed to request access to such records. UNLOK respects the privacy of personal information, refer to the UNLOK Privacy Policy <https://www.unlokconsulting.com/Legal/notice/> for details on how UNLOK collects and uses personal information, with whom it is shared, and data subject choices and rights in relation to their personal information.

I.2 APPLICATION AND RESPONSIBILITIES

UNLOK conducts business in the business, strategy, and management consulting industries.

2. COMPANY CONTACT DETAILS:

SECTION 51(1)(A) The Chief Executive Officer of UNLOK is duly authorised to ensure that the Act is complied with vis-a-vis the Company:

Contact Person: Leander J. Opperman

Physical Address 228 Lynda Place, Waterkloof Ridge, Pretoria, 0181

Postal Address Same as above

Telephone +27 82 333 1472

E-mail address leander.opperman@unlokconsulting.com

Website address www.unlokconsulting.com

3. 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 purposes of PAIA, UNLOK is a private body. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of this Manual.

Section 23 of POPIA (read with sections 18 and 53 of PAIA), grants a data subject (a customer, employee or third party) a right to request confirmation of records containing their personal information being held by UNLOK, which confirmation shall be provided free of charge. The requester can subsequently request a copy of the record or a description of the personal information contained within the record, subject to the fees prescribed by PAIA.

Requesters are referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC or at their website at <http://www.sahrc.org.za/>.

The contact details of the SAHRC are:

Physical Address

The South African Human Rights Commission

Braampark Forum 3

33 Hoofd Street

Braamfontein, Johannesburg

Postal Address

Private Bag X2700 Houghton, 2041

Telephone +27 11 877 3600

Fax +27 11 403 0668

Website address www.sahrc.org.za

4. APPLICABLE LEGISLATION: SECTION 51(1)(C)

Records are available in accordance with the following current South African legislation and any amendments thereof and regulations thereto (only to the extent that the relevant Act is applicable, and which therefore makes disclosure of records compulsory):

- No. 71 of 2008 Companies Act

5. SCHEDULE OF RECORDS AVAILABLE: SECTION 51(1)(D)

The following categories of records are automatically available without a person having to request access in terms of PAIA:

Listed company records available for inspection:

- Share register
- Dividend register

- Financial statements
- Shareholders' meeting minutes (For shareholders only)
- Special and general meetings of the company
- Annual general meeting of the company

Auditors

The company's current auditors are:

TLT ACCOUNTANTS

4 Pony Street ·

Tijger Valley Office Park ·

Silver Lakes Road ·

Silver Lakes

Pretoria

Records are subject to the UNLOK Record Policies, Procedures and Processes, and will be access controlled depending on the classification. UNLOK has in its possession the following categories of records on the subject matters referred to hereunder and for which a request for access needs to be made in terms of PAIA or the POPI Act:

Accounting

- Accounting Records
- General Correspondence
- Internal Reports and Communications
- Investment Records
- Management Reports
- **PAYE Records (not yet applicable-NYA)**
- Tax Records
- Transactional Records
- **Treasury Dealing and Settlement Records (NYA)**
- **VAT Records (NYA)**

Corporate Communications and Marketing

- Advertising and promotional material
- Analyst presentations
- Corporate mission statement
- **Corporate video (NYA)**

Human Resource records comprise the following main categories:

(All NYA)

- Relevant Contracts
- Disciplinary records
- Employee benefit Records
- Employee Records
- Employee tax records (IRP 5's)
- Employment Equity Records
- Employment Equity returns to the Department of Labour
- General Correspondence
- General HR Policies and Procedures
- Health and Safety records
- Labour Relations Records
- Leave records
- Medical Aid records
- Payroll reports
- Pension Records
- Salary records
- SETA records
- Skills development levies
- Standard Terms and Conditions of Employment applicable to all Staff
- Statutory Records
- Training Records
- UIF
- Workmen's Compensation

RISK

Insurance Records

IT

- Disaster Recovery Plans
- General Correspondence
- Group wide Contracts and Agreements
- Policy Records
- Software Licensing

LEGAL

- Copies of Agreements
- General Correspondence

- Statutory Records (NYA)
- Internal Reports and Communications
- Legal Records
- Litigation Records
- Intellectual Property Rights Records (Trademarks, Patents, Registered Designs and Copyright)
- Working Files

A person (customer, employee or third party) has the right to request access in terms of section 23 of POPIA:

Personal Information

• any recorded piece of information relevant to a data subject, including but not limited to the following, which can be in either hard copy or electronic format:

- race, gender, sex, pregnancy, marital status, nationality, ethnicity, or social origin; colour; sexual orientation; age; physical or mental health and well-being
- belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history
- an identifying number or symbol
- disability, personal opinions, blood type, biometric information
- views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person
- name of a person if it appears with other personal information
- consumer or purchasing pattern
- e-mail address and physical address, location information or online identifier and telephone number and mobile number.

Special Personal Information

• a special category of personal information - is religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information.

Where personal information is referenced, it will automatically include special personal information unless otherwise indicated.

6. FORM OF REQUEST: PAIA SECTION 18 AND 53 (1) (ALSO APPLICABLE TO POPI ACT SECTION 23)

To facilitate the processing of your request, kindly:

- Use the prescribed form (Form C – when a request is made to a private body or business), available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.
- Address your request to UNLOK Information Officer.
- Provide sufficient details to enable the Company to identify:
 - The record(s) requested;
 - The requester (and if an agent is lodging the request, proof of capacity);
 - The form of access required:

- The postal address, email address or fax number of the requester in the Republic;
- If the requester wishes to be informed of the decision in any manner (in addition to written) and the manner and particulars thereof;
 - 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. Any request for access to records should be submitted on the prescribed form C (a copy of which is **attached**) which should be sent to the Information Officer whose name and address details appear in paragraph 2 hereof.

7. PRESCRIBED FEES AND PROCEDURE: SECTION 54

The following applies to requests:

- A requestor is required to pay the prescribed fees* (R50.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.
- The fee structure is available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.

Please note that the correct completion and submission of a Request for Access form does not automatically entitle or 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 category as specified in section 23 (4)(a) of the POPIA read with Part 3 Chapter 4 of PAIA.

Please further note that if it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such requester.

If a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under PAIA, an extract of the details of which is attached at the end of this Manual.

7.1 COMPLETION OF REQUEST FOR ACCESS FORM

All requesters should take note of the following guidelines when completing the attached Request for Access to Record of a Private Body (refer to Annexure: Form C):

- The form must be completed by filling in all lines and spaces;
- Proof of the identity, in the form of a copy of the requester's identity document, is required to be submitted with the application;
- If the requester is a body corporate, the authority of the person submitting the application on behalf of such body corporate must be proven on the basis of a written authority to be attached;
- Type or print in a clear eligible manner, if a question does not apply indicate so by inserting "N/A" in response to that question, and if there is nothing to disclose in response to a particular question write "NIL" in response thereto;

- If there is insufficient space in the form, add additional folios on which the additional information is provided, clearly indicating to which question this relates. Request for information will be evaluated and the requester will be notified within 30 days after receipt of the request in the prescribed format of the following:

Approval of the request; or

Denial of the request, with the reasons therefore.

7.2 NOTIFICATION OF EXTENSION PERIOD (IF REQUIRED)

Requesters must take note that in terms of PAIA, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension).

7.3 THE ACCESS FEES AND/OR DEPOSIT

The requester will be informed of the access fee or deposit (if any) which is payable for having access to the records and for the search, reproduction and/or preparation work involved, the account details and of the methods in which payment may be made. In addition, a deposit may be requested which is fully refundable if the application is ultimately refused.

7.4 DECISION ON REQUEST

The requester will be informed whether the application for access has been denied or granted. IF the application is refused, the requester will be given adequate reasons for the refusal and will be informed that the requester may lodge an application with a Court (if a PAIA request) or the Information Regulator (if a POPIA) against the refusal of the application, as well as the procedure (including the period) for lodging such application.

7.5 GROUNDS FOR REFUSAL

UNLOK may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which UNLOK may refuse include:

- Protecting personal information that UNLOK hold about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that UNLOK holds about a third party or UNLOK (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of UNLOK or the third party).

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- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;

- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of UNLOK;
- Disclosure of the record would put UNLOK at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer program which is owned by UNLOK and protected by Copyright;
- The record contains information about research being carried out or about to be carried out on behalf of a third party of UNLOK and/or
- Information not yet in the public domain.

7.6 RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If UNLOK has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

8. THIRD PARTY INFORMATION

If access is requested to a record that contains information about a third party, UNLOK is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third-party furnishing reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted, or not.

*Form C is attached and is also available on our website at:

[https://www.unlokconsulting.com/Legal notices/](https://www.unlokconsulting.com/Legal%20notices/)

**List of prescribed fees are available on our website at:([https://www.unlokconsulting.com/Legal notices/](https://www.unlokconsulting.com/Legal%20notices/))