

PAIA MANUAL

Prepared in terms of section 51 of
the Promotion of Access to Information
Act No. 2 of 2000

Thelo Infrastructure Development (Pty) Ltd
Registration Number: 2019/275634/07



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01 LIST OF ACRONYMS AND ABBREVIATIONS

TERM	DEFINITION
CEO	Chief Executive Officer
IO	Information Officer
Minister	Minister of Justice and Correctional Services
PAIA	Promotion of Access to Information Act No. 2 of 2000
POPIA	Protection of Personal Information Act No. 4 of 2013
Regulator	Information Regulator
Republic	Republic of South Africa
TID or “the body”	Thelo Infrastructure Development (Pty) Ltd

02 PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to –

- 2.1 check the categories of records held by the 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 TID, 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 IO 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 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.

03 KEY CONTACTS FOR ACCESS TO TID INFORMATION

3.1. Head of Body (CEO) and Information Officer

Name: Ms. Xoliswa Njokweni-Mlotywa

Tel: 011 290 2300

Email: xoliswa.mlotywa@thelo.africa

3.2. Head Office

Postal Address: PO Box 650489
Benmore
South Africa, 2010

Physical Address: Second Floor, Building 3
Inanda Greens Business Park
54 Wierda Road West, Wierda Valley, 2196

Telephone: 011 290 2300

Website: www.thelo.africa

04. USING THE PAIA & HOW TO ACCESS 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 objects 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 IO of every public body; and

4.3.2.2. every DIO of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;

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.

- 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
 - 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.

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.

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.

- 4.5. The Guide can also be obtained –
 - 4.5.1. upon request to the IO;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).
- 4.6 A copy of the Guide is also available in the following four official languages, for public inspection during normal office hours –
 - 4.6.1 English;
 - 4.6.2 Afrikaans;
 - 4.6.3 isiZulu; and
 - 4.6.4 Sesotho.

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.

05 CATEGORIES OF TID RECORDS WHICH ARE AVAILABLE WITHOUT SUBMITTING ACCESS REQUEST (I.E. WITHOUT FILLING FORM C IN PAIA)

CATEGORY OF RECORDS	TYPE OF RECORDS	AVAILABLE ON WEBSITE	AVAILABLE UPON REQUEST
Contact Information	• Physical Address • Postal Address • Email Address • Telephone Number	Yes	Yes
Company Information	• Company Name • Website	Yes	Yes
	• Registration Number • Directors	No	Yes
Marketing Material	• Nature of Business • Profile of Services	Yes	Yes
Shareholder Information	• Name	Yes	Yes

06 TID RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

TID is required to retain certain records as required by applicable legislation. Records are held for the purposes of PAIA in accordance with the following applicable legislation -

- 6.1. Basic Conditions of Employment Act No. 75 of 1997;
- 6.2. Broad-Based Black Economic Empowerment Act No. 53 of 2003;
- 6.3. Companies Act No. 71 of 2008;
- 6.4. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- 6.5. Electronic Communications and Transaction Act No. 25 of 2002;
- 6.6. Employment Equity Act No. 55 of 1998;
- 6.7. Financial Intelligence Centre Act No. 38 of 2001;
- 6.8. Income Tax Act No. 58 of 1962;

- 6.9. Labour Relations Act No. 66 of 1995;
- 6.10. Occupational Health and Safety Act No. 85 of 1993;
- 6.11. Prevention and Combatting of Corrupt Activities Act No. 12 of 2004;
- 6.12. Prevention of Organised Crime Act No. 121 of 1998;
- 6.13. Protection of Constitutional Democracy Against Terrorist and Related Activities Act No. 33 of 2004;
- 6.14. Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2002;
- 6.15. Skills Development Levies Act No. 9 of 1999;
- 6.16. Skills Development Act No. 97 of 1999;
- 6.17. Unemployment Insurance Act No. 63 of 2001; and
- 6.18. Value Added Tax Act No. 89 of 1991.

07 DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT

SUBJECTS HELD ON RECORD BY TID	CATEGORIES OF RECORDS
Strategic Documents, Plans and Proposals	• Annual Reports • Strategy and Business Plans • Client Proposals
Accounting	• General Ledgers • Journals • Statement / Invoices • Financial Reports
Human Resources	• Policies and Procedures • List of Employees • Personal Information of employees • Salaries of employees • Leave Records • Training Records
Contracting	• Shareholders Agreements • Contracts with Clients • Contracts with Suppliers • Employee Contracts of Employment • Personal Information of Clients, Suppliers, Shareholder Employees.

Risk Management	• Assessments • Registers • Reports
Compliance and Legal	• Assessments • Frameworks • Reviews • Reports • Licences, Permits, and Authorisations
Corporate Governance	• Policies and Procedures • Meeting Information (Board, EXCO, etc.) • Audit Reports

08 PROCESSING OF INFORMATION

8.1 Purpose of Processing Personal Information

8.1.1 TID will process your personal information in the ordinary course of its business. Primarily, TID will use your personal information only for the purpose for which it was originally or primarily collected. Your personal information will only be used for a secondary purpose if such purpose constitutes a legitimate interest and is closely aligned with the original or primary purpose for which your personal information was collected.

8.1.2 TID processes personal information for several reasons, including, but not limited to –

8.1.2.1 providing services requested;

8.1.2.2 managing relationships with its shareholders;

8.1.2.3 managing the commercial relationship with clients;

8.1.2.4 creating and managing supplier relationships;

8.1.2.5 managing contracts, invoices and accounting;

8.1.2.6 sending quotation estimates and invoices;

8.1.2.7 general human resource and finance functions including those obligations imposed by legislation;

8.1.2.8 procurement processes; and

8.1.2.9 to allow for proper functioning of the website which includes, amongst others, proper display of content, interface personalisation and ensuring that the website is safe and secure to protect against misuse.

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
Clients – Juristic Persons / Person Entities	• Names and Surnames of Contact Persons • Name of Legal Entity • Physical and Postal Address • Contact Details • Registration Number • Founding Documents • Tax Related Information • Authorised Signatories • Ultimate Beneficial Owners and all details in that regard.
Service Providers / Vendors	• Names and Surnames of Contact Persons • Name of Legal Entity • Physical and Postal Address • Contact Details • Registration Number • Founding Documents • Tax Related Information • Authorised Signatories
Employees / Directors	• Gender • Pregnancy • Marital Status • Ethnicity • Age • Language • Education Information • Financial Information • Employment History • ID numbers • Physical and Postal Addresses • Contact Details • Criminal Behaviour, well-being • Curriculum Vitae
Shareholder Employees	• Names and Surnames • Contact Details

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

CATEGORIES OF PERSONAL INFORMATION	RECIPIENTS / CATEGORIES OF RECIPIENTS TO WHOM PERSONAL INFORMATION IS SUPPLIED
Identity Number and Name – for Criminal Checks	• Appointed Service Provider
Qualifications – for qualifications verifications	• Appointed Service Provider
Credit and Payment Histor – for credit information	• Appointed Service Provider
Financial Information	• Financiers • Banks • Shareholders • SARS • Audit Firms
Client Information	• Financiers • Law Firms • Service Providers • Advisors
Reference Checks	• Financiers • Service Providers

8.4 Planned transborder flows of personal information

Due to the location of our leased rolling stock in other countries, we may transfer Personal Information to parties located in those countries that have a different data protection regime than is found in the country where you are based. We may transfer information internationally to our group companies, service providers, business partners and governmental or public authorities.

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

TID utilises up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. Some of these measures include:

- Firewalls.
- Virus protection software and update protocols.
- Logical and physical access control.
- Secure setup of hardware and software making up the IT infrastructure.

09 AVAILABILITY OF THE PAIA MANUAL AND PAIA FORMS

9.1 A copy of the Manual is available –

- 9.1.1 on our website www.thelo.africa;
- 9.1.2 the head office of TID for public inspection during normal business hours;
- 9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and
- 9.1.4 to the 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 PAIA MANUAL

The TID Head of Risk, Compliance and Legal will on a regular basis update this Manual.