



2005/001071/07

# **ACCESS-TO-INFORMATION MANUAL**

of

**4<sup>TH</sup> DIMENSION TRAINING CONSULTANTS (PTY) LTD**

compiled in terms of

**Section 51 of**

**The Promotion of Access to Information Act 2/2000**

**And**

**The Protection of Personal Information Act 2013**

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## **1. INTRODUCTION**

4<sup>th</sup> Dimension Training Consultants (Pty) Ltd specialises as a B-BBEE verification agency as well as corporate training facility.

## **2. COMPANY CONTACT DETAILS**

Directors: Mr. M. C. Haffejee (Information Officer)

Postal Address: 16 Tudor Place, Musgrave, Durban, 4001

Street Address: 16 Tudor Place  
Musgrave  
Durban  
4001

Telephone Number: 031 208 8494

Fax Number: N/A

Email Address: info@4thd.co.za

Website: www.4thd.co.za

## **3. THE ACT**

**3.1** The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

**3.2** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

**3.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11-877 3600  
Fax Number: +27-11-403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

**3.4** The Protection of Personal Information Act, 2013 (POPIA Act) aims to promote the protection of personal information processed by public and private bodies by, among others, introducing certain conditions for the lawful processing of personal information to establish minimum requirements for the processing of such information.

#### **4. APPLICABLE LEGISLATION**

<b><u>No</u></b>	<b><u>Ref</u></b>	<b><u>Act</u></b>
1	No 75 of 1997	Basic Conditions of Employment Act
2	No 53 of 2003	Broad Based Black Economic Empowerment Act
3	No 71 of 2008	Companies Act
4	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
5	No 108 of 1996	Constitution of the Republic of South Africa
6	No 68 of 2008	Consumer Protection Act
7	No 98 of 1978	Copyright Act
8	No 75 of 1980	Credit Agreements Act
9	No 114 of 1998	Debtors Collectors Act
10	No 36 of 2005	Electronic Communications Act
11	No 25 of 2002	Electronic Communications and Transactions Act
12	No 55 of 1998	Employment Equity Act
13	No 35 of 2000	Finance Act
14	No 38 of 2001	Financial Intelligence Centre Act
15	No 21 of 1994	Income Tax Act
16	No 66 of 1995	Labour Relations Act
17	No 85 of 1993	Occupational Health and Safety Act
18	No 2 of 2000	Promotion of Access of Information Act
19	No 70 of 2002	Regulation of Communications and Provisions of Communications Related Information Act
20	No 97 of 1998	Skills Development Act
21	No 9 of 1999	Skills Development Levies Act
22	No 4 of 2002	Unemployment Contributions Act
23	No 30 of 1996	Unemployment Insurance Act
24	No 89 of 1991	Value-added Tax Act

## **5. SCHEDULE OF RECORDS HELD BY THE COMPANY: SECTION 51(1)(E)**

<b><u>Records</u></b>	<b><u>Subject</u></b>
Companies Act Records	<ul style="list-style-type: none"><li>• Documents of incorporation</li><li>• Memorandum of Incorporation</li><li>• Minutes of Board of Directors meetings</li><li>• Records relating to the appointment of directors / auditor / secretary / public officer and other officers</li><li>• Share Register and other statutory registers</li></ul>
Financial Records	<ul style="list-style-type: none"><li>• Annual Financial Statements</li><li>• Tax Returns</li><li>• Accounting Records</li><li>• Banking Records</li><li>• Bank Statements</li><li>• Electronic banking records</li><li>• Asset Register</li><li>• Rental Agreements</li><li>• Invoices</li></ul>
Tax Records	<ul style="list-style-type: none"><li>• PAYE Records</li><li>• Documents issued to employees for income tax purposes</li><li>• Records of payments made to SARS on behalf of employees</li><li>• All other statutory compliances</li></ul>
Personnel Documents and Records	<ul style="list-style-type: none"><li>• Employment contracts</li><li>• Employment Equity Plan</li><li>• Disciplinary records</li><li>• Salary records</li><li>• Disciplinary code</li><li>• Leave records</li><li>• Training records</li><li>• Training Manuals</li></ul>
Client Documents and Records	<ul style="list-style-type: none"><li>• Contact details (telephone numbers and e-mail addresses) of clients</li><li>• Physical and postal addresses</li><li>• Company / CC registration details</li></ul>

## **6. PROCESSING OF PERSONAL INFORMATION**

### **6.1 Purpose of Processing**

The Company uses the Personal Information under its care in the following ways:

- Rendering service according to instructions given by clients
- Staff administration
- Keeping of accounts and records
- Complying with tax laws

### **6.2 Categories of Data Subjects and their Personal Information**

The Company may possess records relating to suppliers, shareholders, contractors service providers, staff and clients:

<b>Entity Type</b>	<b>Personal Information Processed</b>
Clients – Juristic Persons / Entities	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Clients	Names; registration number; contact details; physical and postal addresses; Tax related information; confidential correspondence
Intermediary / Advisor	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Contracted Service Providers	Names of contact persons; Name of Legal Entity; Physical and Postal address and contact details; Financial information; Registration Number; Founding documents; Tax related information; authorised signatories, beneficiaries, ultimate beneficial owners
Employees / Directors	Gender, Pregnancy; Marital Status; Colour, Age, Language, Education information; Financial Information; Employment History; ID number; Physical and Postal address; Contact details; Opinions, Criminal behaviour; Well-being

### **6.3 Categories of Recipients for Processing the Personal Information**

The Company may supply the Personal Information to service providers who render the following services:

- Capturing and organising of data.
- Storing of data.
- Sending of emails and other correspondence to clients
- Conducting due diligence checks.
- Administration of the Collective Investment Schemes.

#### **6.4 General Description of Information Security Measures**

The Company employs up to date technology to ensure the confidentiality, integrity, and availability of the Personal Information under its care. 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

### **7. ACCESS TO RECORDS HELD BY THE COMPANY**

**7.1** Records held by the Company may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company and in this regard, the Act distinguishes between two types of requesters:

#### **7.1.1 Personal Requester**

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will provide the requested information, or give access to any record about the requester's personal information. The prescribed fee for reproduction of the information requested will be charged by the Company.

#### **7.1.2 Other Requester**

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act. The prescribed fee for reproduction of the information requested will be charged by the Company.

#### **7.1.3 Request Procedure**

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in Appendix 1 and submit same as well as payment of a request fee and a deposit, if applicable to the information officer at the postal or physical address, fax number or electronic mail address stated herein. The prescribed form must be filled in with enough particularity to at least enable the information officer to identify:

- The record or records requested.
- The identity of the requester.
- What form of access is required; and
- The postal address or fax number of the requester.

**7.2** A requester must state that he or she requires the information to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right.

**7.3** The Company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the information officer that circumstances dictate that this time period not be complied with.

**7.4** The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the information officer.

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

## **7.5 Decision**

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the Company must decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The information officer will notify the requester in writing should an extension be necessary.

## **8. FORM OF REQUEST**

To facilitate the processing of your request, kindly:

**8.1** Use the prescribed form to request for personal information, it is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

**8.2** Address your request to the Head of the Company (Director).

**8.3** Provide sufficient details to enable the COMPANY 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) (i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) 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.

## **9. GROUND FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds on which 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd may refuse access to records relate to:

- The privacy of a third party who is a natural person
- The commercial information of a third party
- Confidential information of a third party
- The safety of individuals and property
- Legally privileged records and
- Commercial information 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd, which may include without limitation:
  - Trade secrets
  - Financial, commercial, scientific, or technical information, the disclosure of which would likely harm the financial or commercial interests of 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd that if disclosed could put 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd at a disadvantage in negotiations or commercial competition
  - Computer programs and related information technology software that are owned 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd and that are protected by copyright and
  - Research information compiled by 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd or a third party, if disclosure would expose the third party, researcher or subject matter of the research and therefore seriously disadvantage 4<sup>th</sup> Dimension Training Consultants (Pty) Ltd

Requests submitted in terms of the Protection of Personal Information Act, 4 of 2013, may be refused on the same grounds set out above.



## **10. REMEDIES AVAILABLE TO A REQUESTER ON REFUSAL OF ACCESS**

4<sup>th</sup> Dimension Training Consultants (Pty) Ltd does not have any internal appeal procedures that may be followed once a request to access information has been refused. The decision of the information officer or deputy information officer is final. If you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

## **11. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

- 9.1** A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 9.2** 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);
- 9.3** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 9.4** Records may be withheld until the fees have been paid.
- 9.5** The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

## 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 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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**

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

Reason for exemption from payment of fees:

**F. Form of access to record**

<p>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.</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Disability:	Form in which record is required
Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

**1. If the record is in written or printed form:**

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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**2. If record consists of visual images**  
this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

**3. If record consists of recorded words or information which can be reproduced in sound:**

<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
--------------------------	-----------------------------------------	--------------------------	----------------------------------------------------------

**4. If record is held on computer or in an electronic or machine-readable form:**

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
--------------------------	-------------------------	--------------------------	------------------------------------------------------	--------------------------	----------------------------------------------------------

<p>'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.</p>	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 of .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE