



DERIVCO

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

SECTION 51 MANUAL

**(INCLUDING THE PROTECTION OF PERSONAL INFORMATION
ACT, 2013)**

FOR

DERIVCO (PTY) LTD

**REGISTRATION NUMBER:
1994/010362/07**

**VAT NUMBER:
4580171686**

DERIVCO (PTY) LTD

ACCESS TO INFORMATION MANUAL

PRIVATE BODY

A. PARTICULARS IN TERMS OF SECTION 51 OF PAIA

1. INTRODUCTION TO THE PROMOTION OF ACCESS TO INFORMATION ACT AND PROTECTION OF PERSONAL INFORMATION ACT

On 9 March 2001, the Promotion of Access to Information Act (“PAIA”) came into effect. PAIA seeks to advance a culture of transparency and accountability in both public and private bodies. The legislation was enacted as a direct response to Section 32(2) of the Constitution of South Africa, governing the right of access to information, which requires that the Government implements laws in an effort to make information pertaining to public and private bodies more accessible to all.

In terms of PAIA, **DERIVCO (PTY) LTD** is regarded as a “private body” and must therefore comply with the general access requirements provided for in PAIA relevant to private bodies. One of the main requirements specified in PAIA, is the compilation of a manual that provides information on both the types and categories of records held by a public or private body.

PAIA gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA expressly provides that the information may or must not be released.

This Manual is compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 (“POPIA”), which gives effect to everyone’s Constitutional right to privacy. POPIA promotes the protection of personal information processed by public and private bodies, including certain conditions so as to establish minimum requirements for the processing of personal information. POPIA amends certain provisions of PAIA, balancing the need for access to information against the need to ensure the protection of personal information by providing for the establishment of an Information Regulator to exercise certain powers and perform certain duties and functions in terms of POPIA and PAIA, providing for the issuing of codes of conduct and providing for the rights of persons regarding unsolicited electronic communications and automated decision making in order to regulate the flow of personal information and to provide for matters concerned therewith.

This PAIA manual also includes information on the submission of objections to the processing of personal information and requests to delete or destroy personal information or records thereof in terms of POPIA.

2. INTRODUCTION TO DERIVCO (PTY) LTD

DERIVCO (PTY) LTD (“DERIVCO”) is a private company registered in South Africa.

The Director of DERIVCO (PTY) LTD is Quraish Behari.

3. CONTACT DETAILS

Name of body : DERIVCO (PTY) LTD
Designated Information Officer : Quraish Behari



Physical Address : 77 Armstrong Ave, La Lucia, Durban North, 4051
Postal Address : 77 Armstrong Ave, La Lucia, Durban North, 4051
Telephone Number : (+27) 31 580 1000
Facsimile Number : N/A
Email Address : InformationOfficer@derivco.co.za
Website : <https://derivco.co.za/>

4. THE INFORMATION AND DEPUTY INFORMATION OFFICERS

PAIA and POPIA require the appointment of an Information Officer which in relation to a private body means the head of a private body as contemplated in section 1 of PAIA.

Section 56 of POPIA makes provision for the appointed Information Officer to delegate the associated duties and responsibilities to a duly authorized person. All requests to DERIVCO (PTY) LTD for information in terms of the Act must be addressed to the Deputy Information Officer.

Contact details of Deputy Information Officer

Deputy Information Officer : Shane Moodley
Physical Address : 77 Armstrong Ave, La Lucia, Durban North, 4051
Postal Address : 77 Armstrong Ave, La Lucia, Durban North, 4051
Telephone Number : (+27) 31 580 1000
E-mail : InformationOfficer@derivco.co.za

5. INFORMATION REGULATORS GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the Guide should be directed to:

Postal Address:	JD House 27 Stiemens Street Braamfontein, Johannesburg, 2001
E-mail Address:	inforeg@justice.gov.za
Website:	https://www.justice.gov.za/inforeg/



6. ENTRY POINT FOR REQUESTS

PAIA provides that a person may only make a request for information if the information is required for the exercise or protection of a legitimate right.

Information will therefore not be furnished unless a person provides sufficient particulars to enable DERIVCO (PTY) LTD to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, 4 commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this Manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.

The Deputy Information Officer has been delegated with the task of receiving and coordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

The Deputy Information Officer will facilitate the liaison with the internal legal team on all of these requests.

All requests in terms of PAIA and this Manual must be addressed to the Deputy Information Officer using the details above.

7. AUTOMATICALLY AVAILABLE INFORMATION

Information that is obtainable via the DERIVCO (PTY) LTD website about DERIVCO (PTY) LTD is automatically available and need not be formally requested in terms of this Manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- brochures
- press releases
- publication; and
- various other marketing and promotional material.

8. INFORMATION AVAILABLE IN TERMS OF POPIA

Categories of personal information collected by DERIVCO (PTY) LTD.

DERIVCO (PTY) LTD may collect information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to –

- information relating to the gender, pregnancy, marital status, national, ethnic or social origin, color, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the person.
- information relating to the education or the medical, financial, criminal or employment history of the person.



- any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- the personal opinions, views or preferences of the person.
- correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence.
- the views or opinions of another individual about the person; and
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- the religious or philosophical beliefs, race or ethnic origin, trade union membership, political persuasion, health or sex life or biometric information of a data subject; or
- the criminal behavior of a data subject to the extent that such information relates to the alleged commission by a data subject of any offence; or any proceedings in respect of any offence allegedly committed by a data subject or the disposal of such proceedings.

The purpose of processing personal information

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by DERIVCO (PTY) LTD will depend on the nature of the data and the particular data subject. This purpose is ordinarily disclosed, explicitly or implicitly, at the time the data is collected. Please also refer to the DERIVCO (PTY) LTD 's [Privacy Policy](#) for further information.

In general, personal information is processed for purposes of dealing with customers, complaints, procurement purposes, records management, security, employment and related matters.

A description of the categories of data subjects and of the information or categories of information relating thereto

DERIVCO (PTY) LTD holds information and records on the following categories of data subjects:

- Employees / Personnel of DERIVCO (PTY) LTD.
- Job Applicants / Candidates looking to pursue a career at DERIVCO (PTY) LTD.
- Any third party with whom DERIVCO (PTY) LTD conducts business.
- Contractors of DERIVCO (PTY) LTD.
- Suppliers of DERIVCO (PTY) LTD.

(This list of categories of data subjects is non-exhaustive.)

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

Depending on the nature of the personal information, DERIVCO (PTY) LTD may supply information or records to the following categories of recipients:

- Statutory oversight bodies, regulators or judicial commissions of enquiry making a request for personal information.
- Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request for personal information or discovery in terms of the applicable rules.
- South African Revenue Services, or another similar authority.
- Anyone making a successful application for access in terms of PAIA or POPIA; and



- Subject to the provisions of POPIA and other relevant legislation, DERIVCO (PTY) LTD may share information about a client's creditworthiness with any credit bureau or credit providers industry association or other association for an industry in which DERIVCO (PTY) LTD operates.

Planned transborder flows of personal information

If a data subject visits DERIVCO (PTY) LTD 's website from a country other than South Africa, the various communications will necessarily result in the transfer of information across international boundaries.

DERIVCO (PTY) LTD may need to transfer a data subject's information to service providers in countries outside South Africa, in which case it will fully comply with applicable data protection legislation.

These countries may not have data-protection laws which are similar to those of South Africa

A general description of information security measures to be implemented by DERIVCO (PTY) LTD

DERIVCO (PTY) LTD takes extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. DERIVCO (PTY) LTD takes appropriate technical and organizational measures designed to ensure that personal data remains confidential and secure against unauthorized or unlawful processing and against accidental loss, destruction or damage.

9. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

The Company has records available in terms of various laws, including:

- Basic Conditions of Employment Act, 75 of 1997
- Companies Act 71 of 2008
- Compensation of Occupational Injuries and Diseases Act, 130 of 1993
- Employment Equity Act, 55 of 1998
- Income Tax Act, 58 of 1962
- Labor Relations Act, 66 of 1995
- Medical Schemes Act, 131 of 1998
- Occupational Health and Safety Act, 1993
- Pension Funds Act, 24 of 1956
- Skills Development Act, 97 of 1998
- Skills Development Levies Act, 9 of 1999
- Trademarks Act, 194 of 1993
- Unemployment Contributions Act, 4 of 2002
- Unemployment Insurance Act, 63 of 2001
- Value Added Tax Act, 89 of 1991



- Broad-Based Black Economic Empowerment Act 53 of 2003
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013

10. COMPANY INFORMATION CLASSIFICATION KEY

CLASSIFICATION NO	ACCESS RULE	CLASSIFICATION DESCRIPTION
1	May be Disclosed	<ul style="list-style-type: none"> • Public Access Document
2	May not be Disclosed	<ul style="list-style-type: none"> • Subject to copyright • Request granted after commencement of criminal or civil proceedings • Unreasonable disclosure of personal information regarding a Natural person or Juristic Person • Likely harm the commercial or financial interest of third party • Likely to harm the company or third party in contract or other negotiations • Would breach a duty of confidence owed to a third party in terms of an Agreement • Likely to compromise the safety of individuals or protection of property • Legally privileged document • Commercial information of Private Body • Likely to prejudice research and development information of the Company or a third party
3	Limited Disclosure	<ul style="list-style-type: none"> • Personal Information that belongs to the requester of that information
4	May not be Refused	<ul style="list-style-type: none"> • Disclosure in public interest

11. RECORDS THAT MAY BE REQUESTED

The following categories of records may be requested from DERIVCO:

SUBJECT	DESCRIPTION	CLASSIFICATION NO.
Accounting Records	<ul style="list-style-type: none"> • Books of account including journals and ledgers • Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange 	2
Financial Records	<ul style="list-style-type: none"> • Banking details • Bank account records 	2
Company's Secretarial	<ul style="list-style-type: none"> • Company articles of association • Registers 	2



	<ul style="list-style-type: none"> • Minutes of meetings • Statutory returns 	
Statutory Employee Records	<ul style="list-style-type: none"> • Employee's names and occupations • Time worked by each employee • Remuneration paid to each employee • Date of birth of each employee • Salary and wage register • Leave register • Letters of appointment 	3
Personnel Records	<ul style="list-style-type: none"> • Personal information • Employment contracts • Personnel file • Conditions of employment • Payroll records / UIF and Tax returns • Medical information, including disability information where provided • Employee next of kin information • Internal evaluation records and other internal records • Employee Pension and Provident Fund Information • Correspondence relating to personnel • Employee performance records • Training schedules and material and development records • Disciplinary records • Request for leave • Absence records • Surveillance records • Health and safety records • Employment history • Time and attendance records • Workplace Health & Safety Questionnaire Information as per government regulations 	3
Job applicants	<ul style="list-style-type: none"> • Curriculum vitae / Resume and Job Application records 	3
Children	<ul style="list-style-type: none"> • Personal information for school reimbursement benefit 	3
Visitors	<ul style="list-style-type: none"> • Physical access records • Workplace Health & Safety Questionnaire Information as per government regulations • Personal Information • Electronic access records and scans • Surveillance records 	3
Suppliers	<ul style="list-style-type: none"> • Personal information 	3



	<ul style="list-style-type: none"> • Personal information of supplier representatives 	
Movable Property	<ul style="list-style-type: none"> • Asset register 	2
Intellectual Property	<ul style="list-style-type: none"> • Patents • Trademarks • Copyrights • Designs • Licensing Agreements 	2
Taxation	<ul style="list-style-type: none"> • Copies of all income tax returns and other tax returns and documents 	2
Insurance	<ul style="list-style-type: none"> • Insurance policies • Claim records • Details of insurance coverage limits and insurers 	2
Information Technology	<ul style="list-style-type: none"> • Hardware • Operating systems • Telephone exchange equipment • Telephone lines • LAN installation • Software packages • Internal systems support 	2
Marketing Records	<ul style="list-style-type: none"> • Marketing Records 	2
Internal Correspondence	<ul style="list-style-type: none"> • Internal Correspondence 	2
Internal Policies and Procedures	<ul style="list-style-type: none"> • Internal Policies and Procedures 	2

12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF SECTIONS 62 TO 69 OF PAIA

Access to a record will or may be refused on one or more of the following grounds:

Mandatory protection of the privacy of a third party who is a natural person.

If a disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual, subject to the provisions of section 63 (2), the request will be refused.

Mandatory protection of the commercial information of a third party.

A request for disclosure will be refused if the disclosure is of a record that contains:

- Trade secrets of that party.
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party.
- Information disclosed in confidence by a third party, if the disclosure could put that third party at 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.

A request will be refused 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.

Privileged information.

A request for disclosure of information requiring mandatory protection of records, which would be regarded as privileged from production in legal proceedings, will be refused.

Commercial information of private body.

A request for access to a record may be refused if the record contains:

- Trade secrets, financial, commercial, scientific or technical information of the institution, which disclosure, could likely cause harm to the financial or commercial interest of the institution.
- Information which, if disclosed could prejudice or put the institution at a disadvantage in negotiations or commercial competition.
- A computer program which is owned by the institution and which is protected by copyright.

Mandatory protection of research information of the institution.

A request will be refused if disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the researcher at a serious disadvantage.

Frivolous and Vexatious Requests.

Requests for information that are clearly frivolous or vexatious or which involve an unreasonable diversion of resources will be refused.

13.HOW A PERSON MUST GO ABOUT ASKING FOR RECORDS

Request procedure

A “requester” is any person making a request for access to records of DERIVCO (“the Requestor”).

The Requester must comply with all the procedural requirements contained in PAIA relating to the request for access to records.

The Requester must complete the prescribed form (enclosed herewith in Annexure “A”) and submit the completed form as well as payment of the request fee and a deposit, if applicable, to the Information Officer at the postal, physical or electronic mail address as stated above.



The prescribed form must be completed with sufficient particulars to at least enable the Information Officer to identify:

- The record(s) requested.
- The identity of the Requester.
- Which form of access is required if the request is granted.
- The postal address, telephone number and email address of the Requester.
- The Requester must state that he/she requires the information to exercise or protect her/his right and clearly state what the nature of the right is to be exercised or protected. In addition, the Requester must clearly specify why the records are necessary to exercise or protect such a right.

DERIVCO will process the request within 30 (thirty) days after the request has been received.

The Requester shall be informed whether the access has been granted or denied. If, in addition, the Requester requires the reasons for the decision in any other manner, he/she must state the manner of the particulars so required. If a request is made on behalf of another person, then the Requester must submit proof of the capacity in which the Requester is making a request to the reasonable satisfaction of the Information Officer and also the ground upon which that person is making the request.

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

The Requester must pay the prescribed fee, before any further processing can take place.

POPIA provides that a data subject may, upon proof of identity, request DERIVCO (PTY) LTD to confirm, free of charge, all the information it holds about the data subject and may request access to such information, including information about the identity of third parties who have or have had access to such information. Such request must be made to DERIVCO (PTY) LTD on the form attached hereto as "Annexure C".

POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, DERIVCO (PTY) LTD must provide the data subject with a written estimate of the payable amount before providing the service and may require that the data subject pays a deposit for all or part of the fee.

Grounds for refusal of the data subject's request are set out in PAIA and are discussed above.

POPIA provides that a data subject may object, at any time, to the processing of personal information by DERIVCO (PTY) LTD, on reasonable grounds relating to his/her particular situation, unless legislation provides for such processing. The data subject must complete the prescribed form attached hereto as "Annexure D" and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

A data subject may also request DERIVCO (PTY) LTD to correct or delete personal information about the data subject in its possession or under its control that is inaccurate, irrelevant, excessive, out of date, incomplete, misleading or obtained unlawfully; or destroy or delete a record of personal information about the data subject that DERIVCO (PTY) LTD is no longer authorized to retain records in terms of POPIA's retention and restriction of records provisions.



A data subject that wishes to request a correction or deletion of personal information or the destruction or deletion of a record of personal information must submit a request to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above on the form attached hereto as “Annexure E”.

14.FEES

PAIA provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.

When the request is received by the Information Officer, such officer shall by notice require the Requester to pay the prescribed request fee before further processing of the request.

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 regulations for this purpose, the 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.

The Information Officer shall withhold the record until the Requester has paid the fees as indicated in Annexure “B” hereto.

Requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the records for disclosure including making arrangements to make it available in the request form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the Requester with interest at the prescribed rate.

15.REMEDIES AVAILABLE WHEN DERIVCO REFUSES A REQUEST FOR INFORMATION

Internal Remedies

DERIVCO does not have an internal appeal procedure. As such, the decision made by the Information Officer is final and Requesters will have to exercise such external remedies at their disposal if the request for information is refused and the Requester is not satisfied with the response supplied by the Information Officer.

External Remedies

A Requester that is dissatisfied with an Information Officer’s refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an 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.



Decision

DERIVCO will, within 30 days of receipt of the request, decide whether to grant or to decline the request and give notice with reasons, if required, to that effect.

The 30 day period within which DERIVCO has to 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 vast amount of information, or the request requires a search for information held at another office of DERIVCO and the information cannot reasonably be obtained within the original 30 day period. DERIVCO will notify the Requester in writing should an extension be required.

Decision making process

In terms of section 54 of PAIA, if all reasonable steps have been taken to find the record requested and there are reasonable grounds to believe that the record is in possession of DERIVCO but cannot be found, and if it does not exist, then the Information Officer must notify by way of affidavit or affirmation, the Requester that it is not possible to give access to that record.

If after notice is given, the record in question is found, the Requester must be given access thereto unless a ground for the refusal of access exists.

If the request is declined for any reason the notice must include adequate reasons for the decision, together with the relevant provisions of PAIA relied upon and provide the procedure to be followed should the Requester wish appeal the decision.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

16. THIRD PARTIES

If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform the third party of the request. This must be done within 21 (twenty-one) 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 Information Officer must thereafter give the third party written confirmation of the notification.

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

The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request and must also be advised of his/her right to appeal against the decision, within 30 days after the notice, by way of application to Court.

17. AVAILABILITY OF THIS MANUAL

This manual is available for inspection at the offices of DERIVCO, at the address set out above, free of charge.



Copies of the manual may be obtained, subject to payment of the prescribed fee, at the offices of DERIVCO at the address set out above. The manual can also be accessed on the website of DERIVCO at <https://www.derivco.co.za>.

