



# PAIA MANUAL

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

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## **1. LIST OF ACRONYMS AND ABBREVIATIONS**

- 1.1.** “CEO” Chief Executive Officer
- 1.2.** “DIO” Deputy Information Officer;
- 1.3.** “IO” Information Officer;
- 1.4.** “Minister” Minister of Justice and Correctional Services;
- 1.5.** “PAIA” Promotion of Access to Information Act No. 2 of 2000 as Amended;
- 1.6.** “POPIA” Protection of Personal Information Act No.4 of 2013;
- 1.7.** “Regulator” Information Regulator; and
- 1.8.** “Republic” Republic of South Africa

## **2. PURPOSE OF PAIA MANUAL**

The Promotion of Access to Information Act, 2000 ("PAIA") came into operation on 9 March 2001. PAIA seeks, among other things, to give effect to the Constitutional right of access to any information held by the State or by any other person where such information is required for the exercise or protection of any right and gives natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights. Where a request is made in terms of PAIA to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights and provided that no grounds of refusal contained in PAIA are applicable. PAIA sets out the requisite procedural issues attached to information requests.

Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such a private body and stipulates the minimum requirements that the manual must comply with.

This Manual constitutes Transmart Express (Pty) Ltd's PAIA manual. 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.

**This PAIA Manual is useful for the public to:**

- 2.1 check the categories of records held by a 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 the body, 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 Information Officer and Deputy 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 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 of South Africa 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.

### **3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF TRANSMART EXPRESS (PTY) LTD**

#### **Chief Information Officer:**

Name: Hans Jooste  
Tel: 021 386 1077  
Email: [hans@tmart.co.za](mailto:hans@tmart.co.za)  
Fax number: N/A

#### **Deputy Information Officer:**

Name: Jana Lochenberg  
Tel: 012 345 5046  
Email: [jlochenberg@fourpl.com](mailto:jlochenberg@fourpl.com)  
Fax number: N/A

#### **Access to information general contacts:**

Email: [hans@tmart.co.za](mailto:hans@tmart.co.za)

## **National or Head Office**

Postal Address: 7 Boston Circle, Airport Industrial, Cape Town, 7525

Physical Address: 7 Boston Circle, Airport Industrial, Cape Town, 7525

Telephone: 021 386 1077

Email: [hans@tmart.co.za](mailto:hans@tmart.co.za)

Website: [www.transmart.co.za](http://www.transmart.co.za)

## **4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO 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 Information Officer of every public body, and
    - 4.3.2.2 every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA<sup>1</sup> and section 56 of POPIA<sup>2</sup>;
  - 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. 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.
- 4.5.** The Guide can also be obtained:
  - 4.5.1. upon request to the Information Officer;
  - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).
- 4.6.** A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours:
  - 4.6.1 English and Afrikaans

<sup>1</sup> 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.*

<sup>2</sup> 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.*

<sup>3</sup> 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.*

<sup>4</sup> 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.*

- <sup>5</sup> 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.
- <sup>6</sup> 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.
- <sup>7</sup> 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
- <sup>8</sup> 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
- <sup>9</sup> 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.
- <sup>10</sup> 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.
- <sup>11</sup> 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.”

## **5. CATEGORIES OF RECORDS OF TRANSMART EXPRESS (PTY) LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS**



Category of records	Types of the Record	Available on Website  (If applicable mark with X)	Available upon request  (If applicable mark with X)	Not available  (If applicable mark with X)
Websites	Organisation and Divisional Profiles	X		
	News and Publications	X		
	Organisational Structure	X		
Communication	Public Product Information	X		
	Media Releases	X		
	Promotion of Access to Information Act Manual	X		
Human Recourses	Staff Records			X
	Employment Contracts			X
	Policies and Procedures			X
	Information Pertaining to Provident Fund			X
	Information Pertaining to Staff Benefits			X
	Financial Statements			X
Financial Records	Financial and Tax Records (Organisation & Employee)			X
	Management Accounts			X
	Asset Register			X
	Trademarks			X
Legal Records	Statutory Records (Including Income Tax)			X
	Records Kept in Terms of GAAP			X
	Agreements and Contracts			X
	Policy Records			X
Operational Records	Minutes of Meeting			X
	Voice Recording/ Other Electronic Recording of Meetings			X
	Policy Documents			X
	Sales Records			X
	Customer / Subscriber Records			X
	Security Records			X
	Internal Communication Records			X
	Supplier Records			X
	Student Records			X
	Member Records			X

## **6. ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION**

Information is available in terms of certain provisions of the following legislation to the persons or entities specified in such legislation:

- Administration of Estates Act 66 of 1965
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Close Corporations Act 69 of 1984
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Customs and Excise Act 91 of 1964
- Customs Duty Act 30 of 2014
- Debt Collectors Act 114 of 1998
- Electronic Communications and Transactions Act 25 of 2002
- Electronic Communications Act, 36 of 2005
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act 66 of 1995
- Merchandise Marks Act 17 of 1941
- National Credit Act 34 of 2005
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Prevention and Combating of Corrupt Activities Act 12 of 2004
- Protection of Personal Information Act 4 of 2013
- Promotion of Access to Information Act 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- Protected Disclosures Act 26 of 2000

- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- Stock Exchanges Control Act 1 of 1985 (and the rules and listing requirements of the JSE Securities Exchange authorised in terms thereof)
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 30 of 1966
- Value Added Tax Act 89 of 1991
- Such other legislation as may from time to time be applicable

## **7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY TRANSMART EXPRESS (PTY) LTD**

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 Transmart Express (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, 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 Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

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

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by Transmart Express (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 Transmart Express (Pty) Ltd Privacy Notice and POPIA Policy for further information.

Classification Key		
Classification No.	Access	Classification
1	May be disclosed	Public Access Document
2	May be disclosed	Subject to Copyright
3	Limited disclosure	Personal Information Own to Requester of Information
4	May not be disclosed	Unreasonable Disclosure of Personal Information
5	May not be disclosed	Request After Commencement of Criminal Proceedings
6	May not be disclosed	Would breach Duty of Confidence Owed to a Third Party
7	May not be disclosed	Could harm the Commercial or Financial Interest of Third party
8	May not be disclosed	Could Harm the Organisation or Third Party in Contract or Other Negotiations
9	May not be disclosed	Could Compromise the Safety of Individuals or Protection of Property
10	May not be disclosed	Legally Privileged Documents
11	May not be disclosed	Commercial Information of Organisation

Category of records	Classification	Types of the Record
Websites	2	Organisation and Divisional Profiles
	2	News and Publications
	2	Organisational Structure
Communication	2	Public Product Information
	2	Media Releases
	2	Promotion of Access to Information Act Manual
Human Recourses	3, 4, 9	Staff Records
	3, 4, 10	Employment Contracts
	3, 11	Policies and Procedures
	3	Information Pertaining to Provident Fund
	3, 4	Information Pertaining to Staff Benefits

	11	Financial Statements
Financial Records	11	Financial and Tax Records (Organisation & Employee)
	11	Management Accounts
	11	Asset Register
Legal Records	11	Statutory Records (Including Income Tax)
	11	Records Kept in Terms of GAAP
	6,7,8,11	Agreements and Contracts
	3,11	Policy Records
Operational Records	3, 11	Minutes of Meeting
	3, 11	Voice Recording/ Other Electronic Recording of Meetings
	2	Policy Documents
	3, 11	Sales Records
	11	Customer / Subscriber Records
	9	Security Records
	6,7,8,11	Supplier Records
	6,7,8,11	Student Records
	6,7,8,11	Member Records

## 8. PROCESSING OF PERSONAL INFORMATION

### 8.1. Purpose of Processing Personal Information

The purposes for which we process personal information includes but is not limited to:

- 8.1.1. rendering of services to our customers/clients;
- 8.1.2. employee administration;
- 8.1.3. transacting with our suppliers and third-party service providers;
- 8.1.4. maintaining records;
- 8.1.5. recruitment;
- 8.1.6. general administration;
- 8.1.7. financial requirements;
- 8.1.8. compliance with legal and regulatory requirements; and
- 8.1.9. facilities management

#### **For customers/clients:**

- Performing duties in terms of any agreement with customers/clients
- Make, or assist in making, credit decisions about customers/clients

- Operate and manage customers/clients' accounts and manage any application, agreement or correspondence customers/clients may have with Transmart Express (Pty) Ltd
- Communicating (including direct marketing) with customers/clients by email, SMS, letter, telephone or in any other way about Transmart Express (Pty) Ltd's products and services, unless customers/clients indicate otherwise
- To form a view of customers/clients as individuals and to identify, develop or improve products, that may be of interest to customers/clients
- Carrying out market research, business and statistical analysis
- Performing other administrative and operational purposes including the testing of systems
- Recovering any debt customers/clients may owe Transmart Express (Pty) Ltd
- Complying with the Transmart Express (Pty) Ltd's regulatory and other obligations
- Any other reasonably required purpose relating to the Transmart Express (Pty) Ltd business

**For prospective customers/clients:**

- Verifying and updating information
- Direct marketing
- Any other reasonably required purpose relating to the processing of a prospect's personal information reasonably related to the Transmart Express (Pty) Ltd's business.

**For employees:**

- The same purposes as for customers/clients (above)
- Verification of applicant employees' information during recruitment process
- General matters relating to employees: Pension, Medical aid, Payroll, Disciplinary action, Training, any other reasonably required purpose relating to the employment or possible employment relationship

**For vendors /suppliers /other businesses:**

- Verifying information and performing checks;

- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- Payment of invoices;
- Complying with the Transmart Express (Pty) Ltd's regulatory and other obligations; and
- Any other reasonably required purpose relating to Transmart Express (Pty) Ltd's business.

## 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
Customers / Clients & Prospective Customers / Clients	<ul style="list-style-type: none"> <li>• Address</li> <li>• Registration numbers or identity numbers</li> <li>• Bank details</li> <li>• Postal and/or street address</li> <li>• Title and name</li> <li>• Contact numbers and/or e-mail address</li> <li>• Language</li> <li>• Browsing habits and click patterns on websites</li> </ul>
Vendors / Suppliers and Other Service Providers	<ul style="list-style-type: none"> <li>• Name and contact details</li> <li>• Identity and/or company information and directors' information</li> <li>• Banking and financial information</li> <li>• Information about products or services</li> <li>• Other information not specified, reasonably required to be processed for business operations.</li> </ul>
Employees	<ul style="list-style-type: none"> <li>• Address</li> <li>• Gender and Race</li> <li>• Name and Surname</li> <li>• Contact details</li> <li>• Identity number and identity documents including passports</li> <li>• Employment history and references</li> <li>• Employee number</li> <li>• Banking and financial details</li> <li>• Details of payments to third parties (deductions from salary)</li> <li>• Employment contracts</li> <li>• Employment equity plans</li> <li>• Medical aid records</li> </ul>

	<ul style="list-style-type: none"> <li>• Pension fund records</li> <li>• Remuneration/salary records</li> <li>• Performance appraisals</li> <li>• Disciplinary records</li> <li>• Leave records</li> <li>• Training records</li> <li>• Qualifications</li> <li>• Parental status</li> <li>• Biometrics</li> <li>• Medical records</li> <li>• Marital status</li> <li>• Disability status</li> <li>• Criminal records</li> </ul>
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### 8.3. The recipients or categories of recipients to whom the personal information may be supplied

The recipients or categories of recipients to whom the personal information may be supplied includes but is not limited to those set out in our:

8.3.1 POPI Policy and Privacy Notice, which is available at: [www.transmart.co.za](http://www.transmart.co.za) or [hans@tmart.co.za](mailto:hans@tmart.co.za)

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus



#### **8.4. Planned transborder flows of personal information**

8.4.1 Storing information electronically; and

8.4.2 Making use of third-party service providers to fulfil a business function on behalf of Transmart Express (Pty) Ltd.

#### **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**

Transmart Express (Pty) Ltd takes extensive information security measures to ensure the security, confidentiality, integrity and availability of personal information in our possession. This is supported by appropriate technical and organisational measures designed to ensure that personal data remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

### **9. AVAILABILITY OF THE MANUAL**

**9.1.** A copy of the Manual is available:

9.1.1. on request, [www.transmart.co.za](http://www.transmart.co.za), if any;

9.1.2. head office of Transmart Express (Pty) Ltd 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 Information 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 MANUAL**

The head of Transmart Express (Pty) Ltd will on a regular basis update this manual.

## **11. REQUEST PROCEDURE**

### **11.1 Completion of the prescribed form**

- 11.1.1 Any request for access to a record in terms of PAIA must substantially correspond with FORM 2 REQUEST FOR ACCESS TO RECORD [Regulation 70] Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations and should be specific in terms of the record requested. Please refer to FORM 2 REQUEST FOR ACCESS TO RECORD [Regulation 70]. A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.
- 11.1.2 POPIA provides that a data subject may, upon proof of identity, request Transmart Express (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.
- 11.1.3 POPIA also provides that where the data subject is required to pay a fee for services provided to him/her, Transmart Express (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.
- 11.1.4 Grounds for refusal of the data subject's request are set out in PAIA and are discussed below.
- 11.1.5 POPIA provides that a data subject may object, at any time, to the processing of personal information by Transmart Express (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 and submit it to the Information Officer at the postal or physical address, facsimile number or electronic mail address set out above.

- 11.1.6 A data subject may also request Transmart Express (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 Transmart Express (Pty) Ltd is no longer authorised to retain records in terms of POPIA's retention and restriction of records provisions.
- 11.1.7 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 on FORM 2 REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013) REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017 [Regulation 3(2)].

## **11.2 Proof of identity**

Proof of identity is required to authenticate your identity and the request. You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

## **11.3 Payment of the prescribed fees**

11.3.1 There are two categories of fees which are payable:

11.3.1.1 The request fee: R140.00

11.3.1.2 The access fee: This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs. These fees are set out in FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8].

- 11.3.2 Section 54 of PAIA entitles Transmart Express (Pty) Ltd to levy a charge or to request a fee to enable it to recover the cost of processing a request and providing access to records. The fees that may be charged are set out in FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8] of Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations. Please refer to FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8].
- 11.3.3 When a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

#### **11.4 Timelines for consideration of a request for access**

- 11.4.1 Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.
- 11.4.2 The Information Officer will inform the requester of the decision, and the fees payable (if applicable) on a form that corresponds substantially with FORM 3 OUTCOME OF REQUEST AND OF FEES PAYABLE [Regulation 8] to Government Notice No. R.757 dated 27 August 2021 promulgated under the PAIA Regulations.
- 11.4.3 Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

#### **11.5 Grounds for refusal of access and protection of information**

- 11.5.1 There are various grounds upon which a request for access to a record may be refused. These grounds include:
- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure; the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);

- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put Transmart Express (Pty) Ltd (at a disadvantage in negotiations or prejudice it in commercial competition); and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by Transmart Express (Pty) Ltd.

11.5.2 Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

11.5.3 If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty-one) days of receipt of the request. The third party would then have a further 21 (twenty-one) days to make representations and/or submissions regarding the granting of access to the record.

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

If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final.

In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

Issued by:

A handwritten signature in black ink, appearing to read 'Hans Jooste', is positioned above a horizontal line.

**Hans Jooste**

**Chief Information Officer**