

**LITHA-LETHU MANAGEMENT
SOLUTIONS CC
MANUAL PREPARED IN TERMS OF
SECTION 51 OF
THE PROMOTION OF ACCESS TO
INFORMATION ACT (ACT 2 OF 2000)**

Note: This manual is based on “EXAMPLE OF A MANUAL FOR A PRIVATE BODY” issued by the South African Human Rights Commission, amended to meet the needs of Litha-Lethu Management Solutions cc, with further additions to enhance its usefulness and comply with the Protection of Personal Information Act, No. 4 of 2013.

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1 PURPOSE OF THE DOCUMENT

This document outlines how Litha-Lethu Management Solutions cc (hereinafter referred to as (“Litha-Lethu”) will take appropriate measures to ensure the protection of personal information for all employees and third parties to Litha-Lethu. The purpose is to ensure that documents, data, verbal, and tacit personal information, pertaining to Litha-Lethu, direct and indirect associates and third parties are controlled and protected in accordance with the Protection of Personal Information Act No. 4 of 2013.

2 OVERVIEW OF LITHA-LETHU MANAGEMENT SOLUTIONS

Litha-Lethu is a niche consultancy specialising in sustainable, and credible transformation. Our services range from strategic development and execution through organisational design, change management and human capital development assignments.

3 INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

Designated Head of LITHA-LETHU MANAGEMENT SOLUTIONS CC:

Ms Rosemary Siân Dennis

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Street Address: Block C, Dunkeld Park, 6 North Road, Dunkeld West, Johannesburg, 2192

Tel. No: 011 484 7739

E-Mail address: info@litha-lethu.com

The person delegated to deal with requests: Siân Dennis

E-mail address: sdennis@litha-lethu.com

4 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the South African Human Rights Commission at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg, Gauteng and at www.sahrc.org.za.

For further information please contact the SAHRC:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Email: mnyuswa@sahrc.org.za

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation are as follows:

Basic Conditions of Employment Act No. 75 of 1997
Broad-based Black Economic Empowerment Act 53 of 2003
Companies Act No 71 of 2008 and Applicable Regulations
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Consumer Protection Act 68 of 2008
Electronic Communications Act, No. 36 of 2005;
Employment Equity Act. No. 55 of 1998
Labour Relations Act No 66 of 1995
Occupational Health and Safety Act No. 85 of 1993
Promotion of Access to Information Act No.2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Protected Disclosures Act No. 26 of 2000
Protection of Personal Information Act 4 of 2013
Skills Development Act 97 of 1998
Skills Development Levies Act No 9 of 1999
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No 89 of 1991

5 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the consultancy to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

6 SUBJECTS AND CATEGORIES OF RECORDS HELD BY LITHA-LETHU MANAGEMENT SOLUTIONS CC

General information about Litha-Lethu Management Solutions cc can be accessed via the internet at www.litha-lethu.com, which is available to all persons who have access to the internet.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act.

1. COMPANIES ACT RECORDS

- Documents of Incorporation;
- Index of names of members of Close Corporation;
- Memorandum of Incorporation;

Records relating to the appointment of:

- Accountant;
- Members;
- Psychometrists; ICT Administrator;
- Office and Finance Administrator, and
- Office Cleaner.

2. FINANCIAL RECORDS

- Accounting Records;
- Annual Financial Reports;
- Annual Financial Statements;
- Asset Registers;
- Bank Statements;
- Banking details and bank accounts;
- Banking Records;
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Invoices;
- Paid Cheques;
- Policies and procedures;
- Rental Agreements; and
- Tax Returns.

3. INCOME TAX RECORDS

- PAYE Records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances:
 - VAT;
 - Skills Development Levies;
 - UIF;
 - Workmen's Compensation.

4. PERSONNEL DOCUMENTS AND RECORDS

- Address Lists;
- Disciplinary Code and Records;
- Employment Contracts;
- Employment Equity Plan
- Forms and Applications;

- Grievance Procedures;
- Leave Records;
- Payroll reports;
- Safety, Health and Environmental records;
- Salary Records;
- SETA records;
- Standard letters and notices;
- Training Manuals;
- Training Records.

5. PROCUREMENT RELATED INFORMATION

- Standard Terms and Conditions for the supply of services;
- Contractor, client, and supplier agreements;
- Purchase orders;
- Lists of suppliers, products, services, and distribution; and
- Policies and Procedures.

6. SALES-RELATED INFORMATION DEPARTMENT

- Client details;
- Information and records provided by a third party.

7. MARKETING RELATED INFORMATION

- Advertising and promotional material.

8. RISK MANAGEMENT AND AUDIT

- Audit reports;
- Risk management frameworks; and
- Risk management plans.

9. SAFETY, HEALTH AND ENVIRONMENT

- Complete Safety, Health, and Environment Risk Assessment;
- Inquiries, inspections, and examinations by environmental authorities.

10. IT RELATED INFORMATION

- Computer usage policy documentation;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals;
- Information usage policy documentation;
- Project implementation plans;
- Software licensing; and
- System documentation and manuals.

7 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

To support the delivery of services;
To support the recruitment and management of staff;
To support engagement with suppliers;
To support engagement with the general public.

8 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

Clients: record of the client life cycle;
Employees: record of the employee life cycle;
Suppliers: record of the supplier life cycle;
General public: tracking general enquiries and website visits;
Media: records of media interactions.

9 PLANNED RECIPIENTS OF PERSONAL INFORMATION

Relevant HR officials;

Department of Public Service and Administration (DPSA);
Psychometric test providers;
Statutory authorities;
Law enforcement;
Tax authorities;
Financial institutions;
Industry bodies.

10 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

Flows to service providers/operators;
Flows to business partners;
Flows to clients;
Flows to suppliers;
Flows through the use of social media.

11 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Protecting passwords and access to the local service to guarantee the safekeeping of records and information;
- Policies in information security;
- Litha-Lethu uses both a cloud-based and server-based system and all records are stored locally. A copy is kept in an undisclosed digital platform for assurance that records are not lost due to unfortunate events.;
- Litha-Lethu and all its employees must take steps to avoid the release of personal information due to negligence: all company and service materials including the register are to be taken back by the appropriate party to ensure that information is not shared unknowingly.
- Physical security measures;
- Cybersecurity measures;
- Training in information security;
- Any particular security framework implemented.

12 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

The requester must complete Form C and submit this form together with a request fee, to the Head of Litha-Lethu Management Solutions cc. The form must be submitted to the Head of Litha-Lethu Management Solutions cc at her electronic mail address as stated earlier in this manual.

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to request access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- 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 designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is currently R50.00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Grounds for refusing a request

Litha-Lethu Management Solutions cc has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

13 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the office of Litha-Lethu Management Solutions cc free of charge.

Signature of Designated Head of the Private Body

Name of Designated Head of the Private Body

(Note: each page should be initialled to complete the signing process).

Date of signature _____

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14 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 was published in the Government Gazette on 15th February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. (a) For every photocopy of an A4-size page or part thereof R1.10.
 - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0. 75.
 - c. (c) For a copy in a computer-readable form on - a compact disc R 70.00.
 - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60.00.
 - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30.00.
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50.00.
4. The access fees payable by a requester referred to in Regulation 11(3) are as follows:
 - a) For every photocopy of an A4-size page or part thereof R 1.10.
 - b) For every printed copy of an A4-size page or part; thereof held on a computer or in the electronic or machine-readable form R 0.75.
 - c) For a copy in a computer-readable form on compact disc R 70.00.
 - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40.00. (ii) For a copy of visual images R 60.00.
 - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20.00. (ii) For a copy of an audio record R 30.00.
 - f) To search for and prepare the record for disclosure, R30.00. for each hour or part of an hour reasonably required for such search and preparation.
1. For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one-third of the access fee is payable as a deposit by the requester.
2. The actual postage is payable when a copy of a record must be posted to a requester.

15 FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of 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 (name of the body): _____

B. Particulars of the 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 the person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another 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

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.

(b) You will be notified of the amount required to be paid as the request fee.

(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

F. Form of access to the record

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.

Disability: _____

Form in which record is required: _____

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(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.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate choice with an **X**.

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

- copy of record
- inspection of record

2. If the record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

- view the images copy of the images
- transcription of the images

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

- listen to the soundtrack (audio file)
- transcription of the soundtrack (written or printed document)

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

- a printed copy of the record
- a printed copy of the information
- derived from the record
- copy in computer-readable form
- (compact disc)

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.

- YES
- NO

G. Particular of the 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 the 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 _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

16 FORM E: AUTOMATICALLY AVAILABLE RECORDS

FORM E

AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:

(Section 52 of the Promotion of Access to Information Act, 2000

(Act 2 of 2000))

[Regulation 9A]

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52(1)(a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000	MANNER OF ACCESS TO RECORDS (e.g. website) (SECTION 52(1)(b))
FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):	
.....
FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):	
.....
FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii):	
.....
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii):	
.....