

PARVANA GROUP

PAIA MANUAL

Prepared in compliance to the terms of Section 51 of THE PROMOTION OF ACCESS TO INFORMATION ACT, No. 2 of 2000 (“the Act”)

PURPOSE OF THIS DOCUMENT

The Promotion of Access to Information Act 2 of 2000 (“the Act”) gives effect to the right of access to information in records held by public or private bodies that is required for the exercise or protection of any rights as enshrined in the Bill of Rights forming part of The Constitution of The Republic of South Africa, 1996 (“the Constitution”).

There are procedural issues attached to such a request which must be complied with, otherwise Parvana may refuse the request. Right to access of information cannot be unlimited and there are limitations for example reasonable protection of privacy, commercial confidentiality and good governance.

The right to access to information must also be balanced against any other rights contained in the Constitution.

This manual will be updated whenever we make material changes to the current information.

CONTACT DETAILS AND GENERAL INFORMATION

The Parvana Group (“PARVANA”) provides recruitment services within South Africa and in many other countries. PARVANA includes Parvana Strategic Services (Pty) Ltd, Parvana (Pty) Ltd and Parvana Solutions (Pty) Ltd.

Requests for information from Parvana, must be in writing and addressed to:

The Information Officer

Registered address: Parvana, 40 Upper Torquay Avenue, Bishopscourt, 7708.

Email: dataprivacy@parvana.co.uk

Telephone Number: 021 764 2300

Website: www.parvana.co.uk

Information Officer: David Baker (Director)

PRIVACY PRACTICES

This encapsulated in Parvana’s Privacy Notice ([link](#))

ACCESS TO RECORDS

Request procedures

Any person requesting access to information must use the prescribed form (Annexure A) and must be made in writing using the contact details above.

The requester must –

- provide an email address and phone number so the Information Officer can request clarification
- provide detail to identify the record and the requester; and
- specify a postal address within South Africa; and
- identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise of that protection.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

The Information Officer will decide whether to grant the request or to decline the request and must notify the requester in the required form.

If the request is granted, then an access fee must be paid for the search, reproduction, and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

If, after reasonable steps have been taken to find a record requested and the same cannot be located or does not appear to exist, Parvana will advise the requester accordingly.

AVAILABILITY OF THE MANUAL

Parvana's manual is available for inspection free of charge on our website (www.parvana.co.uk)

A person may also request a copy of this manual upon payment of a fee mentioned in the Act. Furthermore, a copy will be available from the Information Regulator of South Africa

FEES

The Act provides for 2 kinds of fees –

- a) Request fees - non-refundable administration fees paid by all requesters (except personal requesters. A requester who seeks access to a record containing personal information about that requester ("personal requester") is not required to pay the request fee.);
- b) Access fee – paid by all requesters only when access is granted. The fee is intended to reimburse Parvana for the costs involved in searching for a record and preparing it for delivery to the requester.

Fees are payable in advance of action by Parvana requester's who are not a personal requester, must pay the required request fee .

The fees payable are as follows:

- The fee (ZAR) for a copy of the manual in terms of regulation 9(2)(c) is

For every photocopy of an A4 page or part thereof	1.10
For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine-readable form	0.75
For a copy in a computer readable form on - Compact disc	70.00
For transcription of visual images, for an A4 page or part thereof	TBA
For a copy of visual images	60.00
For a transcription of an audio record, for an A4 page or part thereof	N/A
For a copy of an audio record	N/A
Where email is an acceptable means of communication to both parties (requester and requestee), a lower fee may be quoted.	

DEPOSIT

In accordance with section 54(2) of the Act, PARVANA may require a deposit in cases where searching for a record exceeds 6 hours. The deposit will represent one third of the access fees payable by the requester.

GROUND FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

Annexure B.

RIGHT OF APPEAL

A requester that is dissatisfied with the Information Officer's refusal to grant access to any information may –

- Within 30 days of being informed that the request was not granted lodge an internal appeal; or
- Within 30 days of notification of the decision apply to court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

ANNEXURE A

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 organisation requested from:

The Information Officer: David Baker

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:

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 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.

Description of record or relevant part of the record:

Reference number, if available:

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.

F. Form of access to record (Disability)

If you are prevented by a disability from reading, viewing, or listening 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 for the record, if any, will be determined partly by the form in which access is requested.

G. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate pages 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 said 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 of20....

ANNEXURE B
GROUND FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

The information contained in this section is a summary of the grounds upon which a private body is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a requester with clarity as to the reasons why a request may be refused by the private body.

A. Section 63: Mandatory protection of privacy of a third party who is a natural person

The head of a private body must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. However, a record may not be refused if it consists of information:

- a) About an individual who has consented in writing to the disclosure of the information;
- b) Already publicly available;
- c) Given to the private body by the individual to whom it relates, and that individual was informed by the private body before it is disclosed that the information belongs to a class of information that may already be publicly available;
- d) About an individual's physical or mental health, or well-being, who is under the care of the requester, and who is under the age of 18 years or incapable of understanding the nature of the request, and further if the disclosure would be in the individual's best interests;
- e) About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- f) About an individual who is or was an official of a private body, and the information relates to the position or functions of the individual.

B. Section 64: Mandatory protection of commercial information of a third party

1) The head of a private body must refuse a request for access to a record of that private body if it contains:

- a) Trade secrets of a third party;
 - b) Financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;
 - c) Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.
- However, a record may not be refused if it consists of information:
- a) About a third party who has already consented in writing, to its disclosure to the requester;
 - b) About the results of any product or environmental testing or other investigation supplied by the private body or the results of any such testing or investigation carried out on by or on behalf of the private body and its disclosure would reveal a serious public safety or environmental risk.

C. Section 65: Mandatory protection of certain confidential information of a third party

The head of a private body must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

D. Section 66: Mandatory protection of safety of individuals, and protection of property

- a) The head of a private body must refuse a request for access to a record of that body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.
- b) The head of a private body may refuse a request for access to a record of that body if its disclosure would be likely to prejudice or impair:
 - i) The security of a building, structure, or system, including a computer or communication system; a means of transport or any other property;
The methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public or part of the public or the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

E. Section 67: Mandatory protection of records privileged from production in legal Proceedings

The head of a private body must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

F. Section 68: Commercial information of a private body

- 1) The head of a private body may refuse a request for access to a record of that body if the record:

- a) Contains trade secrets of the private body;
- b) Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely cause harm to the commercial or financial interests of that body;
- c) Contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations; or prejudice the body in commercial competition;
- d) Is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the private body, unless it is required to give access to a record in terms of PAIA.

However, a record may not be refused if it consists of information:

About the results of any product or environmental testing or investigation (excluding the results of preliminary testing or investigations conducted for developing methods of testing), carried out by or for the public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

G. Section 69: Mandatory protection of research information of a third party, and protection of research information of a private body

1) The head of a private body must refuse a request for access to a record of that body, if the record contains information about research being carried out or to be carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to:

- a) Expose the third party, or
- b) the person carrying out the research or will be carrying out the research on behalf of the third party, or
- c) the subject matter of the research, to a serious disadvantage.

2) The head of a private body may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed it would likely to :

Expose

- a) the private body or
- b) the person carrying out the research or will be carrying out the research on behalf of the private body, or
- c) the subject matter of the research to a serious disadvantage.

H. Section 70: Mandatory disclosure in the public interest

a) Despite the above listed grounds for refusal, the head of a private body must grant a request for access to a record of that body if, the disclosure thereof would reveal evidence of:

- i) A substantial contravention of, or failure to comply with the law; or
- ii) An imminent and serious public safety or environmental risk; and
- b) the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.