

FUTURA INTERNATIONAL (PTY) LTD

(REG NO 2021/333986/07)

(“FUTURA”)

PAIA MANUAL

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FUTURA INTERNATIONAL (PTY) LTD

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 20 OF 2000 (PAIA) INCORPORATING AMENDMENTS BY THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)

Date: 1 July 2021

1. Definitions

PAIA	Promotion of Access to Information Act, 2 of 2000
POPIA	Protection of Personal Information Act, 4 of 2013

2. Introduction

FUTURA voluntarily elects to provide and display an information manual in terms of Section 51 of PAIA, as amended by POPIA, and provide information to the public regarding the procedure to be followed to requesting information from FUTURA, in the exercising or protecting of any right.

POPIA in turn also requires commercial websites and online services to post a conspicuous privacy policy on their websites, *inter alia* stating exactly which information is being collected and with whom it is shared. FUTURA's Privacy Policy is available on its website: www.futura.international.

POPIA amended certain sections of PAIA to balance the needs between access to information and ensuring protection of personal information. In terms of POPIA data subjects (juristic or natural) can have access to their personal information that is held by a responsible party.

This manual is therefore provided in terms of the provisions of PAIA and POPIA and in support of a culture of transparency and accountability. The manual provides information regarding the different types of records in FUTURA's possession and the correct procedure to follow should access to such records be required.

This FUTURA information manual is available for inspection at its registered address (set out in 2 below) and on its website (www.futura.international) as well as at the South African Human Rights Commission (see 3 below).

As provided for in section 51(2) of PAIA this manual will be updated as and when required and the latest version thereof will be made public through the FUTURA website.

3. Company Details: PAIA and POPIA

Information required under section 51(1)(a) of PAIA, and Information Officer detail required under POPIA

Futura International Proprietary Limited (FUTURA) is a private company established in 2021, with a view to provide a comprehensive range of management advisory and audit services.

We have compiled this manual to comply with the provisions of the Act, to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights. A copy of this manual is also available from our offices at the registered address indicated below.

Our details

Registered address	19 Congella Crescent, Clubview X39, Centurion, 0157
Postal address	P.O. Box 11031, Centurion, 0046
Telephone number	+27 82 570 9478
Director	Mrs Mariaan Jonker
Designated Information Officer	Mrs Mariaan Jonker
Email address of Information Officer	mrjonker@futura.international
Website	https://www.futura.international

4. The South African Human Rights Commission (SAHRC) – Sections 10 and 51(1)(b) of PAIA

Section 10 of the Act requires the SAHRC to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. This guide is available from SAHRC. Please address any queries in this regard to:

The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Physical address: 29 Princess of Wales Terrace, Parktown, Johannesburg
Postal address: Private Bag 2700, Houghton, 2041
Telephone: +27 11 484 8300
Fax: +27 11 484 0582
Email: PAIA@sahrc.org.za
Website: www.sahrc.org.za

5. Personal information – Privacy Policy

FUTURA's Privacy Policy has been developed in accordance with the requirements of POPIA and applies in respect of any personal information collected and held by FUTURA, the usage, disclosure, retention, and security thereof. The Privacy Policy can be accessed on the FUTURA website.

FUTURA is committed to the protection of privacy and to ensure that the personal information of its clients and other users of its website is collected and used properly, lawfully, and transparently in compliance with its obligations under POPIA.

6. Information available in terms of PAIA – Request to Access

FUTURA holds the following categories of information in respect of subjects and records only available on receipt of a request to access – Section 51(1)(e) of PAIA:

Note that for purposes of this section, "employees" include directors, all permanent, temporary, and part-time staff members, and contract workers.

Records and information held in	<ul style="list-style-type: none">• Certificate of Incorporation• Memorandum of Incorporation
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terms of the Companies Act, 71 of 2008	<ul style="list-style-type: none"> • Share register and other statutory registers (such as a register of directors and officers) • Minutes and attendance registers • Resolutions passed at general meetings (minutes will be made available to shareholders of FUTURA only, for inspection at the premises) • Proxy forms • Minutes of the board and various committees of FUTURA (minutes of the board and committees will remain confidential as internal documents and will be available to shareholders for inspection at the premises) • Register of mortgages, debentures and fixed assets • Records relating to the appointment of directors, auditors, company secretaries, public officer, and other officers
Financial records	<ul style="list-style-type: none"> • Annual financial statements • Annual accounts • Directors' and auditors' reports • Books of account regarding information required by the Companies Act • Supporting schedules to books of account and ancillary books of account • Accounting records, including journals and ledgers • Delivery notes, orders, invoices, statements, receipts, vouchers, and bills of exchange • Banking records, bank statements, paid cheques, electronic banking records • Rental agreements
Income tax records	<ul style="list-style-type: none"> • PAYE records • Documents issued to employees for income tax purposes • Records of payments to SARS on behalf of employees • IRP's • Records on all other statutory compliances • VAT records • Regional Services Levies, Skills Development Levies, UIF and Workmen's Compensation records

	<ul style="list-style-type: none"> • Copies of Income Tax returns and other tax returns and documents
Statutory employee records	<p>Note: Although the employer is required to keep the employee records mentioned in this schedule, personal information (as defined in POPIA) will not be made available to third parties unless the employee has consented or by court order as and to the extent provided for in the Act.</p> <p>Statutory records include employees' names, occupations, time worked by each employee; remuneration paid to each employee; employment equity plan and reports; salary and wages register, records regarding disciplinary proceedings, arbitration awards and CCMA cases; training records; staff records (after date of employment ceases) and expense accounts.</p>
Other employee records	Employee contracts, performance management records, incentive schemes, study assistance schemes, conditions of employment and employment policies, personal accident records, medical aids records; pension fund records; confidentiality agreements and leave records.
Health and safety records	<ul style="list-style-type: none"> • Safety, health, and environment risk assessments • Environmental management plans • Inquiries, inspections, examinations by environmental authorities • Evacuation plan • HIV/AIDS policy • COVID-19 workplan and policy
Movable property	<ul style="list-style-type: none"> • Asset register • Asset numbers and location of assets • Finance and lease agreements • Deeds of Pledge
Intellectual property	<ul style="list-style-type: none"> • Copyrights and sub-licensed copyright agreements • Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development, consulting, right of use, joint venture and joint development

	<p>agreements, records pertaining to litigation and other disputes involving intellectual property.</p> <p>It should be noted that FUTURA publications could be copyrighted and prohibited from unlicensed use, sale, distribution, amendments, etc.</p>
Agreements	<ul style="list-style-type: none"> • Material agreements concerning provision of services or materials • Participation, franchise, co-marketing, co-promotion, or other alliance agreements • Acquisition or disposal documentation • Agreements with contractors and suppliers • Agreements with customers • Warranty agreements; sale agreements; distributor and agency agreements • Purchase or lease agreements
Legal	<p>Complaints, pleadings, briefs, and other documents re any actual, pending or threatened litigation, arbitration or investigation, settlement agreements, material licences and authorisations.</p>
Insurance	<p>Insurance policies; claim records; details of insurance coverages, limits, and insurers. Information relating to FUTURA's insurance is held by its broker. Access is, however, to be obtained via FUTURA.</p>
Information technology	<p>All information technology and information systems are held in terms of valid sales, user, rental, maintenance, or similar agreements, which agreements may prohibit information and/or the system from being accessed by third parties in any manner whatsoever.</p> <p>Categories of IT information held include:</p> <ul style="list-style-type: none"> • Hardware asset registers • Computer/mobile device usage policy documentation • Disaster recovery plans • Information security policies and procedures • Information technology systems and user manuals • Information usage policies • Software licenses

	<ul style="list-style-type: none"> • System documentation and manuals • Internal system support, programming, or development documentation • Information on the capacity and utilisation of systems
Sales and marketing	<ul style="list-style-type: none"> • Customer details • Information and records provided by a third party • Advertising and promotional material • Press statements <p>Note that the accessibility to records deemed confidential on the part of a third party will necessitate permission from the third party concerned, in addition to normal POPIA and PAIA requirements, before access will be considered.</p>

7. Information available in terms of other legislation

Where applicable to our operations, information is also available, and we retain records, in terms of certain provisions of the following statutes:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Copyright Act 98 of 1978
- Customs and Excise Act 91 of 1964
- Employment Equity Act 55 of 1998
- Electronic Communications Act 36 of 2005
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Identification Act 68 of 1997
- Intellectual Property Laws Amendment Act 38 of 1997
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1988
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Prescription Act 68 of 1969

- Prevention of Organised Crime Act 121 of 1998
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Skills Development Act 9 of 1999
- National Health Act 61 of 2003

Please note that this list of statutes is not exhaustive and will be augmented from time to time.

8. Information available not requiring a Request to Access

Records of a public nature, typically available on the FUTURA website, may be accessed without the need to submit a formal request to access. Other non-confidential records, such as statutory information maintained at CIPC, may similarly be accessed without a formal request to access.

9. Request for information process

The following are required for a request for information from FUTURA:

- 9.1 **Completed Form C:** A request for information made in terms of PAIA must be made in writing on the prescribed Form C which is available on the website of the Information Regulator at www.justice.co.za, as well as on the FUTURA website, and also attached hereto as **Appendix A**. If a question does not apply or there is nothing to be entered in the applicable space "N/A" should be stated in response. The request form must be addressed to the Information Officer using the contact details set out in 3 above.
- 9.2 **Proof of Identity:** The requestor must provide an acceptable proof of identity such as a certified copy of their Identity Document or card or other legal form of identification.
- 9.3 **Proof of Capacity:** If the request is made on behalf of another person, the requestor must provide an affidavit to prove the capacity in which the requestor is making the request.
- 9.4 **Proof of Payment:** The requestor must provide proof of payment of the prescribed fees (Refer to 10 below).
- 9.5 **Requests** which are not complete in full or are not accompanied by the above documents will be referred back to the requester. Should the requester fail to

submit adequate documentation within 30 days after the request has been referred back to them, the request will be discarded.

9.6 **Request outcome notification**

If the **request for access is granted** FUTURA will advise the requestor within 30 days on the following:

- (a) The access fee to be paid upon access as well as the deposit and balance outstanding
- (b) The form in which access will be given
- (c) That the requester may lodge an application with a court against the access fee to be paid or the form of access granted, and the procedure, including the period allowed, for lodging the application.

If the **request for access is refused** FUTURA will advise the requestor within 30 days on the following:

- (a) The reasons for refusal of access. Such reasons according to Chapter 4 of Part 3 of the Act could be protection of:
 - i. privacy of third party who is natural person
 - ii. b. commercial information of third party
 - iii. c. certain confidential information of third party
 - iv. d. safety of individuals, and protection of property
 - v. e. records privileged from production in legal proceedings
 - vi. f. commercial information of FUTURA
 - vii. g. research information of a third party or of FUTURA
- (b) State that the requester may lodge an application with the Information Regulator or a Magistrate's court against the refusal of the request, and the procedure (including the period) for lodging the application. The Information Regulator will investigate the complaint and reach a decision - which may include a decision to investigate, to take no further action or to refer the complaint to the Enforcement Committee established in terms of POPIA. The Information Regulator may serve an enforcement notice confirming, amending or setting aside the impugned decision, which must be accompanied by reasons.

9.7 Personal Information Concerns relating to POPIA

Matters related to FUTURA's treatment of private information are addressed in our FUTURA Privacy Policy. The policy is available on the www.futura.international website.

10. Prescribed fees

Section 54 of PAIA entitles a Private Body to levy a prescribed request fee to a requester before further processing of the request. The fee structure is available on the website of the SAHRC at www.sahrc.org, is available on the FUTURA website, and is also attached hereto as **Appendix B**.

The following applies to requests:

- 10.1 A requestor (other than a personal requestor in terms of POPIA) is required to pay the prescribed fees as set out in the fee structure before a request is processed.
- 10.2 If the Information Officer deems that the preparation of the record requested requires more than the prescribed hours (six), the requestor will need to pay a deposit. The deposit is equal to one third of the access fee.
- 10.3 Records may be withheld until the fees have been paid.

11. Remedies

FUTURA does not have internal appeal procedures in respect of PAIA and POPIA requests for information. The decision made by the Information Officer is final. If a request is denied, the requester is entitled to apply to a court with appropriate jurisdiction for relief, alternatively to the Information Regulator.



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]

The Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

[illegible]

Postal address:

Telephone number: (.....) Fax 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:

[illegible]

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 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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X .	
NOTES:	
(a) Compliance with your request for access 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.	

1. If the record is in written or printed form:					
	copy of record*		inspection of record		
2. If 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 record consists of recorded words or information which can be reproduced in sound:					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or 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. Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

.....

.....

.....

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

.....

.....

.....

H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

.....

Signed at this day..... ofyear

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.