

Tarsus on Demand (Pty) Ltd PAIA Manual

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



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INTRODUCTION

- 1.1. Tarsus on Demand (Pty) Ltd Limited Promotion of Access to Information Manual (“Manual”) is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 (“PAIA”) and section 23 -25 of the Protection of Personal Information Act No. 4 of 2014 (“POPIA”).
- 1.2. PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by any another person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints.
- 1.3. Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates (“Data Subject”) of the manner in which the Data Subject can access their personal information held by the responsible.

PURPOSE

- 2.1. The purpose of this manual is to facilitate requests for access to records including records containing Personal Information (as defined in terms of Tarsus on Demand Privacy Policy).
- 2.2. Where this Manual does not deal with a procedure provided for in PAIA, the Requester or any other interested party is to look at the Act for guidance in relation thereto. Same is to be included as part of the Manual.
- 2.3. A person requesting access to records from Tarsus on Demand (“the Requester”) is advised to familiarize themselves with the provisions of PAIA before making any requests to Tarsus on Demand in terms of PAIA.
- 2.4. Tarsus on Demand makes no representation and gives no undertaking or warranty that any record(s) provided to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and Tarsus on Demand shall not be liable for any loss, expense, liability, or claims, howsoever arising, resulting from the use of this Manual or of any record provided by Tarsus on Demand or any error therein.



- 2.5. All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by.

COMPANY OVERVIEW

Tarsus on Demand is the holding company of the Tarsus on Demand Group, operating within the IT sector and is regarded as a private body in terms of PAIA.

INFORMATION REQUIRED UNDER SECTION 51 (1) (a) OF PAIA

Head of Tarsus on Demand Designated Information Officer	Senzo Mbhele (MD) Senzo Mbhele (MD)
Deputy Information Officers	Landie Uys Jessica Harvey Oliver Niemandt
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Website	https://www.tarsusondemand.co.za

REQUIREMENTS IN TERMS OF PAIA

3.1 Guide on how to use PAIA - Description of guide referred to in section 10: section 51(1)(b)

The South African Human Rights Commission (as provided for in section 10 of PAIA) has compiled and published a "Guide on How to Use the Promotion of Access to Information Act 2 of 2000". This Guide will assist persons in using and understanding PAIA.

The Guide can be accessed via the South African Human Rights website (www.sahrc.org.za) or via the Information Regulator of South Africa website (<https://inforegulator.org.za/paiaguidelines/>)



3.2 Automatically available information - Notice in terms of section 52(2) of the PAIA:

The following records are automatically available, and it is therefore not necessary to apply for access thereto in terms of the Act:

- Records that are automatically available in terms of the Companies Act, No.71 of 2008.
- All other information freely available on Tarsus on Demand website at <https://www.tarsusondemand.co.za/>

3.3 Records available in terms of other legislation: section 51(1)(d)

The following legislation creates the obligation to keep certain records:

- Basic conditions of Employment No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Disease Act
- Consumer Protection Act No. 68 of 2008
- Customs and Excise Act No 91 of 1964
- Electronic Communication and Transaction Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1955
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Skills Development Act No. 97 of 1998
- Trademarks Act No.194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

Such records will be made available to only those individuals/entities authorized to request access to such records in terms of the particular legislation. Any other persons must follow the request for access of records procedure as outlined in this Manual.

3.4 Subjects and categories of records held by Tarsus on Demand: section 51(1)(e)

PAIA requires that sufficient detail be provided to facilitate a request for access to a record of Tarsus on Demand. A description of the subjects on which Tarsus on Demand holds records and the categories of the records held by each subject can be found in Annexure "A" of this Manual, which forms an integral part of this Manual.



Please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honored. All requests for access will be evaluated on a “case by case” basis in accordance with the provisions of the Act.

THE PROCESS

Introduction

- 4.1 Access to records held by Tarsus on Demand is not automatic and can be refused by Tarsus on Demand on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of PAIA.
- 4.2 In order to request access to records held by Tarsus on Demand, the Requester must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in PAIA.
- 4.3 If the Requester requests information on behalf of a public body (i.e., state), the Requester must identify that the request for information is in the public’s interest by stipulating adequate reasons.
- 4.4 If the Requestor is making a request on behalf of another person, sufficient proof (to the satisfaction of Tarsus on Demand) of the capacity in which the Requestor is making the request/acting must be submitted. The type of proof required will be advised by Tarsus on Demand upon receipt of request.

Procedural Requirements

- 4.5 In order to facilitate such a request for access to records, the Requester needs to complete “Form 02 Request for Access to Record”, as prescribed by the Information Regulator, which is available on the Information Regulator website (<https://inforegulator.org.za/paia-forms/>).
Please note that Form 02 must be completed in full. If not, the process may be delayed until such additional information has been provided.
- 4.6 In terms of section 23(1) of POPIA, adequate proof of identity is required from the Requestor/Data Subject. Therefore, in addition to Form 02, the Requestor will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- 4.7 The duly completed Form 02 and proof of identity must be provided to the Deputy Information Officer of Tarsus on Demand at the physical address or e-mail set out above. Tarsus on Demand may, in its sole discretion, request that original certified copies be provided in certain circumstances such as if the electronic copies provided are not clear or are questionable.



- 4.8 The Requester must provide sufficient detail on Form 02 to enable the Deputy Information Officer to identify the record requested. When completing Form 02, the Requester should also indicate:
- which form of access is required.
 - the right the Requester is seeking to exercise or protect and explain why the requested record is required for the exercise or protection of that right.
 - whether the Requester wishes to be informed of the decision in any other manner, in addition to a written reply, to state the manner and necessary particulars to be so informed; and
 - an email address, telephonic contact numbers and postal address in the Republic of South Africa.
- 4.9 If a request is made on behalf of another person, the Requester must show, to the reasonable satisfaction of the MD or the Deputy Information Officer, that he or she is duly authorized to make such a request.
- 4.10 If an individual is unable to complete the prescribed access form because of illiteracy or disability, such an individual may make the request verbally.
- 4.11 Form 02 must be adequately completed, with sufficient information particularly so that the Deputy Information Officer of Tarsus on Demand can identify and determine what the access fee will be, should access be granted.
- 4.12 A request will not be processed until the request fee has been paid.

Refusal in terms of PAIA

- 4.13 Tarsus on Demand may refuse access to the requested record of parts thereof as allowed in terms of Chapter 4, namely section 62 till 70 (inclusive) of PAIA.
- 4.14 In instances whereby a third party needs to be notified of request, in order to authorize or decline access, the MD or Deputy Information Officer undertakes to request same from the third party within 21 (twenty-one) days of receipt of the request and to include the required information provided for in terms of section 71(3) of PAIA.
- 4.15 In the event that the request is declined by the third party – Tarsus on Demand cannot be held responsible for same.



Notification of refusal or granting of access to information

- 4.16 Requestors will be informed within 30 (thirty) days of receipt of the prescribed access form of Tarsus on Demand decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the PAIA. Take note that the 30 (thirty) day period may be extended for a further 30 (thirty) day period should more time be required to gather the requested information. The Requester will, however, be notified if the initial 30 (thirty) day notice period is to be extended for a further 30 (thirty) days.

Refusal since the record cannot be found

- 4.17 If all reasonable steps have been taken by Tarsus on Demand to find the record requested by the Requester and same cannot be found for reasons justifiable as per section 55 of PAIA, the Deputy Information Officer shall provide an affidavit or affirmation to the Requester advising that it is not possible to give access to the record requested.
- 4.18 The affidavit or affirmation will comply with all the requirements provided for in terms of section 55(2) of the Act.
- 4.19 In the event the record is found subsequently, Tarsus on Demand undertakes to contact the Requester in order to gain access to same, subsequent to the payment of the applicable access fee.

FEES

- 5.1 There are two basic types of fees applicable in terms of PAIA – “request” and “access” fees.

Request Fee

- 5.2 The request fee is an administration fee that is payable on submission of the request for access to a record and must be paid before the request is considered (unless the request is to access the requestor’s personal information in which event there is no applicable fee). The request fee is not refundable if the request for access has been granted. However, it is refundable if the request for access has been denied by Tarsus on Demand.
- 5.3 The request fee is currently statutorily set at R50-00 (fifty rand) for a private body and is subject to change as announced in terms of PAIA.
- 5.4 In line with section 23(1)(a) of POPIA, a Data Subject (i.e., personal requestor) has a right to request Tarsus on Demand to confirm, free of charge, whether or not Tarsus on Demand holds personal information about the Data Subject.



Access Fee

- 5.5 The access fee is payable prior to the Requester actually gaining of access to the records in the required form.
- 5.6 The access fee is intended to reimburse Tarsus on Demand for the costs involved in reproduction of documents, searching, and preparing the record requested and for any time reasonable required (in excess of the prescribed hours) to search and prepare the record.
- 5.7 Should the preparation of the required record take more than 6 (six) hours, a deposit (which is 1/3 (one third)) of the access fee is payable before the request will be processed by Tarsus on Demand as a deposit.
- 5.8 Tarsus on Demand may withhold a record until the Requester has paid the applicable fees (if any).
- 5.9 In accordance with Section 23(3) of the POPIA, Tarsus on Demand may charge an access fee to the Data Subject to enable Tarsus on Demand to respond to the request. In such instances Tarsus on Demand must provide the Data Subject with a written estimate of the fee before providing the services.

Notices

- 5.10 The MD or the Deputy Information Officer shall provide the Requester with a notice in terms of section 54(3) of PAIA on initial receipt and consideration of the request for access. This notice is Annexure B.
- 5.11 Once the request fee has been paid in full, the MD or the Deputy Information Officer will consider the request for access and will provide the Requester with its decision to the request. This notice is "Form 03 Outcome of Request and of Fees Payable" (, as prescribed by the Information Regulator, which is available on the Information Regulator website (<https://info regulator.org.za/paia-forms/>)).



AVAILABILITY OF THE MANUAL

The Manual is available for inspection, free of charge, at the offices of Tarsus on Demand, as set out in page 2 of this manual, as well as on Tarsus on Demand website at www.tarsusondemand.co.za

ANNEXURE “A”

Subjects and categories of records held by the company: section 51(1)(e)

1. Companies Act Records

- Codes of Conduct
- Documents of Incorporation
- Legal Compliance Records
- Licenses of Copyrights
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Minutes of Shareholders Meetings
- Policies
- Records relating to the appointment of directors/ auditors/ secretary/ public office and other officers

2. Financial Records

- Accounting Records
- Annual Financial Statements
- Asset Register
- Auditors' Report
- Bank Payments and Transfers
- Bank Statements
- Banking Records
- Detail of Auditors
- Electronic Banking Records
- Invoices
- Rental Agreements
- Tax Returns



3. Income Tax Records

- Documents issued to employees for income tax purposes
- PAYE Records
- Records of payments made to SARS on behalf of employees
- Value Added Tax Clearance Certificate
- All other statutory compliances:
 - Value Added Tax
 - Skills Development Levies
 - Unemployment Insurance Fund
 - Workman's Compensation

4. Personnel Documents and Records

- Attendance Registers
- Benefits Records – Medical Aid, Retirement and Group Life
- Contacts – Telephone and Cell Numbers and Addresses
- Disciplinary Code
- Disciplinary Records
- Employment Contracts
- Employment Equity Plan
- Leave Records
- Records containing all employees' names and occupation
- Salary Records
- Sector Education and Training Authority Records
- Training Manuals
- Training Records

5. Client Records

- Correspondence
- Service Agreements

6. Supplier Records

- The name of the supplier
- The address of the supplier
- A description of the goods
- The quantity or volume of the goods
- Proof of date of payment

7. Electronic Communication and Transactions Records

- Record of the personal information and the specific purpose for which the personal information was collected.



8. Insurance Records

- Professional Indemnity Insurance
- Directors and Officers Insurance
- Cyber Security Insurance

9. Immovable and Movable Property Records

- Agreements for the lease of movable property
- Agreements for the lease or sale of land and/or other immovable property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets.

10. Miscellaneous Records

- Agency, management, and distribution agreements
- Agreements for the trading activities of the Tarsus on Demand business
- Agreements for the acquisitions and disposals of group companies

11. Third Party Records

- Records held by Tarsus on Demand pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about any contractors and / or suppliers.
- Records held by Alviva pertaining to contractors, joint venture companies, special purpose vehicle companies and service providers. [In cases where information requested by the Requester may impact on a third party, the Information Officer is obliged to comply with the requirements as set out in terms of the Act (especially Sections 71 to 73 of the Act).



ANNEXURE "B"

Alviva Notice in terms of Section 54(3) of PAIA

1. Please be advised the Requester is required to pay the prescribed request fee (if any), before further processing the prescribed access form is done.
2. Please be advised that in the event that:
 - (a) the search for the requested record for which a request for access by a Requester, has been made; and
 - (b) the preparation of the record for disclosure (including any arrangements contemplated in PAIA Section 29 (2) and (b) (i) and (ii) (aa)), would, in the opinion of Alviva, require more than the hours prescribed, the Requester is herewith requested to pay as a deposit, one third of the access fee.
3. The Requester is herewith advised that the aforesaid instance is applicable and therefore a required deposit is payable. Such amounts totals _____ (which is one third of the access fee, which amount is _____)
4. In the event that the Requester finds the aforesaid unacceptable, the Requester may lodge a complaint to the Information Regulator or an application with a court against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be.
5. The procedure for lodging the complaint stated in subsection 4 is available in the PAIA and its Regulations.

DATE AT BUCCLEUCH ON THE 20th DAY OF October 2023



From the desk of the Information Officer

