

FOSTER-MELLIAR (PTY) LTD

Information Manual in terms of

The Promotion of Access to Information Act, 2 of 2000

and

The Protection of Personal Information Act, 4 of 2013

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(Reg. No: 2001/012570/07)

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1. Introduction

1.1 This manual is prepared in line with section 51 of the Promotion of Access to Information Act, 2000 (Act no. 2 of 2000) (“**the Act**”) as read with the provisions of the Protection of Personal Information Act, 2013 (Act no 4 of 2013) (“**POPIA**”).

1.2 The purpose of this manual is to inform a person on how to obtain access to the records held by Foster-Melliari as a private body thus giving effect to section 14 of the Act.

2. Structure and Functions

Foster-Melliari is a Microsoft Gold Partner and a fully accredited consulting, training and development provider and the leading provider of IT, Business Consulting and Skills training across a wide portfolio of products and services.

3. Company Contact details

- Information Officer:

Name: Peter Clark
Telephone Number: 011 807 9525
Email Address: Peter.Clark@fostermelliari.co.za

- Deputy Information Officer:

Name: Tamryn DaRocha
Telephone Number: 011 807 9525
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Postal Address: PO Box 997, Sunninghill, 2157
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4. Particulars in terms of section 51

4.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. It stipulates the procedure to follow to get access (subject to a number of

conditions), to records held by such bodies.

4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided.

4.3 The Manual is applicable to Foster-Melliard and contains the details of the types of records kept by Foster-Melliard. The manual is available for inspection at the offices of Foster-Melliard and has also been uploaded to the Foster-Melliard website – www.fostermelliard.co.za

5. The Guide as described in section 10

5.1 The South African Human Rights Commission (SAHRC) has published a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of PAIA.

5.2 Copies of the Guide are available at the office of the SAHRC, the details of which are as follows:

- Postal Address: Private Bag 2700 Houghton 2041
- Physical Address: The South African Human Rights Commission

33 Hoof Street 2nd Floor Forum III, Braampark
Braamfontein,

Gauteng 2098
- Telephone: (011) 877 3600
- Fax: (011) 403 0625
- Email: paia@sahrc.org.za
- Website: www.sahrc.org.za

6. Types of Records

6.1 Records available in terms of any other legislation

All records kept and made available according to legislation, include the following:

Electronic Communications and Transactions Act	No 25 of 2002
Promotion of Access of Information Act	No 2 of 2000
Protection of Personal Information Act	No. 4 of 2013

Unemployment Insurance Act	No 30 of 1996
Companies Act	No 71 of 2008
Copyright Act	No 98 of 1978
Employment Equity Act	No 55 of 1998
Income Tax Act	No 95 of 1967
Basic Conditions of Employment Act	No 75 of 1997
Labour Relations Act	No 66 of 1995
Value Added Tax Act	No 89 of 1991
Compensation for Occupational Injuries and Diseases Act	No 130 of 1993
Skills Development Act	No. 97 of 1999
Constitution of South Africa	No 108 of 1996

6.2 Records available without requesting access in terms of the Act

(a) Access to Records for Employees

The following records are automatically available to all employees and need not be requested in accordance with the outlined procedure:

- Contract of employment of the employee, together with payslips;
- Payroll records;
- Personnel records of the employee concerned;
- Records of disciplinary hearings and related matters of the employee concerned;
- Foster-Melliar's policies and procedures manual;
- Performance Evaluation and disciplinary records;
- Registration with Department of Employment and Labour, Unemployment Insurance Fund, Compensation Fund and in terms of the Skills Development Levies Act.

These records are processed for purposes of personnel management, administration, work and general business management, regulatory compliance and statutory reporting.

(b) **Records automatically available**

Information on Foster-Melliars website is automatically available without having to request access in terms of PAIA.

(c) **Records that may be formally requested**

Categories of Records held by Foster-Melliars

Foster-Melliars holds information pertaining to the subjects listed below and access to some of the information will be restricted in accordance with the provisions of the Act and other relevant legislation. This implies that not all the records listed below will be made available upon formal request and due cognisance of the Act will be taken into consideration.

(i) **Legislation and legal matters**

- Software licences and other permits
- Service Level and Business Agreements

(ii) **Corporate governance matters**

- Minutes of Board and management meetings
- Resolutions passed
- Strategic and corporate planning documentation
- Statutory records
- Company Secretarial

(iii) **Finance**

- Accounting Records;
- Annual Financial Reports
- A list of Foster-Melliars creditors and debtors;
- Tax Returns and PAYE Records
- Bank account information, statements and other banking records; and
- Fixed assets register.

(iv) **Risk management**

- Information on the management of Foster-

Melliar's operational risks;

- Insurances; and
- Security (physical) information.

(v) **Information Technology**

- Asset Register;
- Operating Systems and other operational records;
- Agreements with suppliers;
- User manuals and licenses.

7. Purpose of processing personal information

7.1 Personal Information, as defined in POPIA, is used in the day-to-day operational processes of Foster-Melliar (Pty) Ltd including the processing of personal information of Clients who enroll for digital and IT skills training courses via the e-learning platform or through the booking process as well as the personal information of Learners through the Learnership and Internship programs.

7.2 Foster-Melliar also processes personal information for purposes of its employment processes including recruitment, employment contracts, employment equity, medical aid/provident fund, disciplinary actions, performance management, benefits and remuneration, training, SETA records or other employment related requirements.

8. Planned recipients of personal information

- Statutory authorities
- SETA
- Business Partners and affiliates
- Tax Authorities
- Employee pension and provident funds
- Medical schemes
- Industry bodies

9. General description of Information Security Measures

9.1 Foster-Melliar has implemented reasonable organisational, technical measures and security safeguards to ensure the confidentiality, integrity and availability of the information that is to be processed in order to guard against unauthorised access of personal information.

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9.2 Such measures include but are not limited to:

- Firewalls;
- Virus protection software;
- Physical access control;
- Secure set up of IT Infrastructure; and
- Outsourced service providers who process personal information on behalf of the Company are contractually obliged to implement security controls.

10. **Actual or planned cross border flows of information**

Foster-Melliar will only transfer Personal Information to third parties who are in jurisdictions where such third parties are subject to and comply with laws providing the same level or more stringent level of protection in relation to privacy, data protection and confidentiality as that prescribed by POPIA.

11. **Procedure for requesting Information not automatically available**

- 11.1 A person who wants access to the records of Foster-Melliar must complete the necessary request form. The request form can be downloaded from the Information Regulator's website – www.justice.gov.za/inforeg.
- 11.2 All requests for records (other than records freely available to the public) should be directed to the Deputy Information Officer.
- 11.3 If a person needs assistance with obtaining the form or on any other matter, they should contact the Deputy Information Officer.
- 11.4 The completed request form must be sent to the address or fax number provided and marked for the attention of the Deputy Information Officer which request shall include the following:
- 11.4.1 The records requested;
 - 11.4.2 The identity of the requester;
 - 11.4.3 Which form of access to the records is required, should the request be granted; and
 - 11.4.4 The postal address or facsimile number of the requester.
- 11.5 The requester of the information must explain what other right is being protected or exercised.
- 11.6 The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted,

wishes to be informed of the decision of the request in any other manner.

- 11.7 If the request is made for another person, then the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Deputy Information Officer.
- 11.8 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Deputy Information Officer.
- 11.9 The requester must pay the prescribed fee (if applicable) before any further processing can take place, which is annexed hereto.
- 11.10 The Deputy Information Officer will process the request and inform the requester of the fees (if any and if so, will be available on the Information Regulator's website) that are payable and of the different procedures that must be followed until the request is finalised.
- 11.11 All the pertinent sections must be completed fully, failing which the process will be delayed while the Deputy Information Officer obtains such additional information.

12. **The outcome of a request (Granting or Refusal)**

- 12.1 Should the request be granted, the notice will state the access fee (if any) to be paid upon access, the form in which access will be given and further that the requester may lodge an application with a court of law against the access fee to be paid or the form of access granted, and the procedure for lodging such application.
- 12.2 Access will be granted to a record if the following criteria are fulfilled:
 - The record is required for the exercise or protection of any right;
 - The requester complies with the procedural requirements in the Act relating to a request; and
 - Access to the record is not refused in terms of any ground as contemplated in Chapter 4 of Part 3 of the Act
- 12.3 Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a court of law against the refusal of the request, and the procedure (including the time period) for lodging the application.

13. **Grounds for refusal of access to records**

All sections referred to in this clause are those of the Act. Some of the grounds on which Foster-Melliard may rely on when refusing a request for information as contemplated by the Act include:

- 13.1 The Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (including deceased individuals). (Section 63(1));
- 13.2 The Protection of commercial private information of a third party as defined in the Act;
- 13.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);
- 13.4 Protection of safety of individuals and protection of property (Section 66);
- 13.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
- 13.6 Protection of commercial activities;
- 13.7 The protection of personal information of a person or entity if disclosure would constitute breach of POPIA. Requests for information that are, in Foster-Melliar's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.
14. **Remedies available in refusal of a request for information (Part 4 of the Act):**
 - 14.1 Foster-Melliar does not have an internal appeal procedure and as such, the decision made by the Information Officer is final.
 - 14.2 Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to Court for the appropriate relief.
 - 14.3 Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, the third party may within 30 days of notification of such decision, apply to a court of law for the appropriate relief.
15. **Availability of the Manual**
 - 15.1 The manual is available for inspection free of charge at the Foster-Melliar offices and on the Foster-Melliar website (www.fostermelliar.co.za).
 - 15.2 This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our offices located at the above-mentioned address.