

PAIA MANUAL

Effective date: 01/07/2021

Manual compiled in terms of section 51 of the Promotion to Access to Information Act
2/2000 (PAIA)

in respect of:

KUGA DEVELOPMENT COMPANY (PROPREITARY) LIMITED

trading as Circa

(registration number: 2001/027485/07)

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1. Introduction:

- 1.1. PAIA gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights.
- 1.2. PAIA sets out the procedural requirements which requests must meet as well as the grounds for refusing requests.
- 1.3. This manual informs the requesters of procedural and other requirements which a request must meet.
- 1.4. PAIA also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.
- 1.5. This manual is available for inspection, free of charge, at our offices.

2. Who to contact:

- 2.1. Mr Andre Homan is our appointed Information Officer. His contact details are as follows:

Telephone: 011 5792900
Fax: 086 212 1804
Email: AndreH@circa.co.za
Address: 39 Galaxy Avenue, Linbro Park, Sandton
URL: www.circa.co.za

3. South African Human Rights Commission Guide:

- 3.1. The South African Human Rights Commission (**SAHRC**) is required in terms of PAIA to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC. Enquiries should be directed to:

The SAHRC
Tel: 011 484 8300
Fax: 011 484 7149
URL: www.sahrc.org.za

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4. Voluntary disclosure and automatic availability of certain records:

- 4.1. Our personnel are entitled access to their own personnel records.
- 4.2. Records of disciplinary hearings and available to the personnel involved.
- 4.3. The company's policies and procedure manual are available to our staff.

5. Records not automatically available, and which may be refused:

- 5.1. Financial records
- 5.2. Payroll information and statutory returns
- 5.3. Personnel records
- 5.4. Customer records
- 5.5. Operational records
- 5.6. Databases
- 5.7. IT Systems and documents
- 5.8. Marketing records
- 5.9. Internal correspondence
- 5.10. Product records
- 5.11. Statutory records including company secretarial records
- 5.12. Internal policies and procedures
- 5.13. Infrastructure and building records
- 5.14. Other parties' records in relations to, including but not limited to, our customers, clients, suppliers, service providers, vendors, contractors, and consultants

6. Grounds for refusal of access to records:

- 6.1. Circa respects the right of privacy of our staff, customers, clients, suppliers, service providers, vendors, contractors, and consultants – please refer to our Privacy Policy. Information requested that is ordinarily deemed as private and or confidential will be refused.
- 6.2. We will not share commercial information of the third party if the record contains private and or confidential information.
- 6.3. We will not share information if it is in our reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

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7. Request procedure:

- 7.1. A requester requiring access to information held by us must make the request in the prescribed form and submit the request, together with the prescribed fee and deposit, if applicable, to the Information Officer, preferably via email.
- 7.2. The prescribed form must be completed with enough particularity to enable the Information Officer to identify:
 - 7.2.1. the record(s) requested.
 - 7.2.2. the identity of the requester.
 - 7.2.3. the form of access required if the request is granted.
 - 7.2.4. the requester's full contact details.
- 7.3. The requester must:
 - 7.3.1. state that the record is required in order to exercise or protect a right; and
 - 7.3.2. provide details of the nature of the right to be exercised or protected.
- 7.4. Subject to our rights relating to extensions in terms of the Act, it will process the request within 30-days of receipt unless the requester has submitted special reasons, to our reasonable satisfaction, in support of a request that the above time periods be dispensed with.
- 7.5. We will give the requestor written notice of our decision, including reasons if the request is declined.
- 7.6. The said 30-day period may be extended for a further period of not more than 30 days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be sought.
- 7.7. 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 our reasonable satisfaction.
- 7.8. If an individual is unable to submit the request in the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 7.9. The requester must pay the prescribed fee, and deposit where applicable, before the request will be considered.

8. Access to records:

- 8.1. A requestor will only be given access to a record(s) held by us if:
 - 8.1.1. the record is required for the exercise or protection of a right.
 - 8.1.2. the requestor has complied with all procedural requirements relating to a request for access to a particular record including making the request in the prescribed format; and
 - 8.1.3. access to that record is not refused in terms of any ground for refusal.

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9. Remedies available when a request for information is refused:

- 9.1. We do not have an internal procedure.
- 9.2. A requester whose request is refused may within 30 days after date of refusal, apply to the High Court or any other competent court having jurisdiction, for relief.

10. Fees:

- 10.1. The Act provides for 2 types of fees, namely:
 - 10.1.1. a request fee, being a standard fee; and
 - 10.1.2. an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2. When a request is received by us, it will, by written notice, require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request.
- 10.3. If the search for the record has been made and the preparation of the record for disclosure would require more than the hours prescribed for this purpose, the Information Officer will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.
- 10.4. We will withhold a record until the requester has paid the prescribed fees (and deposit where appropriate).
- 10.5. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.
- 10.6. If a deposit has been paid in respect of a request for access, which is refused, then we will repay the deposit to the requester.

11. Review of manual:

- 11.1. We reserve the right to amend/change/update this manual as and when required.