

Konsortium Solutions (Pty) Ltd
(Registration Number: 2016/517667/07)

**Manual in terms of Section 51 of the
Promotion of Access to Information Act, 2 of 2000**

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1. INTRODUCTION

In cases where an administrative action materially and adversely affects the rights or legitimate expectations of any person or the rights of the public, then the prescripts for a procedurally fair administrative action set out in the provisions of the Promotion of the Administrative Justice Act, 2000 (Act No. 3 of 2000), and in particular sections 4 and 5 will be adhered to.

1.1. Purpose of the Act

Recognising *inter alia* that:

- 1.1.1. Section 32(1)(a) of the Constitution provides that everyone has the right of access to any information held by the state.
- 1.1.2. Section 32(1)(b) of the Constitution provides for the horizontal application of the rights of access to information held by another person to everyone when that information is required for the exercise or protection of any rights.

And to:

- 1.1.3. Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.
- 1.1.4. Actively promote a society in which the people of South Africa have effective access to information.

The promotion of Access to Information Act, 2 of 2002 (“the Act”) was enacted to give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights.

1.2. Main business of Deponent

Konsortium Solutions has been in existence since 2016. We have extensive experience in marketing solutions and digital marketing specialists.

2. DEFINITIONS

The following words will bear the following meaning in this manual:

- 2.1. “the Act”: The Promotion of Access to Information Act, No 2 Of 2002
- 2.2. “Working days”: means and day other than a Saturday, Sunday or Public Holiday
- 2.3. “Requester”: means any person making a request for access to a record
- 2.4. “Personal Requester”: means a requester who is seeking access to a record containing personal information about that requester
- 2.5. “Third Party”: means any other than the requester
- 2.6. “Deponent”: means Konsortium Solutions (Pty) Ltd

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(1)(b))

- 3.1. 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. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: (+27)11 877 3600
Fax Number: (+27)11 403 0625

Website: www.sahrc.org.za

4. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of The Act. Copies of the prescribed forms to be completed for submitting a request, are available from DM and Associates.

5. NOTICES

Published in terms of Section 52(2): At this stage no notice(s) has/have been published.

6. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION (Section 51 (1) (c))

- 6.1. Basic Conditions of Employment Act 75 of 1997
- 6.2. BBBEE Act 53 of 2003
- 6.3. Companies Act 71 of 2008
- 6.4. Compensation for Occupational Injuries and Disease Act 130 of 1993
- 6.5. Competition Act 1998
- 6.6. Consumer Protection Act 68 of 2008
- 6.7. Electronic Communications and Transactions Act 25 of 2002
- 6.8. Employment Equity Act 55 of 1998
- 6.9. Income Tax Act 58 of 1962
- 6.10. Labour Relations Act 66 of 1995
- 6.11. Occupational Health and Safety Act 1993
- 6.12. Prevention of Combating of Corrupt Activities Act 12 of 2004
- 6.13. Promotion of Access to Information Act 2 of 2000
- 6.14. Protection of Personal Information Act 4 of 2013
- 6.15. Regulation of Interception of Electronic Communications Act 70 of 2002
- 6.16. Skills Development Act 9 of 1998
- 6.17. Skills Development Levies 1999
- 6.18. Unemployment Insurance Act 63 of 2001
- 6.19. Value Added Tax Act 89 of 1991

7. INFORMATION AUTOMATICALLY AVAILABLE

www.konsortium.co.za

8. INFORMATION AVAILABLE IN TERMS OF THE ACT (Section 51(1)(d))

The Deponent holds and has records and or notes on the following subjects and categories:

8.1. Personnel Records

- 8.1.1. Personnel Records provided by employees
- 8.1.2. Records provided by individuals other than employees
- 8.1.3. Employment agreements and conditions of employment
- 8.1.4. Disciplinary and evaluation records
- 8.1.5. Correspondence relating to personnel
- 8.1.6. Training material
- 8.1.7. Requests for leave
- 8.1.8. Absence record
- 8.1.9. Personnel file

8.2. Client Records

- 8.2.1. Records provided by a client
- 8.2.2. Records generated by or within Konsortium Solutions (Pty) Ltd

8.3. General

- 8.3.1. Financial records
- 8.3.2. Insurance records
- 8.3.3. Asset Register
- 8.3.4. Database
- 8.3.5. Marketing records
- 8.3.6. Internal Correspondence
- 8.3.7. External Correspondence
- 8.3.8. Minute books
- 8.3.9. Register of Directors and Officers

9. PROTECTION OF PERSONAL INFORMATION ACT, 2013 (POPIA)

9.1. Purpose of POPIA

The Protection of Personal Information Act, 4 of 2013, (“POPIA”) regulates and controls the processing, including the collection, use, and transfer of a person’s personal information. In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another’s (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 processing conditions set out under POPIA.

9.2. Reasons why Konsortium Solutions Processes Personal Information

Konsortium Solutions does and will from time to time process Personal Information which belongs or is held by a Data Subject.

This processing is required by Konsortium Solutions to allow it to perform the following:

- 9.2.1. to pursue its business objectives and strategies.
- 9.2.2. to comply with a variety of lawful obligations, including without detracting from the generality thereof:
 - to carry out actions for the conclusion and performance of a contract as between Konsortium Solutions and Data Subjects;
 - to put in place protective mechanisms to protect the Data Subject’s and / or Konsortium Solutions’ legitimate interest(s) including the performance of risk assessments and risk profiles;
 - to obtain as required by law or to protect the respective party’s legitimate interests, Personal Information from a credit bureau or credit provider or credit association information about certain Data Subject’s credit record, including personal information about any judgement or default history;
 - to provide as required by law or to protect the respective party’s legitimate interests Personal Information to credit bureaus, credit providers or credit associations, information about certain Data

Subject's credit record, including personal information about any judgement or default history;

- 9.2.3. for the purposes of making contact with the Data Subject and attending to the Data Subject's enquiries and requests;
- 9.2.4. for the purpose of providing the Data Subject from time to time with information pertaining to Konsortium Solutions, its officers employees, services and goods and other ad hoc business related information;
- 9.2.5. to pursue the Data Subject's and / or Konsortium Solutions' legitimate interests, or that of a third party to whom the Personal Information is supplied;
- 9.2.6. for the purposes of providing, maintaining, and improving Konsortium Solutions products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;
- 9.2.7. for the purposes of performing internal operations, including management of employees, employee wellness programs, the performance of all required HR and IR functions, call centres, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required; and
- 9.2.8. for the purpose of preventing fraud and abuse of Konsortium Solutions processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

9.3. Storage and retention and destruction of information

- 9.3.1. Konsortium Solutions will ensure that the Data Subject's Personal Information is stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within Konsortium Solutions on a need to know and business basis, save that where appropriate, some of the Data Subject's Personal Information may be retained in hard copy. All such Personal Information will be held and / or stored securely. In this regard Konsortium

Solutions will ensure that it performs regular audits regarding the safety and the security of all Data Subject's Personal Information.

- 9.3.2. Once the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the required prescribed periods or longer should this be required by Konsortium Solutions. Konsortium Solutions thereafter will ensure that such Personal Information is permanently destroyed.

9.4. Access by others and cross border transfer

- 9.4.1. Konsortium Solutions may from time to time have to disclose a Data Subject's Personal Information to other parties, including other organs of state, other departments or subsidiaries, product or third party service providers, regulators and or governmental officials, overseas service providers and or agents, but such disclosure will always be subject to an agreement which will be concluded as between Konsortium Solutions and the party to whom it is disclosing the Data Subject's Personal Information to, which contractually obliges the recipient of this Personal Information to comply with strict confidentiality and data security conditions.
- 9.4.2. Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal Information is bound contractually to a no lesser set of obligations THAN those imposed by POPIA.

10. MANNER OF ACCESS (Section 51 (1) (e))

- 10.1. The requester must use the prescribed forms to make the request.
- 10.2. A person who wants access to the records must complete the necessary request forms that are available at the offices of Konsortium Solutions, or they can be accessed on www.konsortium.co.za. The completed request forms must be sent to the address or email address provided in this manual and marked for the attention of the Information Officer.

11. PRESCRIBED FEES (Section 51 (1) (f))

The fee structure is available on the following websites:

South African Human Rights Commission

www.sahrc.org.za

The Department of Justice and Constitutional Development

www.doj.gov.za

12. REFUSAL GROUNDS

12.1. In terms of Sections 62 to 69 of the Act access to a record may be refused on one or more of the following grounds:

- 12.1.1. Mandatory protection of the privacy of a third party who is a natural person.
- 12.1.2. Mandatory protection of the commercial information of third party.
- 12.1.3. Mandatory protection of certain confidential information of a third party.
- 12.1.4. Mandatory protection of the safety of individuals and the protection of property.
- 12.1.5. Mandatory protection of records privileged from production in legal proceedings.
- 12.1.6. The commercial information of Konsortium Solutions (Pty) Ltd.
- 12.1.7. Mandatory protection of research information of third party.

12.2. Despite any provisions of the Act, a request must be granted if the disclosure of the record would reveal evidence of a substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environmental risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated.

13. AVAILABILITY OF THE MANUAL

Copies of the manual are available for inspection, free of charge, at the offices of Konsortium Solutions (Pty) Ltd, from the South African Human Rights Commission and at www.konsortium.co.za.

14. CONTACT DETAILS (Section 51(1)(a))

Konsortium Solutions (Pty) Ltd
Reg No. 2016/517667/07
VAT No. 4450288404
+27 12 567 0769
400 Bergsering Avenue,
Magalieskruin, 0182
Director: S Kotze

Head of Business	Shelley Kotze
Information Officer	Shelley Kotze
Physical Address	400 Bergsering Avenue Magalieskruin Pretoria 0182
Postal Address	400 Bergsering Avenue Magalieskruin Pretoria 0182
Telephone Number	+27 12 567 0769
Fax Number	n/a
Email Address	support@konsortium.co.za
Website	www.konsortium.co.za

Date of Completion: 19 August 2020