



TEBA (Pty) Ltd
Registration Number 1902/001680/07

Promotion of Access to Information Act (PAIA)
Information Manual

A copy of this manual will be available for inspection at the South African Human Rights Commission,
and at the registered office of the company, being as follows:

121 Eloff Street Extension
Selby, Johannesburg
2001

Revised:	16/08/2018
Author:	Compiled by TEBA (Pty) Ltd in terms of Section 51 of the Promotion of Access to Information Act No.2 of 2000, as amended
Status:	Published
Version:	1

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Introduction

The purpose for the enactment of the Promotion of Access to Information Act of 2000 (hereinafter referred to as “the Act”) is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person.

Company Overview

TEBA (Pty) Ltd (hereinafter referred to as “TEBA”) is primarily a labour recruitment and management service provider which also offers a number of additional services to clients; these include human resources services, social services and financial services, rendered pre-employment, during employment and post-employment.

Purpose

This document serves as the Information Manual of TEBA in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

Scope

The scope of this manual will serve to provide a reference regarding the records held by TEBA.

Availability

- This manual is available for inspection at the offices of TEBA, free of charge.
- Copies of the manual may be obtained, subject to the prescribed fees, at the offices of TEBA.
- The manual can also be accessed on the website of the SAHRC (www.sahrc.org.za) and on the company’s website (www.teba.co.za).

Abbreviations and Acronyms

Abbreviation / Acronym	Description
AFISwitch	Risk management service assisting in automated criminal record checks.
AOS	Agreements of Service
MIE	Risk management service that verifies qualifications, credit records, criminal records, driver’s licences and CV claims.
XDS	(E)xpert Decision Systems. Risk management service assisting in pre-vetting and screening, Credit reports, Analytics and model building, Biometric, Fraud protection, and Authentication.
SAHRC	South African Human Rights Commission.
PAIA	Promotion of Access to Information Act

Definitions

Term	Description
The Act	"The Act" shall mean the Promotion of Access to Information Act, No. 2 of 2000, together with all relevant regulations published from time to time
The/This Manual	"The/This manual" shall mean this manual together with all annexures thereto as available at the offices of TEBA
TEBA	"TEBA" shall mean TEBA (PTY) LTD as set out within this manual

Administration of the Act

1. Particulars Required - Section 51(1) (a)

Company Registration:	TEBA (Pty) Lmd Registration Number 1902/001680/07
Contact Person:	Anneri Pieterse
Postal Address:	P.O. Box 62251, Marshalltown, Johannesburg, South Africa, 2107
Physical Address:	121 Eloff Street Extension, Selby, Johannesburg, South Africa, 2001
Telephone No:	+27 (11) 353-6128
Email:	annerip@teba.co.za
Website	www.teba.co.za

2. Guide for Requesters - Section 51(1) (b)

The South African Human Rights Commission (SAHRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This guide will be available from the South African Human Rights Commission. Please direct any queries to:

Contact:	The South African Human Rights Commission: PAIA Unit The Research and Documentation Department
Postal Address:	Private Bag 2700, Houghton, 2041
Telephone No:	+27 (11) 484-8300
Fax No:	+27 (11) 484-0582
Email:	PAIA@sahrc.org.za
Website	www.sahrc.org.za

3. Automatic Availability of Certain Records - Section 51(1) (c)

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

4. Records Available In Accordance With Other Legislation - Section 51(1) (d)

Records are kept in accordance with such other legislation as is applicable to TEBA which includes, but is not limited to, the following legislation:

- The Occupational Health and Safety Act No. 85 of 1993;
- The Value-Added Tax Act No. 89 of 1991;
- Income Tax Act No. 58 of 1962;
- Companies Act No. 71 of 2008;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- The Unemployment Insurance Act No. 63 of 2001;
- The Skills Development Levies Act No. 9 of 1999;
- The Regional Services Councils Act No. 109 of 1985.
- The Protection of Personal Information Act No. 4 of 2013.

5. Record Subjects and Categories - Section 51(1) (e)

Managing Director's Office

The Managing Director's Office records comprise the following main categories:

- Statutory Records
- Administration Records
- Research Records
- Sponsorship Records

Tax

Tax records comprise the following main categories:

Income Tax Act No. 58 of 1962

- Income tax returns
- Correspondence with South African Revenue Services (SARS)
- Correspondence from SARS
- Income tax opinions by tax advisors

Value-Added Tax Act No. 89 of 1991

- Value-Added Tax (VAT) invoices and credit notes
- VAT returns
- Vat opinions by tax advisors
- Correspondence with SARS
- Correspondence from SARS
- Administrative Records

System Support

The System Support's records comprise the following main categories:

- Records of service
- General correspondence

Information Technology

The Information Technology Department's records comprise the following main categories:

- Central Computer Repository documentation (for example, archives, backups, log files, audit trails, etc.)
- General correspondence

Finance and Administration

Finance and Administration's records comprise the following main categories:

- Accounting Records
- Financial Statements
- Investment Records
- General Correspondence
- Management Reports
- Transactional Records
- Building and Property Records
- Insurance Records
- Audit appointment letters
- Correspondence with auditors
- Audit management letters
- Audit reports

Company Secretarial Department

The Company Secretary provides company secretarial services to TEBA. The company secretary's records comprise the following main categories:

In terms of the Companies Act No. 61 of 1973:

- Administration Records
- Contracts and Agreements
- Property Records
- Legal Records
- General Correspondence
- Company and Share Registration Records
- Customer Applications (Contractors)
- Research Reports (obtained from external providers)
- Statutory Records, inclusive of the following:
 - Certificate of Incorporation
 - Memorandum and Articles of Association
 - Documentation lodged with the Registrar of Companies
 - Notices to members
 - Minutes of meetings of members
 - Resolutions of members, including special resolutions
 - Directors' consent forms to act as directors
 - Register of directors and officers
 - Register of directors' interests in contracts
 - Minutes of directors' meetings
 - Directors' resolutions
 - Papers for directors' meetings
 - Attendance register of directors' meetings
 - Minutes of board committee meetings
 - Attendance register of board committee meetings

Human Resources Department

The Human Resources (HR) Department's primary objective is to develop and implement a competitive human resource strategy that will support the Company. Human Resources records comprise the following main categories:

Basic Conditions of Employment Act No. 75 of 1997

- Employee Records
 - Letters of Appointment
 - Payroll Records
 - Leave Records
 - Correspondence with Employees
 - Standard Terms and Conditions of Employment

Employment Equity Act

- Employment Equity Policy/Records
- Employee Records

Labour Relations Act

- Employee Records
- Labour Relations Records
- Industrial Relations Correspondence
- General Correspondence
- General Company & HR Policies and Procedures
- Training Records
- Pension/Provident Fund Records
- Employee Benefit Records
- Statutory Records
- Contracts
- PAYE Records

Occupational Health and Safety Act No. 85 of 1993

- Workmen's Compensation Records
- General Correspondence

Unemployment Insurance Act No. 63 of 2001

- UIF Records

Skills Development Levies Act No. 9 of 1999

- Skills Development Records

Processing of Personal Information

The purpose of this section is to provide information about whose personal information we process, along with why we process it and the steps we take to protect it.

Whose Personal Information We Process

As part of our main business activities we primarily process the personal information of adults residing in Southern Africa (RSA, Mozambique, Lesotho, Botswana, and Swaziland) who have worked, or have a desire to work in the mining industry in South Africa. We process this information in order to help data subjects find and retain employment, get access to money, and assist them in providing benefits to them and their families through a range of financial products.

Note:

As a consequence of this process we also process personal information of the families / beneficiaries of the data subjects (mineworkers).

We also process the personal information of our employees in the course and scope of their employment with us in order to manage and monitor our relationship with them.

Who We Disclose Personal Information To

As part of our main business activities we disclose the personal information to employers (mining companies / contractors) and financial service providers as directed to by the data subjects.

We disclose the personal information of beneficiaries only to specific pension / provident funds or administrations that TEBA services.

Our own employees will have access to this information as part of their employment relationship with us. We do not sell any personal information to third parties.

If required to by law, we may disclose personal information to members of law enforce or other government agents. We may disclose personal information to other third parties if required to by a court order.

We disclose personal information to third parties (AFISwitch, Department of Home Affairs, MIE, XDS, credit bureaus etc.) to perform various verification checks and enrich data to provide further service offerings.

As per intergovernmental agreements with foreign countries, we provide hardcopies of Agreements of Service (AOS) containing personal information for all people TEBA has engaged on behalf on the employer from those countries. We also provide details of payments effected to mineworkers (deferred pay) on a regular basis to the applicable ministry. This is a requirement as per the applicable laws of each country.

How We Secure Personal Information

We secure personal information we process and store by taking practical technical and organisational measures to ensure the confidentiality of the personal information is kept intact. Some of these measures include encrypting of electronic data, access control, and comprehensive destruction and retention policies along with a strict internal information security policy.

Access Request Procedure - Section 51(1) (e)

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by TEBA.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note:

If it is reasonably suspected that the requester has obtained access to TEBA's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Completion of Access Request Form

In order for TEBA to respond to requests in a timely manner, the relevant Access Request Form (see Appendix B - Request for Access to Record of Private Body; also available from the Department of Justice and Constitutional Development's website at www.justice.gov.za) should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

1. The Access Request Form must be completed in the English Language.
2. Type or print in BLOCK LETTERS an answer to every question.

- If a question does not apply, state “N/A” in response to that question.
 - If there is nothing to disclose in reply to a particular question, state “nil” in response to that question.
 - If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
3. When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Note:

For security reasons, the requester’s identity must be validated before their application will be considered. Proof of identity, such as a certified copy of their Identity Document or other legal form of identification, must accompany their application.

Submission of Access Request Form

The completed Access Request Form must be submitted either via conventional mail, email or fax and must be addressed to the contact person as indicated in Section 51(1) (a).

An initial, **non-refundable R50.00 request fee (excluding VAT)** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Payment of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Note:

If the request for access is successful, an access fee will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on Prescribed Fees as dictated by legislation (see Appendix A - Prescribed Fees in Respect of Private Bodies; also available from the Department of Justice and Constitutional Development’s website at www.justice.gov.za). The access fee must be paid prior to access being given to the requested record.

Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

Notification of Extension Period (if required)

The requesters will be notified whether an extension period is required for the processing of their requests, including:

- The required extension period, which will not exceed an additional 30-day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

The requester will be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- The amount of the deposit payable (if applicable); and
- That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Note:

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required, the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is **successful**, the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);
- An indication of the form in which the access will be granted;
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful**, the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third-Party Information and Grounds for Refusal below); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

Third-Party Information

If access is requested to a record that contains information about a third-party, TEBA is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third-party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

Grounds for Refusal

TEBA may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which TEBA may refuse access include:

- Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of TEBA;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Protecting personal information that TEBA holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that TEBA holds about a third party or TEBA (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- Disclosure of the record would put TEBA at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or TEBA.

Appeal / Lodgement of Complaints

The Act makes provision for the lodgement of complaint against:

- Access fee charged or the form of access granted
- Refusal of the request to grant access
- Decision to extend the 30 days' period for granting the requested access
- Form in which access is granted

A Requester aggrieved by TEBA's decision or who wishes to lodge a complaint or appeal must follow this process:

- A complaint or an internal appeal must:
 - be lodged within 30 days after the decision is communicated to the Requester;
 - be delivered or sent to TEBA's address, fax or electronic mail address contained herein;
 - identify the subject of the complaint or internal appeal and state the reasons for the complaint or internal appeal;
 - be accompanied by the prescribed appeal fee as prescribed;
 - specify a postal address, fax number or electronic mail for the return of the decision.

The complainant/appellant who is not happy with the decision of the internal process may lodge an application with a court against the decision made within 30 days after the decision was communicated to him/her.

Records that Cannot Be Found or Do Not Exist

If TEBA has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

Appendix A - Prescribed Fees in Respect of Private Bodies

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fee for reproduction referred to in regulation 11(1), is as follows:

2.1 For every photocopy of an A4-size page or part thereof	R1,10
2.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,75
2.3 For a copy in a computer-readable form on: <ul style="list-style-type: none"> o stiffy disc o compact disc 	R7,50 R70,00
2.4 For a transcription of visual images: <ul style="list-style-type: none"> o For a transcription of visual images, for an A4-size page or part thereof o For a copy of visual images 	R40,00 R60,00
2.5 For a transcription of an audio record: <ul style="list-style-type: none"> o For an A4-size page or part thereof o For a copy of an audio record 	R20,00 R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50, 00.
4. The access fee payable by a requester referred to in regulation 11 (3) are as follows:

4.1 For every photocopy of an A4-size page or part thereof	R1,10
4.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,75
4.3 For a copy in a computer-readable form on: <ul style="list-style-type: none"> o stiffy disc o compact disc 	R7,50 R70,00
4.4 For a transcription of visual images: <ul style="list-style-type: none"> o For an A4-size page or part thereof o For a copy of visual images 	R40,00 R60,00
4.5 For a transcription of an audio record: <ul style="list-style-type: none"> o For an A4-size page or part thereof o For a copy of an audio record 	R20,00 R30,00
4.6 To search for and prepare the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search and preparation.	R30,00
4.7 For purposes of section 54(2) of the Act, the following applies: <ul style="list-style-type: none"> o Six hours as the hours to be exceeded before a deposit is payable; and o One third of the access fee is payable as a deposit by the requester. 	
4.8 The actual postage is payable when a copy of a record must be posted to a requester.	

Please note that the fees listed above exclude VAT.

Appendix B - 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]

A. Particulars of private body

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:

.....
.....

Identity number:

.....

Postal address:

.....
.....
.....

Fax number..... Telephone.....

Email 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:

.....
.....

Identity number:

.....

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 hereunder, 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 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:

<input type="checkbox"/>	copy of record*
--------------------------	-----------------

<input type="checkbox"/>	inspection of record
--------------------------	----------------------

2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images
--------------------------	-----------------

<input type="checkbox"/>	copy of the images*
--------------------------	---------------------

<input type="checkbox"/>	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 Payable?	YES		NO	
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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 of.....20.....

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