



Alternative Dispute Resolution System

PROMOTION OF ACCESS TO INFORMATION

1 July 2021

ADR/PAIA/2/MANUAL/2021

PAIA MANUAL

in terms of the

**PROMOTION OF ACCESS TO INFORMATION ACT 2 OF
2000**

“PAIA”

incorporating provisions contained in the

**PROTECTION OF PERSONAL INFORMATION ACT 4 OF
2013**

“POPIA”

IN RESPECT OF

ADR ACCESS (PTY) LTD

REGISTRATION NUMBER 2020/940064/07

A PRIVATE BODY

USERS: EXTERNAL AND INTERNAL

PART A

PAIA MANUAL

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1. INTRODUCTION

- 1.1 The Promotion of Access to Information Act 2 of 2000 ('the Act') also referred to as "PAIA" came into operation on 9 March 2001 and gives effect to the constitutional right of access to information that is enshrined in section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa, No. 108 of 1996 ('the Constitution'). Section 32 of the Constitution provides that everyone has the right to access any information held by the state or by another person, where such information is required for the exercise or protection of any legitimate rights and actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.
- 1.2 The Act accordingly requires that procedures be put in place by public and private bodies to enable persons to obtain access to records swiftly, affordably and effortlessly. In terms of the Act, a private body includes juristic entities such as companies, close corporations and also includes partnerships and sole proprietors. The Protection of Personal Information Act 4 of 2013, ("POPIA") on the other hand regulates, and *inter alia*, how Personal Information held, received, used and disseminated by a body or person in connection with another party / person is protected and the consent therefor required.
- 1.3 In terms of section 51 of the Act, all private bodies are required to compile an information manual ('PAIA Manual') that provides information on the types and categories of records held by a public or private body and the process that must be followed when requesting information related to such records and information.
- 1.4 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and/or regulatory requirements, except where the Act expressly provides that the information may be adopted when requesting information from a public or private body.
- 1.5 This document serves as the information manual of ADR ACCESS (PTY) LTD as required in terms of the Act and must be read together with our **Privacy Policy – Part B** of this document.

2. PARTICULARS OF ADR ACCESS (PTY) LTD

- 2.1 ADR ACCESS renders Alternative Dispute Resolution services in respect of all commercial and labour related disputes. Our Directors and staff hold a wealth of experience in the field of dispute resolution. ADR Access offers a cost effective and non-confrontational solution to formal litigation.

2.2 **Name of body:** **ADR ACCESS (PTY) LTD**

Registration number: 2020/940064/07 (Private Body)

Directors: **Riaan Liebenberg (CEO) Head of the Private Body**

Frank John Stanley

Physical Address: 821 Oudshoorn Street, Wingate Park, 0181, Pretoria Gauteng, Republic of South Africa

Postal Address: P.O. Box 65154, Erasmusrand, 0165, Pretoria, Gauteng, Republic of South Africa.

Email address: ceo@orocorp.co.za

Mobile: +27(0) 82 443 9265

- 2.3 This, the PAIA Manual of ADR ACCESS (PTY) LTD, is available for inspection at ADR ACCESS (PTY) LTD's premises situated at 821 Oudshoorn Street, Wingate Park, 0181, Pretoria Gauteng, Republic of South Africa during office hours, free of charge, and on request via email or conventional post.

3. **CONTACT DETAILS** [Section 51(1)(a) of the Act] - PAIA

ADR ACCESS (PTY) LTD

Riaan Liebenberg (CEO) Head of the Private Body and Information Officer

Physical Address: 821 Oudshoorn Street, Wingate Park, 0181, Pretoria Gauteng, Republic of South Africa

Postal Address: P.O. Box 65154, Erasmusrand, 0165, Pretoria, Gauteng, Republic of South Africa.

Email address: ceo@orocorp.co.za

Mobile: +27(0) 82 443 9265

4. **PAIA MANUAL – Purpose of the Act (PAIA)**

- 4.1 The purpose of the Act is to promote the right of access to information, to promote and foster a culture of transparency and accountability within ADR ACCESS (PTY) LTD by granting the right to information that is required for the exercise or protection of any legitimate right and to actively promote a society in which the citizens of South Africa have effective access to information to enable them to exercise and protect their rights – which includes the rights of minor children.
- 4.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in relation to public and private bodies.
- 4.3 **Limitation of Rights:** Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
- 4.3.1 Limitations aimed at the reasonable protection of privacy; and
 - 4.3.2 Commercial confidentiality; and
 - 4.3.3 Effective, efficient and good governance; and

- 4.3.4 In a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.
- 4.4 This PAIA Manual complies with the requirements of the guide mentioned in section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act, 4 of 2013 (POPI), that the appointed Information Regulator will be responsible to regulate compliance with the Act and its regulations by private and public bodies.

5. INFORMATION OFFICER

- 5.1 The head of a private body in terms of section 51(1) and (2) of the Act, fulfils the function of compiling and updating the private body's PAIA Manual.
- 5.2 The Information Officer appointed in terms of the Act also refers to the Information Officer as referred to in the POPI Act. The Information Officer oversees the function and responsibilities as required in terms of both PAIA and section 55 of the POPI Act after registering with the Information Regulator.
- 5.3 The Information Regulator may where it is deemed necessary, appoint a deputy Information Officer, as allowed for in section 17 of the Act as well as section 56 of the POPI Act. All requests for access to information in terms of the Act must be addressed to the Information Officer.
- 5.4 ADR ACCESS (PTY) LTD has appointed the following individual as the Information Officer who will be responsible for dealing with requests for records and information:

For attention: **Riaan Liebenberg (CEO) Head of the Private Body and Information Officer**

Physical Address: **821 Oudshoorn Street, Wingate Park, 0181, Pretoria Gauteng, Republic of South Africa**

Postal Address: **P.O. Box 65154, Erasmusrand, 0165, Pretoria, Gauteng, Republic of South Africa.**

Email address: ceo@orocorp.co.za

Mobile: **+27(0) 82 443 9265**

6. SECTION 10 GUIDE

- 6.1 A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission – ("SAHRC"). It contains information on how to access and request information required by a person wishing to exercise any right, contemplated by PAIA.
- 6.2 The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at Braampark Forum 3, 33 Hoofd St, Braampark, Johannesburg, 2017, Gauteng, South Africa and:

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Postal address: Private Bag 2700, Houghton, Gauteng, South Africa, 2041

Telephone: +27 (0)11 877 3600

6.3 From 1 July 2021 the contact details will be for: -

Information Regulator South Africa

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

P.O Box 31533, Braamfontein, Johannesburg, 2017

General enquiries email: inforeq@justice.gov.za.

7. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION [Section 51(1(c))]

7.1 Records are kept in accordance with such other legislation as is applicable to ADR ACCESS (PTY) LTD which includes, but is not limited to the following legislation:

7.1.1 Promotion of Access to Information Act 2 of 2000

7.1.2 Basic Conditions of Employment Act 75 of 1997

7.1.3 Companies Act 71 of 2008

7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993

7.1.5 Arbitration Act 42 of 1965

7.1.6 Financial Intelligence Centre Act 36 of 2000

7.1.7 Income Tax Act 95 of 1967

7.1.8 Insolvency Act 24 of 1936

7.1.9 Labour Relations Act 66 of 1995

7.1.10 National Credit Act 34 of 2005

7.1.11 Occupational Health and Safety Act 85 of 1993

7.1.12 Skills Development Act 97 of 1998

7.1.13 National Health Act 61 of 2003

7.1.14 Trademarks Act 194 of 1993

7.1.15 Unemployment Contributions Act 4 of 2002

7.1.16 Unemployment Insurance Act 63 of 2001

7.1.17 Value-Added Tax Act 89 of 1991

7.1.18 Protection of Personal Information Act 4 of 2013

8. SUBJECTS AND CATEGORIES OF RECORDS HELD [Section 51(1)(d)] -

8.1 The records referred to below indicate the categories of information that ADR ACCESS (PTY) LTD holds. The information is classified, confidential and grouped according to records relating to the following subjects and categories:

8.1.1 Human resources records: -

- 8.1.1.1 Personal records provided by employees and staff members of ADR ACCESS (PTY) LTD
- 8.1.1.2 Salary records
- 8.1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records
- 8.1.1.4 Internal evaluation records
- 8.1.1.5 UIF records
- 8.1.1.6 PAYE records
- 8.1.1.7 Leave records
- 8.1.1.8 Training records
- 8.1.1.9 Human Resources policies and procedures

8.1.2 Client related records: -

- 8.1.2.1 Records provided by a client or party – (All information)
- 8.1.2.2 Records and reports generated internally by or within ADR ACCESS (PTY) LTD's business relating to clients / parties including transactional records, agreements and all clients' / parties' personal information.
- 8.1.2.3 Contractual records

8.1.3 Financial records: -

- 8.1.3.1 Annual reports
- 8.1.3.2 Management reports
- 8.1.3.3 VAT returns
- 8.1.3.4 Income tax returns and assessments
- 8.1.3.5 Invoices
- 8.1.3.6 Receipts
- 8.1.3.7 Asset records
- 8.1.3.8 Insurance policies and claims

8.1.4 Company information: -

- 8.1.4.1 Trademarks
- 8.1.4.2 Databases

- 8.1.4.3 Information Technology
- 8.1.4.4 Marketing records
- 8.1.4.5 Internal correspondence
- 8.1.4.6 Operational records
- 8.1.4.7 Product-related records
- 8.1.4.8 Internal policies and procedures
- 8.1.4.9 Compliance records
- 8.1.4.10 Minutes of meetings (including resolutions taken)
- 8.1.4.11 Contractual records and information relating to suppliers, service providers, professional advisors (such as advocates and auditors) and financiers.
- 8.1.5 Products and services: -
 - 8.1.5.1 Product specifications
 - 8.1.5.2 Product documentation (including application forms)
- 8.2 The accessibility of the records may be subject to the grounds of refusal set out in the Act. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal and legislative requirements, before ADR ACCESS (PTY) LTD will consider access.

9. PURPOSE FOR PROCESSING OF PERSONAL INFORMATION

- 9.1 ADR ACCESS (PTY) LTD holds, processes, utilizes and disseminate personal information for the following specific, and lawful reasons:
 - 9.1.1 to initiate recruitment of and the management of employees and staff members
 - 9.1.2 to comply with relevant legislation governing employees
 - 9.1.3 to monitor account payments of clients
 - 9.1.4 to engage with service providers
 - 9.1.5 for marketing and event purposes
 - 9.1.6 to comply with all relevant legislation
 - 9.1.7 to render its services and operate its business.

10. DATA SUBJECTS / CATEGORIES AND THEIR PERSONAL INFORMATION

- 10.1 The following categories of data subjects' personal information are held, received, compiled and/or used and/or processed and/or disseminated (as the case may be) by ADR ACCESS (PTY) LTD:
 - 10.1.1 Employees: records of employees' term of employment
 - 10.1.2 Records, reports and personal information of clients / parties

- 10.1.3 Service providers: records of service providers
- 10.1.4 General public: Managing, answering, and responding to general enquiries.

11. RECIPIENTS OF PERSONAL INFORMATION

- 11.1 Statutory authorities
- 11.2 Law enforcement
- 11.3 Tax authorities
- 11.4 Financial institutions
- 11.5 Medical schemes
- 11.6 Employee pension and provident funds
- 11.7 Industry bodies
- 11.8 Legal Representatives (Attorneys/ Advocates) in the course of rendering services

12. TRANS – BORDER FLOW OF PERSONAL INFORMATION

ADR ACCESS (PTY) LTD may transfer data / personal information trans-border in order to store Data with third party cloud/ internet / data storage providers and in the course of rendering its legal services but always in accordance with applicable legislation regarding data protection.

13. SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- 13.1 ADR ACCESS (PTY) LTD has implemented a number of security measures to protect personal information processed by ADR ACCESS (PTY) LTD as the Responsible Party in terms of the POPI Act, No 4 of 2013, which include but are not limited to the following: -
 - 13.1.1 Physical security measures (Armed Response alarm systems / Lock and Key – available to authorized persons only for authorized reasons
 - 13.1.2 Cyber security measures / Regular change of passwords and firewalls
 - 13.1.3 ADR ACCESS (PTY) LTD has access to specialists in cyber information security and has policies regarding information security in place.

14. HOW TO MAKE A REQUEST FOR ACCESS TO INFORMATION [Section 51(e)]

- 14.1 The requester must complete Form C (Appendix 1) and submit this form together with a request fee, to the Information Officer of ADR ACCESS (PTY) LTD.
- 14.2 The form must be submitted to the Information Officer of ADR ACCESS (PTY) LTD at ADR ACCESS (PTY) LTD's physical address, or electronic mail address or via conventional post as stated earlier in this PAIA Manual.

14.3 Form of request:

- 14.3.1 The requester (the person seeking information) must use the prescribed form, as attached in terms of Article 8 (PAIA) of this PAIA Manual, when requesting access to a record. The request must be directed to the Information Officer. This request must be made to the physical address, (during office hours) or electronic mail or postal address of the body (ADR ACCESS (PTY) LTD) concerned, see [s 53(1)] – PAIA.
- 14.3.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record / information required and the identity / details of the requester.
- 14.3.3 The requester should indicate in which format the access to the information requested is required.
- 14.3.4 The requester should indicate if any other manner and/or format is to be used to inform the requester regarding the information required and state the necessary particulars how to be informed [s 53(2)(a) and (b) and (c)] – PAIA.
- 14.3.5 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)] – PAIA.
- 14.3.6 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 on behalf of such other person and to the satisfaction of the designated head of the private body [s 53(2)(f)] – PAIA.
- 14.3.7 A requester who seeks access to a record containing personal information about that requester's own personal information, is not required to pay the request fee.
- 14.3.8 Every other requester, who is not a personal requester, must pay the fee.
- 14.3.9 The information officer of ADR ACCESS (PTY) LTD must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)] – PAIA.
- 14.3.10 The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)] – PAIA.
- 14.3.11 After the Information Officer of ADR ACCESS (PTY) LTD has decided on the request, the requester must be notified in the required form and format.
- 14.3.12 On granting of the request to information, a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)] – PAIA.

15. AVAILABILITY OF THIS PAIA MANUAL

This PAIA manual is available for inspection at the offices of ADR ACCESS (PTY) LTD free of charge and on request via email and or conventional post – see the contact details of the Information Officer of ADR ACCESS (PTY) LTD stated herein.

16. FEES [Section 51(1(f)] – PAIA

- 16.1 The requester is the person making the request for access to information of a record. The Act mentions two types of requesters, to wit: -
- 16.1.1 Personal requester: A person who requests access to his/her own personal information.
- 16.1.2 Other requester: A person requesting access to information of third parties.
- 16.2 The following fees are payable when making a request for information:
- 16.2.1 Request fee: Standard fee payable by other requesters, but not payable by personal requesters, payable at the time that the request is made.
- 16.2.2 Access fee: Payable in all instances where a request for access is granted unless payment of the access fee is specifically excluded in terms of the Act or any regulations published pursuant to the Act. This fee is calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs, as the case may be.
- 16.3 The Information Officer may require that requesters pay a deposit in respect of the access fee at the time of making the request. If the request is subsequently declined, the deposit will be refunded.
- 16.4 If a request fee and/or a deposit is payable, the Information Officer will not process the request until payment thereof has been made.
- 16.5 If a request for information is granted, the Information Officer will advise the requester of the amount of the access fee payable before the record will be released.
- 16.6 Bank account details for purposes of making payments can be obtained from the Information Officer and may be made by way of a direct deposit into the designated bank account or by way of a bank guaranteed cheque.
- 16.7 Appendix 2 hereto sets out the amounts payable in respect of the prescribed fees. Request for access to record of private body (POPI Act: Form C).

FORM C – APPENDIX 1**ACCESS TO INFORMATION REQUEST FORM**

Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
[Regulation 10]

1. PARTICULARS OF PRIVATE BODY

Requests can be submitted either per hand, via conventional mail, or e-mail, and should be addressed to the relevant contact person as indicated below:

Name of Body: **ADR ACCESS (PTY) LTD**
For attention: **Riaan Liebenberg (CEO) Head of the Private Body and Information Officer**

Physical Address: **821 Oudshoorn Street, Wingate Park, 0181, Pretoria Gauteng, Republic of South Africa**

Postal Address: **P.O. Box 65154, Erasmusrand, 0165, Pretoria, Gauteng, Republic of South Africa.**

Email address: **ceo@orocorp.co.za**

Mobile: **+27(0) 82 443 9265**

2. PARTICULARS OF REQUESTER (If a Natural Person)

- (a) Particulars of the person who requests access to the record must be recorded below.
- (b) Furnish a postal address and/or an email address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

FULL NAMES AND SURNAME	IDENTITY NUMBER
POSTAL ADDRESS & CODE	EMAIL ADDRESS
PHONE NUMBER	FAX NUMBER

PARTICULARS OF REQUESTER (If a Legal Entity)

- (a) Particulars of the entity that requests access to the record must be recorded below.
 (b) Furnish a postal address and/or an email address and/or fax number in the Republic to which information must be sent.
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Name of entity: _____

Registration

number: _____

Postal

address: _____

Postal

code: _____

Phone

number: _____

Fax

number: _____

Email

address: _____

3. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must only be completed if a request for information is made on behalf of another person.

Full names and surname: _____

Identity number:

4. PARTICULARS OF RECORD

- (a) Provide full particulars of the record to which access is requested, including the reference number if it 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.

Description of record or relevant part of the record:

(this includes photographs, slides, video recordings, computer-generated images, sketches etc.)

View the images Copy of the images* Transcription of the images*

3. If the record consists of recorded information that can be reproduced in sound:

Listen to the soundtrack Transcription of soundtrack*
(compact disc) (written or printed document)

4. If the 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
(Memory stick 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? (NB: Postage is payable)

Yes No

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be e-mailed to you? (NB: depending on the volume, e-mail transmission may not be possible)

Yes No

Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available. (Cost of translation may be payable)

In which language would you prefer the record?

7. IN THE EVENT OF DISABILITY

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for above, state your disability and indicate in the form in which the record is required.

State form of Disability:

Form in which record is required: _____

8. 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 exercise or protection of the aforementioned right:

9. 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

Appendix 2: SCHEDULE OF FEES

The applicable fees are as follows:

Reproduction fees:	
For every photocopy of an A4 size paper of part thereof	R1,10
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
For a copy in a computer-readable form on stiffer disc	R7,50
For a copy in a computer-readable form on a stiffer disc compact disc	R70,00
A transcription of visual images, for an A4 size page or part thereof	R40,00
For a copy of visual images	R60,00
Where a requester Request fees (for requests on behalf on behalf of another person submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable upfront before the institution will further process the request	
Access fees fee	R50,00
For every photocopy of an A4 size paper or part thereof	R1,10
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
For a copy in a computer-readable form on stiffer disc	R7,50
For a copy in a computer-readable form on a stiffer disc compact disc	R70,00
A transaction of visual images, for an A4 size page or part thereof	R40,00
For a copy of visual images	R60,00
To search for a record that must be disclosed, R30,00 for every hour or part of an hour reasonably required for such search	R30,00
Where a copy of a record needs to be posted the actual postal fee is payable	
Deposits Where the institution receives a request for access to information held on a person other than the requester him-/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester. The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.	

THIS APPROVED AND SIGNED ON THIS THE 1st DAY OF JULY 2021
BY THE CEO OF ADR ACCESS (PTY) LTD:



MR RIAAN LIEBENBERG