



AFISWITCH (PTY) LTD
PAIA MANUAL

TABLE OF CONTENTS

1	INTRODUCTION.....	1
2	DEFINITIONS	1
3	SCOPE OF THE MANUAL.....	2
4	HOW TO USE PAIA TO ACCESS INFORMATION.....	2
5	OVERVIEW OF THE STRUCTURE AND FUNCTIONS OF AFISWITCH	3
6	CLIENT’S CONTACT DETAILS.....	3
7	AFISWITCH'S PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA.....	5
8	INFORMATION HELD BY AFISWITCH IN TERMS OF PAIA.....	11
9	INFORMATION KEPT BY AFISWITCH IN ACCORDANCE WITH OTHER LEGISLATION	14
10	REQUEST PROCEDURES	16
11	TIMELINES FOR CONSIDERATION OF A REQUEST	18
12	GROUND FOR REFUSAL OF ACCESS TO RECORDS.....	18
13	REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS	20
14	OTHER INFORMATION HELD BY AFISWITCH AS PRESCRIBED	20
15	AVAILABILITY OF THE MANUAL	20
16	PRESCRIBED FORMS AND FEE STRUCTURE	20

ANNEXURES

ANNEXURE "A" –PRESCRIBED FORM TO MAKE A REQUEST FOR ACCESS

1 INTRODUCTION

- 1.1 This Manual has been prepared in accordance with section 51 of the Promotion of Access to Information Act No.2 of 2000 ("**PAIA**").
- 1.2 The aim of the Manual is to assist potential Requesters to request access to information (documents, records and/or Personal Information) from Afiswitch (Pty) Ltd ("**Afiswitch**") as contemplated under PAIA.
- 1.3 The Manual may be amended from time to time and as soon as any amendments have been affected, the latest version of the Manual will be published and distributed in accordance with PAIA.
- 1.4 A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual.
- 1.5 The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to PAIA.

2 DEFINITIONS

The following words or expressions will bear the following meanings in this Manual –

- 2.1 "**Customer**" means a natural or juristic person who or which receives services and/or products from Afiswitch;
- 2.2 "**Data Subject**" means the natural or juristic person to whom Personal Information relates;
- 2.3 "**Employee**" means any person who works for, or provides services to, or on behalf of Afiswitch, and receives or is entitled to receive remuneration;
- 2.4 "**Information Officer**" means Afiswitch's designated information officer described in paragraph 5.2 of this Manual;
- 2.5 "**Information Regulator**" shall bear the meaning ascribed thereto in POPIA;
- 2.6 "**Manual**" means this manual, together with all annexures thereto as amended and made available on the website of Afiswitch and at the offices of Afiswitch from time to time;
- 2.7 "**PAIA**" means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;

- 2.8 "POPIA" means the Protection of Personal Information Act No. 4 of 2013, together with any regulations published thereunder;
- 2.9 "Personal Information" has the meaning ascribed thereto under POPIA;
- 2.10 "Processing" means any operation or activity or any set of operations, whether or not by automatic means, concerning Personal Information, including –
- 2.10.1 the collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation or use;
- 2.10.2 dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means; or
- 2.10.3 merging, linking, blocking, degradation, erasure or destruction. For the purposes of this definition, "Process" has a corresponding meaning;
- 2.11 "Requester" means any person or entity (including any Data Subject) requesting access to a record that is under the control of Afiswitch; and
- 2.12 "Third-Party" means any independent contractor, agent, consultant, sub-contractor or other representative of Afiswitch.

3 SCOPE OF THE MANUAL

This Manual has been prepared in respect of and applies to, Afiswitch.

4 HOW TO USE PAIA TO ACCESS INFORMATION

(Information provided in terms of section 51(1) of PAIA)

- 4.1 PAIA 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 in terms of PAIA, the public body must be acting in the public interest.
- 4.2 Requests in terms of PAIA shall be made in accordance with the prescribed procedures and at the prescribed fees.
- 4.3 The Information Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("**Guide**"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.4 The Guide contains a description of, *inter alia* –
- 4.4.1 the objects of PAIA and POPIA;

- 4.4.2 the manner and form of a request for –
 - 4.4.2.1 access to a record of a public body contemplated in section 11; and
 - 4.4.2.2 the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 4.4.3 the assistance available from the Information Regulator in terms of PAIA and POPIA;
- 4.4.4 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging –
 - 4.4.4.1 an internal appeal;
 - 4.4.4.2 a complaint to the Information Regulator; and
 - 4.4.4.3 an application with a court against a decision by the Information Regulator; and
- 4.4.5 an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Information Regulator;
- 4.4.6 the provisions of section 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual; and
- 4.4.7 the regulations made in terms of section 92 of PAIA.
- 4.5 The Guide is available in all the official languages.
- 4.6 The Guide is accessible on the Information Regulator's website, as well as from the offices of the Information Regulator, during normal working hours, or you may request a copy of the Guide from Afiswitch by contacting our Information Officer. You may also direct any queries to:

The Information Regulator of South Africa

Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

E-mail: enquiries@info regulator.org.za/ PAIAComplaints@info regulator.org.za

Website: <https://www.info regulator.org.za/contact.html>

5 OVERVIEW OF THE STRUCTURE AND FUNCTIONS OF AFISWITCH

- 5.1 Afiswitch is incorporated and registered in the Republic of South Africa under registration number 2001/023465/07.
- 5.2 Afiswitch, through the course of its business, performs fingerprint clearances on behalf of the SAPS against the SAPS fingerprint database of all known convicted and/or case

awaiting trial persons to determine the previous conviction and/or case awaiting trial status. The services that Afiswitch provides are as follows -

- 5.2.1 any pre-employment enquiry;
- 5.2.2 corporate enquiry;
- 5.2.3 compliance with statutory requirements;
- 5.2.4 relevant visa applications for Visa Facilitation Services Global;
- 5.2.5 application for a Professional Driving Permit ("PrDP"); and
- 5.2.6 registration with the Private Security Industry Regulatory Authority ("PSIRA").

6 CLIENT'S CONTACT DETAILS

(Information required under section 51(1)(a) of PAIA)

Name of Body:	Afiswitch (Pty) Ltd
Physical & Postal Addresses:	Physical: Jean Park Chambers, Building 1, 252 Jean Avenue, Centurion, 0157
Head of Body	Name: T: E:
Information Officer	Name: JS Pienaar T: +27 (0) 12 679 2900 E: informationofficer@afiswitch.com

7 AFISWITCH'S PROCESSING OF PERSONAL INFORMATION IN TERMS OF POPIA

(Information required under section 51(1)(c) of PAIA)

7.1 Purpose of Afiswitch's Processing of Personal Information -

7.1.1 Afiswitch will process Personal Information only in ways that are for, or compatible with, the business purposes for which the data was collected or that are subsequently authorised by the relevant Data Subject.

7.1.2 Afiswitch will retain Personal Information only for as long as is necessary to accomplish Afiswitch's legitimate business purposes or for as long as may be permitted or required by applicable law.

7.1.3 We use the Personal Information we collect:

7.1.3.1 for the purposes of providing services to customers and where relevant, for purposes of doing appropriate customer onboarding and credit vetting;

7.1.3.2 for purposes of onboarding service providers as approved service providers of Afiswitch. For this purpose, Afiswitch will also Process a service provider's Personal Information for purposes of performing credit checks, and this may include engaging third-party credit vetting agencies;

7.1.3.3 for purposes of monitoring the use of Afiswitch's electronic systems and online platforms by consumers or service providers. Afiswitch will, from time to time, engage third-party service providers (who will Process the Data Subject's Personal Information on behalf of Afiswitch) to facilitate this;

7.1.3.4 for purposes of preventing, discovering and investigating non-compliance with this Policy and other Afiswitch policies, and investigating fraud, or other related matters;

7.1.3.5 in connection with the execution of payment processing functions, including payment of Afiswitch's service provider's invoices;

7.1.3.6 to provide a service to Afiswitch customers in terms of relevant services agreements and/or consent forms;

7.1.3.7 for employment-related purposes such as recruitment, administering payroll and carrying out background checks;

- 7.1.3.8 in connection with internal audit purposes (i.e. ensuring that the appropriate internal controls are in place in order to mitigate the relevant risks, as well as to carry out any investigations where this is required);
 - 7.1.3.9 in connection with external audit purposes. For this purpose, Afiswitch either engages external service providers and, in so doing, shares Personal Information of the Data Subjects with third parties or is engaged by the SAPS to audit Afiswitch's records relating to information obtained from the SAPS database;
 - 7.1.3.10 to respond to any correspondence that an Afiswitch commercial customer may send to Afiswitch, including via email or by telephone;
 - 7.1.3.11 in order to address customer or applicant complaints in respect of Afiswitch's products and services;
 - 7.1.3.12 for such other purposes to which the Data Subject may consent from time to time; and
 - 7.1.3.13 for such other purposes as authorised and in compliance with the applicable law.
- 7.2 Afiswitch will not use the Personal Information which we collect for any purposes other than those purposes specified in paragraph 7.1.3 above.

7.3 **Categories of Data Subjects and of the Personal Information relating thereto**

- 7.3.1 Afiswitch collects Personal Information directly from the Data Subject and/or from Third Parties, and where Afiswitch obtains Personal Information from Third Parties, Afiswitch will ensure that it obtains the consent of the Data Subject to do so or will only Process the Personal Information without the Data Subject's consent where Afiswitch is permitted to do so in terms of the applicable laws.

7.3.2 Data Subjects in respect of which Personal Information is Processed include –

- 7.3.2.1 Customers of Afiswitch;
- 7.3.2.2 End-users (applicants) to whom a biometric records check relates;
- 7.3.2.3 Service providers appointed by Afiswitch;
- 7.3.2.4 Employees;
- 7.3.2.5 New job applicants;
- 7.3.2.6 Directors and shareholders;
- 7.3.2.7 Website visitors;
- 7.3.2.8 Visitors to our physical premises; and
- 7.3.2.9 Beneficiaries of employees (including children).

7.3.3 Examples of Third Parties from whom Personal Information is collected include; our Customers when Afiswitch handles Personal Information on their behalf; regulatory bodies; other companies providing services to Afiswitch and where Afiswitch makes use of publicly available sources of information.

7.4 **The Personal Information relating thereto is as follows:**

Data Subjects	Personal Information
Employees	<ul style="list-style-type: none"> • ID number • Contact details • Physical and postal address • Date of birth • Age • Disability Information • Employment history • Criminal/background checks • Fingerprints • CVs • Education history • Banking details • Income tax reference number • Remuneration and benefit information (including medical aid, pension/provident fund information) • Details related to employee performance • Disciplinary procedures

	<ul style="list-style-type: none"> • Employee disability information • Employee pension and provident fund information • Employee contracts • Employee performance records • Physical access records • CCTV records • Health and safety records • Time and attendance records
Suppliers/Service Providers	<ul style="list-style-type: none"> • Entity name • registration number • income tax number • contact details for representative persons • FICA documentation • BBB-EE certificates • Invoices • Contractual documentation
Directors and Shareholders	<ul style="list-style-type: none"> • Name, Surname, ID numbers, Financial information as required for statutory reporting
New Job Applicants	<ul style="list-style-type: none"> • Name • Surname • Address • Contact details • Email address • Telephone number • Details of qualifications • Skills • Experiences and employment history • Information about your current level of remuneration, including benefit entitlements, whether or not you have a disability for which Afiswitch needs to make reasonable adjustments during the recruitment process, and information about your entitlement to work in South Africa
Website Visitors	<ul style="list-style-type: none"> • Name • Email address • Company name • Job title and telephone number
Visitors	<ul style="list-style-type: none"> • Physical access records • Electronic access records scans and CCTV records
Children	<ul style="list-style-type: none"> • Name • Address and contact details

	<ul style="list-style-type: none"> • Birth certificates • Age • Child medical information
End-Users / Applicants subject to a biometric records check	<ul style="list-style-type: none"> • Identity or Passport number; • Name and surname; • Gender; • Date and Country of Birth; • Race; • Biometric (fingerprint) Information; and • Criminal history / Previous Charges.

7.5 Recipients or categories of recipients to whom Personal Information may be supplied

7.5.1 Afiswitch may be required to disclose Personal Information in response to a court order, subpoena, civil discovery request, other legal process, or as otherwise required by law as per statutory authorities and/or the lawful order of any Court or Tribunal. We may disclose Personal Information when we believe disclosure is necessary to comply with the law or to protect the rights, property, or safety of Afiswitch, our Customers, or others.

7.5.2 Afiswitch will comply with POPIA before transferring Personal Information to a Third-Party who is a contractor of Afiswitch. Before transferring Personal Information to a Third-Party contractor, such as an authorised service provider, Afiswitch will obtain assurances from the Third-Party that it will process Personal Information in a manner consistent with POPIA. Where Afiswitch learns that a Third-Party contractor is using or disclosing Personal Information in a manner contrary to POPIA, Afiswitch will take reasonable steps to prevent such use or disclosure.

7.5.3 We reserve the right to disclose and transfer a Data Subject's information, including their Personal Information in connection with a corporate merger, consolidation, the sale of substantially all of our membership interests and/or assets or other corporate change, including to any prospective purchasers.

7.6 **Planned Transborder Flows of Personal Information**

In carrying out any cross-border transfers, Afiswitch shall adhere to the provisions of POPIA and any applicable laws.

8 **INFORMATION SECURITY MEASURES**

8.1.1 The security and confidentiality of Personal Information is important to Afiswitch. We have implemented reasonable technical, administrative, and physical security measures to protect Personal Information from unauthorised access or disclosure and improper use.

8.1.2 We are committed to ensuring that our security measures which protect your Personal Information are continuously reviewed and updated where necessary.

8.1.3 In Processing any Personal Information, Afiswitch shall comply with the following minimum technical and organisational security requirements:

8.1.3.1 **Physical Access** – Access to Personal Information is restricted in our offices and only to those Employees who need the Personal Information to perform a specific job / task.

8.1.3.2 **Employee Training** – All Employees with access to Personal Information are kept up-to-date on our security and privacy practices. After a new policy is added, these Employees are notified and/or reminded about the importance we place on privacy, and what they can do to enhance protection for the Personal Information of all Data Subjects.

8.1.3.3 **Unique User Identification** – Employees each have a unique user ID assigned to them, subject to strict confidentiality undertakings in terms of Afiswitch's password and confidentiality policy.

8.1.3.4 **Passwords** – Afiswitch shall ensure that there are passwords required for any access to Personal Information in line with its password policy.

8.1.3.5 **Physical access and privileges** – Afiswitch ensures that access to Personal Information is limited to Employees on a "need to know" basis, and Afiswitch Employees are required to strictly utilise their unique user ID and applicable passwords to access same. The access to such Personal Information shall be subject to a two-step authorization/authentication process.

- 8.1.3.6 **Back-ups** – Afiswitch ensures that all Personal Information is backed-up regularly, based on operational or legal requirements, and that backup testing is conducted regularly in order to ensure that Personal Information can be recovered in the event that such Personal Information is lost, damaged or destroyed.
- 8.1.3.7 **Malware protection** – Afiswitch ensures that its environment has comprehensive malware protection software employed, which software is specifically designed to protect Afiswitch from the most recent malware infections.
- 8.1.3.8 **Vulnerability scanning** – Afiswitch frequently conducts vulnerability scanning in order to assess whether Personal Information is adequately protected from external threats.
- 8.1.3.9 **Network configuration** – Afiswitch continuously monitors all designated networks, employs intrusion detection systems and/or intrusion prevention systems, and records any security incidents.
- 8.1.3.10 **Systems Review** – Afiswitch conducts regular reviews of its technical and organisational security measure system in order to ensure that all of the above security measures are functioning effectively and applied consistently.
- 8.1.3.11 **Encryption protocols** – Afiswitch ensures that all Personal Information is encrypted by using various combinations of DES3 and AES256 as well as using several encryption tools.

9 INFORMATION HELD BY AFISWITCH IN TERMS OF PAIA

(Information required under section 51(1)(e) of PAIA)

This section of the Manual sets out the categories and descriptions of records held by Afiswitch. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under PAIA. In particular, certain grounds of refusal as set out in PAIA may be applicable to a request for such records.

9.1 Internal records

The following are records pertaining to Afiswitch's own affairs and those of its divisions and associated companies -

9.1.1 Memorandum and Articles of Association;

9.1.2 Financial records;

- 9.1.3 Operational records;
- 9.1.4 Intellectual property;
- 9.1.5 Internal correspondence;
- 9.1.6 Product records;
- 9.1.7 Statutory records;
- 9.1.8 Banking Records;
- 9.1.9 Logos;
- 9.1.10 Internet Website;
- 9.1.11 Internal policies and procedures; and
- 9.1.12 Records held by officials of Afiswitch.

9.2 **Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of Afiswitch and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Afiswitch. This includes, without limitation, members, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following -

- 9.2.1 Any personal records provided to Afiswitch by their personnel;
- 9.2.2 Any records a third party has provided to Afiswitch about any of their personnel;
- 9.2.3 Conditions of employment and other personnel-related contractual and quasi-legal records
- 9.2.4 Internal evaluation records; and
- 9.2.5 Other internal records and correspondence
- 9.2.6 Training schedules and material.

9.3 **Customer records**

Please be aware that Afiswitch is very concerned about protecting the confidential information of its Customers. Please motivate any request for Customer information very carefully, having regard to Sections 63 to 67 of the Act. Customer information includes the following -

- 9.3.1 Any records a Customer has provided to Afiswitch or a third party acting for or on behalf of Afiswitch;
- 9.3.2 Contractual information;
- 9.3.3 Customer needs assessments;
- 9.3.4 Personnel records of Customers;
- 9.3.5 Credit information and other research conducted in respect of Customers;
- 9.3.6 Any records a third party has provided to Afiswitch about customers;
- 9.3.7 Confidential, privileged, contractual and quasi-legal records of customers;
- 9.3.8 Customer evaluation records;
- 9.3.9 Customer profiling;
- 9.3.10 Performance research conducted on behalf of customers or about customers;
- 9.3.11 Any records a third party has provided to Afiswitch either directly or indirectly; and
- 9.3.12 Records generated by or within Afiswitch pertaining to Customers, including transactional records and biometric record check records.

9.4 **Technical records**

- 9.4.1 Procedures;
- 9.4.2 Specifications;
- 9.4.3 Standards;
- 9.4.4 Forms;
- 9.4.5 Guidelines;
- 9.4.6 Work Instruction Sheets; and
- 9.4.7 Memos.

9.5 **Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures and service providers. In addition, such other parties may possess records, which can be said to belong to Afiswitch. The following records fall under this category:

9.5.1 Personnel, Customer or Afiswitch records which are held by another party as opposed to being held by Afiswitch; and

9.5.2 Records held by Afiswitch pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

9.6 **End-User or applicant Records**

As it relates to a biometric records check in respect of an end-user or applicant, Afiswitch will keep records of the results attached to the biometric records check. Afiswitch will also keep records of the end-user or applicant's consent to such a biometric records check.

9.7 **Other Records**

Further records are held including:

9.7.1 Information relating to Afiswitch 's own commercial activities;

9.7.2 Research information belonging to Afiswitch, whether carried out itself or commissioned from a third party;

9.7.3 Contracts and agreements.

10 **INFORMATION KEPT BY AFISWITCH IN ACCORDANCE WITH OTHER LEGISLATION**

(Information required under section 51(1)(b)(iii) of PAIA)

10.1 Records are kept in accordance with the legislation applicable to Afiswitch, which may include but is not limited to, the following:

10.1.1 Banks Act 94 of 1990

10.1.2 Basic Conditions of Employment Act 75 of 1997

10.1.3 Broad-Based Black Economic Empowerment Act 53 of 2003

10.1.4 Civil Proceedings Evidence Act, 1965 (Act 25 of 1965)

10.1.5 Companies Act 71 of 2008

10.1.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993

10.1.7 Competition Act 89 of 1998

10.1.8 Constitution of the Republic of South Africa, 1996

- 10.1.9 Consumer Protection Act 68 of 2008
- 10.1.10 Criminal Procedure Act 51 of 1977;
- 10.1.11 Customs and Excise Act 91 of 1964;
- 10.1.12 Deeds Registries Act 57 of 1937;
- 10.1.13 Debt Collectors Act 114 of 1998;
- 10.1.14 Electronic Communications and Transactions Act 25 of 2002
- 10.1.15 Employment Equity Act 55 of 1998
- 10.1.16 Finance Act 2 of 2007;
- 10.1.17 Firearms Control Act 60 of 2000;
- 10.1.18 Income Tax Act 58 of 1962;
- 10.1.19 Insolvency Act 24 of 1936;
- 10.1.20 Labour Relations Act 66 of 1995;
- 10.1.21 National Credit Act 34 of 2005;
- 10.1.22 Occupational Health and Safety Act 85 of 1993;
- 10.1.23 Patents Act 57 of 1987;
- 10.1.24 Promotion of Access to Information Act 2 of 2000;
- 10.1.25 Pension Funds Act 24 of 1956;
- 10.1.26 Protection of Personal Information Act 4 of 2013;
- 10.1.27 Regulation of Interception of Communications and Provision of Communication-
Related Information Act 70 of 2002;
- 10.1.28 Skills Development Act 97 of 1998;
- 10.1.29 South African Police Service Act 68 of 1995;
- 10.1.30 South African Revenue Service Act 34 of 1997;
- 10.1.31 Tax Administration Act 28 of 2011;
- 10.1.32 Tax on Retirement Funds Act 38 of 1996;

- 10.1.33 Trademarks Act 194 of 1993;
 - 10.1.34 Unemployment Insurance Act 63 of 2001; and
 - 10.1.35 Value Added Tax Act 89 of 1991.
- 10.2 Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of PAIA.

11 REQUEST PROCEDURES

- 11.1 Records, whether specifically listed in this Manual or not, will only be made available subject to the provisions of PAIA.

11.2 Form of request

11.2.1 The Requester must use the prescribed form to make the request for access to a record, which form is attached hereto as Annexure "A". This must be made to the Information Officer at the address or electronic mail address of the body concerned (see s 53(1) of PAIA).

11.2.2 The Requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the Requester. The Requester should also indicate which form of access is required and specify a postal address, fax number in the Republic or email address. The Requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the Requester and state the necessary particulars to be so informed (see s 53(2)(a) and (b) and (c) and (e) of PAIA).

11.2.3 The Requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right (see s 53(2)(d) of PAIA).

11.2.4 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 the satisfaction of the head of the private body (See s 53(2)(f) of PAIA).

11.3 Fees

11.3.1 Request fees:

11.3.1.1 The Information Officer must by notice require the Requester to pay the prescribed request fee (if any) before further processing the request (see s 54(1) of PAIA).

11.3.1.2 The fee that the Requester must pay to a private body is outlined below. The Requester may lodge an application to the court against the tender or payment of the request fee (*See section 54(3)(b) of PAIA*).

11.3.2 Access fees and fees for reproduction:

11.3.2.1 If access to a record/s is granted by Afiswitch, the Requester may be required to pay an access fee for the search for and preparation of the records and for reproduction of the record/s.

The access fees which apply are set out below. Afiswitch can refuse access until such access fees have been paid.

Item	Description	Amount
1.	Request fee, payable by every requester	R140.00
2.	Photocopy or printed black & white copy for every A4 page	R2.00 per page or part of the page
3.	A printed copy of A4-size page	R2.00 per page or part of the page
4.	For a copy in a computer-readable form on: <ul style="list-style-type: none"> • a flash drive (provided by the requester) • a compact disc (CD) if the requester provides the CD to us • a compact disc (CD) if we give the CD to the requester 	R40.00 R40.00 R60.00
5.	For a transcription of visual images, for an A4-size page or part of the page	This service will be outsourced. The fee will depend on the quotation from the service provider.
6.	For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
7.	For a transcription of an audio record, per A4-size page	R24.00
8.	For a copy of an audio record on a flash drive (provided by the requester)	R40.00
	For a copy of an audio record on compact disc (CD) if the requester provides the CD to us	R40.00
	For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R60.00
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure	R145.00
	The search and preparation fee cannot exceed	R435.00
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.
11.	Postage, email or any other electronic transfer	Actual expense, if any.

11.4 Decision on request

11.4.1 After the Information Officer has made a decision on the request, the Requester will be notified using the required form.

11.4.2 If the request is granted then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (*see s 54(6) of PAIA*).

12 TIMELINES FOR CONSIDERATION OF A REQUEST

12.1 Requests for access by a Requestor will be processed within 30 days unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessary. Such considerations include –

12.1.1 where the request is for a large number of records or requires a search through a large number of records (including where records that have been archived electronically need to be restored);

12.1.2 where the request requires a search for records in, or collection of such records from, an office of Afiswitch located far away from any of Afiswitch's regional offices;

12.1.3 consultation among divisions of Afiswitch or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original 30-day period;

12.1.4 more than one of the circumstances contemplated in paragraphs 12.1.1, 12.1.2 and 12.1.3, exist in respect of the request making compliance with the original period not reasonably possible; or

12.1.5 the Requester consents in writing to such extension.

12.2 If an extension is necessary, you will be notified with reasons for the extension. If the Information Officer fails to communicate a decision on a request, such a request is then deemed to have been refused.

13 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

13.1 Requests for access by a Requestor **must** be refused by the Information Officer if –

13.1.1 the disclosure would involve the unreasonable disclosure of personal information about a third party (natural person), including a deceased individual (*see section 63 of PAIA*);

- 13.1.2 the record contains (a) trade secrets of a third party, (b) financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party, or (c) information supplied in confidence by a third party the disclosure of which could reasonably be expected to put that third party at a disadvantage in contractual or other negotiations; or to prejudice that third party in commercial competition (see section 64 of PAIA);
- 13.1.3 the disclosure of the record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement (see section 65 of PAIA);
- 13.1.4 the disclosure could reasonably be expected to endanger the life or physical safety of an individual (see section 66(a) of PAIA);
- 13.1.5 the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege (see section 67 of PAIA); or
- 13.1.6 the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose: (a) the third party; (b) a person that is or will be carrying out the research on behalf of the third party; or (c) the subject matter of the research, to serious disadvantage (see section 69 of PAIA).
- 13.2 Requests for access by a Requestor may be refused by the Information Officer if –
- 13.2.1 the disclosure would be likely to prejudice or impair: (i) the security of: (aa) a building, structure or system, including, but not limited to, a computer or communication system; (bb) a means of transport; or (cc) any other property; or (ii) methods, systems, plans or procedures for the protection of: (aa) an individual in accordance with a witness protection scheme; (bb) the safety of the public, or any part of the public; or (cc) the security of property contemplated in subparagraph (i) (aa), (bb) or (cc) (see section 66(b));
- 13.2.2 the record:
- (a) contains trade secrets of Afiswitch;
 - (b) contains financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of Afiswitch;
 - (c) contains information, the disclosure of which could reasonably be expected:
 - (i) to put Afiswitch at a disadvantage in contractual or other negotiations;
or
 - (ii) to prejudice Afiswitch in commercial competition; or

(d) is a computer program, as defined in section 1(1) of the Copyright Act No. 98 of 1978, owned by Afiswitch, except insofar as it is required to give access to a record to which access is granted in terms of PAIA; or

13.2.3 the record contains information about research being or to be carried out by or on behalf of Afiswitch, the disclosure of which would be likely to expose: (a) Afiswitch; (b) a person that is or will be carrying out the research on behalf of Afiswitch; or (c) the subject matter of the research, to serious disadvantage.

14 **REMEDIES AVAILABLE TO A REQUESTOR ON REFUSAL OF ACCESS**

14.1 Afiswitch does not have any internal appeal procedures that may be followed once a request to access information has been refused.

14.2 The decision of the Information Officer or deputy information officer is final.

14.3 If you are not satisfied with the outcome of your request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

15 **OTHER INFORMATION HELD BY AFISWITCH AS PRESCRIBED**

(Other information as may be prescribed under section 51(1)(a)(ii))

The Minister of Justice and Constitutional Development has to date not made any regulations regarding the disclosure of other information.

16 **AVAILABILITY OF THE MANUAL**

(Availability of Manual under section 51(3))

16.1 This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of Afiswitch. Copies of the Manual may be made, subject to the prescribed fees.

16.2 Copies may also be requested from the Information Regulator.

16.3 The Manual is also posted on Afiswitch's website referred to above and can be found [here](#).

17 **PRESCRIBED FORMS AND FEE STRUCTURE**

(Prescribed forms and fee structure in respect of private bodies)

The forms and fee structure prescribed under PAIA are available from the Government Gazette, or at the website of the Department of Justice and Constitutional Development

(www.doj.gov.za), under the 'regulations' section as well as the Information Regulator's website (<https://www.inforegulator.org.za/docs4-lr.html>).

ANNEXURE "A" –PRESCRIBED FORM TO MAKE A REQUEST FOR ACCESS

REQUEST FOR ACCESS TO A RECORD IN TERMS OF SEC 53(1) of the PROMOTION OF ACCESS TO INFORMATION ACT 2 of 2000

1. Particulars of Private Body requesting access to the record:

Contact details:	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	
Website address	

2. Particulars of an individual person requesting access to the record

- The particulars of the person who requests access to the record must be recorded below.
- Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.
- Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the Chief Executive Officer or Information Officer will need to be presented with this request by the requester or the requester's representative before the request will be processed.
- If the request is made on behalf of another person, proof of the capacity in which the request is made is also to be presented with this request

DETAILS OF REQUESTER

Surname	
Full names	
Identity number	
Postal address	
Telephone number	
Fax number	
E-mail address	

If a request is made on behalf of another person the requester is obliged to identify him / herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

3. Particulars of the person on whose behalf request is made

Surname	
Name	
Identity number	

4. Particulars of record

- 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.
- 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.
- The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others, it may be discretionary):
 - Mandatory protection of the privacy of a third party who is a natural person (human being);
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of commercial information of the third party;
 - Mandatory protection of the safety of individuals, and the protection of property;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of a private body;

- Mandatory protection of research information of a third party and a private body.

DESCRIPTION OF RECORD AND/OR PART OF RECORD

Category	Description of record

Notes to Particular of record:

- Your indication as to the required form of access depends on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

<i>Mark the appropriate box with an "X".</i>					
1. If the record is in written or printed form -					
copy of record*		inspection of record			
2. If the record consists of visual images - (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 words or information which can be reproduced in sound -					
listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)			
4. If the record is held on a computer or in an electronic or machine-readable form -					
a printed copy of the record*		a printed copy of the information derived		copy in computer-readable format*	
Do you wish the copy or transcription to be posted to you? Note: If you requested a copy or transcription of a record (above), a postal fee is payable.				Yes	No

5. Fees

- 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.
- If the prescribed request fee is amended, you will be notified of the amount required to be paid as the request fee.
- 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.
- If you qualify for exemption of the payment of any fee, please state the reason, therefore.

The requester qualifies for an exemption in payment of fees (mark the appropriate box)		Yes	No
Reason			

6. Form of access to a 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?	

7. Details of the right to be exercised and/or protected.

Indicate which right is to be exercised or protected *

Explain why the requested record is required for the exercising or protection of the aforementioned right *

*** NOTE:**

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.



8. Notice of decision regarding a request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof 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?

9. Signatures

Signed at _____ this _____ day of

_____ 20_____

SIGNATURE OF REQUESTER

(sign & print name)

SIGNATURE OF REPRESENTATIVE

(sign & print)