

UPAT SA (PTY) LTD
MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)

Note: This manual is based on “EXAMPLE OF A MANUAL FOR A PRIVATE BODY” issued by the South African Human Rights Commission, amended to meet the needs of Upat SA (Pty) Ltd with further additions to enhance its usefulness and comply with the Protection of Personal Information Act, No. 4 of 2013.

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Reg. No. 1983/004259/07

1 INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

Designated Head of Upat SA (Pty) Ltd: Mr Kerry Lee Kuhlmann

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E- Mail address of Upat SA (Pty) Ltd: ideas@upat.co.za

Person delegated to deal with requests (for “the designated head”): Diane Whateley

E-mail address of the delegated designated head: dwhateley@upat.co.za

2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of:

Information Regulator South Africa
JD House, 27 Stiemens Street
Braamfontein, Johannesburg, 2001

P.O Box 31533
Braamfontein, Johannesburg, 2017

General enquiries email: infoereg@justice.gov.za

3 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation are as follows:

Basic Conditions of Employment Act No. 75 of 1997

Broad-based Black Economic Empowerment Act 53 of 2003

Companies Act No 71 of 2008 and Applicable Regulations

Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993

Customs and Excise Act, 55 of 1998;
Electronic Communications and Transactions Act No 25 of 2002
Employment Equity Act. No. 55 of 1998
Income Tax Act No 58 of 1962
Labour Relations Act No 66 of 1995
Occupational Health and Safety Act No. 85 of 1993
Promotion of Access to Information Act No.2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Protection of Personal Information Act 4 of 2013
Skills Development Act 97 of 1998
Skills Development Levies Act No 9 of 1999
South African Reserve Bank Act No. 90 of 1989
Trade Marks Act 194 of 1993
Unemployment Insurance Act No. 63 of 2001
Unemployment Insurance Contributions Act No 4 of 2002
Value Added Tax Act No 89 of 1991

4 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the company to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

5 SUBJECTS AND CATEGORIES OF RECORDS HELD BY UPAT

General information about Upat can be accessed via the internet on www.upat.co.za, which is available to all persons who have access to the internet.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

1. COMPANIES ACT RECORDS

- All trust deeds;
- Documents of Incorporation;
- Memorandum of Incorporation;
- Proxy forms
- Register of directors' shareholdings;
- Share certificates; and
- Share Register and other statutory registers and/or records and/or documents;
- Special resolutions/Resolutions passed at General and Class meetings.



Records relating to the appointment of:

- Auditors;
- Directors;
- Secretary;

2. FINANCIAL RECORDS

- Accounting Records
- Annual Financial Reports;
- Annual Financial Statements
- Asset Registers;
- Bank Statements
- Banking details and bank accounts;
- Banking Records
- Debtors / Creditors statements and invoices;
- General ledgers and subsidiary ledgers;
- General reconciliation;
- Invoices;
- Rental Agreements; and
- Tax Returns.

3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Accident books and records;
- Address Lists;
- Disciplinary Code and Records;
- Employee benefits arrangements rules and records;
- Employment Contracts;
- Employment Equity Plan
- Forms and Applications;
- Grievance Procedures;
- Leave Records;
- Medical Aid Records;

- Payroll reports/ Wage register;
- Pension Fund Records;
- Safety, Health and Environmental records;
- Salary Records;
- SETA records
- Standard letters and notices
- Training Manuals;
- Training Records;
- Workplace and Union agreements and records.

5. PROCUREMENT DEPARTMENT

- Standard Terms and Conditions for supply of services and products;
- Contractor, client and supplier agreements;
- Lists of suppliers, products, services and distribution; and
- Policies and Procedures.

6. SALES DEPARTMENT

- Customer details
- Credit application information
- Information and records provided by a third party

7. MARKETING DEPARTMENT

- Advertising and promotional material

8. Risk Management and Audit

- Audit reports;
- Risk management frameworks; and
- Risk management plans.

9. SAFETY, HEALTH AND ENVIRONMENT

- Complete Safety, Health and Environment Risk Assessment
- Environmental Managements Plans
- Inquiries, inspections, examinations by environmental authorities

10. IT DEPARTMENT

- Computer / mobile device usage policy documentation;
- Disaster recovery plans;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals
- Information usage policy documentation;
- Project implementation plans;
- Software licensing; and
- System documentation and manuals.

6 PURPOSE OF PROCESSING OF PERSONAL INFORMATION

- To support sales and marketing activities
- To support recruitment and management of staff
- To support engagement with suppliers
- To support engagement with the general public
- To support engagement with investors and the media

7 DATA SUBJECTS CATEGORIES AND THEIR PERSONAL INFORMATION

- Customers: record of customer life cycle
- Employees: record of employee life cycle
- Suppliers: record of supplier life cycle
- General public: tracking general enquiries and web site visits
- Investors: records as maintained by the Company Secretary
- Media: records of media interactions

8 PLANNED RECIPIENTS OF PERSONAL INFORMATION

- Statutory authorities
- Law enforcement
- Tax authorities
- Financial institutions
- Medical schemes
- Employee pension and provident funds
- Industry bodies

9 PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION

- Flows to service providers/operators
- Flows to business partners
- Flows to customers
- Flows to suppliers
- Flows through the use of social media

10 SECURITY MEASURES TO PROTECT PERSONAL INFORMATION

- Physical security measures
- Cyber security measures
- Training in information security
- Policies in information security
- Audits of information security
- Any particular security framework implemented

11 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

The requester must complete Form C and submit this form together with a request fee, to the head of Upat. The form must be submitted to the head of Upat at his address, fax number, or electronic mail address as stated earlier in this manual.

Form of request:

- The requester must use the prescribed form, as available at www.upat.co.za to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- 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)].

- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated head of the private body 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)].
- 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)].
- After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then 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)].

Grounds for refusing a request

Upat has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

12 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the office of Upat free of charge.



Signature of Designated Head of the Private Body

Kerry Lee Kuhlmann

Name of Designated Head of the Private Body

Date of signature 01/07/2022

Publication date of this manual: 12/07/2021

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13 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

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 fees for reproduction referred to in regulation 11(1) are as follows:
 - a. (a) For every photocopy of an A4-size page or part thereof R1,10
 - b. (b) 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
 - c. (c) For a copy in a computer-readable form on - (i) stifty disc R 7, 50; (ii) compact disc R 70,00
 - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
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 fees payable by a requester referred to in Regulation 11(3) are as follows:
 1.
 - a) For every photocopy of an A4-size page or part thereof R 1,10;
 - b) For every printed copy of an A4-size page or part; thereof held on a computer or in electronic or machine-readable form R 0,75;
 - c) For a copy in a computer-readable form on - (i) stifty disc R 7,50; (ii) compact disc R 70,00
 - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
 - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
 - f) 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.
 2. For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
3. The actual postage is payable when a copy of a record must be posted to a requester.