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Management Process



Support Process



Core Process



Operational Process

Management Process number: HOOP02

**Management Process name: Section 51
Manual for Private Bodies**

Process owner: Chief Financial Officer

Applicable to: Datacentrix All

Confidential

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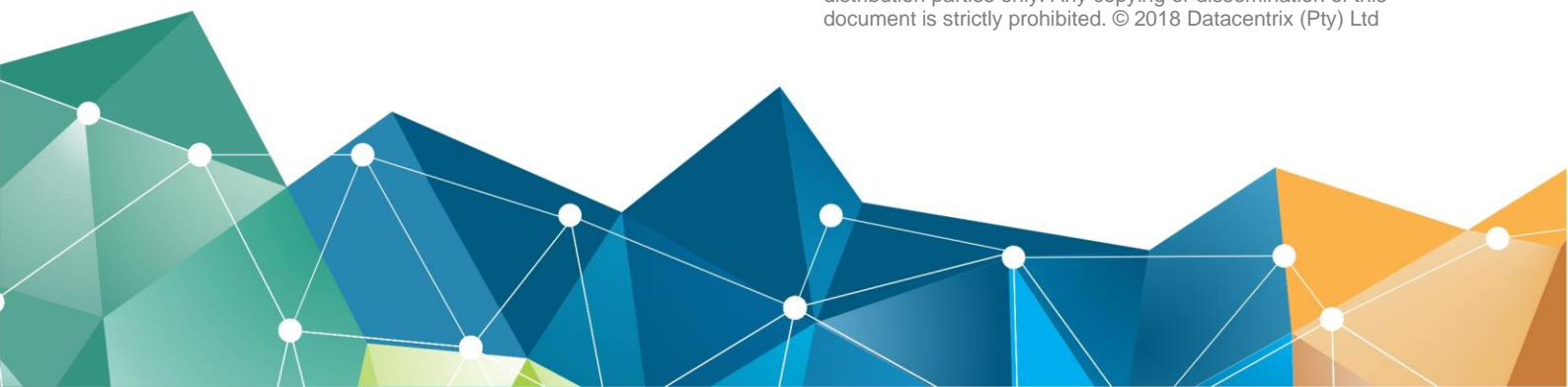


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Overview

This manual is published in terms of Section 51 of the Promotion of Access to Information Act 2 of, 2000. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and the protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

1. Purpose

The purpose of this manual is to facilitate requests for access to information of Datacentrix and its subsidiaries.

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the PAIA Act. Requesters are advised to familiarise themselves with the provisions of the PAIA Act before making any requests to Datacentrix in terms of the PAIA Act.

Datacentrix makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Datacentrix shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Datacentrix or from any error therein.

All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Datacentrix.

2. Scope

2.1 Geographical

The document is applicable to all Datacentrix Regional Offices, including subsidiary companies of Infrasol and eNetworks.

2.2 Human Resource

The document covers Datacentrix Top Management, Management, Employees, Contract Workers and Datacentrix employees working from Datacentrix premises or at Client's sites.

3. Normative Reference

3.1 Statutory, Legal (Acts, Governing Bodies) and International Standards

Records available in terms of any other Legislation [Section 51(1)(d)]

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Consumer Protection Act No. 68 of 2008
- Electronic Communication and Transaction Act No. 25 of 2002

- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- Medical Schemes Act No. 131 of 1998
- National Credit Act No.34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Regional Services Councils Act No. 109 of 1985
- SA Reserve Bank Act No. 90 of 1989
- Skills Development Levies Act No.9 of 1999
- Skills Development Act No. 97 of 1998
- Stock Exchange Control Act No. 1 of 1985
- Trade Marks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

3.2 Datacentrix SHEQ related documents

- HROP05 – Employment Equity and Affirmative Action Policy
- MPHR02 – Code of Conduct Policy

4. Terms, Acronyms and Definitions

4.1 Terms and Definitions

Term	Definition
Access fee	The fee to be paid by the requester to the public or private body from which you are seeking the information, to cover the costs of finding and copying the records you require
Information Officer	The person who has been authorised by the institution in question to handle PAIA requests
Record	Any recorded information regardless of the form, including, for example, written documents, video materials etc.
Requester	The natural or juristic person making an access to information request. A requester also refers to the person who is making the information request on behalf of somebody else
Request fee	The cost to be paid for making an access to information request

4.2 Acronyms

Acronym	Detail
B-BBEE	Broad-Based Black Economic Empowerment
JSE	Johannesburg Securities Exchange
PAIA	Promotion of Access to Information Act
PAYE	Pay As You Earn
SARS	South African Revenue Service
SETA	Sector Education and Training Authority
UIF	Unemployment Insurance Fund

5. An introduction to Datacentrix Holdings Limited and its Subsidiaries

Datacentrix is an integrated ICT solutions provider that uses leading technologies to deliver sustainable value to corporate and public sector organisations in Africa and the Middle East.

Datacentrix is a Level One (AAA) B-BBEE Contributor, with 135 percent procurement recognition. Datacentrix offers deep technical expertise across a mature offering, providing proven execution capability that is endorsed by the world's foremost technology partners. With a strong African footprint, the company is recognized for its agility, in-depth knowledge, ethical practices and service-orientated offering.

Datacentrix consists of seven divisions in Gauteng (Midrand, Samrand), Cape Town, eNetworks, Durban, East London and Port Elizabeth.

- Commercial Sales and Technology
- Public Sector
- Value Centre
- Technology Innovation and Advisory Services
- Managed Services
- Digital Business Solutions
- Coastal

Datacentrix does not manufacture its own products but represents leading technology partners with whom it shares long-standing relationships. The company boasts some of the highest partner accreditations in South Africa.

6. Particulars in terms of the Section 51 Manual

6.1 Contact Details [Section 51(1)(a)]

Postal Address:	Street Address:
P.O Box 50722 Randjesfontein 1683	Corporate Park North 238 Roan Crescent Old Pretoria Road, Midrand, 1685
Telephone Number:	+27 87 741 5000
Facsimile:	+27 87 741 5100
Email:	enaidoo@datacentrix.co.za / info@datacentrix.co.za
Website:	www.datacentrix.co.za
Contact person:	Elizabeth Naidoo

7. The Section 10 Guide on How to Use the Act [Section 51(1)(b)]

The Guide is available from the South African Human Rights Commission. All queries must be directed to:

The South African Human Rights Commission:

- PAIA Unit
- The Research and Documentation Department

Postal Address:

Private Bag X2700
Houghton
2041

Telephone Number: +27 11 484 8300
Facsimile: +27 12 484 0582
Email: info@sahrc.org.za
Website: www.sahrc.org.za

8. Access to the records held by Datacentrix [Section 51(1)(c) and 51(1)(e)]

The latest notice regarding the categories of records of Datacentrix, which are available without requesting access in terms of the Access to Information Act Memorandum of Incorporation.

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

8.1 Records that may be requested [Section 51(1)(e)]

8.1.1 Administration

- Statutory information and Company Certificates
- B-BBEE Certificate
- Codes of Conduct
- Documents of Incorporation
- Legal Compliance Records
- Memorandum of incorporation
- Minutes of Board of Directors Meetings
- Policies
- Records relating to the appointment of director/ auditor/ secretary/ public officer and other officers
- Security Register and other Statutory Registers
- Shareholders Agreement

8.1.2 Human Resources

- Employment Equity and Affirmation Action Policy
- Employment Equity Plan
- Company Structure
- Workforce Profile
- Attendance Registers
- Disciplinary Records
- Employment Contracts
- Leave Records
- Medical Aid Records
- Pension Fund Records
- Salary Records
- SETA Records
- Training Manuals
- Training Records

8.1.3 Operations

- Company Overview
- Partner Accreditations

8.1.4 Finance

- Annual Financial Statements
- Interim Financial Statements
- Accounting Records
- Auditor's Reports
- Detail of Auditors
- Invoices
- Rental Agreements
- Tax Clearance Certificate
- Tax Returns

8.1.5 Income Tax

- PAYE Records
- Records of payments made to SARS
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

8.2 The Request Procedures

8.2.1 Introduction

Access to information held by the Company is not automatically available and can be refused by the Company on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the PAIA Act.

In order to request access to information held by the Company, the person requesting access to such information (hereinafter referred to as the "requester") must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the PAIA Act.

Should the requester that requests access to the information be a public body (i.e. state), the requester must identify that the request for information is for the public's interest by stipulating adequate reasons.

8.2.2 Form of Request

- The requester must:
 - Use the prescribed form, form C in Annexure B of this Act's regulations, to request access to a record. This must be made to the Information Officer whose contact details are mentioned in paragraph 1 above. [Section 53(1)]
 - Provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester.

- Indicate which form of access is required.
- Advise in any other manner (i.e. postal address or fax number) is to be used to inform the requester and state the necessary particulars to be so informed. [Section 53(2)(a), (b), (c) and (e)]
- 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. [Section 53(2)(d)]
- Show to the reasonable satisfaction of the Information Officer that it is duly authorised to make such an application if and when a request is made on behalf of another person. [Section 53(2)(f)]

8.2.3 Fees

The PAIA Act provides for two types of fees, namely:

- o A request fee, which will be a standard fee as contemplated in the Government Gazette No. 22152; and
- o An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs as contemplated in the Government Gazette No. 22152.

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 fee:

- o The Information Officer 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. [Section 54(1)]
- o The fee that the requester, other than a personal requester, must pay to Datacentrix is R50. The requester may lodge an application to the court against the tender or payment of the request fee. [Section 54(3)(b)]
- o After the Information Officer has made a decision on the request, the requester must be notified in the required form.
- o 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. [Section 54(6)]

9. Other information may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

10. Availability of the Manual [Section 51(3)]

Datacentrix' Section 51 manual is available for inspection at the Pretoria offices using the contact details as listed in this document as well as Datacentrix' website www.datacentrix.co.za

The manual will also be available at the offices of the South African Human Rights Commission.

Information Officer

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Any (printed) hardcopy of a Quality document is uncontrolled and it is up to the reader to ensure that it is the latest copy by checking the document version on SharePoint at the time of ensuring validity. A document is therefore only valid for the date that it was printed.

Non-Compliance to Datacentrix Policies/Processes and Work Instructions

Policy adherence forms a major part of any Datacentrix staff members' job profile, which implies appraisal to measure and any disciplinary actions following non-compliance