



HUMAN RESOURCES

MANUAL	PROMOTION OF ACCESS TO INFORMATION (PAIA)
COMPILED	HUMAN RESOURCES
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1. INTRODUCTION

The Constitution of the Republic of South Africa, 1996 (“Constitution”) states that South Africa is a sovereign and democratic state that is founded on the advancement of human rights and an accountable, responsive and transparent system of governance as part of its values. Before South Africa became a constitutional democracy with an enforceable Bill of Rights, the system of Government in South Africa amongst others, resulted in a secretive and unresponsive culture in both public and private bodies which often led to the abuse of power and human rights violations. It is in this regard that section 32 (1) of the Bill of Rights in the Constitution, provides for the right of access to information held by the state and any information held by another person that is required for the exercise or protection of any rights. Section 32 (2) of the Constitution in turn provides for the enactment of national legislation that will give effect to this right, by respecting, protecting, promoting and fulfilling this right.

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA), as amended, is the national legislation which was enacted in accordance with the above-mentioned section 32 (2) of the constitution. PAIA was amended by section 110 of POPIA, in terms of which the Information Regulator has taken over the PAIA functions, effective from 30 June 2021.

ADRS Diversified Services (Company) falls within the definition of a “private body” and this manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act. In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognizes that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy. Accordingly, this manual provides a reference to the records held by ADRS Diversified Services and the process that needs to be adopted to access such records. All requests for access to information must be addressed to the Information Officer or alternatively to the Deputy Information Officer.

2. PURPOSE

The purpose of this manual is to:

- 2.1 Provide information on how to obtain access to records held by ADRS Diversified Services, giving effect to Section 14 of the Act; And
- 2.2 Identify the structure and services of ADRS Diversified Services and describe the Company's record system to facilitate the implementation of the Act.

This PAIA Manual is useful for the public to:

- 2.2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2.2 have a sufficient understanding of how to make a request for access to a record of the body, by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.2.6 know if the body will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.2.8 know the recipients or categories of recipients to whom the personal information may be supplied;

2.2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and

2.2.10 know whether the body has appropriate security measures to ensure that the confidentiality, integrity and availability of the personal information which is to be processed.

3. NATURE OF THE BUSINESS

ADRS Diversified Services (Pty) Ltd is a registered Debt Collection service provider. ADRS conducts business with integrity and in an ethical manner and is absolutely committed to being truthful, fair, and aims to protect the personal information and rights of all personnel.

4. CONTACT DETAILS

All requests for access to records must be in writing and must be addressed to the Information Officer, alternatively the Deputy Information Officer at the contact details below.

4.1 Company Details

Company Name: ADRS Diversified Services (PTY) Ltd

Registration Number: 2006/024388/07

Physical Address: 262 Main Avenue, Ferndale, Randburg, Johannesburg

Telephone Number: 010 591 3100

Email address: info@adrs.co.za

Website: www.adrs.co.za

4.2 Information Officer: Sheldon Victor Govender – Joint CEO/Director

Physical Address: 262 Main Avenue, Ferndale, Randburg, Johannesburg

Telephone Number: 010 591 3100

Email address: sheldong@adrs.co.za

4.3 Deputy Information Officer: Maderie Hattingh – Head of Information Technology

Physical Address: 262 Main Avenue, Ferndale, Randburg, Johannesburg

Telephone Number: 010 591 3100

Email address: maderie@adrs.co.za

5. HUMAN RIGHTS COMMISSION (HRC) GUIDE

5.1 The HRC has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in the Act.

5.2 The HRC can be contacted on the below details:

Physical address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg

Telephone: +27 11 877 3600

Website: www.sahrc.org.za

6. RECORDS THAT ARE AUTOMATICALLY AVAILABLE

6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure as outlined by the Act and in the process for requesting information.

6.1.1 Personnel records that are filed within Human Resources are available to the employee;

6.1.2 Records of disciplinary hearings and related matters are available to the employee concerned;

6.1.3 The Company's policies, procedures, safety rules, work regulations and training manuals and guides.

6.2 The following records are automatically made available to the general public and need not be requested in accordance with the procedure as outlined in the Act and in the process for requesting information.

6.2.1 The Company's employment equity plan;

6.2.2 The Company's skills development plan;

6.2.3 The Company's BBBEE status;

6.2.4 The Company's accreditation certificates;

6.2.5 The Clients that the Company provides a service to.

7. RECORDS KEPT BY ADRS DIVERSIFIED SERVICES

The following records are not automatically made available without a request in terms of the Act and the process to request information.

7.1 Statutory Returns:

7.1.1 Value Added Tax (VAT);

7.1.2 Workmen's Compensation;

7.1.3 Unemployment Insurance Fund (UIF);

7.1.4 PAYE records;

7.1.5 Applicable Levies;

7.1.6 Skills Development Levies;

7.1.7 All other documents concerning compliance by the Company as stipulated by the relevant Acts applicable to the Company.

8. OTHER RECORDS HELD BY ADRS DIVERSIFIED SERVICES

These records are not automatically made available without a request in terms of the Act. A request in terms of this section is subject to section 63 (1) of the Act, which stipulates that the head of a Company, in the case of ADRS Diversified Services, The Joint Chief Executive Officer

must refuse a request for access to a record of the Company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

8.1 Personnel Records

- Personal information provided by the personnel themselves;
- Personal information provided by a third party concerning the personnel;
- Conditions of Employment;
- Internal records and other relevant records;
- Training attendance registers and evaluation forms;
- Emergency contact information;
- Employee benefits;
- Labour relations matters;
- Disciplinary records;
- Salary information;
- Bank account details;
- Leave records;
- Medical Aid records;
- General files containing information on employee benefits;
- Employee recruitment and selection information.

8.2 Client and Customer Records

- Contracts and records of all forms of correspondence;
- Financial and statutory records;
- Records pertaining to services rendered by ADRS Diversified Services;
- Records that the client has provided;
- Records provided by a third party;
- Records generated by a Company or third party relating to its clients;
- Financial information.

8.3 Company Records

Company records refer to records held by ADRS Diversified Services pertaining to the Company.

- Contracts with service providers;

- Client Agreements;
- List of suppliers/service providers;
- List of independent contractors;
- Company/Marketing brochures and business profiles;
- Asset registers;
- Costings of hardware and software;
- Insurance details;
- Employee personal information;
- Financial records;
- Invoices;
- Operational records;
- Databases containing personnel, client and customer information;
- Correspondence between internal departments and clients;
- Intellectual property;
- Company policies and procedures;
- Records held by ADRS Diversified Services pertaining to other third parties.

9. PROCESS FOR REQUESTING INFORMATION FROM ADRS DIVERSIFIED SERVICES.

9.1 A request shall be made on the prescribed form. A copy of the form is attached to this manual, marked annexure "A" ("the prescribed form"). The form is also available from the website of the Human Rights Commission – www.sahrc.org.za

9.2 The prescribed form shall be submitted to the Information Officer as per the details listed under section 4.2, the Information Officer will submit the request to the Joint Chief Executive Officer.

9.3 The same procedure as set out in 9.1 and 9.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of ADRS Diversified Services.

9.4 The Joint Chief Executive Officer, as soon as reasonably possible and within thirty (30) days after the request has been received, shall decide whether to grant the request.

9.5 The requester will be notified of the decision of the Joint Chief Executive Officer or the Information Officer in the manner indicated by the requester.

9.6 If the request is granted, the requester shall be informed by the Joint Chief Executive Officer or the Information Officer in the manner indicated by the requester in the prescribed form.

9.7 Notwithstanding the foregoing, ADRS Diversified Services will advise the requester in the prescribed form of:

9.7.1 The access fee to be paid for the information (in accordance with paragraph 11 and annexure B);

9.7.2 The format in which access will be given; and

9.7.3 The fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.

9.8 After access is granted, actual access to the record requested will be given as soon as reasonably possible.

9.9 If the request for access is refused, the Joint Chief Executive Officer or the Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall indicate the following:

9.9.1 Adequate reasons for the refusal;

9.9.2 That the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.

9.10 Upon the refusal by the Joint Chief Executive Officer or Information Officer, the deposit paid by the requester will be refunded in full.

9.11 If the Joint Chief Executive Officer or Information Officer fails to respond within Thirty (30) days after a request has been received, it is deemed, in terms of section 58 read together with section 56 (1) of the Act, that the head of the Company or the request liaison officer has refused the request.

9.12 The Joint Chief Executive Officer may decide to extend the period of thirty (30) days ("original period") for another period of not more than thirty (30) days if:

9.12.1 The request is for many records;

9.12.2 The search for the records is to be conducted at a premises not situated in the same town or city as the head office of ADRS Diversified Services;

9.12.3 Consultation among divisions or departments of the Company is required;

9.12.4 The requester consents to such an extension in writing; and

9.12.5 The parties agree in any other manner to such an extension.

9.13 Should the Company require an extension of time; the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

9.14 The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

10. DENIAL OF ACCESS.

Access to any records may be refused under certain limited circumstances, these include the following:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;

- Disclosures that will place ADRS Diversified Services at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of ADRS Diversified Services;
- Disclosures of any record containing information about research and development being carried out or about to be carried out by ADRS Diversified Services.

11. FEES

The applicable fees are prescribed in terms of the regulations promulgated under the Act. Please refer to Annexure B.

12. INFORMATION OR RECORDS NOT FOUND

12.1 If all reasonable steps have been taken to find a record and such a record cannot be found or if the records does not exist, then the Joint Chief Executive Officer or Information Officer shall notify the requester, by way of an affidavit or affirmation, stating that it is not possible to grant access to the requested record.

12.2 The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence of the record, including details of all communications by the Joint Chief Executive Officer or Information Officer with every person who conducted the search.

12.3 The notice, as set out in 12.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

12.4 If the record in question should later be found, the requester shall be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the Joint Chief Executive Officer or Information Officer.

12.5 The attention of the requester is drawn to section 10 of this manual in terms of which ADRS Diversified Services may refuse, on certain specified grounds, to provide information to a requester.

13. ANNEXURES

1. Annexure A: Request for access to a record of a private body.
2. Annexure B: PAIA Notice on fees.
3. Annexure C: Form 1: Objection to the processing of personal information.
4. Annexure D: Form 2: Request for correction or deletion of personal information.