

PROMOTION OF ACCESS TO INFORMATION ACT(PAIA) MANUAL

Compiled By: Human Resources

Date: 12 December 2025

Status: Final

Review Period: As Required

Directed At: All ADRS employees

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1. INTRODUCTION

The Constitution of the Republic of South Africa, 1996 (“Constitution”) establishes South Africa as a sovereign and democratic state founded on the values of human rights advancement and an accountable, responsive and transparent system of governance. Before South Africa became a constitutional democracy with an enforceable Bill of Rights, the system of government resulted in a secretive and unresponsive culture in both public and private bodies, often leading to the abuse of power and human rights violations.

It is in this regard that section 32(1) of the Bill of Rights provides for the fundamental 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 mandates the enactment of national legislation to give effect to this right, by respecting, protecting, promoting and fulfilling it.

The Promotion of Access to Information Act, No. 2 of 2000 (PAIA), as amended, is the national legislation enacted in accordance with the above-mentioned section 32(2). In accordance with section 110 of the Protection of Personal Information Act, No. 4 of 2013 (POPIA), the Information Regulator assumed the oversight and enforcement functions under PAIA, effective from 30 June 2021.

ADRS Diversified Services (the Company) qualifies as a "private body" in terms of PAIA. This manual has therefore been compiled in accordance with the Act's requirements.

In terms of the Act, where a request for information is made to a body, there is a fundamental obligation to provide the information, except where the Act expressly provides for a ground for refusal. Section 9 of PAIA recognises that the right of access to information is not absolute. Access may be limited by justifiable grounds, which are detailed in the Act and include, but are not limited to, the protection of personal privacy, commercial confidentiality, legal privilege, and the protection of safety.

Accordingly, this manual serves as a reference guide detailing the records held by the Company and the prescribed procedure to be adopted for submitting and processing requests for access to 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 twofold: to give effect to the constitutional right of access to information and to comply with the statutory obligations placed on a private body in terms of the Promotion of Access to Information Act, No. 2 of 2000 (PAIA), as amended.

Specifically, this Manual serves to:

- **Facilitate Access to Records:** Provide information on the procedure and requirements to obtain access to records held by ADRS Diversified Services (the Company).
- **Describe the Body and Records:** Detail the structure and services of the Company and describe the records system to facilitate the effective implementation of the Act.

This PAIA Manual assists the public by providing the following essential information:

- **Automatic Disclosure:** The categories of records held by the Company that are automatically available without the need for a formal PAIA request (in line with Section 52 of PAIA).
- **Request Procedure:** A clear understanding of how to make a formal request for access to a record of the Company, including a description of the subjects on which records are held and the categories of records held on each subject.
- **Legislated Availability:** A description of the records that are available in accordance with any other applicable national legislation.
- **Contact Details:** All relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with records access.
- **PAIA Guide:** The description of the official PAIA Guide, as updated by the Information Regulator, and how to obtain access to it.
- **Processing of Personal Information (POPIA requirements):**
 - A statement on whether the Company processes personal information, the general purpose of processing, and a description of the categories of data subjects and the information relating thereto.
 - The recipients or categories of recipients to whom the personal information may be supplied.

- Whether the Company plans to transfer or process personal information outside the Republic of South Africa.
- **Security Measures:** Whether the Company has implemented appropriate security measures to ensure the confidentiality, integrity, and availability of the personal information being processed.

3. NATURE OF BUSINESS

ADRS Diversified Services (Pty) Ltd is a registered Debt Collection service provider in the Republic of South Africa. The Company is dedicated to conducting all aspects of its business with the highest standards of integrity and in an ethical manner.

ADRS Diversified Services (Pty) Ltd is absolutely committed to:

- Being truthful and fair in all its dealings.
- Protecting the personal information and rights of all its employees, clients, and data subjects, in strict accordance with the Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA).

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: | +27 10 591 3100m |
| 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: | +27 10 591 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: +27 10 591 3100

Email address: maderie@adrs.co.za

5. THE INFORMATION REGULATOR'S GUIDE

5.1 Guide Availability

The Information Regulator (which replaced the South African Human Rights Commission in this function) has compiled an official guide, as contemplated in Section 10 of the Act, containing information to assist any person who wishes to exercise any right as contemplated in PAIA.

5.2 Contact Information for the Guide

The Guide is available on the Information Regulator's website. The Information Regulator (IR) can be contacted on the details below (Note: These may also include the SAHRC as the former custodian of the guide):

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

Telephone: +27 010 023 5200

Toll Free: 0800 017 160

Website: <https://inforegulator.org.za/>

Email address: enquiries@inforegulator.org.za

6. RECORDS AUTOMATICALLY AVAILABLE (Sections 15 & 52)

6.1 Records Automatically Available to Employees

The following records are automatically available to the relevant employees and need not be requested via the formal PAIA procedure:

6.1.1 Personnel records that are filed within Human Resources are available to the employee to whom they relate.

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

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

6.2 Records voluntarily disclosed and automatically available to the General Public (Section 52)

The following categories of records are voluntarily and automatically made available to the general public, typically accessible via the Company's official website or upon request to the Information Officer (without the need for a formal PAIA request):

6.2.1 B-BBEE Status: The Company's current Broad-Based Black Economic Empowerment (B-BBEE) status level and certificate.

6.2.2 Accreditation and Licensing: The Company's primary accreditation certificates, regulatory licenses (e.g., registration with the Council for Debt Collectors), and professional body registrations.

6.2.3 Employment Equity & Skills: The Company's approved Employment Equity Plan and Skills Development Plan, where legally mandated and published.

6.2.4 Public Statements: General promotional material, brochures, press releases, and information published in annual reports (excluding confidential financial data).

7. CATEGORIES OF RECORDS HELD BY THE COMPANY (Records Requiring a Formal Request)

The following categories of records held by ADRS Diversified Services are not automatically available for public or employee access and must be requested via the formal procedure outlined in PAIA. Access to these records is subject to the grounds for refusal stipulated in Chapter 4 of the Act.

7.1 Financial, Tax and Statutory Returns

This category includes records created and maintained in compliance with various regulatory and tax obligations:

7.1.1 Taxation Records:

All documents, correspondence, and returns relating to the South African Revenue Service (SARS), including:

- Value Added Tax (VAT) returns.
- Pay-As-You-Earn (PAYE) records, reports, and payments.

7.1.2 Employment and Social Security Records:

Statutory records related to employee benefits and industrial compliance:

- Unemployment Insurance Fund (UIF) returns and submissions.
- Workmen's Compensation (COIDA) assessments and claim records.
- Skills Development Levies (SDL) records and payments.

7.1.3 Debt Collection Regulatory Records (Mandatory Compliance): Records required for compliance with the Debt Collectors Act, 114 of 1998, and other related financial legislation:

- Certificate(s) of registration with the Council for Debt Collectors (CFDC).
- Records of internal audits pertaining to compliance with the CFDC Code of Conduct.
- Records related to any complaint or disciplinary hearing before the CFDC.

7.1.4 General Compliance): Records pertaining to all other levies, fees, and regulatory compliance by the Company as stipulated by relevant Acts applicable to a debt collection service provider and private body.

- Certificate(s) of registration with the Council for Debt Collectors (CFDC).
- Records of internal audits pertaining to compliance with the CFDC Code of Conduct.
- Records related to any complaint or disciplinary hearing before the CFDC.

8. OTHER RECORDS HELD BY ADRS DIVERSIFIED SERVICES (Internal employee and client Files)

These records are not automatically made available without a formal request in terms of the Act. Access is subject to all grounds for refusal in Chapter 4 of PAIA, which include: the mandatory protection of personal privacy of a third party (Section 63(1)), protection of commercial information of a third party (Section 64), protection of the Company's own commercial information (Section 68) and protection of records privileged from production in legal proceedings (Section 67).

8.1 Employee Records

Records maintained by Human Resources relating to employees, former employees, and job applicants:

- **Employee Information:** Personal identity details, contact information, family/emergency contact information, qualifications, and curriculum vitae (CVs).
- **Employment Contractual Records:** Conditions of Employment, internal policies and procedures, performance records (appraisals, evaluations, monitoring reports), salary information and bank account details.
- **Benefits and Leave:** Employee benefits documentation (e.g., Pension Fund, Group Life, Medical Aid), leave records and general files pertaining to employee benefits.
- **Labour and Discipline:** Records related to labour relations matters, grievances, disciplinary inquiries and outcomes and internal records relating to the termination of employment.
- **Training:** Training schedules, attendance registers, training evaluation forms and skills development data.
- **Third-Party Information:** Personal or sensitive information provided by a third party (e.g., previous employer references, professional body reports) concerning the employees.

8.2 Client and Debtor Records (Core Business Records)

Records pertaining to the Company's primary debt collection and financial services operations. Due to the nature of the business, these records frequently contain confidential third-party personal and commercial information:

- **Client Agreements (Creditors):** Contracts, service level agreements (SLAs), and records of all forms of correspondence with the client (the original creditor).
- **Debtor Files (Natural and Juristic Persons):** Records pertaining to specific debts collected, including transactional histories, correspondence (letters of demand, acknowledgements of debt), financial account details, and contact information.
- **Operational Records:** Records pertaining to services rendered by ADRS Diversified Services, including collection notes, payment arrangement plans, and history of collection attempts.
- **Third-Party Data:** Records provided by the client, third-party tracing agents, credit bureaus, or generated by the Company relating to debtors and their financial status.

- **Legal Process Records:** Documentation relating to legal action, summonses, judgments, and prescribed debt notices.

8.3 Company Administration and Operational Records:

Records pertaining to the Company's primary debt collection and financial services operations. Due to the nature of the business, these records frequently contain confidential third-party personal and commercial information:

- **Corporate Governance:** Memorandum of Incorporation (MOI), minutes of Management/Board meetings, shareholder records, and statutory company registers.
- **Financial and Accounting Records:** Financial statements, accounting ledgers, audit reports, invoices, budgets, and banking records (excluding those already listed in Section 7.1).
- **Contracts and Agreements:** Contracts with service providers, client agreements, service provider lists, independent contractor agreements, and records pertaining to general legal and commercial agreements.
- **Assets and IT:** Asset registers (fixed and movable), insurance details, costings of hardware and software, operational security logs and records of computer and IT system maintenance.
- **Marketing and Strategy:** Company/Marketing brochures, business profiles, strategic plans, and market research information.
- **Correspondence:** General correspondence between internal departments, external regulatory bodies and third parties that does not fall under client files.
- **Intellectual Property:** Records relating to the Company's proprietary systems, algorithms, trademarks, trade names and registered intellectual property.
- **Security:** Records of physical security, access control and records relating to occupational health and safety (OHASA).

9. PROCESS FOR REQUESTING INFORMATION FROM ADRS DIVERSIFIED SERVICES

9.1 Submission of Request Form

9.1.1 A request must be made on the prescribed form (Form 2). A copy of the form is typically attached to this Manual as Annexure "A," but is also available on the website of the Information Regulator (IR).

9.1.2 The prescribed form, along with any applicable initial request fee (if mandated by regulation), must be submitted to the Company's Information Officer using the contact details provided in the manual's contact section.

9.1.3 The same procedure applies if the requester is acting on behalf of another person, including a permanent employee, and proof of capacity (e.g., written authorization) must be submitted with the request.

9.2 Decision and Notification

9.2.1 The Joint Chief Executive Officer (Head of the Private Body), or the delegated Information Officer, will decide whether to grant the request as soon as reasonably possible and within thirty (30) days after the request has been received.

9.2.2 The requester will be notified of the decision in the manner specified by the requester on the prescribed form.

9.3 Extension of Time

9.3.1 The Head of the Private Body may extend the initial period of thirty (30) days for another period of not more than **thirty (30) days** ("extension period") if:

- The request involves a large volume of records or requires an extensive search.
- The search for the records must be conducted at premises located away from the head office of ADRS Diversified Services.
- Consultation among different divisions or departments of the Company is required.
- The requester consents to such an extension in writing.
- The parties agree in any other manner to such an extension.

9.3.2 Should the Company require an extension, the requester must be informed in writing, stating the reasons for the extension and the new date for the decision. If no response is received within the initial 30 days, the request is deemed to be refused (Section 58).

9.4 Outcome: Request Granted

9.4.1 If the request is granted, the requester shall be informed and advised of:

- The access fee to be paid for the reproduction or preparation of the information (in accordance with the PAIA fee structure, detailed in Annexure B).
- The format in which access will be given (e.g., electronic copy, paper copy).

9.4.2 Actual access to the record requested will be provided as soon as reasonably possible after the access fee (if applicable) has been paid.

9.5 Outcome: Request Refused

9.5.1 If the request for access is refused, the Head of the Private Body or Information Officer shall advise the requester in writing of the refusal. The notice of refusal shall indicate:

- Adequate reasons for the refusal, referencing the relevant grounds set out in Chapter 4 of the Act.
- The mandatory procedure that the requester must follow to challenge the refusal.

9.6 Remedies Against Refusal, Fee or Extension

9.6.1 If the requester is dissatisfied with the decision (refusal, access fee charged, format of access, or extension of time), they may lodge a complaint with the Information Regulator in the prescribed manner and within the prescribed period (currently 180 days).

9.6.2 Only after exhausting the complaint procedure with the Information Regulator may the requester apply to a court of competent jurisdiction for relief.

9.6.3 Upon the refusal by the Head of the Private Body or Information Officer, the deposit paid by the requester will be refunded in full.

10. DENIAL OF ACCESS: GROUNDS FOR REFUSAL (Chapter 4 of PAIA)

Access to any records of ADRS Diversified Services may be refused under the following mandatory and discretionary limited circumstances, as provided for in Chapter 4 of the Act:

10.1 Mandatory Grounds for Refusal (Must Be Refused)

Safety of Individuals and Property (Section 66): If disclosure could reasonably be expected to endanger the life or physical safety of an individual, or prejudice or impair the security of property or means of transport.

- **Privacy of a Third Party (Section 63):** If disclosure would involve the unreasonable disclosure of personal information about a third party who is a natural person (including a deceased individual).
- **Commercial Information of a Third Party (Section 64):** If the record contains:
 - Trade secrets of a third party.

- Financial, commercial, scientific, or technical information of a third party that is likely to cause commercial or financial harm to that third party.
- Information supplied in confidence by a third party, the disclosure of which could prejudice the third party in negotiations or commercial competition.
- **Confidential Information of a Third Party (Section 65):** If disclosure would result in a breach of a duty of confidence owed to a third party in terms of an agreement.
- **Safety of Individuals and Property (Section 66):** If disclosure could reasonably be expected to endanger the life or physical safety of an individual, or prejudice or impair the security of property or means of transport.
- **Legal Privilege (Section 67):** If the record is privileged from production in legal proceedings (e.g., attorney-client privilege), unless that privilege has been expressly waived.
- **Research Information of a Third Party (Section 69(1)):** If the record contains information about research being or about to be carried out by or on behalf of a third party, and disclosure would be likely to expose the third party or the subject matter of the research to serious disadvantage.

10.2 Discretionary Grounds for Refusal (May be Refused)

- **Commercial Information of the Company (Section 68):** If the record contains:
 - Trade secrets of ADRS Diversified Services.
 - Financial, commercial, scientific, or technical information that would harm the commercial or financial interests of the Company.
 - Information that, if disclosed, would place the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition.
 - Information about research and development being carried out by or on behalf of the Company.
- **Computer Programmes (Section 68(f)):** If the record contains details of a computer programme, the disclosure of which would enable a person to circumvent a law or result in harm to the security of the computer system.
- **Waiver of Public Interest Override (Section 70):** Notwithstanding any of the above grounds for refusal, the Company must grant access if the disclosure of the record would reveal evidence of a substantial contravention of the law or imminent and

serious public safety or environmental risk, and the public interest in disclosure clearly outweighs the harm contemplated by the refusal grounds.

11. FEES

The applicable fees, are determined by the Regulations published under the PAIA Act. A complete and current schedule of these prescribed fees is provided in Annexure B to this Manual.

12. INFORMATION OR RECORDS NOT FOUND

- If all reasonable steps have been taken by the Company to find a requested record and such a record cannot be found or does not exist, the Head of the Private Body 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.
- 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 Head of the Private Body or Information Officer with every person who conducted the search.
- 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, enabling the requester to pursue the remedies outlined in Section 9.6 of this manual.
- 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 Head of the Private Body or Information Officer on the grounds specified in Section 10.
- The attention of the requester is drawn to Section 10 (Denial of Access) of this Manual, in terms of which ADRS Diversified Services may refuse, on certain specified grounds, to provide information to a requester.

13. ANNEXURES

This Manual makes reference to the following essential forms and schedules:

13.1 Annexure A (Form 2): Request for access to a Record of a Private Body (Regulation 7).

13.2 Annexure B: Outcome of request and of fees Payable (Regulation 8). No employee may intimidate or incite any other employee/s of the Company to partake in industrial action.