

Access to Information

1. INTRODUCTION

This is the Access to Information Manual of XTND as required by Section 51 of the Promotion to Access Information Act 2 of 2000.

One of the objects of PAIA is to give effect to the Constitutional right to access information as set out in Section 32(2). To achieve this object a private body must compile an Access to Information Manual. This will allow the public to know what category records are held by XTND and how to go about accessing them.

XTND promotes a culture of transparency and therefore provide this document for purposes thereof.

2. CONTACT DETAILS

Contact details in terms of Section 51(1)(a):

Contact person: Deidre Roberts
Postal address: Postnet Suite #235
Private Bag x 10
Elarduspark
0047
Physical address: 84 Regency Drive
Route 21 Corporate Park
Irene
Phone number: 012 450 9300
Fax number: 086 597 7892
E-mail: deidre@xtnd.co.za

3. HUMAN RIGHTS COMMISSION GUIDE

In terms of Section 10 of the Act the South African Human Rights Commission has compiled a Guide in all the official languages to assist a person in exercising their rights as set out in the Act. Access to this guide can be obtained as follows:

Website: <http://www.sahrc.org.za>
Postal address: Private Bag 2700
Houghton





2041

Phone number: 011 484 8300

Fax number: 011 484 0582

E-mail: PAIA@sahrc.org.za

4. AUTOMATIC DISCLOSURE

The categories of records which are automatically disclosed to the public remains to be published by way of a Section 52(2) notice.

5. LEGISLATIVE RECORDS

The legislative records that XTND PTY Ltd hold in terms of Section 51(1)(d) are as follows:

- ↪ Basic Conditions of Employment Act, No. 75 of 1997
- ↪ Companies Act, No. 61 of 1973
- ↪ Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- ↪ Constitution of South Africa Act, No. 108 of 1996
- ↪ Labour Relations Act, No. 66 of 1995
- ↪ Occupational and Health and Safety Act, No. 85 of 1993
- ↪ Promotion of Access to Information Act, No. 2 of 2000
- ↪ Skills Development Act, No. 97 of 1997
- ↪ Short Term Insurance Act, No. 53 of 1998
- ↪ Broad Based Black Economic Empowerment Act, No. 53 of 2003
- ↪ Competition Act, No. 89 of 1998
- ↪ Copyright Act, No. 89 of 1987
- ↪ Electronic Communications and Transactions Act, No. 2 of 2000
- ↪ Employment Equity Act, No. 55 of 1998
- ↪ Financial Advisory and Intermediary Act, No. 37 of 2002
- ↪ Financial Intelligence Centre Act, No. 38 of 2001
- ↪ Income Tax Act, No. 58 of 1962
- ↪ Long Term Insurance Act, No. 52 of 1998
- ↪ National Building Regulations and Building Standards Act, No. 103 of 1997
- ↪ Promotion of Equality and Prevention Unfair Discrimination Act, No. 4 of 2000
- ↪ Protected Disclosures Act, No. 26 of 2000
- ↪ Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002
- ↪ Skills Development Levy Act, No. 9 of 1999
- ↪ Tobacco Products Control Act, No. 12 of 1999



- ↪ Unemployment Insurance Act, No. 63 of 2001
- ↪ Value-added Tax Act, No. 89 of 1991

6. RECORDS HELD

The Section 51(1)(e) description of the subjects on which XTND PTY Ltd holds records and the categories of records held on each subject.

6.1. CLIENT SERVICE RECORDS

- ↪ Client Contracts
- ↪ Findings and Recommendation Reports
- ↪ Investigative Material
- ↪ Legal Documentation
- ↪ Client Correspondence
- ↪ Client Internal Control Reports
- ↪ Project Plans
- ↪ Risk Management Records

6.2. SECRETARIAL SERVICES

- ↪ Memoranda and Articles of Association
- ↪ Share Registers
- ↪ Shareholder Agreements Meeting Minutes

6.3. CORPORATE GOVERNANCE

- ↪ Legal Compliance Records
- ↪ Policies
- ↪ Codes of Conduct
- ↪ Governing Board Meeting Minutes
- ↪ Executive Committee Meeting Minutes

6.4. FINANCE AND ADMINISTRATION

- ↪ Accounting Records
- ↪ Annual Financial Statements
- ↪ Agreements
- ↪ Banking Records
- ↪ Correspondence



- ▮ Invoices and Statements
- ▮ Management Reports
- ▮ Tax Records and Returns

6.5. HUMAN RESOURCES

- ▮ Accounting and Payroll Records
- ▮ BEE Statistics
- ▮ Personnel Information
- ▮ Policies and Procedures
- ▮ Retirement Benefit and Medical Aid Records
- ▮ Letters of Employment
- ▮ General Terms of Employment
- ▮ Leave Records
- ▮ Career Development Records
- ▮ Employment Equity Reports
- ▮ POYE Records and Returns
- ▮ Performance Management Records
- ▮ Returns to UIF

6.6. INFORMATION MANAGEMENT AND TECHNOLOGY

- ▮ Contracts and Agreements
- ▮ Equipment Register
- ▮ Information Policies, Standards, Procedures and Guidelines

6.7. LEARNING AND EDUCATION

- ▮ Training Material
- ▮ Training Records and Statistics

6.8. OPERATIONS

- ▮ Access Control Records
- ▮ Agreements
- ▮ Archival Administration Documentation
- ▮ Contracts
- ▮ General Correspondence
- ▮ Insurance Documentation
- ▮ PABX Management Information
- ▮ Service Level Agreements





- Travel Documentation
- Used Order Books
- Vehicle Registration Documents

6.9. MARKETING AND COMMUNICATION

- Proposal Documents
- New Business Development
- Brand Information Management
- Marketing Strategies
- Communication Strategies
- Agreements
- Client Relationship Programmes

7. ACCESS REQUEST PROCEDURE

7.1. ACCESS REQUEST FORM

In order to access records of XTND PTY Ltd an access request form must be completed and submitted to XTND PTY Ltd in accordance with the Act. It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the record. An application for access to a record is subject to certain limitations if the requested record falls within the ambit specified within Part 3 Chapter 4 of the Act.

Please note that the Access Request Form must be completed in BLOCK LETTERS. If the requester is reasonably suspected of submitting false or misleading information in order to obtain records held by XTND PTY Ltd such a requester is susceptible to legal proceedings.

7.2. SUBMISSION

The completed Access Request Form must be sent via e-mail, fax or by registered post to the contact details referred to above.

7.3. PAYMENT

In order to provide the requested records an Access Request Form will only be considered once a payment of the prescribed fees has been made (see prescribed





fees below). Payment details can be obtained from the contact person as indicated above.

Should a request be reasonably refused, the payment made will be refunded to the concerned requester.

The request fee payable by a requester, other than a personal requester, referred to in section 54(1) of the Act is R 57.00 (incl. VAT).

7.4. DECISION

XTND PTY Ltd will within 30 days of receipts of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The 30-day period within which XTND PTY Ltd has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of XTND PTY Ltd and the information cannot reasonably be obtained within the original 30-day period. XTND PTY Ltd will notify the requester in writing should an extension be sought.

7.5. GROUNDS FOR REFUSAL OF APPLICATION

Main grounds for refusal are:

- ▮ Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information.
- ▮ Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed in confidence by a third party XTND PTY Ltd if the disclosure could put that third party to disadvantage in negotiations or commercial competition.
- ▮ Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- ▮ Mandatory protection of the safety of individuals and the protection of records which could be regarded as privileged in legal proceedings.
- ▮ The Commercial Activities of XTND PTY Ltd which may include:
 - Trade secrets.



- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of XTND PTY Ltd.

7.6. REMEDIES

→ Internal Remedies

XTND PTY Ltd does not have internal appeal procedures. Therefore, the decision made by XTND PTY Ltd is final.

Requesters who are dissatisfied with a decision of XTND PTY Ltd will have to exercise external remedies at their disposal.

→ External Remedies

A requester or a third party, who is dissatisfied with XTND PTY Ltd refusal to disclose information may within 30 days of notification of the decision, apply to the Constitutional Court, the High Court or another court of similar status for relief.

8. FORMS

SECTION 51(1)(e)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

A PARTICULARS OF HEAD BODY

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below:

Contact person: Deidre Roberts

Postal address: Postnet Suite #235

Private Bag x 10

Elarduspark

0047

Physical address: 84 Regency Drive

Route 21 Corporate Park

Irene

Phone number: 012 450 9300



Fax number: 086 597 7892
E-mail: deidre@xtnd.co.za

B PARTICULARS OF REQUESTERS (if natural person)

- (a) Particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Phone number:

Fax number:

E-mail:

Capacity in which request is made, when made on behalf of another person:

