



Zwana ICT & Consulting (Pty) Ltd
Registration Number 2011/006099/07

PAIA MANUAL

**Prepared in terms of section 51 of the
Promotion of Access to Information Act 2 of
2000 (as amended) (“PAIA”) and to address
requirements of the Protection of Personal
Information Act, 2013 (“POPIA”)**

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1. LIST OF ACRONYMS AND ABBREVIATIONS

1.1	“CEO”	Chief Executive Officer
1.2	“DIO”	Deputy Information Officer;
1.3	“IO”	Information Officer;
1.4	“Minister”	Minister of Justice and Correctional Services;
1.5	“PAIA”	Promotion of Access to Information Act No. 2 of 2000(as Amended;
1.6	“POPIA”	Protection of Personal Information Act No.4 of 2013;
1.7	“Regulator”	Information Regulator; and
1.8	“Republic”	Republic of South Africa

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 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 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;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 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;

- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 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;
- 2.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 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
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF ZWANA ICT & CONSULTING (PTY) LTD

3.1. Chief Information Officer

Name: Nigel Sinclair Thomson
Tel: +27 84 303 9222
Email: [privacy\(at\)zwana.net](mailto:privacy(at)zwana.net)

3.3 Access to information general contacts

Email: [privacy\(at\)zwana.net](mailto:privacy(at)zwana.net)

3.4 National or Head Office

Physical Address: 12 Wilgeboom Drive
Randburg 2188
South Africa

Postal Address:
As above

Telephone: 084 303 9222

Email: info(at)zwana.net

Website: <https://www.zwana.net>

4. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

4.1. The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

4.2. The Guide is available in each of the official languages and in braille.

4.3. The aforesaid Guide contains the description of-

4.3.1. the objects of PAIA and POPIA;

4.3.2. the postal and street address, phone and fax number and, if available, electronic mail address of-

4.3.2.1. the Information Officer of every public body, and

- 4.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
- 4.3.3. the manner and form of a request for-
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator; and
 - 4.3.6.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a

¹ Section 17(1) of PAIA- *For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requesters of its records.*

² Section 56(a) of POPIA- *Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

³ Section 11(1) of PAIA- *A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

⁴ Section 50(1) of PAIA- *A requester must be given access to any record of a private body if-*

- a) *that record is required for the exercise or protection of any rights;*
- b) *that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

decision by the Regulator or a decision of the head of a private body;

4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;

4.3.8. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;

4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and

4.3.10. the regulations made in terms of section 92¹¹.

4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.

4.5. The Guide can also be obtained-

4.5.1. upon request to the Information Officer;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body, must make available in the prescribed manner a description of the categories of records of the public body that are automatically available without a person having to request access

⁸ Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made, must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must by notice require the requester to pay the prescribed request fee (if any), before further processing the request.

¹¹ Section 92(1) of PAIA provides that –“The Minister may, by notice in the Gazette, make regulations regarding-

- (a) any matter which is required or permitted by this Act to be prescribed;
- (b) any matter relating to the fees contemplated in sections 22 and 54;
- (c) any notice required by this Act;
- (d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- (e) any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5.2. from the website of the Regulator (<https://www.justice.gov.za/infoereg/>).

4.6 A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours-

4.6.1 English and Afrikaans

5. CATEGORIES OF RECORDS OF ZWANA ICT & CONSULTING (PTY) LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1. Records of a public nature, typically those disclosed on the Zwana ICT & Consulting (Pty) Ltd website and in its various annual reports, may be accessed without the need to submit a formal application.

5.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

6. DESCRIPTION OF THE RECORDS OF ZWANA ICT & CONSULTING (PTY) LTD WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

6.1 Where applicable to its operations, Zwana ICT & Consulting (Pty) Ltd also retains records and documents in terms of the legislation below. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of these acts shall be made available for inspection by interested parties in terms of the requirements and conditions of the Act; the below mentioned legislation and applicable internal policies and procedures, should such interested parties be entitled to such information. A request to access must be done in accordance with the prescriptions of the Act.

a. Auditing Professions Act, No 26 of 2005	b. Basic Conditions of Employment Act, No 75 of 1997

c. Broad-Based Black Economic Empowerment Act, No 75 of 1997	d. Business Act, No 71 of 1991
e. Companies Act, No 71 of 2008	f. Compensation for Occupational Injuries & Diseases Act, 130 of 1993
g. Competition Act, No.71 of 2008	h. Constitution of the Republic of South Africa 2008
i. Copyright Act, No 98 of 1978	j. Customs & Excise Act, 91 of 1964
k. Electronic Communications Act, No 36 of 2005	l. Electronic Communications and Transactions Act, No 25 of 2002
m. Employment Equity Act, No 55 of 1998	n. Financial Intelligence Centre Act, No 38 of 2001
o. Identification Act, No. 68 of 1997	p. Income Tax Act, No 58 of 1962
q. Intellectual Property Laws Amendment Act, No 38 of 1997	r. Labour Relations Act, No 66 of 1995
s. Long Term Insurance Act, No 52 of 1998	t. Occupational Health & Safety Act, No 85 of 1993
u. Pension Funds Act, No 24 of 1956	v. Prescription Act, No 68 of 1969
w. Prevention of Organised Crime Act, No 121 of 1998	x. Promotion of Access to Information Act, No 2 of 2000
y. Protection of Personal Information Act, No. 4 of 2013	z. Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
aa. Revenue laws Second Amendment Act. No 61 of 2008	bb. Skills Development Levies Act No. 9 of 1999
cc. Short-term Insurance Act No. 53 of 1998	dd. Trust Property Control Act 57 of 1988
ee. Unemployment Insurance Contributions Act 4 of 2002	ff. Unemployment Insurance Act No. 30 of 1966
gg. Value Added Tax Act 89 of 1991	

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* Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a right of access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

6.2. It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA Manual.

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY ZWANA ICT & CONSULTING (PTY) LTD

Subjects on which the body holds records	Categories of records
Human Resources	<ul style="list-style-type: none"> - HR policies and procedures - Advertised posts - Employees records
Accounting Records	<ul style="list-style-type: none"> - Annual financial statements - General ledger - Subsidiary ledgers - Bank statements - Auditor's reports
Statutory Company Records	<ul style="list-style-type: none"> - Certificate of incorporation - Certificate of Commence Business - Memorandum and Articles of Association - Registration Certificate - Certificate of change of name - General resolutions - Shareholders' register - Minute books
Income Tax	<ul style="list-style-type: none"> - Income tax returns - Provisional tax returns - Tax assessments

Subjects on which the body holds records	Categories of records
Supplier, Service Provider and Partner Records	<ul style="list-style-type: none"> - Contracts - Confidentiality agreements and non-disclosure agreements

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Zwana ICT & Consulting (Pty) Ltd uses personal information only for the purpose for which it is collected.

This purpose could include the provision of advice or a service, assistance with administration, recruitment of prospective employees or even compliance with a legal obligation. Zwana ICT & Consulting (Pty) Ltd may use personal information for other similar purposes, including marketing and communications, but that will only occur in the case where the company has received the data subject's consent or has another lawful justification for doing so.

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients / Prospects	Name, business title, business role, business name, telephone number, business address, business email address
Service Providers and Partners / Principals	Name, business title, business role, business name, telephone number, business registration number, business VAT number, business address, business email address, telephone number, trade secrets and bank details

Categories of Data Subjects	Personal Information that may be processed
Employees	Name, address, qualifications, email address, telephone number, gender and race, education history, bank details
Directors	Name, address, identity number, telephone number, business email address, qualifications, education history, bank details

8.3 The recipients or categories of recipients to whom the personal information may be supplied

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Customer / client / prospect name, business title, business role, business name, telephone number, business address, business email address	Partners / Principals
Prospective employee name, identity number, address, qualifications, email address, telephone number, gender and race, education history, bank details qualifications	Credit bureaus, South African Qualifications Authority
Employee name, identity number, address, email address, telephone number, bank details qualifications	Payroll service

8.4 Planned transborder flows of personal information

We are committed to ensuring that the personal information of data subjects is safeguarded and used appropriately in accordance with the applicable laws of the regions in which we do business. These laws include:

- The General Data Protection Regulation (Regulation (EU) 2016/679 (“EU GDPR”)
- The General Data Protection Regulation ((EU) 2016/679) (EU GDPR) as it forms part of the law of England and Wales, Scotland and Northern Ireland by virtue of section 3 of the European Union (Withdrawal) Act 2018 and as amended by Schedule 1 to the Data Protection, Privacy and Electronic Communications (Amendments etc) (EU Exit) Regulations 2019 (SI 2019/419) (“UK GDPR”)
- South Africa’s Protection of Personal Information Act, Act No. 4 of 2013 (“POPIA”)

Given our presence as a responsible party in South Africa, all personal data / information we process of data subjects who are citizens or residents (including juristic persons) of South Africa or other countries outside of the EEA or UK is subject to POPIA.

All this information is provided to us by data subjects via our web site, our marketing automation system or via email and is held in secure data centres in the European Union. It thus enjoys adequate legal protection with respect to POPIA given that the storage meets the requirements of the EU GDPR.

We conform to the requirements of POPIA Section 72 “Transfers of personal information outside Republic” by requesting the data subjects’ consent to hold their information in the European Union.

General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information

We endeavour to follow best practice information security practices.

Although we might access personal information of data subjects in South Africa from South Africa, our internal security policy requires that this information be accessed and processed via web browser over secure connections and not be downloaded to any computers or devices in South Africa unless the storage is secured and encrypted.

Data between a data subject’s web browser and our website is sent using hypertext transfer protocol secure (HTTPS). These communications are encrypted using the transport layer security (TLS) protocol, formerly known as secure sockets layer (SSL).

At a minimum, any email we send a data subject (and emails we receive from them) will be encrypted using SSL/TLS. This requires that the data subject's email client and their email server support SSL/TLS. Should the data subject's email client and email server not support SSL/TLS, we will agree with the data subject on a different secure method for us to communicate with them unless they give their consent for us to communicate with them insecurely. As an example, should a data subject wish to correspond with us using end-to-end encrypted emails, we support asymmetric and symmetric PGP (Pretty Good Privacy) encryption.

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available-

9.1.1 on our website <https://www.zwana.net> ;

9.1.2 head office of Zwana ICT & Consulting (Pty) Ltd for public inspection during normal business hours;

9.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

9.1.4 to the Information Regulator upon request.

9.2 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

10. UPDATING OF THE MANUAL

The head of Zwana ICT & Consulting will on a regular basis update this manual.

Issued by

Nigel Sinclair Thomson

(Chief Executive Officer – Zwana ICT & Consulting (Pty) Ltd)