

# PAIA Manual

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## **INTRODUCTION**

The information in this manual relates to **MYCALLING PTY LTD** and associated companies, referred to as **MYCALLING PTY LTD** in the remainder of this document. It provides detail of the types of records kept by **MYCALLING PTY LTD** and explains how to submit requests for access to these records.

Everyone has a constitutional right to access information kept by companies and government institutions, provided that there is a valid reason for doing so.

## **AVAILABILITY OF THIS MANUAL**

This Manual is available on our website [www.mycalling.co.za](http://www.mycalling.co.za), or you can send an e-mail request to:

Mr Alexander George

PO

Cape Town

8000

E-mail: [info@mycalling.co.za](mailto:info@mycalling.co.za)

## **REQUESTING RECORDS**

You are welcome to send through a request for information to our representative, but we ask that you read through this manual first, to understand the process and types of information that can be requested.

## **WHAT RECORDS ARE KEPT BY MYCALLING PTY LTD?**

**MYCALLING PTY LTD** maintains records on the following categories and subjects, but this does not mean that a request for these records will automatically be granted as all requests will be evaluated on a case by case basis as required by the Act.

### **COMPANY RECORDS**

The following are records that relate to **MYCALLING PTY LTD**'s own affairs:

- Finance and accounting records;
- Our employees, shareholders and Directors;
- Strategy;
- Operational records;
- Technology;
- Compliance and Risk; and
- Contractors;

### **EMPLOYEE RECORDS**

"Employee" refers to any person who is/was employed by **MYCALLING PTY LTD** or is/was contracted to work for **MYCALLING PTY LTD** and include the following:

- Any personal records provided to **MYCALLING PTY LTD** by the employee;

- Any records a third party has provided to **MYCALLING PTY LTD** about any employee;
- Conditions of employment and other employee related contractual and other legislated records eg. Skills development and BEE related records;
- Internal evaluation records; and
- Other internal records and correspondence.

### **CLIENT RECORDS**

Client records include the following:

- Personal information; and
- Marketing information/preferences.

### **TRANSACTION RECORDS**

Transaction-related information includes the following:

- Any records a third party has provided to **MYCALLING PTY LTD** for service and fulfilment purposes; and
- Records generated by or within **MYCALLING PTY LTD** relating to the services provided, including transactional records and contract documentation.

### **THIRD PARTIES / SUPPLIERS**

Records are kept of other parties e.g. contractors, suppliers/service providers. Alternatively, these parties may keep records which can be said to belong to **MYCALLING PTY LTD**. The following records fall into this category:

- Personnel, work or service related records which are held by another party as opposed to being held by **MYCALLING PTY LTD**; and
- Records held by **MYCALLING PTY LTD** relating to other parties.

### **PUBLICLY AVAILABLE RECORDS**

Records that are publicly available do not require a formal request to be completed, examples of these might include:

- Annual Financial statements; and
- Interim audited report.

We also keep records in terms of the following applicable legislation:

- Companies Act 71 of 2008
- Skills Development Levies Act 66 of 1995
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Value Added Tax 89 of 1991
- Unemployment Insurance Act 63 of 2001
- Compensation for Occupational Injuries and Diseases Act 130 of 1993

## **THINGS TO CONSIDER BEFORE SUBMITTING A REQUEST**

The following things must be considered before sending through a request:

### **STEP 1: ARE YOU REQUESTING YOUR OWN INFORMATION?**

All **MYCALLING PTY LTD** clients are allowed access to their own information without having to go through this formal information request process, including, but not limited to:

- Agreement documents;
- Personal records;
- Voice recordings;

All **MYCALLING PTY LTD** clients should contact the call centre to access their own information on 0836455659. There may be administration costs related to the retrieval of certain types of information records.

### **STEP 2: ARE YOU ENTITLED TO REQUEST THE INFORMATION?**

You may not use this process to request information for use in any legal action. For that, you must use the rules and procedures for discovery of information that are defined for legal proceedings. **MYCALLING PTY LTD** has the right to claim all expenses and other damages that result from a request that breaks the above-mentioned law.

### **STEP 3: DOES THE INFORMATION REQUESTED EXIST IN A SPECIFIC DOCUMENT/RECORD?**

Please note that the process only applies to records that exist at the time of us receiving your request. **MYCALLING PTY LTD** is not required to create a record that doesn't exist at the time the request is made.

### **STEP 4: IS THE RECORD IN THE POSSESSION OR UNDER THE CONTROL OF MYCALLING PTY LTD?**

**MYCALLING PTY LTD** is only required to deal with request for information which is either in our possession or held by a third party, under our control. Therefore, even if a record was created by **MYCALLING PTY LTD** or at some point was in **MYCALLING PTY LTD**'s possession (but is no longer under **MYCALLING PTY LTD**'s control at the time of your request), you will need to request access to the record from the third party who now holds the information.

## **HOW TO SUBMIT YOUR REQUEST FOR INFORMATION**

Please make sure that you have considered the above steps before submitting your request. If none of the restrictions apply to you, you may go ahead and submit your request as follows:

### **COMPLETE THE REQUEST FOR INFORMATION FORM**

Please complete the Information Request Form in Annexure 1. You can send the completed request form either via e-mail (scanned signed document) or fax.

In the Request Form, you need to provide enough information to enable us to accurately identify:

- The record or records requested;
- Your identity as the requester of the information,
- The form of access required, if the request is granted;
- Your postal address, fax number or email address as the requester.

### **PROVIDE DETAILS OF THE RIGHT WHICH YOU ARE TRYING TO PROTECT OR ENFORCE**

Please ensure that you adequately describe the right which you are seeking to protect or enforce by obtaining the records requested. Note that the courts have indicated that access to the records must be “necessary” for the exercise or protection of the right which you have stated. If the right is not clearly defined or where the right you claim to seek to exercise or protect does not qualify as a right as contemplated in the Act, **MYCALLING PTY LTD** may refuse you access to the records requested.

### **REQUESTS BY REPRESENTATIVES**

If you are making a request on behalf of another person, you must submit proof of the capacity in which you are making the request.

### **ILLITERACY OR DISABILITY**

If an individual is unable to complete the Request Form because of illiteracy or disability, the person may make the request telephonically via the call centre.

### **PRESCRIBED FEES**

Where applicable, the prescribed fees detailed below must be paid and proof of payment (e.g. copy of deposit slip) must be submitted along with your request. For banking details, please contact our representative using the details mentioned earlier in the document.

Please ensure that you use the following Reference for your deposit or we will not be able to identify it as belonging to you:

- “PAIA” followed by your initial(s) and surname
- e.g. If your initials and surname is AN Smith, you must use “PAIA AN Smith” as your reference.

## **PRESCRIBED FEES**

The act provides for two types of fees, namely:

- A request fee, which will be a standard fee; and
- An access fee, which is calculated by taking into account the costs for providing copies of the requested records including search and preparation time and cost, as well as postal costs.

The person other than someone requesting access to their own personal information\*\*, must pay the prescribed R50.00 (fifty rand) request fee, before submitting the request and provide a deposit slip as proof of payment. This must be submitted together with the Request Form. \*\* "personal information" means information about a specific individual, including, but not limited to:

- Information relating to race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth date;
- Information relating to the education or medical, financial, criminal or the employment history;
- An identifying number, symbol, email address, physical address, telephone number or other particulars assigned to the person;
- The blood type or any other biometric information of the person (biometric means techniques of personal identification based on physical characteristics including fingerprinting, DNA analysis, retinal scanning and voice recognition);
- The personal opinions, views or preference of the person;
- Correspondence sent by the person that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- The views or opinions of another individual about the person;
- Name of the person where it appears with other PI relating to the person or where the disclosure of the name itself would reveal the information about the person;

If the search for and preparation requires more than six hours of effort, **MYCALLING PTY LTD** will request that you pay a portion of the access fee as a deposit and a record could be withheld until you have paid the required fees. You will be eligible for a refund of the deposit if your request for access is refused.

## **CONSIDERING YOUR REQUEST**

Your request will be considered as having been received only once all of the applicable requirements detailed in this manual have been met.

**MYCALLING PTY LTD** will process the request within 30 days, unless you have stated special reasons that dictate the above time periods not be complied

with. In the event that **MYCALLING PTY LTD** will need more time, you will be notified accordingly

You will be informed in writing whether access has been granted or denied.

The main grounds for **MYCALLING PTY LTD** to refuse a request for information relate to the:

- Obligation to protect the privacy of a third party (natural person), whose personal information would be compromised by releasing the information;
- Obligation to protect the commercial information of a third party, if the record contains:
- Trade secrets of that third party;
- Financial, commercial, scientific or technical information that if disclosed could likely cause damage to the financial or commercial interests of that third party; and
- Information disclosed in confidence by a third party to **MYCALLING PTY LTD**, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

Commercial activities of **MYCALLING PTY LTD**, which may include:

- Trade secrets of **MYCALLING PTY LTD**;
- Financial, commercial, scientific or technical information which if disclosed could cause harm to the financial or commercial interests of **MYCALLING PTY LTD**;
- Information which, if disclosed could put **MYCALLING PTY LTD** at a disadvantage in negotiations or commercial competition;
- A computer program which is owned by **MYCALLING PTY LTD**, and which is protected by copyright;
- The research information of **MYCALLING PTY LTD** or a third party, which if disclosed would place the research at a serious disadvantage.

## **YOUR OPTIONS IF THE REQUEST IS NOT GRANTED**

**MYCALLING PTY LTD** does not have internal appeal procedures, therefore the decision made by the **MYCALLING PTY LTD** is final. If your request is denied, you are entitled to apply to a court with appropriate authority for relief.

## **GETTING A COPY OF THE GUIDE TO PAIA**

A guide to the Promotion of Access to Information Act is available from the South African Human Rights Commission ("SAHRC") website: [www.sahrc.org.za](http://www.sahrc.org.za). Should you have any queries, please contact the SAHRC directly at:

The South African Human Rights Commission: PAIA Unit  
The Research and Documentation Department  
Private Bag 2700  
Houghton  
2041  
Tel: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)



## **ANNEXURE 1: REQUEST FOR ACCESS TO RECORDS**

This annexure must accompany the cover letter addressed to our representative

### **PARTICULARS OF MYCALLING PTY LTD**

#### **MYCALLING PTY LTD**

Mr Alexander George

Cape Town

8000

E-mail: info@mycalling.co.za

#### **PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD**

- The particulars of the person who requests access to the record must be given below.
- The address and/or fax number in the Republic to which the information is to be sent must be given.
- Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

\_\_\_\_\_

Identity number: \_\_\_\_\_

Postal address:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_

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**PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE**

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname:

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Identity number: \_\_\_\_\_

**PARTICULARS OF THE RECORD**

- Provide full particulars of the record to which access is requested to enable the record to be located.
- If the provided space is inadequate, please continue on a separate folio and attach it to this form.
- The requester must sign all the additional folios.

Description of record or relevant part of the record:

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Reference number, if available:

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Other particulars of record:

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## FEES

A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid. For banking details, please contact the representative using the details mentioned earlier in the document.

Please ensure that you use the following Reference for your deposit or we will not be able to identify it as belonging to you:

- "PAIA" followed by your initial(s) and surname;
- e.g. If your initials and surname is AN Smith, you must use "PAIA AN Smith" as your reference. You must submit proof of payment of the request fee together with this request form;
- The fee payable for access to a record depends on the format in which access is required and the reasonable time required to search for and prepare a record;
- If you qualify for exemption of the payment of any fee, please state the reason for exemption

Reason for exemption from payment of fees:

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## FORM OF ACCESS TO RECORD

If you are prevented by a disability from being able to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability: Form in which record is required: \_\_\_\_\_

Mark the appropriate box with an X.

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) If access in the form requested is not possible you will be informed if access can be granted in another form.

(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

|                                                                                                                                                        |                                                         |                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------|
| 1. If the record is in written or printed form:                                                                                                        |                                                         |                                             |
| copy of record*                                                                                                                                        | inspection of record                                    |                                             |
| 2. If record consists of visual images: this includes photographs, slides, video recordings, computer-generated images, sketches, etc)                 |                                                         |                                             |
| view the images                                                                                                                                        | copy of the images"                                     | transcription of images*                    |
| 3. If record consists of recorded words or information which can be reproduced in sound:                                                               |                                                         |                                             |
| listen to the recoding                                                                                                                                 | transcription of recording* written or printed document |                                             |
| 4. If record is held on computer or in an electronic or machine-readable form:                                                                         |                                                         |                                             |
| printed copy of record*                                                                                                                                | printed copy of information derived from the record     | copy in computer readable form* (CD or DVD) |
| If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.           | Yes                                                     | No                                          |
| <b>PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED</b>                                                                                               |                                                         |                                             |
| If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios |                                                         |                                             |

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**NOTICE OF DECISION REGARDING REQUEST FOR ACCESS**

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

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Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
**Signature of requester / person on whose behalf request is made**

**FOR MYCALLING PTY LTD INTERNAL USE ONLY**

Reference number: \_\_\_\_\_

Representative: \_\_\_\_\_

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

\_\_\_\_\_

SIGNATURE OF REPRESENTATIVE (or duly authorised representative)

## ANNEXURE 2: APPLICABLE PAIA FEES

| DESCRIPTION                                                                                                                                                                  | Rand         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>1. The fee for a copy of the manual for every photocopy of an A4-size page</b>                                                                                            | <b>1,10</b>  |
| <b>2. The fees for producing a copy are as follows:</b>                                                                                                                      |              |
| a. For every photocopy of an A4-size page                                                                                                                                    | 1,10         |
| b. For every printed copy of an A4-size page stored on a computer or any other electronic or machine-readable form                                                           | 0,75         |
| c. For a copy on Compact disc or DVD                                                                                                                                         | 70,00        |
| d. For a transcript of visual images, for an A4-size page                                                                                                                    | 40,00        |
| e. For a copy of visual images                                                                                                                                               | 60,00        |
| f. For a transcript of an audio record, for an A4-size page                                                                                                                  | 20,00        |
| g. For a copy of an audio record                                                                                                                                             | 30,00        |
| <b>3. The request fee payable by a requester, other than a personal requester</b>                                                                                            | <b>50,00</b> |
| <b>4. The access fees payable by a requester are as follows:</b>                                                                                                             |              |
| a. For every photocopy of an A4-size page or part thereof                                                                                                                    | 1,10         |
| b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form                                                    | 0,75         |
| c. For a copy in a computer-readable form on Compact disc or DVD                                                                                                             | 70,00        |
| d. For a transcription of visual images, for an A4-size page or part thereof                                                                                                 | 40,00        |
| e. For a copy of visual images                                                                                                                                               | 60,00        |
| f. For a transcription of an audio record, for an A4-size page or part thereof                                                                                               | 20,00        |
| g. For a copy of an audio record                                                                                                                                             | 30,00        |
| <b>5. To search for and prepare the requested record, R30.00 for each hour or part of an hour, excluding the first hour, reasonably required for search and preparation.</b> |              |
| a. Six hours as the hours to be exceeded before a deposit is payable; and                                                                                                    |              |
| b. One third of the access fee is payable as a deposit by the requester.                                                                                                     |              |
| <b>6. The actual postage is payable when a copy of a record must be posted to a requester.</b>                                                                               |              |

## **ANNEXURE 3: MYCALLING PTY LTD BASIC INFORMATION**

### **CONTACT DETAILS**

Tel: 0836455659

Internet site: <http://www.mycalling.co.za>

E-Mail Address: [info@mycalling.co.za](mailto:info@mycalling.co.za)

### **COMPANY REGISTRATION NUMBER**

MYCALLING PTY LTD 2015/159568/07