



# PAIA Manual

In Terms Of Section 51 Of The Promotion Of Access To  
Information Act 2 Of 2000

## 01. Introduction

01.1 This manual gives effect to everyone's constitutional right to access to information held by the state and information that is held by another person or company and that is required for the exercise or protection of any rights.

01.2 The Promotion of Access to Information Act 2 of 2000 ("PAIA") grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

01.3 The Protection of Personal Information Act 4 of 2013 ("POPIA") gives effect to the constitutional right to privacy. One of the data processing principles under POPIA is that of data subject participation, which allows for data subjects to access and correct their personal information held by a responsible party.

This manual provides for data subject to request this information from SMSPortal.



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## 02. SMSPortal Contact Details

Company Registration No: 2009/008598/07

### **Mr Ian Calder**

*Information Officer*

<b>Postal</b>	PO Box 34662, Newton Park, 6055
<b>Physical</b>	4th Floor, West Office Tower, Canal Walk, Century Boulevard, Cape Town, 8001
<b>Telephone</b>	+27 86 111 2021
<b>Fax</b>	+27 86 572 1958
<b>Cell</b>	+27 83 229 7911
<b>Website</b>	www.smsportal.com
<b>E-mail</b>	info@smsportal.com



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## 03. The Guide

03.1 A guide in terms of Section 10 of PAIA has been compiled by the South African Human Rights Commission (SAHRC), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC in all of the official languages.

The South African Human Rights Commission (SAHRC):

### **PAIA Unit**

*Research & Documentation Department*

**Postal** Private Bag 2700, Houghton, 2041

**Telephone** +27 11 484 8300

**Fax** +27 11 484 0582

**Website** [www.sahrc.org.za](http://www.sahrc.org.za)

**E-mail** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)



## 04. Information Available in terms of any other Legislation

04.1 Information is held and maintained by the Company in compliance with the following legislation:

- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
- Consumer Protection Act No. 68 of 2008
- Copyright Act No. 98 of 1978
- Currency and Exchanges Act No. 9 of 1933
- Electronic Communications Act No. 36 of 2005
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Insurance Act No 27 of 1943
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995



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04.1 Continued

- Long Term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- National Credit Act No. 34 of 2005
- Occupational Health & Safety Act No. 85 of 1993
- Patents Act No. 57 of 1978
- Pension Funds Act No. 24 of 1956
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- Prevention of Organized Crime Act No. 121 of 1998
- Protection of Personal Information Act No. 4 of 2013
- Short Term Insurance Act No. 53 of 1998
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Trademarks Act No. 194 of 1993
- Unemployment Contribution Act No. 4 of 2002
- Unemployment Insurance Act No. 30 of 1996
- Value Added Tax Act 89 of 1991



## 05. Records held by SMSPortal

05.1 SMSPortal maintains the types and categories of records as listed in Schedule 1. Every request for information will be dealt with on a case by case basis and the mere fact that a record is listed below does not mean that access to that record will be granted.

## 06. Schedule of Personal Information Processed by the Company

06.1 The personal information processed by the Company in terms of POPIA is set out in Schedule 2.

## 07. Planned and actual transborder flows of personal information

07.1 The Company may use hosting or cloud services to store and process personal information that are not located in the Republic of South Africa. If it does so, it will ensure that the level of protection given to the personal information is at least as good as that provided for under South African Law, either by means of a binding contract with the service provider, or by using a service provider located in a country with privacy laws of similar or stronger effect.



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## 08. Information Security Measures

08.1 The Company employs appropriate, reasonable technical and organisational measures to secure the integrity and confidentiality of personal information in its possession or under its control, which include the following:

- Identifying reasonably foreseeable internal and external risks to personal and other information in its possession or under its control;
- Establishing and maintaining appropriate safeguards against the risks identified;
- Regularly verifying that the safeguards are effectively implemented;
- Ensuring that the safeguards are continually updated in response to new risks or deficiencies in previously implemented safeguards.

## 09. Form of Request

09.1 Kindly complete the prescribed form (Annexure A) and return the completed form via e-mail, facsimile or by post to SMSPortal. No requests will be considered unless the following information is provided:

- The record or records sought
- The identity of the person requesting the record The form of access required
- The postal address or fax number of the requestor
- The person requesting the record must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the person requesting the record must then submit proof of the capacity in which they are making the request to the satisfaction of SMSPortal.



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## 10. Prescribed Fees

10.1 Promotion of Access to Information Act prescribes a fee payable in respect of requests made in terms of the Act.

10.2 Should you be requesting a personal record, ie a record that contains personal information about yourself, there is NO prescribed fee. If you are not requesting a personal record, there is a prescribed fee of R50.00 (fifty Rand), which is payable before submitting your request. Proof of payment of this fee must accompany your request to SMSPortal.

10.3 Should your request be granted, you will be notified should there be any additional costs payable for accessing the records. Costs for accessing the record may include costs of reproduction of the record as well as time needed to locate and prepare the record.

## 11. Consideration of Your Request

11.1 SMSPortal undertakes to process a request for a record within thirty (30) days. You will be notified in writing whether your request has been granted or denied and the decision of SMSPortal is final.

## 12. Latest notice in terms of Section 52(2) (if any)

12.1. At this stage no notice has been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.



## 13. Availability of Manual

13.1. This manual is available free of charge for inspection at the above-mentioned address; and at the South African Human Rights Commission.

13.2. Copies of the manual may be obtained, subject to the prescribed fees.

13.3. The manual may also be accessed on the Company's website or alternatively a copy is available upon request directly from the SAHRC.

## 14. Reservation of Rights

14.1. Nothing in this manual is to be construed as a waiver of the right to the confidentiality of any document or any legal privilege or right of non-disclosure attaching to any document mentioned herein, whether in terms of any statute or under the common law. All rights in this regard are fully reserved.



## Schedule 1

### Records Available in Terms of PAIA

Category	Subject	Availability
Communication	Public product information	Available
	Media releases	Available
	Promotion of Access to Information Act Manual	Available
	Internal & external correspondence	May not be disclosed
	News and publications	Available
Human Resources	Employment contracts	May not be disclosed
	Disciplinary records	May not be disclosed
	Employment equity plan	Limited disclosure (on req)
	Skills development programme	Limited disclosure (on req)
	Salaries and wages records	May not be disclosed
	Documents relating to employee benefits	May not be disclosed
	Disciplinary code	Limited disclosure (on req)
	Personnel Guidelines, Policies & Procedures	Limited disclosure (on req)
	Leave records	May not be disclosed
	Personal information of past, present & prospective employees & officer / directors	May not be disclosed
	Banking details	May not be disclosed
	PAYE records	May not be disclosed
	Documents issued to employees for income tax purposes	May not be disclosed
	Records of payments made to SARS on behalf of employees	May not be disclosed
UIF records	May not be disclosed	



Category	Subject	Availability
Client Records	Records provided by clients, including documentary information required in compliance with FICA	May not be disclosed
	Records provided by a client to a third party acting for and on behalf of the Company	May not be disclosed
	Records provided by third parties	May not be disclosed
	Client files, including correspondence with clients	May not be disclosed
	Correspondence with third parties	May not be disclosed
	Contracts & Agreements Customer Database	May not be disclosed
	Customer Complaints & Queries	May not be disclosed
Immovable and Movable Property	Asset register	Limited disclosure (on req)
	Agreements for the lease of immovable property	May not be disclosed
	Agreements for the lease or sale of movable property	May not be disclosed
	Credit sale agreements and/or hire purchase agreements	May not be disclosed
	Other agreements for the purchase, ordinary sale, conditional sale or hire of assets	May not be disclosed
Information Technology	Computer software, support and maintenance agreements	May not be disclosed
	Other documentation pertaining to computer systems and computer programmes	May not be disclosed
Information relating to legal proceedings	Records relating to legal proceedings involving the Company	May not be disclosed



Category	Subject	Availability
Financial Information	Financial and accounting records	May not be disclosed
	Banking details	Available upon request
	Insurance records	May not be disclosed
	Tax compliance documents & tax returns	May not be disclosed
	Accounting records	May not be disclosed
	Bank statements	May not be disclosed
	Invoices in respect of creditors & debtors	May not be disclosed
	Details of auditors	Available upon request
	Auditors' reports	Limited disclosure (on req)
General Records	Client, supplier and document databases	May not be disclosed
	BBBEE Certificate	Available upon request
	Commercial agreements	May not be disclosed
	Statutory records	Available upon request
	Organisational structure	Available upon request
Intellectual Property	List of trademarks, copyrights and designs held and pending applications	Available upon request
	Records relating to domain names	Available upon request
	Licenses relating to intellectual property rights	Limited disclosure (on req)
Company Records	Documents of incorporation	Available upon request
	Memorandum and Articles of Association	Limited disclosure (on req)
	Minutes of Board of Directors meetings	May not be disclosed
	Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers	May not be disclosed
	Share Register and other statutory registers	May not be disclosed



## Schedule 2

### Personal Information Processed in Terms of POPIA

Personal Information	Purpose of Processing	Data Subjects it relates to	Valid Recipients
<p><b>Employee Personal Information , including:</b></p> <p>Full name</p> <p>Identity Number</p> <p>Physical address</p> <p>Cellphone number</p> <p>Personal Email address</p> <p>Banking details</p> <p>Tax information</p>	<p>Managing employment relationship.</p> <p>As required by statutory obligations in terms of the relevant employment legislation.</p> <p>As required by SARS for tax purposes.</p>	<p>Past and current employees of the Company.</p>	<p>Management of the Company.</p> <p>Accounts department of the Company.</p> <p>SARS.</p> <p>Statutory bodies and courts in terms of legislation or court orders.</p>
<p><b>Supplier and Third-Party Contractors' Personal Information , including:</b></p> <p>Full name</p> <p>Identity Number</p> <p>Company name</p> <p>Company Registration Number</p> <p>Physical address</p> <p>Contact details</p> <p>VAT number</p> <p>Banking details</p>	<p>Managing supplier / contractor relationship for services to be provided.</p> <p>To make payments for services rendered.</p> <p>As required by statutory obligations in terms of the relevant legislation.</p>	<p>Past and current employees of the Company.</p>	<p>Management of the Company.</p> <p>Accounts department of the Company.</p> <p>SARS.</p> <p>Statutory bodies and courts in terms of legislation or court orders.</p>



Personal Information	Purpose of Processing	Data Subjects it relates to	Valid Recipients
<p><b>Client Personal Information , including:</b></p> <p>Full name</p> <p>Identity Number</p> <p>Company/Entity name</p> <p>Company/Entity Registration Number</p> <p>Company/Entity incorporation documentation</p> <p>Physical address</p> <p>Contact details</p> <p>VAT / Income Tax number</p> <p>Banking details</p> <p>Documentation / information provided by the client.</p>	<p>Managing client relationship.</p> <p>To render services to client.</p> <p>To comply with obligations in terms of FICA.</p> <p>To make payments to client where required.</p> <p>As required by statutory obligations in terms of the relevant legislation.</p>	<p>Past and current employees of the Company.</p>	<p>Management of the Company.</p> <p>Financial Intelligence Centre.</p> <p>Staff.</p> <p>Accounts department of the Company.</p> <p>Third party suppliers.</p> <p>SARS.</p> <p>Statutory bodies and courts in terms of legislation or court orders.</p>
<p>Personal Information collected from COVID19 sign-in register.</p>	<p>Required to be obtained and kept in accordance with the relevant Regulations in terms of the Disaster Management Act.</p>	<p>Any person entering the Company's office.</p>	<p>Management of the Company.</p> <p>Statutory bodies and courts in terms of legislation or court orders.</p>



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Annexure A / Prescribed Form

## Request For Access To Record Of Private Body

### A. Particulars of SMSPortal

**Attention** Mr Ian Calder

4th Floor, West Office Tower Canal Walk  
Century Boulevard Cape Town,  
8001

**Telephone** +27 86 111 2021

**Fax** +27 86 572 1958

**E-mail** ian.calder@smsportal.com



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## B. Particulars of Person Requesting Access to the Record

- (A) The details of the person who requests access to the record must be recorded below
  
- (B) An address and/or fax number in the Republic to which information must be sent **MUST** be provided.
  
- (C) Proof of the capacity in which the request is made, if applicable, must be attached.

First Name

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Surname

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Preferred Language

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Postal Address

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.....  
.....  
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Fax Number

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Telephone Number

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E-mail Address

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## C. 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.

First Name .....

Surname .....

ID Number .....

Relationship to person on whose behalf the request is being made:

.....  
.....

## D. Particulars of Record to be Accessed

Provide full particulars of the record to which access is requested:

1. Description of record or relevant part of the record:

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2. Any further particulars of record that could assist us in locating it:

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## E. Fees

(A) A request for access to a record, other than a record containing personal information about yourself, will be processed only after the prescribed fee has been paid.

(B) Should your request be successful, you will be notified of the amount required to be paid as the access fee.

(C) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(D) If you qualify for exemption of the payment of any fee, please state the reason below.

Reason for exemption of payment of fees:

.....  
.....

## F. Form of Access to Record

If you are prevented by a disability 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. SMSPortal will endeavor to provide the record to you in the requested form but this may not always be possible depending on the form which the record is in. Should this be the case, SMSPortal will inform you as to what form the record is available in. The fee payable for access to 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 the record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc):

- View the images  Transcription of the images

3. If the record consists of recorded words or information which can be reproduced in sound:

- Listen to the soundtrack (audio cassette)  Transcription of the soundtrack (written or printed document)

4. If the record is held on a computer or in an electronic or machine-readable form:

- Print copy of record  Print copy of information derived  Copy in computer readable form

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee will be payable.

- Yes  No



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## G. Particulars of Right to be Exercised or Protected

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

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

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.....

## H. 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 thereof 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?

.....  
.....

Signed at ..... on this ..... day of ..... 20 .....

.....  
*Signature of Requester / Person on Whose Behalf Request is Made*

