

PROMOTION OF ACCESS TO INFORMATION

MANUAL IN TERMS OF SECTION 51

OF THE

PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000 AS AMENDED

for

REGENESYS MANAGEMENT (PTY) LIMITED

and its subsidiaries

(Hereinafter referred to as "Regenesys")

Registration Number: 1997/009003/07

This policy aims to uphold, promote and protect the underpinning principles of the POPI Act



TABLE OF CONTENTS

Clause number and description

Page

1. INTRODUCTION	2
2. SCOPE AND OBJECTIVE OF MANUAL	2
3. AVAILABILITY OF THE MANUAL	3
4. CONFIDENTIALITY	3
5. CATEGORIES OF APPLICANTS	3
6. GUIDE IN TERMS OF SECTION 10 OF PAIA	4
7. ORGANISATIONAL STRUCTURE	4
8. CORPORATE GOVERNANCE	5
9. RECORDS AND INFORMATION THAT IS AVAILABLE WITHOUT FORMAL REQUEST IN TERMS OF PAIA	5
10. RECORDS THAT MAY BE REQUESTED IN ACCORDANCE WITH THE PROVISIONS OF PAIA OR POPIA	5
11. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION	6
12. PROCEDURE	7
13. PRESCRIBED FEES IN TERMS OF THE REGULATIONS REGARDING THE PROMOTION OF ACCESS TO INFORMATION	7
14. GRANTING OR REFUSAL OF REQUESTS	8
15. APPEAL	8
16. SUMMARY OF POPIA REQUIREMENTS	8
17. REVIEW	9
18. ANNEXURE A	9

1. INTRODUCTION

- 1.1. The Constitution of the Republic of South Africa, 1996 entrenches the rights to privacy and the right of access to information.
- 1.2. The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as "PAIA") came into effect on the 9th of March 2001 and seeks to advance the values of transparency and accountability in South Africa and provides mechanisms for applicants to exercise their constitutional right of access to information.
- 1.3. The Protection of Personal Information Act, 4 of 2013 (hereinafter referred to as "POPIA") came into effect on 1 July 2021 and establishes a legal obligation on Regenesys Management (Pty) Ltd, the Regenesys Group of companies and/or any of its subsidiaries, third parties and stakeholders to protect its data subjects' personal information and comply with the lawful processing thereof. POPIA amends certain provisions of PAIA and balances the need for access to information against the need for personal information to be protected. POPIA also establishes an Information Regulator to exercise certain statutory powers and perform certain duties and functions in terms of POPIA and PAIA.
- 1.4. PAIA and POPIA establish a statutory right of access to information to any record held by the State or a private body if:
 - 1.4.1. that record is required for the exercise or protection of any of the data subject's legal rights;
 - 1.4.2. the applicant complies with all the procedural requirements; and/or
 - 1.4.3. access is not refused in terms of any grounds referred to in either POPIA or PAIA.
- 1.5. Applicants who experience difficulty using this manual should contact Regenesys Management (Pty) Ltd's Information Officer and/or Deputy Information Officer/s whose details are set out in this manual.
- 1.6. The following words shall bear the following meanings for the purposes of this manual:
 - 1.6.1. "PAIA" – The Promotion of Access to Information Act, 2 of 2000
 - 1.6.2. "POPIA" – The Protection of Personal Information Act, 4 of 2013
 - 1.6.3. "SAHRC" – The South African Human Rights Commission
 - 1.6.4. "Regenesys" – Regenesys Management (Pty) Ltd
 - 1.6.5. "Regenesys Group" – Any of the Regenesys group entities or subsidiary companies
 - 1.6.6. "Manual" – this manual together with all annexures hereto as amended and made available from time-to-time

2. SCOPE AND OBJECTIVE OF MANUAL

- 2.1. This manual has been prepared by the Legal and Compliance Department of Regenesys Management (Pty) Ltd and applies to Regenesys Management (Pty) Ltd, the Regenesys Group and its subsidiaries.
- 2.2. This manual is published in accordance with the provisions and requirements set out in section 51 of PAIA and section 17 of POPIA in order to facilitate access to records held by Regenesys in terms of PAIA.
- 2.3. More specifically, this manual makes provision for information on:
 - 2.3.1. The contact details of the Information Officer and Deputy Information Officer/s who will deal with requests for information.
 - 2.3.2. The structure and functions of Regenesys and the Regenesys Group.
 - 2.3.3. Records and information that are available without formal request.
 - 2.3.4. Records that are available in terms of any other legislation.
 - 2.3.5. Records and information that should be formally requested in terms of PAIA.
 - 2.3.6. The procedure that needs to be followed to obtain access to records.

3. AVAILABILITY OF THE MANUAL

- 3.1. This manual is available in both hard-copy and Portable Document Format (PDF) versions.
- 3.2. A printed version of the manual is available against payment of the prescribed fees as set out herein.
- 3.3. The Chief Executive Officer of Regenesys has delegated his powers in terms of PAIA to the Information Officer and Deputy Information Officer/s, who will endeavor to handle all requests in terms of PAIA on his behalf.
- 3.4. All requests in terms of PAIA must be addressed to:

THE INFORMATION OFFICER AND/OR DEPUTY INFORMATION OFFICERS

Physical address: 165 West Street, Sandown, Sandton, 2196

Postal address: Postnet Suite 71, Private Bag x9976, Sandton City, 2146, South Africa

Tel: (011) 669 5000

Fax: (011) 669 5001

E-mail: info@regenesys.net

For attention: The Information Officer and/or Deputy Information Officer/s

4. CONFIDENTIALITY

- 4.1. Regenesys takes its data subjects privacy seriously and protects the information provided to it by any third-party service provider, subject to Regenesys' obligations to disclose such information as mandated in any applicable law or court order requiring such disclosure of information.
- 4.2. Records requested for purposes of any civil or criminal proceedings, so requested after the commencement of such proceedings, and the production of access to such records does not fall within the scope of POPIA or PAIA.

5. CATEGORIES OF APPLICANTS

- 5.1. An applicant may only request information in terms of PAIA if the information is required for the protection of a legal rights, and as such, only requests for access where the applicant furnishes sufficient particulars as to the right sought to be protected will be considered.
- 5.2. An applicant can request information in different capacities, such as:
 - 5.2.1. A person requesting information on his/herself.
 - 5.2.2. A person requesting information on behalf of another.
 - 5.2.3. A public body requesting information in the public interest.

The category of applicant will determine the fees payable in accordance with the manual herein.

6. GUIDE IN TERMS OF SECTION 10 OF PAIA

- 6.1. A guide on how to access and benefit from PAIA has been compiled by the SAHRC in accordance with Section 10.
- 6.2. Any queries can be directed to the Human Rights located at Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg; or via registered mail at P O Box 2700, Houghton, 2014.

Telephone: (011) 877 3750
Fax: (011) 403 0668
Email: paia@sahrc.org.za
info@sahrc.org.za

7. ORGANISATIONAL STRUCTURE

- 7.1. Regenesys is registered with the Department of Education as a private higher education institute under the Higher Education Act, 1997, registration certificate no. 2000/HE07/023. Regenesys is a private company duly incorporated under the Laws of the Republic of South Africa with company registration number 1997/009003/07 and is also a registered credit provider with registration number NCRC7940.

- 7.2. Company Facts:

Sector: Private Higher Education
Nature of Business: Education and Training
Permanent Staff as at 30 June 2021: 160 staff

Telephone: (011) 669 5000
Fax: (011) 669 5001
E-mail address: info@regenesys.net
Website: www.regenesys.net

Postal address: Postnet Suite 71, Private Bag x9976, Sandton City, 2146, South Africa
Physical address: 165 West Street, Sandton, Johannesburg, Gauteng, South Africa

- 7.3. The Regenesys Group of Companies:

NAME	REGISTRATION NUMBER
REGENESYS MANAGEMENT (PTY) LTD	1997/009003/09
DANANDA TALENT	2016/477985/07
REG CAFÉ	2017/370190/07
REGENESYS INVESTMENT FUND (PTY) LTD T/A MYWEALTH INVESTMENTS	2013/215799/07

8. CORPORATE GOVERNANCE

- 8.1. Regenesys is committed to the principles of fairness, accountability, responsibility and transparency in its dealings with all stakeholders.
- 8.2. Regenesys is committed to comply with, where applicable, the King Code/s and corporate governance requirements.

9. RECORDS AND INFORMATION THAT IS AVAILABLE WITHOUT FORMAL REQUEST IN TERMS OF PAIA

- 9.1. Regenesys routinely makes information available to the public where same is necessary for the purposes of carrying on its business in the higher education sector.
- 9.2. General and specific information that may be of interest to potential clients, investors, applicants for employment etc. is readily available on the Regenesys website.

10. RECORDS THAT MAY BE REQUESTED IN ACCORDANCE WITH THE PROVISIONS OF PAIA OR POPIA

COMPANIES ACT RECORDS:

- 10.1. Incorporation documents
- 10.2. Memorandum of Incorporation
- 10.3. Minutes of Board Directors meetings
- 10.4. Records relating to the appointment of directors/auditors/secretary/public officer and other officers
- 10.5. Share register and any other statutory registers

FINANCIAL RECORDS:

- 10.6. Annual Financial Statements
- 10.7. Tax Returns
- 10.8. Accounting Records
- 10.9. Banking Records/Bank Statements/Paid Cheques/Electronic Banking Records
- 10.10. Asset Registers
- 10.11. Rental Agreements
- 10.12. Invoice

INCOME TAX RECORDS:

- 10.13. PAYE Records
- 10.14. Documents issued to employees for income tax purposes (IRP5s)
- 10.15. Records of payments made to SARS on behalf of employees
- 10.16. Statutory records in respect of VAT, Regional Service Levies, UIF, Workmen's Compensation.

PERSONNEL DOCUMENTS AND RECORDS:

- 10.17. Employment contracts or offer letters
- 10.18. Employment Equity Plan
- 10.19. Medical Aid records
- 10.20. Pension Fund records
- 10.21. Disciplinary Records
- 10.22. Salary records
- 10.23. SETA records
- 10.24. Disciplinary codes or internal HR Policies
- 10.25. Leave records
- 10.26. Training records
- 10.27. Training manuals

11. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

This list, although detailed, may not be exhaustive. It will be periodically updated.

- Administration of Estates Act, 66 of 1965
- Arbitration Act, 42 of 1965
- Basic Conditions of Employment Act, 75 of 1997
- Companies Act, 61 of 1973
- Compensation for Occupational Injuries and Diseases, Act 130 of 1993
- Copyright Act, 98 of 1978
- Consumer Affairs (Unfair Consumer Practices) Act, 71 of 1988
- Criminal Procedure Act, 51 of 1977
- Currency and Exchanges Act, 9 of 1933
- Debt Collectors Act, 114 of 1998
- Electronic Communications and Transactions Act, 25 of 2002
- Employment Equity Act, 55 of 1998
- Firearms Control Act, 60 of 2000
- Income Tax Act, 58 of 1962
- Insider Trading Act, 135 of 1998
- Insolvency Act, 24 of 1936
- Intellectual Property Laws Amendment Act, 38 of 1997
- Interception and Monitoring Prohibition Act, 127 of 1992
- Labour Relations Act, 66 of 1995
- Magistrates Court Act, 32 of 1944
- Medical Schemes Act, 131 of 1998
- Occupational Health and Safety Act, 85 of 1993
- Pension Funds Act, 24 of 1956
- Prevention of Organised Crime Act, 121 of 1998
- Protection of Personal Information Act, 4 of 2013
- SA Reserve Bank Act, 90 of 1989
- Skills Development Act, 97 of 1998
- Skills Development Levies Act, 9 of 1999
- Supreme Court Act, 59 of 1959
- Trade Marks Act, 194 of 1993
- Unemployment Insurance Act, 63 of 2001
- Value Added Tax Act, 89 of 1991

12. PROCEDURE

- 12.1. In order to facilitate access to a record, applicants need to complete the prescribed access form attached to this manual marked as Annexure "A". The form must be completed in full. Failure to submit the full and complete form to the addresses shall result in the process being delayed and/or not attended to.
- 12.2. Proof of identity is required to authenticate the request and the applicant. Therefore, in addition to the access form, applicants are required to supply a recently certified copy of the applicant's identification document, or any other means of identification acceptable to the Information Officer and/or Deputy Information Officers.
- 12.3. If the applicant is acting as an agent on behalf of a third party, the applicant must provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the applicant by such person and proof of the identity of the applicant. The Information Officer and/or Deputy Information Officers will not process any requests until he/she is satisfied that these requirements have been met.

13. PRESCRIBED FEES IN TERMS OF THE REGULATIONS REGARDING THE PROMOTION OF ACCESS TO INFORMATION

- 13.1. Please take note that a request will not be considered until the prescribed fees have been paid as set out in the table below. The below fees are not VAT-inclusive.
- 13.2. Personal applicants (or data subjects) seeking access to their personal information are strictly exempt from paying the required fees.
- 13.3. Once the Information Officer and/or Deputy Information Officers have made a decision regarding the request, the applicant will be notified in writing and advised of the reproduction, access and search fees payable.
- 13.4. A fee for a copy of this manual is R1.10 for every photocopy of an A4 page or part thereof, or every printed A4 page or part thereof.
- 13.5. The request fee payable by applicants, other than personal applicants/data subjects, is R50.00.
- 13.6. The reproduction fees payable by applicants, other than personal applicants/data subjects, is as follows and is not VAT-inclusive (VAT will be added to the prescribed fees below):

NO.	ITEM	PRESCRIBED FEE
i.	Every photocopy of an A4 page or part thereof	R1.10
ii.	Every printed page of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R0.75
iii.	For a copy in computer-readable form: Compact Disc or Flash Drive	R70.00
iv.	A transcription of visual images, for an A4 page or part thereof	R40.00
v.	Copy of visual images	R60.00
vi.	A transcription of an audio record, for an A4 page or part thereof	R20.00
vii.	Copy of an audio record	R30.00

13.7. The access fees payable are as follows:

NO.	ITEM	PRESCRIBED FEE
i.	Every photocopy of an A4 page or part thereof	R1.10
ii.	Every printed page of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R0.75
iii.	For a copy in computer-readable form: Compact Disc or Flash Drive	R70.00
iv.	A transcription of visual images, for an A4 page or part thereof	R40.00
v.	Copy of visual images	R60.00
vi.	A transcription of an audio record, for an A4 page or part thereof	R20.00
vii.	Copy of an audio record	R30.00

- 13.8. To search and prepare the record for disclosure, R30.00 for each hour or part-thereof reasonably required for such search and preparation.
- 13.9. If, in the opinion of the Information Officer and/or Deputy Information Officers, the search and preparation will require more than six (6) hours, the applicant will be required to pay a deposit equal to one-third of the access fee upfront.
- 13.10. Where a copy of the record needs to be sent via prepaid registered mail, the actual cost of posting the item will be payable in full by the applicant.

14. GRANTING OR REFUSAL OF REQUESTS

- 14.1. All requests for information that meet the requirements as set out in this manual will be processed by the Information Officer and/or Deputy Information Officers within the time limits set out in PAIA.

14.2. In terms of PAIA requests may be refused on the following grounds:

- 14.2.1. Mandatory protection of privacy of any third party who is a natural person
- 14.2.2. Mandatory protection of commercial information of a third party
- 14.2.3. Mandatory protection of certain confidential information of a third party
- 14.2.4. Mandatory protection of records privileged from production in legal proceedings
- 14.2.5. Commercial information of the private body; and
- 14.2.6. Mandatory protection of research information of a third party and of the private body.

15. APPEAL

- 15.1. There is no right of appeal against the final decision of the Information Officer and the only recourse available to an applicant or third party who is aggrieved by the Information Officer's decision is by way of application to a court for the appropriate relief in terms of Section 78 of PAIA.

16. SUMMARY OF POPIA REQUIREMENTS

- 16.1. In terms of POPIA, personal information must be processed for a specific purpose only. This purpose is the purpose for which information is initially provided.
- 16.2. POPIA provides that data subjects, i.e. the person to whom the personal information relates, may request Regenesys to confirm that it holds personal information about the data subject and, if so, may request access to such information.
- 16.3. POPIA provides that data subjects may object to the processing of personal information by Regenesys on reasonable grounds relating to their specific situation, unless legislation mandates the processing of said information.
- 16.4. Requests for data subjects must be made in terms of this PAIA manual.
- 16.5. Regenesys' privacy policy, POPIA manual and POPIA consent forms may all be accessed on the Regenesys website at <https://regenesys.net/privacy-policy/>

17. REVIEW

This manual will be reviewed by the Regenesys Legal and Compliance Department and/or its legal representatives as and when it becomes appropriate and/or necessary to do so.

ANNEXURE A

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))

[Regulation 10]

- A. PARTICULARS OF PRIVATE BODY** The Information Officer (Regenesys Management (Pty) Ltd) Postnet Suite 71, Private Bag x9976, Sandton City, 2146, South Africa

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

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

Full name/s and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

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

