

PAIA MANUAL FOR THEZA CAPITAL (PTY) LTD

Prepared in terms of section 51 of
the Promotion of Access to
Information Act 2 of 2000 (as
amended)

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THEZA
CAPITAL

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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	“Guide”	A guide on how to use PAIA (the Act)
1.5	“Manual”	This PAIA Manual
1.6	“Minister”	Minister of Justice and Correctional Services
1.7	“PAIA”	Promotion of Access to Information Act No. 2 of 2000 (as Amended)
1.8	“POPIA”	Protection of Personal Information Act No.4 of 2013
1.9	“Private Body”	A natural or juristic person who carries or has carried a trade or business or profession, and is not a public body
1.10	“Regulator”	Information Regulator of South Africa
1.11	“Republic”	Republic of South Africa
1.12	“The Act”	PAIA

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to-

- 2.1 check the categories of records held by THEZA Capital (Pty) Ltd (“THEZA Capital”), which are available without the requirement to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to make a request for access to a record held by THEZA Capital, by providing a description of the subjects on which THEZA Capital holds records and the categories of records held on each subject;
- 2.3 know the description of the records kept by THEZA Capital, 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 (where applicable) who will assist the public with the records they intend to access;
- 2.5 know of the existence of a guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if THEZA Capital 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 THEZA Capital has or plans to transfer or process personal information outside the Republic and the recipients or categories of recipients to whom the personal information may be supplied; and

2.10 know whether THEZA Capital has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. WHO MAY REQUEST ACCESS TO INFORMATION HELD

The Act provides that a person may only request information in terms of the Act itself, or if the information is required for the protection of a right. Should the latter apply, THEZA Capital reserves the right to decide if the access to information holds legitimate interest for the data subject. The categories of requesters may be as follows;

- Individual seeking access to their own personal information;
- A public body seeking access to a data subjects' information in terms of a legitimate interest / in terms of a local legislation / for public interest; and
- An agent / third party seeking access to information on behalf of a data subject.

4. RIGHT OF REFUSAL TO PROVIDE ACCESS TO INFORMATION

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act;

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party / private body;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings; and
- Mandatory protection of research information of a third party and of the private body.

THEZA Capital will endeavour to provide responses within 30 days as stipulated by the Act, however, it is to be noted that this 30-day period may be extended for a further 30 days should more time be required to gather the requested information. The requestor will however be notified if the first 30-day notice period will be extended for a further 30 days.

5. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION

Chief Information Officer

Name:	Ms. Sisanda Tuku
Tel:	+27(0)11 783 6136
Email:	sisanda@thezacapital.co.za

Head Office

Postal Address:	2 nd Floor Adapt Building, 3 Gwen Lane, Sandton 2196
Physical Address:	2 nd Floor Adapt Building, 3 Gwen Lane, Sandton 2196
Telephone:	+27 (0) 11 783 6136
Email:	info@thezacapital.co.za
Website:	www.thezacapital.co.za

6. GUIDE ON HOW TO USE PAIA

- 6.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available a revised Guide on how to use PAIA, 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.
- 6.2 The Guide is available from the Regulator in each of the official languages and in braille.
- 6.3 The aforesaid Guide contains the description of-
 - 6.3.1 the objectives of PAIA and POPIA;
 - 6.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
 - 6.3.2.1. the Information Officer of every public body, and
 - 6.3.2.2. every Deputy Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²;
 - 6.3.3. the manner and form of a request for-
 - 6.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 6.3.3.2. access to a record of a private body contemplated in section 50⁴;
 - 6.3.4. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;

- 6.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.3.6. 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 the manner and form of a request for-
 - 6.3.6.1. access to a record of a public body contemplated in section 11³; and
 - 6.3.6.2. access to a record of a private body contemplated in section 50⁴;
- 6.3.7. the assistance available from the Information Officer of a public body in terms of PAIA and POPIA;
- 6.3.8. the assistance available from the Regulator in terms of PAIA and POPIA;
- 6.3.9. 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-

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 record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

- 6.3.9.1. an internal appeal;
 - 6.3.9.2. a complaint to the Regulator; and
 - 6.3.9.3. an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 6.3.10. 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;
- 6.3.11. the provisions of sections 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 6.3.12. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
- 6.3.13. the regulations made in terms of section 92¹¹.

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."

6.4 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 working/ business hours.

6.5 The Guide can also be obtained-

6.5.1 upon request from the Information Officer of THEZA Capital;

6.5.2 from the website of the Regulator: <https://info regulator.org.za>

7. RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS

Category of records	Types of the Record	Available on Website	Available on request
Customer/ client	Names, logos only	X	N/A
Employees	Names, photographs, educational information	X	N/A

8. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

THEZA Capital retains several records in accordance with legislation which applies to it, including but not limited to;

- Basic Conditions of Employment Act, No. 75 of 1997;
- Companies Act, No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Consumer Protection Act, No. 68 of 2008;

- 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. 58 of 1962;
- Labour Relations Act, No. 66 of 1995;
- Occupational Health and Safety Act, No. 85 of 1993;
- Protection of Personal Information Act, No.4 of 2013;
- Unemployment Insurance Act, No. 63 of 2001; and
- Value Added Tax Act, No. 89 of 1991.

Where any information contained in any records kept by THEZA Capital in terms of the above legislation is of a public nature, such records may be available for inspection without a person having to request access thereto in terms of PAIA.

9. CATEGORIES OF RECORDS HELD

Financial

- Accounting records;
- Investment records;
- Annual financial statements;
- Tax returns;
- Creditors and debtors;
- Invoices;
- Banking records;
- Fixed assets register; and
- Audit reports.

Human resources

- Recruitment records;
- Employment contracts;
- Payroll and payroll related; and
- Banking records

Registers and Records

- Directors and officers;
- Interests of directors;
- Shareholders;
- Minutes of meetings; and
- Licenses and permits.

Company Information

- Registration documents;
- Memorandum of Incorporation; and
- Policies and Procedures.

Miscellaneous

- Service provider agreements;
- Supplier agreements;
- Client agreements;
- Insurance policies; and
- Correspondence with stakeholders.

10. REASON FOR PROCESSING OF PERSONAL INFORMATION

THEZA Capital processes personal information only for the explicit purposes of providing services to its current and prospective clients, as well as for purposes of recruitment of employees.

11. CATEGORIES OF DATA SUBJECTS

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	names, addresses, registration numbers or identity numbers, logos, employment status, trade secrets and bank details or invoicing details or transaction details.
Service Providers	names, registration numbers, vat numbers, addresses, trade secrets, banking details, invoicing details.
Employees	address, qualifications, gender and race, identity numbers and some medical information.
Public Bodies & Regulatory Bodies	email addresses, physical addresses, names, logos.

12. LAWFUL RECIPIENTS OF PERSONAL INFORMATION

THEZA Capital may from time to time disseminate personal information of data subjects to service providers / third parties / regulatory bodies who aid THEZA Capital in providing its services to its clients.

This personal information is treated in confidence and is managed by written contracts as stipulated by the POPIA.

12.1 Planned transborder flows of personal information;

- THEZA Capital does not transfer personal information to other countries, other than through cloud storage, personnel or business international travel, any engagements with international clients and instances where a service is carried out jointly with international service providers.

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

- THEZA Capital takes the protection of personal information seriously and has, to the best of its ability, ensured that all personal information is managed, stored and destroyed in a lawful manner, according to the prescripts of POPIA.

13. AVAILABILITY OF THE MANUAL

13.1 A copy of the Manual is available-

13.1.1 on the website: <https://www.thezacapital.co.za>

13.1.2 head office of THEZA Capital for public inspection at the office, during normal South African business hours;

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

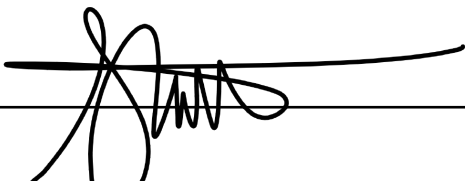
13.1.4 to the Information Regulator upon request.

13.2 A fee for a copy of the Manual, as contemplated in *Annexure A*, and shall be payable per A4-size photocopy made.

14. UPDATING OF THE MANUAL

The Information Officer of THEZA Capital will update this manual on a regular or necessary basis.

Issued by

A handwritten signature in black ink, consisting of a large loop followed by several smaller, connected loops, written over a horizontal line.

Ms. Sisanda Tuku

Chief Executive Officer

Date: 20 November 2024

ANNEXURE A – PRESCRIBED FEES

No.	Description	Amount
1	The request fee payable by every requestor	R140.00
2	Photocopy printed black/white copy of A4 size page	R2.00 per page or part thereof
3	Printed copy of A4-size page	R2.00 per page or part thereof
4	For a copy in a computer-readable form on –	
	(i) Flash Drive (to be provided by the requestor)	R40.00
	(ii) Compact Disc	
	- If provided by the requestor	R40.00
	- If provided to the requestor	R60.00
5	For a transcription of visual images per A4-size page	Service to be outsourced.
6	Copy of visual images	Will depend on quotation from service provider.
7	Transcription of an audio record per A4-size page	R24,00
8	For a copy of an audio record on –	
	(i) Flash Drive (to be provided by the requestor)	R40.00
	(ii) Compact Disc	
	- If provided by the requestor	R40.00
	- If provided to the requestor	R60.00
9	To search and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation.	R145.00
	To not exceed the total cost of	R435.00
10	Deposit: If search exceeds 6 hours	One third of amount per request calculated in terms of 2 and 8
11	Postage, e-mail or any other electronic transfer	Actual expense, if any.