

VitaLarch (Pty) Ltd

(Registration Number: 2022/482115/07)

PAIA MANUAL

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

TABLE OF CONTENTS

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 THE (JACO JANSE VAN VUUREN)

3.1. Chief Information Officer

Name: Jaco Janse van Vuuren
Tel: +27 82 282 0088
Email: info@vitalarch.co
Fax number: N/A

3.2. Deputy Information Officer – N/A

3.3 Access to information general contacts

Email: info@vitalarch.co

3.4 Registered office

Postal Address: 36 Valley Crescent, Highveld, Centurion, 0157
Physical Address: 36 Valley Crescent, Highveld, Centurion, 0157

Telephone: +27 82 282 0088

Email: info@vitalarch.co

Website: <https://www.vitalarch.co>

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 PAIA and section 56 of POPIA;
 - 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 11; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50;
 - 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 decision by the Regulator or a decision of the head of a private body;

- 4.3.7. the provisions of sections 14 and 51 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 15 and 52 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 22 and 54 regarding fees to be paid in relation to requests for access; and
- 4.3.10. the regulations made in terms of section 92.
- 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;
 - 4.5.2. from the website of the Regulator (<https://www.justice.gov.za/inforeg/>)
- 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 & Afrikaans

5. COMPANY RECORDS

5.1 XM Strategy keep records as required by the following legislation:

- 5.1.1 Labour Relations Act (Act 66 of 1995)
- 5.1.2 Basic Conditions of Employment Act (Act 75 of 1997)
- 5.1.3 Employment Equity Act (Act 55 of 1998)
- 5.1.4 Unemployment Insurance Contributions Act (Act 4 of 2002)
- 5.1.5 Unemployment Insurance Act (Act 63 of 2001)
- 5.1.6 Skills Development Levies Act (Act 9 of 1999)
- 5.1.7 Skills Development Act (Act no. 97 of 1998)
- 5.1.8 Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993)
- 5.1.9 Occupational Health and Safety Act (Act 85 of 1993)
- 5.1.10 Companies Act (Act 71 of 2008)
- 5.1.11 Income Tax Act (Act 95 of 1967)
- 5.1.12 Value Added Tax Act (Act No. 89 of 1991)
- 5.1.13 Long Term Insurance Act (Act 52 of 1998)
- 5.1.14 Short Term Insurance Act (Act 53 of 1998)
- 5.1.15 Copyright Act (Act 98 of 1978)
- 5.1.16 Trade Marks Act (Act no. 194 of 1993)
- 5.1.17 National Credit Act (Act 34 of 2005)

5.1.18 Electronic Communications and Transactions Act (Act 25 of 2002)

5.1.19 Intellectual Property Laws Amendment Act (Act 28 of 2013)

6. DESCRIPTION OF THE RECORDS OF (VITALARCH) WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

6.1 The Records kept by VitaLarch are categorised as follows:

6.1.1 Administration and Management:

- i. Company Records;
- ii. Statutory Records;
- iii. Minutes of internal meetings;
- iv. Risk insurance and insurance Records; and
- v. Commercial Contracts

6.1.2 Financial Records:

- i. Annual financial statements;
- ii. Asset Registers;
- iii. Auditor's reports;
- iv. Banking records;
- v. Creditors and debtors' Records;
- vi. Invoices and statements; and
- vii. Tax Returns.

6.1.3 Operational Records:

- i. VAT Records;
- ii. Service Level Agreements

6.1.4 Employee Records:

- i. Appointment Records and employment contracts;
- ii. Payroll Records;
- iii. Internal policies and administrative forms;

6.1.5 Information Technology:

- i. Computer software;
- ii. User statistics; and
- iii. Software licenses.

6.1.6 Records pertaining to clients:

- i. Limited Personal Information which is required to perform services to the client;

- ii. Client's historical interaction with VitaLarch; and
- iii. Client's marketing preferences regarding products and services.

7. INFORMATION OFFICER

7.1 The responsibility for the administration of and compliance with the provisions of PAIA and POPIA have been delegated by the Managing Director of VitaLarch to its Information Officer

7.2 A Requester who wishes to acquire further information in regard to the use of this Manual and/or procedure to be followed to obtain access to a Record, may direct inquiries to the Information Officer at the following contact details:

Managing Director:	Jaco Janse van Vuuren
Information Officer:	Jaco Janse van Vuuren
Postal address:	36 Valley Crescent, Highveld, Centurion, 0157
Physical address:	36 Valley Crescent, Highveld, Centurion, 0157
Website:	https://www.vitalarch.co
Telephone:	+27 82 282 0088
E-mail:	info@vitalarch.co

8. PROCESSING OF PERSONAL INFORMATION

8.1 *In terms of POPIA, Personal Information may only be processed for a specific purpose.*

8.2 *VitaLarch may process Personal Information as part of its internal commercial administration which includes employee administration and compliance with tax laws and any other applicable legislative and regulatory requirements.*

8.3 *Furthermore, VitaLarch processes the Personal Information of clients when rendering services to the same which includes details of clients' accounts.*

8.4 *VitaLarch explicitly discloses the purpose for processing of Personal Information at the time the Personal Information is collected and only proceeds with the processing thereof once consent has been given by the person whose Personal Information is collected.*

8.5 *VitaLarch may process Personal Information and retain Records relating to natural or juristic persons who fall within the following non-exhaustive categories:*

- i. *Clients*
- ii. *Suppliers*

- iii. *Contracted service providers*
- iv. *Employees*
- v. *Directors*
- vi. *Any third party with whom VitaLarch conducts business*

8.6 *VitaLarch may supply Personal Information to the following Recipients:*

- i. *Statutory oversight bodies, regulators, or judicial commissions of inquiry making a request for the Records;*
- ii. *Any court, administrative or judicial forum, arbitration, statutory commission, or ombudsman making a request therefore in terms of the applicable rules;*
- iii. *The South African Revenue Services, or another similar authority;*
- iv. *Third parties with whom VitaLarch have a contractual relationship for the capturing, organising, storage and/or retention and archiving of data; and*
- v. *Anyone making a successful application for access in terms of PAIA.*

8.7 *Subject to the provisions of POPIA and the National Credit Act (Act 34 of 2005),*

- i. *VitaLarch may share information about a client's creditworthiness with any credit bureau or credit provider's industry association or other association for an industry in which VitaLarch operates.*
- ii. *VitaLarch may only transfer Personal Information of a client (whether a natural or juristic person) to a third party domiciled in a foreign country for the purpose of rendering certain commercial services to that client, if the recipient of the Personal Information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection that effectively upholds the principles for processing of the information that are substantially similar to the conditions for the lawful processing of Personal Information in South Africa This transfer remains subject in the first instance to the client's consent to transfer the information. In addition, hereto, the transfer must be necessary for the performance in terms of a contract concluded in the interest of the client between VitaLarch and a third party.*

9. SUBMITTING A REQUEST FOR ACCESS TO A RECORD – [\[Annexure A\]](#)

9.1 A request for access to any of the Records held by VitaLarch in terms of Section 50 of PAIA must be made in writing by completing the form contained in the Regulations regarding the Promotion of Access to Information, 2002 (Form C).

9.2 A copy of the form is attached as Annexure A to this Manual. The request must be made to the Information Officer at the address, or email address, specified in this manual.

9.3 A Requester must pay the prescribed fee before processing of the request will take place.

9.4 The requester must provide sufficient detail on the prescribed form to allow VitaLarch to identify the Record or Records which have been requested and to identify the If a request is made on behalf of another person or entity, the Requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to VitaLarch. The Requester is also required to indicate the form of access to the relevant record that is required and to provide his, or her or its contact details in the Republic of South Africa.

9.5 The Requester is required to identify the right he, she or it, is seeking to exercise or protect by accessing records held by VitaLarch and to explain why the particular record or records requested is or are required for the exercise or protection of that right.

9.6 VitaLarch may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA which includes that access would result in the unreasonable disclosure of Personal Information about a third party.

9.7 VitaLarch is required to inform a Requester in writing of its decision in relation to a request.

9.8 VitaLarch will make a decision in relation to a request for access to records within 30 (thirty) days of receipt of the request, unless third parties are required to be notified of the request or the thirty-day period is extended as provided for in PAIA and will notify the Requester accordingly.

9.9 A Requester aggrieved by the Information Officer's decision either to refuse a request for access, a decision regarding the payment of an access fee, or a decision regarding the form of access to be granted, may submit a complaint to the Information Regulator of South Africa within 30 (thirty) days after the date of the decision by the VitaLarch Information Officer. Further information about the aforesaid Information Regulator can be obtained from <https://informationcommissioners.org/south-africa>.

10. FEES

Please refer to [Annexure B](#)

11. INFORMATION OR RECORDS NOT FOUND

11.1 If all reasonable steps have been taken to find a Record and such a Record cannot be found or if the Records sought do not exist, then the Information Officer shall inform the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the Record requested.

11.2 The affidavit or affirmation shall provide a full account of all steps taken to find the Record or to determine the existence thereof, including the details of all communications by the Information Officer with the persons, who conducted the search

11.3 If the Record in question is to be found at a later stage, the Requester shall be given access to the Record in the manner stipulated by the Requester in the prescribed form unless access is refused by the Information

12. GROUNDS FOR REFUSAL OF ACCESS

12.1 Mandatory protection of privacy of third party who is a natural person, including a deceased individual.

12.2 Mandatory protection of commercial information of third party.

12.3 Mandatory protection of certain confidential information and protection of certain confidential information of a third party.

12.4 Mandatory protection of safety of individuals, and protection of property.

12.5 Mandatory protection of Records privileged from production in legal proceedings.

12.6 Economic interests and commercial activities of VitaLarch.

12.7 Mandatory protection of research information of a third party, and protection of research information of VitaLarch.

12.8 Operations of VitaLarch.

12.9 Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources of VitaLarch.

13. AMENDMENT AND UPDATING OF MANUAL

13.1 This Manual shall be annually revised and updated if necessary or at such intervals as may be prescribed amendments to legislation.

13.2 As and when amendments are affected, the latest version of the Manual will be made public.

14. AVAILABILITY OF THE MANUAL

- ï This Manual is available for inspection at the offices of VitaLarch, located at 219 Main Road, Sea Point, Cape Town 8005 free of charge
- ï Copies of the Manual may be obtained, subject to the payment of the prescribed fees in paragraph 10, at the offices of VitaLarch.
- ï The Manual can also be accessed online at <https://www.vitalarch.co>

Issued by

Jaco Janse van Vuuren

MD