



BEEHIVE ONLINE SOLUTIONS

BOS PAIA MANUAL

Reg Bath

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Document No:	PAIA24001
Version:	1.0
Revision :	0.0

1. Introduction

1.1. The Provisions of the Act

- 1.1.1. The Act was enacted on 3 February 2000 and was put into effect in part on 9 March 2001, with Section 51 and other Sections pertaining to the Manuals to be prepared by public and private bodies coming into effect on 15 February 2002.
- 1.1.2. The object of the Act is to give effect to the constitutional right of access to information held by another and required for the exercise or protection of any right, but importantly, to give effect to such right subject to justifiable limitations such as privacy, commercial confidentiality, and professional privilege. When a request is made by a requester in accordance with the procedure provided for the Act, for access to information held by a body (being either a public body or a private body), that body is obliged to deal with such a request in the manner prescribed in the Act. More specifically, that body is obliged to release the information except in those cases where the Act expressly provides that the information may not or must not be released.

1.2. The Guide

- 1.2.1. In terms of Section 10 of the Act, the Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. Please direct any further queries in respect of this guide to: The South African Human Rights Commission: PAIA Unit Postal Address: Private Bag 2700 Houghton 2041 Phone: (011) 877 3600 Website: www.sahrc.org.za E-mail: info@sahrc.org.za
- 1.3. In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a Manual that provides information regarding the subjects and categories of records held by such private bodies. This Manual is intended to fulfil this requirement.
- 1.4. For the avoidance of doubt, any reference in this Manual to any information that is in addition to that specifically required in terms of Section 51 of the Act, does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.
- 1.5. Accordingly, this Manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information should be addressed to the contact person as identified in Section 3 of this Manual, as the entities designated Information Officer.
- 1.6. A copy of the Manual will be available:
 - 1.6.1. on our website) (www.beehiveonlinesolutions.co.za);
 - 1.6.2. at the registered address of the entity (refer to the address below);
 - 1.6.3. by sending a request for a copy to the Information Officer by email.

2. Entity overview, structure and scope of this Manual.

- 2.1. Beehive Online Solutions (BOS) is a Private Company that supplies Information Technology Services and Solutions to the market. We sell software licenses that are used in the composition of documents, to companies in South Africa and Africa that have a requirement, either through regulation or by virtue of customer 'contracts', to compose said documents. Other than reselling software licenses, we also use the software licenses on a Software as a Service basis to provide affordable document composition solutions and services to clients that don't necessarily wish to purchase or own the software themselves.
- 2.2. The Information Officer named below is appointed in respect of the abovementioned entity.

3. Administration of the Act

- 3.1. Mr Reg Bath is responsible for ensuring that the requirements of the Promotion of Access to Information Act are administered in a fair, objective and unbiased manner for the entity. Accordingly, all requests for access to records relating to the entity should be addressed to:
 - 3.1.1. Company Name: Beehive Online Solutions
 - 3.1.2. Contact person: Reg Bath
 - 3.1.3. Physical address: Spaces, 1 Bridgeway, Bridgeways Precinct, Century City, Cape Town, 7441
 - 3.1.4. Phone number: +27 21 830 5353
 - 3.1.5. E-mail: info@beehiveonlinesolutions.co.za

4. Voluntary Disclosure

- 4.1. BOS has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to BOS and its services are freely available on our website. Certain other information relating to BOS is also made available on such website from time to time.
- 4.2. Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

5. Records held by the entity in terms of the Act (Section 52 (1)(e))

- 5.1. Our records are in paper and electronic form. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.
- 5.2. We hold records with information falling into the following categories:
 - 5.2.1. Financial Statements and Accounting Records;
 - 5.2.2. Memorandum of Incorporation;
 - 5.2.3. Tax Records;

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- 5.2.4. General Correspondence and Miscellaneous Agreements;
 - 5.2.5. Information relating to transactions of a financial nature (e.g. invoices and payments);
 - 5.2.6. Banking Records;
 - 5.2.7. Marketing Information;
 - 5.2.8. Client Information;
 - 5.2.9. Vendor/Supplier Information;
 - 5.2.10. Employee Records;
 - 5.2.11. Personnel Guidelines, Company Policies and Procedures;
 - 5.2.12. Employment Equity Records;
 - 5.2.13. Labour Relations Records;
 - 5.2.14. Statutory HR Records;
 - 5.2.15. Insurance;
- 5.3. Records that can be accessed without a formal request : All records that can be accessed without the submission of a formal request (i.e. a formal request as defined by PAIA) can be accessed by contacting our Information Officer.
- 5.4. Denial of access - Access may be refused under limited circumstances including:
- protecting personal information that BOS holds about a third person from unreasonable disclosure
 - protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party)
 - if disclosure would result in a breach of a duty of confidence owed to a third party
 - if disclosure would jeopardise the safety or life of an individual
 - if disclosure would prejudice or impair the security of property
 - if disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme
 - if disclosure would prejudice or impair the protection of the safety of the public
 - the record is privileged from production in legal proceedings unless the privilege has been waived
 - if the record is a computer programme
 - disclosure of the record will put BOS at a disadvantage in contractual or other negotiations or prejudice it in commercial competition
 - disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of BOS
 - records containing information about research being carried out or about to be carried out on behalf of a third party or BOS

6. Processing of Personal information

- 6.1. The purpose of processing - The purpose of processing personal information will be informed by the nature of the personal information. The purposes for which processing activities will be undertaken include the following:
- to comply with legal obligations
 - to safeguard the data subject's legitimate interests
 - in pursuit of the companies' legitimate interests
 - to carry out actions necessary to conclude or perform a contract
- 6.2. Access to personal information already processed - Data subjects may request access, amendment or deletion their personal records processed by BOS, such requests must be directed to the information officer in the prescribed format.
- 6.3. Objection to processing of personal information - A data subject wishing to object to the processing of their personal information, in terms of section 11 (3)(a) of POPIA, must submit their objection by completing form 1 and addressing it to the information officer. The information officer will lend such reasonable assistance as is needed, free of charge, to enable the data subject to make their objection.
- 6.4. Data retention and destruction - Data will be assessed, and the retention period set will be informed by the following:
- Statutory requirements - information will be retained for only as long as is required by regulation or to meet legal requirements.
 - Ongoing business need or benefit: information will be retained for only as long as it is required to run the organisation effectively or if there is other demonstrable benefit.

7. Records available in terms of other legislation (Section 51(1)(d))

- 7.1. In terms of the following Acts, if and where applicable, which includes but is not limited to, we are required to ensure that certain categories of records are available for access as prescribed by each Act:
- 7.1.1. Basic Conditions of Employment Act No. 75 of 1997;
 - 7.1.2. Broad Based Black Economic Empowerment Act 53 of 2003;
 - 7.1.3. Companies Act No 71 of 2008;
 - 7.1.4. Constitution of South Africa Act 108 of 1996;
 - 7.1.5. Consumer Protection Act No 68 of 2008;
 - 7.1.6. Electronic Communications and Transactions Act 2 of 2000;
 - 7.1.7. Employment Equity Act No.55 of 1998;
 - 7.1.8. Income Tax Act No. 58 of 1962;
 - 7.1.9. Insolvency Act No. 24 of 1936;
 - 7.1.10. Occupational Health and Safety Act No. 85 of 1993;
 - 7.1.11. Promotion of Access to Information Act 2 of 2000;
 - 7.1.12. Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
 - 7.1.13. Unemployment Insurance Act No. 63 of 2001;
 - 7.1.14. Value-added Tax Act No. 89 of 1991.

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Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the Information Officer.

8. Procedure to follow when submitting a formal request of access to a record

- 8.1. A request for access to a record that does not fall within the categories identified in Section 5 of this Manual must be done formally either via conventional mail or e-mail.
- 8.2. This request should be in the prescribed format as defined in Form C of Annexure A as identified in Government Notice Number 187, Regulation 6. A request form is also attached to this Manual as Annexure A. The prescribed request fee should be attached.
- 8.3. Our Information Officer will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted.
- 8.4. Please note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record. The requesting party must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 8.5. The request form must be completed CLEARLY and COMPLETELY in block letters. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.
- 8.6. If access to a record/information is granted, our response will include:
 - 8.6.1. an indication of the access fee that should be paid upon gaining access (if any);
 - 8.6.2. an indication of the form in which the access will be granted; and
 - 8.6.3. a notice that you may lodge an application with the court against the access fee to be paid or the form of the access.
- 8.7. If access to a record/information is denied, our response will include:
 - 8.7.1. adequate reasons for the refusal; and
 - 8.7.2. notice that you may lodge an application with the court against the refusal. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.
- 8.8. Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.
- 8.9. Access will be granted to a record if the following criteria are fulfilled:
 - 8.9.1. the record is required for the exercise or protection of any right;

- 8.9.2. the requestor complies with the procedural requirements in the Act relating to a request; and
- 8.9.3. access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act. 9

9. Fees

9.1. There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee is payable on submission of the request for access to a record (unless the request is personal in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11 and may also be found on the website of the Human Rights Commission.

10. Request for access to information about third parties

10.1. If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.

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ANNEXURE A – FORM C

FORM C

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 Head:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) 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 request is made, when made on behalf of another person:

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.

Full names and surname:

Identity number:

D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (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 Description of record or relevant part of the record:

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- 2 Reference number, if available:
- 3 Any further particulars of record:

E. Fees

(a) 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.
 (b) You will be notified of the amount required to be paid as the request 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 for exemption.

Reason for exemption from 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.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection record
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	View of images	<input type="checkbox"/>	Copy of images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document

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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* (stiffy or compact disc)
'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

G. Particulars of right to be exercised or protected

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

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 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..... This..... day of20.....

SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF
REQUEST IS MADE