

AXIAL IT

INNOVATIVE END-TO-END SOLUTIONS

AXIAL IT (PTY) LTD

2022 / 351669 / 07

MANUAL IN TERMS OF
SECTION 51 OF THE
PROMOTION OF ACCESS TO
INFORMATION ACT 2/2000
(THE "ACT")

Dated: 04/07/2022

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|--|---|
| 1. INTRODUCTION..... | 3 |
| 2. COMPANY CONTACT DETAILS | 3 |
| 3. THE PROMOTION OF ACCESS TO INFORMATION ACT (“PAIA”)..... | 3 |
| 4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY AXIAL | 4 |
| 5. SCHEDULE OF RECORDS | 5 |
| 6. FORM OF REQUEST | 7 |
| 7. PRESCRIBED FEES..... | 7 |
| 8. DECISION | 8 |
| 9. GROUNDS TO REFUSE A REQUEST | 8 |
| 10. AVAILABILITY OF THE MANUAL..... | 9 |

1. INTRODUCTION

1.1. Axial IT (hereafter “**Axial**”) is a South African-based integrated IT consultancy providing customized cloud solutions. The Promotion of Access to Information Act, 2 of 2000 (hereafter “**PAIA**”) was enacted on 3 February 2000. The purpose of the legislation is to give effect to the constitutional right of access to information held by any private or public body that is required for the exercise or protection of any rights. Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA or other legislation expressly provides that the information may or must not be released. As a private body defined in PAIA, Axial is required to compile a manual to provide a reference as to the records held and the process which needs to be followed to access such records.

2. COMPANY CONTACT DETAILS

Directors: Mrs Phillipine Francke

Mr. Colin Fearnley

Mr. Gideon Pelser

Office Manager: Mr. Colin Fearnley

Postal Address: P.O. Box 164, Plumstead, Cape Town, Western Cape, South Africa, 7801

Street Address: 47 St Joseph Road, Plumstead, Cape Town, Western Cape, South Africa, 7800

Telephone Number: (021) 797-4784

Email: info@axialit.co.za

3. THE PROMOTION OF ACCESS TO INFORMATION ACT (“PAIA”)

3.1. 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.

3.2. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of PAIA.

3.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of

exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

4. LEGISLATION IN TERMS OF WHICH RECORDS ARE HELD BY AXIAL

- 4.1. The Minister of Justice is entitled to publish a list of records submitted by Axial to which the public may have access without the necessity of formally applying for access to such records. The list of records that are freely and voluntarily available and which need not be requested in terms of this Act will be submitted on a periodic basis to the Minister of Justice.
- 4.2. The relevant legislation for Axial and in connection of which records will be freely available to the public are tabled below:

| No | Ref | Act |
|----|---------------|--|
| 1 | No 69 of 1984 | Close Corporations Act |
| 2 | No 61 of 1973 | Companies Act |
| 3 | No 51 of 1977 | Criminal Procedures Act |
| 4 | No 19 of 2020 | Cybercrimes Act |
| 5 | No 36 of 2005 | Electronic Communications Act |
| 6 | No 25 of 2002 | Electronic Communications and Transactions Act |
| 7 | 2008 | High Court Rules of Court |
| 8 | No 95 of 1967 | Income Tax Act |
| 9 | No 24 of 1936 | Insolvency Act |
| 10 | No 27 of 1943 | Insurance Act |
| 11 | No 32 of 1944 | Magistrates' Courts Act |

| | | |
|----|----------------|---|
| 12 | No 2 of 2000 | Promotion of Access to Information Act |
| 13 | No 4 of 2013 | Protection of Personal Information Act |
| 14 | No 121 of 1998 | Prevention of Organized Crime Act |
| 15 | No 70 of 2002 | Regulation of Interception of Communications and Provision of Communication-related information Act |
| 16 | No 107 of 1985 | Rules Board for Courts of Law Act |
| 17 | No 61 of 1984 | Small Claims Courts Act |
| 18 | No 10 of 2013 | Superior Courts Act |

5. SCHEDULE OF RECORDS

5.1. This clause is aimed at serving as a reference to the records that Axial holds in order to facilitate a request for access to these records in terms of the Act. All information held by Axial is classified and grouped according to records relating to the following subjects and categories:

| Category | Description | Availability |
|-------------------|--|----------------------|
| Personnel records | <ul style="list-style-type: none"> • Personal records provided by employees of Axial • Records provided by individuals other than employees • Conditions of employment and other employee-related contractual and quasi-legal records • Internal evaluation records and other internal records • Correspondence relating to personnel | Not available |

| | | |
|--------------------------|---|--------------------------|
| | <ul style="list-style-type: none"> • Training schedules and material | |
| Customer client records | <ul style="list-style-type: none"> • Records provided by a customer/client to Axial • Records provided by a customer to a third party acting for or on behalf of Axial • Records provided by third parties to Axial • Records generated by or within Axial relating to its customers/clients, including transactional records | Request in terms of PAIA |
| Records related to Axial | <ul style="list-style-type: none"> • Financial records • Operational records • Databases • Information Technology • Marketing records • Internal correspondence • Product related records • Statistical records • Product records • Statutory records • Internal Policies and Procedures | Not available |

| | | |
|--|---|--|
| | <ul style="list-style-type: none"> • Securities & Equities • Records held by Officials of Axial | |
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6. FORM OF REQUEST

To facilitate the processing of your request, kindly:

- 6.1. Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at https://www.justice.gov.za/forms/paia/J752_paia_Form C.pdf.
- 6.2. Address your request to the Head of the Company (CEO).
- 6.3. Provide sufficient details to enable the company to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (d) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. PRESCRIBED FEES

- 7.1. PAIA provides for two types of fees namely:
 - (a) A request fee, which will be a standard fee; and
 - (b) An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 7.2. When the request is received by Axial, it will by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.

- 7.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, Axial will notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 7.4. Axial will withhold a record until the requester has paid the fees as prescribed.
- 7.5. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 7.6. If a deposit has been paid in respect of a request for access, which is refused, then Axial must repay the deposit to the requester.

8. DECISION

- 8.1. Axial will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 8.2. The 30-day period within which Axial has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information and the information cannot reasonably be obtained within the original 30 day-period. Axial will notify the requester in writing should an extension be sought.
- 8.3. Should Axial decline access to the information requested, the requester may lodge an internal appeal to the board of management of Axial.

9. GROUNDS TO REFUSE A REQUEST

- 9.1. The main grounds for Axial to refuse a request for information relates to the -
 - (a) mandatory protection of the privacy of a third party who is a natural person, who would involve the unreasonable disclosure of personal information of that natural person;
 - (b) mandatory protection of the commercial information of a third party, if the record contains:
 - (i) trade secrets of that third party;
 - (ii) financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

(iii) information disclosed in confidence by a third party to Axial, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

(c) mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

(d) mandatory protection of the safety of individuals and the protection of property;

(e) mandatory protection of records which would be regarded as privileged in legal proceedings; and

(f) the financial activities of Axial.

9.2. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources, will be refused.

9.3. Should, after a diligent search, the record requested not be found, Axial will by way of affidavit give notification that it is not possible to give access to that record.

10. AVAILABILITY OF THE MANUAL

10.1. A copy of this manual is available for inspection free of charge at Axial's registered office and on the Axial website. Copies are also available from the SAHRC.