

THE SHARD

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**Promotion of Access to Information
Act (PAIA) Manual
July 2021**

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1. Glossary of Abbreviations and Definitions

The table below lists the terms and/ or acronyms used within the Promotion of Access to Information Act and in this Manual

Term	Description
PAIA	Promotion of Access to Information Act, No 2 of 2000 ("PAIA"). Effective from 9 March 2001.
Records	<p>According to the PAIA, which came into effect on 9th of March 2001</p> <p>A record of, or in relation to, a public or private body, means any recorded information as follows:</p> <p>(a) regardless of form or medium;</p> <p>(b) in the possession or under the control of that public or private body, respectively; and</p> <p>(c) whether or not it was created by that public or private body, respectively.</p>
Requester	<p>According to the PAIA</p> <p>(a) a public body, means</p> <p style="padding-left: 40px;">(i) any person (other than a public body contemplated in paragraph (a) or (b) (i) of the definition of 'public body', or an official thereof)making a request for access to a record of that public body; or</p> <p style="padding-left: 40px;">(ii) (ii) a person acting on behalf of the person referred to in subparagraph (i).</p> <p>(b) a private body, means</p> <p style="padding-left: 40px;">(i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or</p> <p style="padding-left: 40px;">(ii) a person acting on behalf of the person contemplated in subparagraph (i).</p>
Information Officer	In the case of any other public body, means the chief executive officer, or equivalent officer, of that public body or the person who is acting in the capacity of an information officer.
Private Body	<p>According to the PAIA means the following:</p> <p>(a) a natural person who carries or has carried on any trade, business or profession, but only in such capacity;</p> <p>(b) a partnership which carries or has carried on any trade, business or profession; or</p> <p>(c) any former or existing juristic person but excludes a public body.</p>
Request Access Fee	<p>According to the PAIA, a request access fee is in relation to the following:</p> <p>(a) a public body, means a request for access to a record of a public body in terms of section 11; or</p> <p>(b) a private body, means a request for access to a record of a private body in terms of section 50.</p>

Term	Description
Head	<p>According to the PAIA, the head of a company or in relation to, a private body means the following:</p> <p>(a) In the case of a natural person, that natural person or any person duly authorised by that natural person;</p> <p>(b) In the case of a partnership, any partner of the partnership or any person duly authorised by the partnership;</p> <p>(c) In the case of a juristic person:</p> <p style="padding-left: 40px;">(i) the chief executive officer or equivalent officer of the juristic person or any person duly authorised by that officer; or</p> <p style="padding-left: 40px;">(ii) the person who is acting as such or any person duly authorised by such acting person;</p>
Access Fee	<p>According to the PAIA, an Access fee means a fee prescribed for the purposes of section 22 (6) or 54 (6), as the case may be.</p>

2. Purpose of this Manual

The Promotion of Access to Information Act (PAIA) is legislation in South Africa allowing access to any information held by the State, and any information held by private bodies that is required for the exercise and protection of any rights. The purpose of this PAIA Manual is to promote disclosure and not secrecy, while still protecting people's privacy, confidential commercial information, and ensuring effective, efficient, and good governance.

3. Scope of this Manual

The PAIA Act 2 of 2000 applies to all records that are being held by The Shard. Record means any recorded information regardless of form or medium in the possession or under the control of The Shard whether it was created by The Shard or not. This applies to all The Shard's records whether they came into existence before or after the PAIA Act was promulgated.

4. Manual Requirements

4.1. PAIA Manual

In terms of Section 51 of Promotion of Access to Information Act, No 2 of 2000 ("PAIA"), all private entities are required to compile a PAIA Manual that provides information on both the types and categories of records held by a private company. The manual should be submitted to the South African Human Rights Commission (SAHRC). The private company is required to update any changes on the manual on a regular basis, then resubmit to SAHRC. The PAIA Manual should be made available as indicated by the Act, at the company's offices and on the websites. The Chief Executive of The Shard must on a regular basis update the manual.

The PAIA Manual should include the following:

- The postal and street address, phone, and fax number, and, if available, e-mail address of the head of The Shard.
- A description of and guide on how to use the Act to get information from The Shard bodies.
- A list of other legislation applicable to the organisation e.g. the Employment Equity Act 55 of 1998, the Income Tax Act 58 of 1962, etc.
- What records are available to an interested third party without having to request access in terms of the PAIA Act.
- How to request records from the body in terms of the PAIA Act.
- A description of the records of The Shard, available in accordance with any other legislation.
- Various information related to the Protection of Personal Information Act (POPI).

4.2. Information Officer

The Act prescribes the appointment of the Information Officer for Public bodies who will be responsible for assessing the requests to access information. The Head of the private body fulfils such function, in terms of section 51 of the Act. The Shard shall appoint the Information Officer who will oversee the functions and responsibilities as required for in terms of both the PAIA act as well as the duties and responsibilities in terms of section 55 of the POPI Act.

4.3. Access to Records Held by The Shard

4.3.1 Records automatically available from The Shard

All information available on The Shard's website is voluntarily disclosed, such records may be accessed without the need to submit a formal request. This includes the following:

- Directors and Management of the company
- The Company's profile
- The Company's clients

4.3.2 Requests for information or records referred to below must be submitted to the appointed Information Officer by third parties

Operational information and agreements relating to the following categories:

- Documents relating to The Shard's policies, objectives and governance.
- Rental agreements
- Finance and accounting records
- Annual Financial Statements

Human Resources records relating to the following categories:

- Policies and procedures
- Personnel files
- Contracts, conditions of service and other agreements involving employees of The Shard
- Statutory employee records
- Pension Funds Act
- Medical scheme records

4.4. Request for Information Procedure

The requestor shall complete a prescribed form addressed to The Shard at its physical address or email address. The form should provide sufficient particulars such as the following:

- Identify the records being requested and the requestor.
- Indicate which form of access is required.
- Specify a postal address or fax number of the requestor in the Republic of South Africa.
- Identify the right the requestor is seeking to exercise or protect.
- Provide an explanation of why the requested record is required for the exercise or protection of that right.
- If, in addition to a written reply, the requestor wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary to be so informed.
- If the request is made on behalf of a person, to submit proof of the capacity in which the requestor is making the request, to the reasonable satisfaction of the head of The Shard, being the Chief Executive.

4.5. Request Access Fees

The requestor is required to pay the prescribed fees Rxxx before a request will be processed. The requestor must request the banking details of Nampak from the appointed Information Officer and make payment.

4.6. Refusal of Access to Records

The Shard is entitled to refuse a request for information. The only grounds for The Shard to refuse a request for information relate to the following points:

- Mandatory protection of the privacy of a third party who is a natural person or deceased person or juristic person, as included in the POPI Act, which will involve the unreasonable disclosure of personal information of that natural person.

- Mandatory protection of personal information and for the disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the POPI Act.
- Mandatory protection of the commercial information of a third party.
- Mandatory protection of confidential information of third parties.
- Mandatory protection of the safety of the individuals and the protection of property.
- Mandatory protection of the records which would be regarded as privileged in legal proceedings.

5. Other Relevant Documents

The POPI Act and the PAIA are inter-related but from different ends of the spectrum. PAIA is an "Access" law, which is about Freedom of Information, whereas the POPI Act is about "Privacy" and the prevention of exposure of information.

6. Version Control

6.1. Version Information

Policy Name	Version	Compiled By	Date Compiled	Approved By	Approved Date
Protection of Access to Information Act Manual	V1	K. Ntshabele	July 2021		

6.2. Frequency of Review

Frequency of review	Next review date	Last review date
Every 5 years	2026	N/A