

IMQS PROMOTION OF ACCESS TO INFORMATION MANUAL

RELEVANT LEGISLATION: PROMOTION OF ACCESS TO INFORMATION ACT (Act No. 2 of 2000)
SECTION 51 **PAIA MANUAL**



Version Control

Version	Date	Name	Description of edits
0.1	30 June 2021	Annatjie Taljaard	Draft
0.2	15 December 2021	Annatjie Taljaard	Amendments included

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Definitions

Data Subject	The person to whom the Personal Information relates.
Deputy Information Officer	For purposes of this Manual, the Deputy Information Officer (sometimes referred to as DIO) is the person to whom the responsibility is delegated to handle PAIA and POPIA requests on behalf of IMQS and to perform other duties relating to these Acts.
Information Officer	For purposes of this Manual, the Information Officer (sometimes referred to as IO) is the person to whom the responsibility is delegated to manage the decisions regarding PAIA and POPIA requests on behalf of IMQS and to perform other duties relating to these Acts.
Information Regulator	The Information Regulator established in terms of section 39 of POPIA.
Person	A natural person or a juristic person.
Personal Information	<p>For purposes of this Manual, Personal Information shall be information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person, including, but not limited to—</p> <ul style="list-style-type: none"> • information relating to the race, gender, sex, pregnancy, marital status, nationality, ethnicity, sexual orientation, age, physical or mental health, disability, religion, culture, language and birthdate of the Person; • information relating to the education or the medical, financial, criminal or employment history of the Person; • any identifying number, email address, physical address, telephone number, location information, online identifier or other particular assignment to the Person;

	<ul style="list-style-type: none"> the name of the Person if it appears with other Personal Information relating to the person or if the disclosure of the name itself would reveal information about the Person. <p>If the request is made in terms of PAIA, it may include the information of a deceased person, but excludes information about a person who has been dead for more than 20 years.</p>
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1 Introduction

The 1996 South African Constitution entrenches the fundamental right to information, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies.

The **Promotion of Access to Information Act 2 of 2000** (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requester complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

2 Availability of Promotion of Access to Information Act (PAIA) Manual

This document serves as the IMQS Software (Pty) Ltd (hereafter IMQS) PAIA manual (“the Manual”) in accordance with the requirements of section 51 of the Act to facilitate access to records held by IMQS. A copy of this Manual is available to the public in a PDF (“Portable Document Format”) version on our website of at www.imqs.co.za or on request from the Information Officer referred to in this Manual. A hardcopy is also available from the reception desk at the Stellenpark Business Park. IMQS endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights. In summary, the Manual provides information on the:

- Contact details of the Information Officer;
- Subjects and categories of records that are held by IMQS; and
- Procedure that needs to be followed and criteria that have to be met by a requester to request access to a record.

2.1 Who may request access to information:

2.1.1 The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities in making a request for a record.

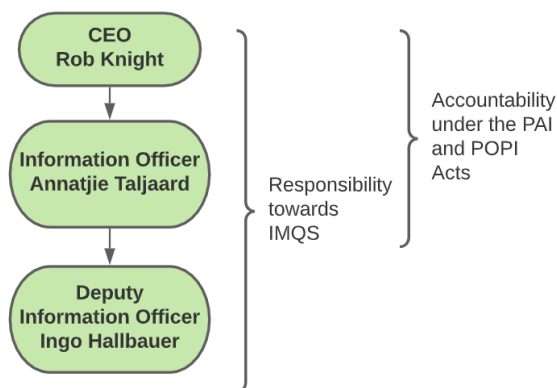
2.1.2 Requesters may make a request as:

- A personal requester who requests a record about him/herself;
- An agent requester who requests a record on behalf of someone else with that person's consent and where it is required for the protection of that person's legal right;
- A third-party requester who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right; and
- A public body who may request a record if:
 - It fulfils the requirements of procedural compliance;
 - The record is required for the exercise or protection of a right; and
 - No grounds for refusal exist.

2.1.3 Contact Details of the IMQS Information Officer: Sec 51 (1) (a)

The Chief Executive Officer of IMQS has delegated his powers to the Information Officer below in terms of the Act to handle all requests on IMQS's behalf and to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

IMQS Delegation of Power - Information Officer



The IO's contact details are as below:

Name	Annatjie Taljaard
Mobile Number	+27 (0)82 384 1597
Alternative Number	+ 27 (0)21 880 2712
Postal address	PO Box 12002, Die Boord, 7613
Physical Address	Buildings 4 & 5, Stellenpark Business Park, Corner R44 and School Road, Jamestown, STELLENBOSCH
E-mail address	annatjie.taljaard@imqs.co.za

The DIO's contact details are as below:

Name	Ingo Hallbauer
Mobile Number	+27 (0)76 392 7661
Alternative Number	+ 27 (0)21 880 2712
Postal address	PO Box 12002, Die Boord, 7613
Physical Address	Buildings 4 & 5, Stellenpark Business Park, Corner R44 and School Road, Jamestown, STELLENBOSCH
E-mail address	Ingo.hallbauer@imqs.co.za

2.2 Guidelines for Requested to use the Act

The SAHRC provides guidance to requesters on how to use the Act (Sec 51 (1) (b)). The South African Human Rights Commission ("SAHRC") is required in terms of section 10 of the Act to compile a guide that will facilitate ease of use of the Act for requesters. It contains information to assist a person wishing to exercise a right in terms of the Act. The SAHRC guide is available from the SAHRC website at www.sahrc.org.za/home/21/files/Reports/PAIA20%GUIDE%english.pdf.

You may also request any additional information to assist you in making a request from the SAHRC. Please direct any queries to: The South African Human Rights Commission: PAIA Unit

Website	www.sahrc.org.za
Telephone number	+27 (0) 11 877 3600 (Head Office) +27 (0) 11 877 3750 (GP Office)
Fax number	+27 (0) 11 403 0668
E-mail address	info@sahrc.org.za

Guidelines in terms of section 10 of PAIA that will facilitate ease of use of the Act for Requesters can be obtained from the Information Regulator of South Africa as set out below:

Postal Address	Information Regulator of South Africa, P.O Box 31533, Braamfontein, Johannesburg, 2017
Physical Address	JD House, 27 Siemens Street, Braamfontein, Johannesburg, 2001
General Enquiries email address	infoereg@justice.gov.za
Complaints can be directed to	complaints.IR@justice.gov.za

3 Policy with regard to Confidentiality and Access to Information:

3.1 IMQS Software (Pty) Ltd Structure and Products

IMQS is a South African-based company with approximately 80 employees at the date of drafting this document. We specialise in the full range of infrastructure asset management solutions. These solutions comprise a software component with GIS, reporting and integration services associated with it; and an advisory component. Our key clients are in the public sector, including local municipalities, provincial government departments and state owned entities (SOEs).

3.2 Our undertaking

IMQS will protect the confidentiality of information provided to it by third parties, subject to our obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, IMQS is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

4 Classes of Records

PAIA makes provision for:

- Automatic Disclosure: PAIA Section 51 (1) (c) – this refers to records automatically available to the Public;
- Records available in accordance with other legislation, refer to PAIA Section 51 (1)(d)
- PAIA Section 52 - no notice has been published in terms of this section ;

4.1 Legislative requirements: Sec 51 (1) (d) – Records available in accordance with legislation

IMQS records are kept in accordance with such legislation as applicable which includes, but is not limited to:

- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Copyright Act 98 of 1987
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Finance Act 2 of 2007
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Protection of Information Act, No. 84 of 1982
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- Value Added Tax Act 89 of 1991

4.2 Records held by IMQS: Sec 51 (1) (e) – Record Subjects and Categories

IMQS is not responsible for the record-keeping of below records, but as part of the NEXTEC/EOH Group will have some/all of these records on file: EOH/ Nextec Media Releases

- EOH/ Nextec Newsletters and Publications
- Corporate Social Investment Releases and Documentation
- Public Corporate Records
- SENS releases

4.2.1 Corporate Secretariat and Governance

IMQS can and may keep the below listed corporate governance documentation on file:

- All applicable Statutory Documents

- Annual Reports
- Board of Directors and Board Committee Terms of Reference
- Codes of Conduct
- Executive Committee Meeting Minutes
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of IMQS Board of Directors Meetings
- Group Policies and Procedures
- Share Registers
- Strategic plans
- Statutory Returns to Relevant Authorities

4.2.2 Finance and Taxation

- Policies and Procedures
- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Purchasing Records
- Sale and Supply Records
- Tax Records and Returns
- Treasury Dealing
- Transactional Records

4.2.3 Human Resources

- Education and Training Records
- Employee Benefit Records
- Employment Contracts
- Employment Equity Records
- Employee Information
- Employee Share Option Scheme
- Policies and Procedures
- Group Life
- Leave Records

- Study assistance scheme/s

4.2.4 Information Technology

- Third Party Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

4.2.5 Intellectual Property

- Trademark applications
- Agreements relating to intellectual property
- Copyrights

4.2.6 Legal

Complaints, pleadings, briefs and other documents pertaining to any actual or pending litigation, arbitration or investigation

4.2.7 Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material
- Client Information
- Marketing Brochures
- Marketing Strategies
- Product Brochures
- Policies and Procedures

4.3 Other information

IMQS may possess information and records pertaining to other parties, including and without limitation: service providers and suppliers (all these records are housed in the EOH Group system), other private companies (partners) and customers (all these records are housed in the EOH Group system).

5 Access Procedure and Requests

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by IMQS. It is important to note that an application for access to information can be refused if 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 requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to IMQS records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

5.1 Guidance on Completion of Prescribed Access Form: Sec 51 (1) (e)

For IMQS to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure B. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. IMQS will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- The Access Request Form must be completed in English.
- Proof of identity is required to authenticate the requester's identity. If the requester acts as an agent requester, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.
- Type or print in block letters an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question, state "N/A" in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached page.
- When the use of an additional page is required, precede each answer thereon with the title applicable to that question.

5.2 Submission of Prescribed Access Form

- 5.2.1 The completed Access Request Form must be submitted via e-mail and must be addressed to the Information Officer.

5.3 Notification

- 5.3.1 IMQS will within thirty (30) days of receipt of the request grant or decline the request and give notice with reasons (if required) to that effect.

- 5.3.2 If the request for access to a record is successful, the requester will be notified of the following:

- An indication of the form in which the access will be granted; and
- If the request for access to a record is not successful, the requester will be notified of the following:
- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

5.4 Records that cannot be found or do not exist

If IMQS has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

5.5 Grounds for refusal of access to records and appeal (Chapter 4)

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of commercial information of a third party or IMQS, if the record contains:
- Trade secrets of the third party or IMQS;
- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or IMQS; and

- Information disclosed in confidence by a third party to IMQS if the disclosure could put that third party to a disadvantage or commercial competition.
- Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement;
- Mandatory protection of the safety of individuals, and the protection of property;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of IMQS.

5.6 Payment of Pre-scribed Fees

Four types of fees are provided for in terms of the Act:

- **Request fee:** An initial, non-refundable fee, which is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.
- **Reproduction fee:** This fee is payable with respect to all records that are automatically available.
- **Access fee:** If the request for access is successful an access fee may be required to re-imburse IMQS for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- **Deposit:** A deposit of one third (1/3) of the amount of the applicable access fee, is payable if IMQS receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

5.7 Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

6 Prescribed Fees

IMQS will make information available in an accessible (*easy-to-read and understandable*) format, preferable in an electronic format (MS Word, Excel or PDF). The below fee structure will apply from 1 January 2022 and will be revised annually on the 31st of July.

#	Service Description	Fee
1	Request Fee	IMQS will not charge a request fee
2	Printed copy of A4-size page.	R1.50 per page or part thereof
3	Electronic record provided and delivered to requester via his/her email address.	IMQS will not charge a fee
4	Audio record (MS Teams meetings) via a platform for downloading.	IMQS will not charge a fee
5	Audio record (MS Teams meetings) copied to a storage device provided by the requestor (flash drive, HDD - IMQS will not copy information to compact disc)	R40.00
6	To search for 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.	R100.00 per hour from the 2 nd hour. To a maximum of R300.00.
7	Postage or courier fee	Actual cost will be charged.

7 Sharing of Personal Information

7.1 Safeguarding Personal Information

IMQS may share personal information with other companies (prospective partners and clients) located outside of South Africa with the aim of new business development. Sharing of personal information will be restricted to companies where similar data protection legislation is in place or where an agreement to this effect is in place.

IMQS takes the security of your data seriously and therefore reasonable technical and organisational measures have been implemented to protect personal information. Together with the EOH Group IT we have all reasonable internal policies and controls in place to ensure that your data is safeguarded.

7.2 Transborder Flow of Personal Information: PAIA Sec 51 (1) (c) (iv)

IMQS may in future transfer personal information to another country for the purposes of new business development. We will take all reasonable steps to ensure that clients, partners and other third party operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold principles for reasonable and lawful processing of personal information in terms of POPIA.

8 Purpose of Collecting Personal Information

IMQS collects and processes Personal Identification Information for these purposes:

- Recruitment
- Employee onboarding and administration
- Public bid process
- Maintaining client records
- Maintaining service provider records
- People Operations – personal development needs, birthdays, etc.
- Business travel purposes
- Financial and tax compliance
- Legal purposes
- Occupational Health and Safety purposes

8.1 Types of Personal Information Collected

Refer to the IMQS Protection of Personal Information Policy for detail on the data collected. This document can be requested from the IMQS Information Officer or employees can download it here:

<https://eoh.sharepoint.com/sites/IMQSSoftware/Shared%20Documents/Forms/AllItems.aspx?id=%2Fsites%2FIMQSSoftware%2FShared%20Documents%2FIMQS%20People%2FPolicies%2FIMQS%20Policies%2FIMQS%20POPIA%20Compliance&viewid=36fba3c1-672d-4846-a71e-49074c126f73>

Data collected includes:

- Full name and surname
- Date of birth
- Gender
- Race
- Nationality
- Home language
- Marital status
- ID / Passport number
- Work permit number
- Home address
- Telephone number
- Education
- Qualifications
- Previous work experience
- Professional registration/accreditation detail & number(s)
- Bank Account Details
- SARS PAYE number

9 Security Measures to Protect Personal Information

IMQS is fully owned by NEXTEC , which is fully owned by EOH Holdings and we are therefore bound to use the Group mandated systems and operate from Group managed offices (“hubs”) or in a hybrid-environment where employees ‘work-from-home ’ on company hardware and systems.

9.1 Physical Security

- The Stellenpark Business Park is access controlled and has a 24-hour alarm and guard system.
- No hardcopies is stored at any IMQS ‘hub’.

9.2 Cyber Security

We abide by the security policies and procedure put in place by the EOH Group IT. This includes:

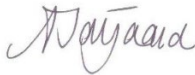
- Endpoint encryption : Server encryption & Anti-virus for endpoints and servers includes Host Intrusion Prevention System (HIPS).
- Password control to devices where electronic information is stored.

- Mobile Device Management for accessing corporate data via mobile devices.
- General training in information security: All employees have received a soft copy of the IMQS Protection of Personal Information Policy, the PAIA Manual (draft) and must complete all Group mandatory training.
- IMQS has adopted the EOH Group policies for:
 - Information Security Policy;
 - Information Security Incident Management Policy;
 - Data Encryption Policy;
 - Information Security Acceptable Use Policy;
 - Information and Systems Access Policy;
 - Password Management Policy;
 - IT Security Management Policy;
 - IT Mobile and Personal Device Management Security Policy;
 - Data and Record Retention and Disposals Policy;
 - Information, Data Management and Control Policy;
 - Vulnerability Management Policy;
 - Information Asset Classification and Handling Management Policy;
 - Business Continuity Policy; and
 - IT Hardware and Software Asset Management Policy in information security.

10 Updating of this Manual

This manual will be revised annually on the 31st of July or *as and when* new information is required for collection and processing; when new internal processes or new or amended legislation come into effect.

11 Issued and Authorised by

Information Officer	Annatjie Taljaard
Date and Place	15 December 2021, Stellenbosch
Signature	
Chief Executive Officer	Rob Knight
Date and Place	15 December 2021, Stellenbosch
Signature	

Addendum: Request Forms

This Addendum serves as the request form for a record in terms of Section 53(1) of the Promotion of Access to Information Act (ACT 2 of 2000).

Particulars of Private Body requesting access to the record

Contact details:	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	
Website address	

Particulars of an individual person requesting access to the record

- The particulars of the person who requests access to the record must be recorded below.
- Provide an email address and / or postal address to which information must be sent.
- Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. A recently certified copy of an identity document or such other must be provided to the Information Officer, before the request will be processed.
- If the request is made on behalf of another person, proof of the capacity in which the request is made, is also to be presented with this request

Details of Requester

Surname	
Full names	
Identity number	
Postal address	
Telephone number	
E-mail address	

If a request is made on behalf of another person the requester is obliged to identify him / herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

Particulars of person on whose behalf request is made

Surname	
Name	
Identity number	

Particulars of record

- Provide full particulars of the record to which access is requested.
- The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):
 - Mandatory protection of the privacy of a third party who is a natural person (human being);
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of commercial information of third party;
 - Mandatory protection of the safety of individuals, and the protection of property;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of a private body;
 - Mandatory protection of research information of a third party and a private body.

Description of record and / or part of record

Category	Description of record

Details of the right to be exercised and/or protected.

Indicate which right is to be exercised or protected *

Explain why the requested record is required for the exercising or protection of the aforementioned right *

--

11.1 Signature(s) of Requestor(s)

Signed at _____ this _____ day of _____ 20____

SIGNATURE OF REQUESTER

(Sign & print name)

SIGNATURE OF REPRESENTATIVE

(Sign & print name)