

# Promotion Of Access to Information Act (“the act”)

Section 51 Manual

For Earlyworx 908 (Pty) Ltd t/a Khaya iT (referred to hereinafter as Khaya iT)

## Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference to any information 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 Khaya iT OVERVIEW

Khaya iT supplies telephone recording and related products for small and medium-sized businesses. Our mission is to provide these products at a price that is affordable to small and medium-sized businesses.

The introduction of the Financial Advisory and Intermediary Services Act in 2002, brought new legislative compliance requirements, even for one man brokerages. The cost of compliance from the perspective of recording telephone conversations was prohibitively expensive, and Khaya iT has targeted this expense with their products.

Khaya iT supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

## 2 AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website ([www.khayait.com/disclaimer.html](http://www.khayait.com/disclaimer.html)) or by sending a request for a copy to the Information Officer by email. The Manual may also be obtained from our head office, the South African Human Rights Commission (“SAHRC”) at the addresses set out below. This Manual will be updated from time to time, as and when required.

### **3 HOW TO REQUEST ACCESS TO RECORDS HELD BY Khaya iT**

Requests for access to records held by the Khaya iT must be made on the request form that is available on our website, from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under “regulations”). Note that requests need not be accompanied by payment but will only be processed upon receipt of payment of the prescribed fees.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester 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.

3.5 If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of the Khaya iT.

3.6 The standard form that must be used for the making of requests is attached as annexure 1. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

3.7 Kindly note that all requests to the Khaya iT will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the Khaya iT does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

### **4 CONTACT DETAILS**

Name of Private Body: Earlyworx 908 (Pty) Ltd t/a Khaya iT

Designated Information Officer: Rudi Ernst

Email address of Information Officer: [rernst@khayait.com](mailto:rernst@khayait.com)

Website/URL: <http://www.khayait.com/>

Postal address: PO Box 92164, Norwood, 2117, South Africa

Street address: 77 African Street, Gardens, Johannesburg, South Africa

Phone number: 27 83 705 0000

Fax number: 27 00 728 4581

## **5 HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT**

The Guide described in Section 10 of the Act is due in August 2003. From that date it will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:  
PAIA Unit  
The Research and Documentation Department  
Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

## **6 VOLUNTARY DISCLOSURE**

Khaya iT has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to Khaya iT and its services is freely available on Khaya iT's website. Certain other information relating to Khaya iT is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

## **7 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

### **Section 51 (1) (d)**

Information is available in terms of the following legislation, if and where applicable.

Basic Conditions of Employment No. 75 of 1997

Closed Corporation Act No. 69 of 1984

Companies Act 61 of 1973

Electronic Communications and Transactions Act 25 of 2002.

Labour Relations Act 66 of 1995

Promotion of Access to Information Act No. 2 of 2000

Regional Services Councils Act No. 109 of 1985

Skills Development Levies Act No. 9 of 1999

Skills Development Act No. 97 of 1998

Unemployment Contributions Act No. 4 of 2002

Unemployment Insurance Act No. 63 of 2001

Value Added Tax Act No. 89 of 1991

Access to the records held by the private body in question

The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) Section 51(1)(c)

## **8 RECORDS HELD BY Khaya iT**

Khaya iT maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on an individual basis in accordance with the provisions of the Act.

### ***8.1 Internal Records***

- Memorandum and Articles of Association
- Financial records
- Operational records
- Intellectual property
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures

### ***8.2 Personnel records***

Personnel refers to any person who works for or provides services to or on behalf of Khaya iT and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Khaya iT. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to Khaya iT by their personnel;
- Any records a third party has provided to Khaya iT about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

### ***8.3 Customer records***

Please be aware that Khaya iT closely guards and protects the confidential information and privacy of its customers. Please motivate any request for customer information very carefully, having regard to the provisions of Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to Khaya iT or a third party acting for or on behalf of Khaya iT;
- Contractual information;
- Customer needs assessments;
- Personal records of customers;

- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to Khaya iT about customers;
- Confidential, privileged, contractual and quasi legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to Khaya iT either directly or indirectly; and
- Records generated by or within Khaya iT pertaining to customers, including transactional records.

#### **8.4 Technical records**

- Technical records generated by or within Khaya iT pertaining to customers.

#### **8.5 Other Parties**

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to Khaya iT. The following records fall under this category:

- Personnel, customer or Khaya iT records which are held by another party as opposed to being held by Khaya iT; and
- Records held by Khaya iT pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

#### **8.6 Other Records**

Further records are held including:-

- Information relating to Khaya iT own commercial activities; and
- Research carried out on behalf of a client by Khaya iT or commissioned from a third party for a customer;
- Research information belonging to Khaya iT, whether carried out itself or commissioned from a third party.