



# OMS PAIA & POPIA MANUAL

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Southdowns Ridge Office Park  
Nellmapius Drive & John Vorster Drive  
Irene, Centurion, 0157

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# 1. INTRODUCTION

## 1.1 Introduction to Owethu Managed Services

Owethu Managed Services (OMS) is a 100% black female owned organization which is based in Gauteng, South Africa. Our core value proposition is IT Resource augmentation as a managed service. We specialize in IT system development projects as we are experts in project management, Business Process Engineering and design, Business Analysis, Development and Testing Engineering.

We assist organizations reach their strategic goals by partnering with them in their IT initiative. We implement projects using two approaches which are:

- i. Resource Augmentation, where we provide the client with required resources and the client manages the project end to end.

Within this model we offer time and material Resources-on-demand to ensure that the client does not have to bear FTE costs after the project is closed.

- ii. The second method is a milestone based approach where we take full responsibility for a project, or a project phase, or an aspect of a project phase.

Our team operates using both AGILE and Waterfall frameworks depending on the clients preferences.

## 1.2 Introduction to this Manual

Data protection laws exist to ensure that organisations like OMS manage the personal information they hold in a fair and lawful way, and in a manner that respects and safeguards the rights of individuals. OMS recognises that a large proportion of its business is based upon the careful use and safeguarding of information which belongs to its staff, clients and contacts. These individuals and organisations must be confident that OMS can handle their information in a responsible and secure manner and in accordance with data protection laws.

This manual has been prepared in accordance with **Section 51 of the Promotion of Access to Information Act, No. 2 of 2000** and **section 23 of the Protection of Personal Information Act 4 of 2013**.

Section 32(1)(a) of the Constitution of the Republic of South Africa of 1996 (*hereinafter referred to as 'the Constitution'*) provides that everyone has a right of access to any

information held by the state and any information held by another person that is required for the exercise or protection of any rights.

The Promotion of Access to Information Act 2 of 2000 (*hereinafter referred to as 'PAIA'*) is the national legislation which was enacted to give effect to the constitutional right of access to information. PAIA came into operation on 9 March 2001, with the exception of sections 10, 14, 15 and 51, which came into operation on 15 February 2002.

The Protection of Personal Information Act 4 of 2013 (*hereinafter referred to as 'POPIA'*) was enacted to give right to the Constitutional right to privacy and to promote the protection of personal information processed by public and privacy bodies. POPIA was signed into law on 19 November 2013 and will be fully enforceable from 1 July 2021.

## 2. PURPOSE

This manual is compiled not only to comply with the provisions of PAIA and POPIA, but is also intended to:

- foster a culture of transparency and accountability, and
- Actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

The manual will enable you to identify what types of information we have and how you can request access to this information.

This manual may be amended from time to time. The latest version of the manual is available on our website and at our offices.

A Requester is invited to contact the Information Officer should he/she require any assistance in respect of the use or content of this manual.

## 3. SCOPE

This manual applies to the following companies:

Company	Registration Number
Owethu Managed Services	K2018590413

## 4. GLOSSARY OF ABBREVIATIONS AND DEFINITIONS

This section includes definitions for all terms used within this manual, including acronyms where applicable. The definitions provided in this manual are solely for the purpose of this manual and are not to be taken as applicable to the Act.

ITEM	ACRONYM	DEFINITION
The Act	PAIA	Promotion of Access to Information Act No. 2 of 2000, Together with any regulations published thereunder.
The Client	---	Any natural (i.e. an individual) or juristic (e.g. a company, fund, or other legally recognised entity) person that receives services from OMS.
Correspondence		Written and electronic communication exchanged between two or more parties.
Deputy Information Officer	DIO	The designated Deputy Information Officer as described in this manual, responsible for discharging the duties and responsibilities assigned to the Deputy Information Officer as prescribed in terms of PAIA and POPIA
Employee		Includes all permanent staff members, temporary staff, and third party contractors (independent and brokered) who work for OMS.
Information Officer	IO	The designated Information Officer/s or head of the Body, as described in this manual, responsible for discharging the duties and responsibilities assigned to the Information Officer as prescribed in terms of PAIA and POPIA.
Manual	---	This manual, together with all annexures thereto as Amended from time to time and made available on the OMS website.
Organisation	---	Owethu Managed Services
Other Requester	---	Any requester other than a personal requester.

Personal Requester	---	A requester who is seeking to access a record Containing personal information about themselves.
Requester	---	Any person or entity making a request for access to a record that is under the control of OMS.
South African Human Rights Commission	SAHRC	The South African Human Rights Commission.
Third Party	---	Any natural or juristic person other than the Requester, or, such party acting on behalf of the Requester, or itself.

## 5. CONTACT DETAILS

### 5.1 The Information Officer

IO: Mr/s. ABC

Phone Number: +27 12 003 3279

Email: hello@oms.africa

Postal Address: .....

Physical Address: Southdowns Ridge Office Park  
 Nellmapius Drive & John Vorster Drive  
 Irene  
 Centurion  
 0157

### 5.2 The Deputy Information Officer

DIO: Mr/s DEF

Phone Number: +27 12 003 3279

Email: hello@oms.africa

### 5.3 General Information

Name of Private Body: **Owethu Managed Services**

Registration Number: K2018590413

Postal Address:

Physical Address

Phone Number:

Website:

## 6. FURTHER GUIDANCE

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights, specifically around access to personal information rights as described in POPIA. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of PAIA or POPIA must 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 and may be amended from time to time.

As of 1 July 2021, the Information Regulator will assume the functions of the SAHRC and will be responsible for PAIA and POPIA queries.

As part of its functions, the Information Regulator will publish a guide on how to use PAIA and POPIA in the new dispensation. The Information Regulator has not yet published a guide to this effect.

The SAHRC has previously developed information on how to use PAIA. This guide is available on the SAHRC website: <https://www.sahrc.org.za>.

For further information, either of these regulatory bodies may be contacted using the details below:

Regulatory Body	The Information Regulator (SA)
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Address	<p>JD House</p> <p>27 Stiemens Street</p> <p>Braamfomtein, Johannesburg</p> <p>2001</p> <p>P.O. Box 31533</p> <p>Braamfontein, Johannesburg</p> <p>2017</p>
Phone Number	n/a
Facsimile	n/a
Website	<a href="http://justice.gov.za/inforeg">justice.gov.za/inforeg</a>
Email	<a href="mailto:inforeg@justice.gov.za">inforeg@justice.gov.za</a>

## 7. RECORDS OF OMS

This section includes references to the records that may be accessed by request from OMS.

### 7.1 Information freely available from OMS

No notice has been published in terms of section 52 of the Act.

OMS' website is freely accessible to anyone who has access to the internet. The website contains various categories of information relating to the firm, including areas of expertise; legal services; specialist fields; editorials; literature; careers; directors' résumés and contact details.

### 7.2 Employee Records – as described in Section 8.2

### 7.3 Client Related Records – as described in Section 8.2

### 7.4 Records Relating to OMS

This section of the Manual sets out the categories and descriptions of records held by OMS. These records are not automatically available without a request in terms of the Act. The inclusion of any category of records should not be taken to mean that records falling within that category will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

	Categories of Records	Description of Records
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7.4.1	Public and Investor Relations	a. Media Relations
7.4.2	Financial matters	a. Financial statements
		b. Tax, VAT, and PAYE records (company and employees)
		c. Accounting and banking records
		d. Invoices in respect of creditors and debtors
		e. Asset register
		f. Management accounts
		g. Payroll records
7.4.3	Company records	a. Statutory records not available at CIPC
		b. Minutes and related meeting information
		c. Records of decisions taken and related documentation
		d. Documents of incorporation
		e. Trademark information, copyrights and designs
		f. General contract information
7.4.4	Marketing	a. Market information
		b. Public customer information
		c. Performance and billing records
		d. Customer databases
7.4.5	Human resources	a. Employee or staff records (including inter alia letters of appointment, performance appraisals, remuneration, leave register, disciplinary warnings)
		b. Employment contracts
		c. Policies and procedures (including criteria for promotions, recruitment policy)
		d. Health and safety records
		e. Employment equity plan



		f. Training / learning and development records
		g. Pension fund rules & records
		h. Medical aid records
		i. Skills development plan
		j. Organisational structure
7.4.6	Information technology	a. Project plans
		b. Policies and procedure
		c. Disaster recovery
		d. IT governance records
		e. Licensing and procurement
		f. Records regarding computer systems and programmes
7.4.7	Clients	a. Client documentation in terms of Financial Intelligence Centre Act No. 38 of 2001
		b. Correspondence with clients
		c. Agreements with clients
		d. Files relating to client matters
		e. Records regarding legal proceedings involving clients
		f. Other information relating to, or held on behalf of clients

	Categories of Records	Description of Records
7.4.8	Library information	a. Electronic and hard copy publications of books, periodicals, circulars, and legislation
7.4.9	Miscellaneous	a. Agreements with suppliers of OMS
		b. Delivery and collection records
		c. Internal correspondence
		d. Correspondence of OMS including internal and external memoranda

These records include, but are not limited to, the records which pertain to OMS' own affairs.

## 7.5 Other Records

OMS may possess records pertaining to other parties, including without limitation Clients, contractors, suppliers, subsidiary or holding or sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to OMS.

Records held by OMS pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

## 7.6 Records Kept by OMS in Accordance with Other Legislation

*(Information required under section 51(1)(d) of the Act)*

OMS is required by statute to retain certain records and hold certain information in terms of the acts listed hereunder. A requester may request access to information which is available in terms of other legislation. We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973 (repealed, save for Chapter 14)
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993

- Currency and Exchanges Act No. 9 of 1933
- Electronic Communications and Transaction Act No. 25 of 2002
- Employment Equity Act 55 of 1998
- Finance Act 35 of 2000
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act 58 of 1962 (Section 75) (repealed)
- Income Tax Act 95 of 1967
- Labour Relations Act No. 66 of 1995
- Medical Schemes Act No. 131 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Promotion of Access to information Act No. 2 of 2000
- Protection of Personal Information Act No. 4 of 2013
- Regulation of Interception of Communications and Provision of Communication-Related Information Act No. 70 of 2002
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Tax on Retirement Funds Act No. 38 of 1996
- Unemployment Insurance Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of the Act.

## **8. THE PROTECTION OF PERSONAL INFORMATION ACT**

### **8.1 Why does OMS process personal information?**

As a business, OMS uses personal information primarily for the purposes of providing business support and services to our clients, which include the following functions: project management, business analysis and process engineering. This processing is also done on behalf of our corporate and individual Clients. This processing also applies to personal information which is processed prior to contractual arrangements being concluded (e.g. new business, customer quotes, and general customer service activities).

Personal information is also used in our employment processes (recruitment, employee contracts, employment equity, corporate benefits, remuneration, disciplinary action, performance management, training, etc.) and our procurement processes (tenders, due diligence, risk management, on-boarding, service level evaluations, etc.).

We may use elements of personal information in some of our standard business operations, including audits, market research, statistical analysis, service development, or other legitimate business purposes aligned with our business functions and activities.

OMS also processes personal information in order to comply with our legal obligations under any statutory or regulatory requirements, or for the purposes of law enforcement, investigations, court proceedings, financial crimes, market conduct, or other matters which may be required in the public interest.

## 8.2 What personal information does OMS process?

OMS processes information about the following categories of data subject, including but not limited to:

Category of data subjects	Types of information processed
Individuals (Clients)	Name, surname, South African identity number or other identifying number (e.g. passport), date of birth, age, marital status, citizenship, telephone numbers, email address, physical and postal addresses, income tax number, financial information, banking information including account numbers, FICA documentation.

Category of data subjects	Types of information processed
Entities (Corporate clients)	Entity name, registration number, tax-related information, contact details of Representatives, banking information including account numbers, FICA documentation.

Directors	Identity numbers, names, FICA documentation.
Employees, potential employees, new recruitments	Name, surname, South African Identity Number or other identifying number, contact details, physical and postal address, date of birth, age, marital status, race, disability information, employment history, criminal background checks, fingerprints, CVs, education history, banking details, income tax reference number, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information.
Consultants / contractors	This will be dependent on the nature of the services provided to OMS but may include any of the details in the categories for Employees and/or Service providers.
Service providers, including outsourced or hosted services, auditors, etc.	Company registration details, identity numbers, BEE certificates, tax clearance, income tax and VAT registration details, payment information including bank account numbers, invoices, contractual agreements, addresses, contact details.

### 8.3 Who are the recipients of personal information?

- Personal information may be shared by various OMS entities for the purposes of providing services to corporate clients, individual clients and our own employees.
- We also provide some personal information to third parties to fulfil our contractual obligations, or for any other legal obligations we might have.
- Brokers, advisors, consultants, intermediaries and other administrators.

- Retirement funds and their trustees and Principal Officers.
- Medical aid companies.
- Insurers.
- Recruitment organisations may collect personal information on our behalf.
- Regulators and law enforcement agencies.
- The South African Revenue Service (SARS).

#### **8.4 Information security**

OMS strives to uphold strong global practices and standards as it pertains to information security, and we strive to have appropriate, reasonable and adequate measures in place to ensure information security is managed appropriately. We contractually require that any service provider who handles your personal information on our behalf do the same.

## **9. ACCESS TO RECORDS AND PROCEDURE**

Records held by OMS may be accessed by the Requester only once the prerequisite requirements for access have been met.

### **9.1 Who may request information?**

Any person who requires information for the exercise or protection of any rights may request information from a private body. Section 50 of PAIA states that a Requester must be given access to any record of a private body if:

- that record is required for the exercise or protection of any rights,
- that person complies with the procedural requirements in PAIA relating to a request for access to that record, and

- access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4, Part 3 of PAIA.

## **9.2 Two types of requesters**

### **(a) Personal Requester**

OMS will voluntarily provide the requested information or give access to any record about the Requester's personal information without the Requester having to pay an access fee except if the request is over burdensome in which case, we will communicate with you. However, the prescribed fee for reproduction of the information requested will be charged.

### **(b) Other Requester**

This Requester (other than a Personal Requester) is entitled to request access to information on third party or parties. However, OMS is not obliged to voluntarily grant access, and such a request may be denied. The Requester must fulfil the prerequisite requirements for access in terms of PAIA and POPIA, including the payment of a request and access fee.

## **10. FORM OF REQUEST**

To facilitate the processing of a request, the Requester should:

- Use the prescribed Form attached to this Manual as Annexure C.
- For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 1 (objection) or Form 2 (correction or deletion), which are attached to this Manual as Annexure B.
- Address the request to the Information Officer at the address, fax number or electronic mail address of the body concerned.
- Provide sufficient details to enable OMS to identify:
  - The record or records requested
  - The identity of the Requester and such person acting on behalf of the Requester where applicable
  - The form of access required

- The telephone number, postal address or fax number or email address of the Requester in the Republic of South Africa
- Whether the Requester wishes to be informed of the decision in any other manner (in addition to a written reply), in which case the Requester should state that manner and the particulars thereof
- 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

OMS will process the request within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessitated.

Where an extension of the 30-day time limit is required, the Requester will be notified, together with reasons explaining why such extension is necessitated.

The Requester will be informed whether access is granted or denied. If, in addition, a Requester who requires the reasons for the decision in any other manner must state the manner and the particulars so required.

If a request is made on behalf of another person, then the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.

If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

The Requester must pay the prescribed fee before any further processing can take place.

### **Third Parties**

If the request pertains to a third party, the Information Officer must take all reasonable steps to inform that third party of the request within 21 days of receipt of the request. The third party may within 21 days thereafter either make representation as to why the request should be refused, or grant written consent to disclosure. The third party must be advised of both the decision taken and of their right to appeal against the decision by way of application to court within 30 days after the notice.



## 11. FEES

PAIA provides for two types of fees, namely:

- A request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- An access fee, payable when access is granted, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

When the request is received, the Information Officer will by notice require the Requester, excluding a Personal Requester, to pay the prescribed request fee (if any) before further processing of the request.

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, the Information Officer 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.

The Information Officer will withhold a record until the Requester has paid the fees.

If a deposit has been paid for a request for access, which is refused, then the Information Officer concerned will repay the deposit to the Requester.

Further details on prescribed fees are available in '*Annexure A: Fees*' at the end of this manual.

## 12. GROUNDS FOR REFUSAL

In terms of Part 3, Chapter 4 of the Act OMS may and in certain instances must refuse access to records on the grounds set out in the Act. The grounds include:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person
- Mandatory protection of the commercial information of a third party
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement
- Mandatory protection of the safety of individuals and the protection of property
- Mandatory protection of records which would be regarded as privileged in legal proceedings
- The research information of OMS or a third party, if its disclosure would place the research at a serious disadvantage
- The commercial activities of OMS, which may include, without limitation:
  - trade secrets of OMS
  - the disclosure of financial, commercial, scientific or technical information which could likely cause harm to the financial or commercial interests of OMS
  - information which, if disclosed could put OMS at a disadvantage in negotiations or commercial competition
  - a computer program which is owned by OMS, and which is protected by copyright
- Requests for information that are clearly not legitimate, trivial, or nuisance, or which involve an unreasonable diversion of resources must be refused.

## 13. REMEDIES AVAILABLE WHEN AN INSTITUTION REFUSES A REQUEST FOR INFORMATION

Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

## 14. AVAILABILITY OF THE MANUAL

This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of OMS. Copies of the Manual may be made, subject to the prescribed fees. Copies may also be requested from the Information Regulator. The Manual is also posted on the OMS' website referred to above.

## 15. DOCUMENT VERSION CONTROL

Manual Name	OMS PAIA Manual
Manual Owner	Information Officer
Approval	Mr So and So
Effective Date	01 November 2022
Last Approved Date	31 October 2022
Version	V1.0
Last Review	31 October 2022
Next Review Date	31 October 2023
Distribution	Public
Location	Centurion, South Africa

Version History (will be left blank if first version):

Version	Date	Revision Author	Summary of Changes
V1.0	2022-10-31	Anthony Malunga	First Draft

## 16. ANNEXURE A: FEES

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records will be a fee for reproduction of the record in question.

The applicable fees for reproduction as referred to above are:

For every photocopy of an A4-size page or part thereof	<b>R1.10</b>
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	<b>R0.75</b>
For a copy in a computer-readable form on flash drive	<b>R75</b>
A transcription of visual images, for an A4-size page or part thereof	<b>R40</b>
For a copy of visual images	<b>R60</b>
A transcription of an audio record, for an A4-size page or part thereof	<b>R60</b>
For a copy of visual images	<b>R20</b>
For a copy of an audio record	<b>R30</b>
To search for a record that must be disclosed, or part of an hour reasonably required for such search	<b>R30/hour</b>

Where a copy of a record needs to be posted, the actual postal fee is payable.

### **Request fees**

Where a request is made for access to information on a person other than that Requester, a request fee in the amount of **R50.00** is payable up-front before OMS will further process the request received.

### **Access fees**

An access fee is payable in all instances where access is granted, unless payment of an access fee is specially excluded in terms of PAIA or an exclusion is determined by the Minister in terms of Section 54 (8).

## **Deposits**

Where OMS receives a request for access to information on a person other than that Requester and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than six hours, a deposit is payable by the Requester.

The amount of the deposit is equal to one-third of the amount of the applicable access fee.

**Note:** In terms of Regulation 8, value-added tax (VAT) must be added to all fees prescribed in terms of the regulations.

## **17. ANNEXURE B: FORMS**

### **17.1 Request Form: Form C**

*(Request For Access To Record Of A Private Body)*

**\*\*\*see attached\*\*\***

### **17.2 Objection Form: Form 1**

*(Objection To The Processing Of Personal Information)*

**\*\*\*see attached\*\*\***

### **17.3 Request Form: Form 2**

*(Request for Correction or Deletion of Personal Information or Destroying or Deletion of Record of Personal)*

**\*\*\*see attached\*\*\***