

PROMOTION OF ACCESS TO INFORMATION ACT (“PAIA”) MANUAL

PREPARED IN TERMS OF SECTION 51

OWNERSHIP

This manual is owned by PAYM8 (Pty) Ltd

As Key Individual and Chief Executive Officer I, Andrew Charles Springate, hereby confirm the adoption of this manual.

SUMMARY

Section 32(1)(a) of the Constitution of the Republic of South Africa Act, No. 108 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, No. 2 of 2000 (hereinafter referred to as “PAIA”, or “the Act” interchangeably) 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.

PAIA sets out the requisite procedural issues attached to such request, the requirements with which such a request must comply as well as the grounds for refusal of such request. This manual informs requestors of those procedural and other requirements with which a request must comply in terms of the Act.

SCOPE

This Manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000 and is applicable to PAYM8 (Pty) Ltd, a company registered under the laws of South Africa (hereinafter referred to as “PAYM8”).

PURPOSE OF THE MANUAL

This manual is intended to foster a culture of transparency and accountability by giving effect to the right to information that is required for the exercise or protection of any right and to 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 view the categories of information available.

INTRODUCTION

PAYM8 is a world leader in delivering payment services and solutions to its clients, which services include –

- Collect
 - NAEDO
 - AEDO
 - EFT Debits (Same Day and Two Day)
 - EFT Credits (Same Day and Two Day)
 - RPI
 - AC / DebiCheck (will be available in future)
- E-Commerce and M-Commerce
 - E & M-Commerce payment capabilities

These services are provided to a variety of clients, namely businesses, public entities, associations, professional services organisations and private clients.

The Promotion of Access to Information Act, 2000, PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required to exercise a right or to protect a right.

PAIA, provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or the protection of a right. However, such request has to comply with the procedural requirements laid down by the Act.

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Directors: A Springate | R Frew

The logo for PAYM8, featuring the word "PAYM8" in a bold, sans-serif font. The "8" is stylized with a large, white, circular shape that overlaps it, creating a unique graphic element. The logo is set against a dark background.

CONTACT DETAILS

All requests for information in terms of PAIA must be in writing and addressed to the Information Officer whose contact details are set out below:

Information officer: Andrew Charles Springate
Postal address: Private Bag X83, Halfway House, 1685
Physical address: Building 18, Thornhill Office Park, Bekker Road, Midrand, 1685
Telephone number: +27 11 564 2460
Fax number: +27 11 564 2496
Website: www.paym8.co.za
Email address: admin@paym8.co.za

GUIDE ON THE PROMOTION OF ACCESS TO INFORMATION ACT (SECTION 10 GUIDE)

The guidance document on the application of the Promotion of Access to Information Act has been compiled by the South African Human Rights Commission ("SAHRC"). The guidance document has been developed in order to assist people to access records, interpretation of the Act and to exercise their right to information.

The Guide contains the following information:

- The object of the Act;
- Particulars of the information officer of every public body;
- Particulars of every private body as are practicable;
- The manner and form of a request for access to information held by a body;
- Assistance available from both the information officers and the Human Rights Commission in terms of the Act;
- All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and court application;
- Schedules of fees paid in relation to requests for access to information;
- Regulation made in terms of the Act;

The guide is available in all South African official languages free of charge, and any person may request a copy of the guide. A copy of the guide may be obtained by contacting the South African Human Rights Commission at:

**The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041
Telephone: 011 877 3600
E-mail: paia@sahrc.org.za
Website: www.sahrc.org.za**

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PROCEDURE FOR OBTAINING ACCESS TO INFORMATION

Who may request information?

Any person, who requires information for the exercise or protection of any rights, may request information from PAYM8.

Types of Requesters

Personal Requestor

PAYM8 will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information without the requester having to pay an access fee. However the prescribed fee for reproduction of the information requested will be charged.

Other Requester

This requester (other than a personal requester) is entitled to request access to information on a third party or fulfil the prerequisite requirements for parties. However, PAYM8 is not obliged to voluntarily grant access. The requester must request access in terms of the Act, including the payment of a request and access fee.

Request Procedure

- The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- The requester must complete the prescribed form enclosed herewith in "Appendix I", and submit same as well as payment of a request fee and a deposit, if applicable, to the Information Officer at the contact details set out above.
- The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify:
 - the record or records requested;
 - the identity of the requester and such person acting on behalf of the requester where applicable;
 - the telephone number, postal address or fax number of the requester;
 - what form of access is required, if the request is granted;
- The requester must state that (s)he requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- The manner in which the requester wishes to be informed of the decision on the request, if in a manner in addition to written notification.
- PAYM8 will process the request within thirty days, unless the request contains considerations that are of such a nature that an extension of the thirty day time limit is necessitated.
- Where an extension of the thirty day time limit is required, the requester shall be notified, together with reasons explaining why such extension is necessitated.
- The requester shall be informed whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, (s)he 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.

FEES

The Act provides for two types of fees:

- **Request fee** - a standard non-refundable administration fee, payable prior to the request being considered; and
- **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, shall, by notice, require the requester (excluding a personal requester) to pay the prescribed request fee (if any), before further processing of the request.

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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 shall 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 shall withhold a record until the requester has paid the fees as follows –

- The fee for a copy of the manual in terms of regulation 9(2)(c) is R1.10 for every photocopy of an A4 page or part thereof.
- The fees for the reproduction referred to in regulation 11(1) are as follows –
 - For every photocopy of an A4-size page or part thereof R 1.10
 - For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R .75
 - For a copy in a computer-readable form on stiffy disc R 7.50
 - For a copy in a computer-readable form on compact disc R70.00
 - For a transcription of visual images, for an A4-size page or part thereof R40.00
 - For a copy of visual images R60.00
 - A transcription of an audio record, for an A4-size page or part thereof R20.00
 - For a copy of an audio record R30.00
 - To search for a record that must be disclosed, or part of an hour reasonably required for such search R30,00
- Actual postage fee is payable when a record must be posted to a requester.
- The request fee payable by a requester, other than a personal requester is R50.00, payable up-front before PAYM8 will further process the request received.
- An access fee is payable in all instances where access is granted, unless payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).
- In accordance with Section 54(2) of the Act, PAYM8 may require a deposit in cases where searching for a record exceeds 6 (six) hours. The deposit will represent 1/3 (one third) of the access fees payable by the requester.
- If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.
- 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 his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.
- In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

RIGHT OF APPEAL

- PAYM8 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. The Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.
- The 30 day period with which PAYM8 has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of PAYM8 and the information cannot reasonably be obtained within the original 30 day period. Should an extension be required, PAYM8 will notify the requester in writing and will also provide the procedure involved should the requestor wish to apply to court against the extension.
- If the request is:
 - **Granted:** the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
 - **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wish to apply to court against the decision.
- The Information Officer's failure to respond to the requestor within the thirty day period constitutes a deemed refusal of the request.

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- Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.
- If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the Information Officer.

GROUNDINGS FOR REFUSAL OF ACCESS TO INFORMATION

The main grounds for PAYM8 to refuse a request for information relates to the:

- 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, if the record contains:
 - trade secrets of that third party;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - information disclosed in confidence by a third party to PAYM8, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
 - 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;
- research information of PAYM8 or a third party, if its disclosure would place the research at a serious disadvantage;
- commercial activities of PAYM8, which may include, without limitation:
 - trade secrets of PAYM8;
 - financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of PAYM8;
 - information which, if disclosed could put PAYM8 at a disadvantage in negotiations or commercial competition;
 - a computer program which is owned by PAYM8, and which is protected by copyright;
- requests for information that are clearly frivolous or vexation, or which involve an unreasonable diversion of resources shall be refused;

Notwithstanding the above, disclosure is **mandatory** where it would reveal a contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public.

REMEDIES AVAILABLE WHEN AN INSTITUTION REFUSES A REQUEST FOR INFORMATION

PAYM8 does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

External Remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

TYPE OF RECORDS HELD

Request for access to documents held by the PAYM8 will be in accordance with the Act. The type of records available to the person requesting the information is listed in Annexure A.

A description of records which are freely available without having to submit a formal request to access information in terms of the Act are listed in Annexure B.

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RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act
- Companies Act, 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Constitution of the Republic of South Africa
- Consumer Protection Act
- Copyright Act
- Electronic Communications and Transactions Act, 2002 Employment Equity Act 55 of 1998
- Income Tax Act of 1962
- Labour Relations Act 66 of 1995
- National Credit Act, 34 of 2005
- National Payment System Act 78 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act, 24 of 1956
- Prevention and Combating of Corrupt Activities Act
- Prevention of Organised Crime Act 21 of 1998
- Promotion of Access to information Act No. 2 of 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act
- Protection of Personal Information Bill of 2008
- Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002
- Skills Development Act
- Stamp Duties Act No. 77 of 1968
- The Banks Act, 1990
- Trademarks Act
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Fund
- Value Added Tax Act 89 of 1991

SUBJECT AND CATEGORIES OF INFORMATION HELD

1. COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers
- BEE Certification
- Industry Certification
- Marketing material

2. FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records / Bank Statements /Electronic banking records
- Asset Register
- Rental Agreements
 - Service provider Agreements / Vendor contracts
- Invoices
 - Customer applications

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3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Provident Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training manuals

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APPENDIX I

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No. 2 of 2000)
[Regulation 10]

Particulars of Private Body

Information Officer: Andrew Charles Springate
Postal address: Private Bag X83, Halfway House, 1685
Physical address: Building 18, Thornhill Office Park, Bekker Road, Midrand, 1685
Telephone nr: +27 11 564 2460
Fax nr: +27 11 564 2496
Website: www.paym8.co.za
Email address: admin@paym8.co.za

Particulars of Person requesting access to records

- (a) The particulars of the person who requests access to the records must be recorded below.
(b) Furnish an address and/or fax number in the Republic to which information must be sent.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full Name and Surname:	
Identity Number:	
Postal Address:	
Postal Code:	
Telephone Number:	
Fax Number:	
Email Address:	
Capacity in which request is being made, when made on behalf of another person	

Particulars of person on whose behalf request is made

<i>This section must be completed only if a request for information is made on behalf of another person.</i>
--

Full Name and Surname	
Identity Number:	



Particulars of person on whose behalf request is made

1. Description of the Record or relevant part of the record:

1. Description of the Record or relevant part of the record:

--

2. Reference Number (if available):

--

3. Any further particulars of the record:

--

Fees

*(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount of the request fee.
(c) The fee payable for access to a record depends on the form in which the access is requested and the reasonable time required to search for and prepare a record.
(d) If you qualify for exemption of the payment of any fee, please state the reasons therefore.*

Reason for exemption of payment of the fee:

--

Form of Access to the Record *If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required*

Disability:

--

Form in which the record is required:

--



Mark the appropriate box with an "X"

Notes:

- a) Your indications as to the required form of access depend on the form in which the Record is available.
- b) Access in the form required may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

If the record is in written or printed form:

Copy of record

Inspection of record

If the record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)

View the Images

Copy of the Images

Transcription of the Images

If the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack
(Compact disc)

Transcription of soundtrack
(written or printed document)

If the record is held on computer or in an electronic or machine-readable form:

Printed copy of Record

Printed copy of information
derived from the record

Copy in computer readable
form (stiffy or compact disc)

If you requested a copy or transcription of a record (above), do you wish the of transcript to be posted to you

YES	NO
-----	----

A postal fee is payable

YES	NO
-----	----

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Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this Form. The Requestor must sign all the additional folios.

Indicate which right is to be exercised or protected.

Explain why the requested record is required for the exercising or protection of the aforementioned rights.

Notice of decision regarding request for access

You will be notified in writing whether your request has been approved / denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access the record?

Signed aton this theday of.....20.....

.....
Signature of Requestor/Person on whose behalf request is made.

