

# **PROMOTION OF ACCESS TO INFORMATION MANUAL**

**Independent Municipal and Allied Trade Union(IMATU)**

**LR2/6/2/533**

**Prepared in terms of the requirements of the  
PROMOTION OF ACCESS TO INFORMATION ACT  
No. 2 of 2000**

Date Compiled: 07 December 2021



## 1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 ("PAIA" or "the Act") gives effect to the Constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights. The Protection of Personal Information Act 2013 has amended the PAIA and also requires from private bodies to disclose certain information through the relevant organisation's PAIA Manual.

Specifically, section 51(1) of the Act, read with the Protection of Personal Information Act of 2013, requires a private body to compile a manual that must contain information as specified and required by both PAIA and POPI. In addition, the PAIA manual must set out the formal procedure that a person must follow in order to request to view, update or delete personal information held by the private body.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

This organisation falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. In general the limitations relate to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held and the process that needs to be adopted to access such records.

**All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this Manual.**



## 2. BUSINESS AND CONTACT DETAILS

**Name of Business:** Independent Municipal and Allied Trade Union(IMATU)  
**Head of Business:** Mr JOHAN KOEN  
**Position:** GENERAL SECRETARY  
**Postal Address:** P O BOX 35343 MENLO PARK , PRETORIA, Gauteng, 0102  
**Physical Address:** 47 SELATI STREET, ASHLEA GARDENS, PRETORIA, Gauteng, 0081  
**Phone Number:** 0124606276  
**Email Address:** johan@imatu.co.za  
**Website:** WWW.IMATU.CO.ZA

## 3. SECTION 51(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT (THE ACT)

- 3.1 The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the Act must be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in regulations 6 and 7 of the Act.
- 3.3 Requesters are referred to the Guide which, in terms of Section 10 as amended, has been compiled by the Information Regulator established in terms of section 39 of the Protection of Personal Information Act, 2013, and which contains information for the purposes of exercising Constitutional Rights.

A "Request for a copy of the Guide (Form 1)" is available at:

<https://www.justice.gov.za/infoereg/docs2-f.html>

The Guide is also available at:

**Address:** JD House, 27 Stiemens Street Braamfontein, Johannesburg, 2001  
**Postal Address:** P.O. Box 31533 Braamfontein, Johannesburg, 2017  
**Tel Number:** 010 023 5200  
**Email Address:** PAIACompliance@infoRegulator.org.za

#### **4. RECORDS AVAILABLE IN TERMS OF SECTION 52(2) OF THE ACT**

Not applicable.

#### **5. RECORDS THAT ARE HELD AT THE OFFICES OF THE BUSINESS**

The following is a list of records that are held at the business's office:

##### **Administration**

- Attendance registers
- Correspondence
- Founding Documents
- Licences (categories)
- Minutes of Management Meetings
- Minutes of Staff Meetings
- Statutory Returns

##### **Human Resources**

- Conditions of Service
- Employee Records
- Employment Contracts
- Employment Equity Records
- General Correspondence
- Industrial and Labour Relations Records
- Information relating to Health and Safety Regulations
- Pension and Provident Fund Records
- Personnel Guidelines, Policies and Procedures
- Remuneration Records and Policies
- Salary Surveys
- Salary Scale Surveys
- Skills Requirements
- Staff Recruitment Policies
- Statutory Records
- Training Records

## **Operations**

- Brochures on Company Information
- Client and Customer Registry
- Contracts
- General Correspondence
- Marketing and Future Strategies
- Suppliers' Registry

## **Finances**

- Annual Financial Statements
- Asset Register
- Banking Records
- Budgets
- Contracts
- Financial Transactions
- General Correspondence
- Insurance Information
- Management Accounts
- Purchase and Order Information
- Tax Records (company and employee)

## **Information Technology**

- IT Policies and Procedures

## **Statutory Records:**

At present these include records (if any) held in terms of:

- Arbitration Act 42 of 1965
- Basic Conditions of Employment 75 of 1997
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Copyright Act 98 of 1978
- Consumer Protection Act 68 of 2008
- Debtor Collectors Act 114 of 1998
- Employment Equity Act 55 of 1998
- Finance Act 35 of 2000

- Financial Advisory and Intermediary Services Act 37 of 2002
- Electronic Communications and Transactions Act 25 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Financial Services Board Act 97 of 1990
- Financial Relations Act 65 of 1976
- Harmful Business Practices Act 23 of 1999
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Financial Institutions (Protection of Funds) Act 28 of 2001
- Financial Services Ombud Schemes Act 37 of 2004
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Inspection of Financial Institutions Act 80 of 1998
- Medical Schemes Act 131 of 1998
- Occupational Health & Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- National Credit Act 34 of 2005
- Short Term Insurance Act 53 of 1998
- Skills Development Levies Act 9 of 1999
- Promotion of Access to Information Act 2 of 2000
- Skills Development Act 97 of 1998
- Tax on Retirement Funds Act 38 of 1996
- Tax Administration Act No 28 of 2011
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

## **6. PROCESSING OF PERSONAL INFORMATION**

## **Purpose of Processing**

- Fulfilling statutory obligations in terms of applicable legislation
- Historical record keeping, research and recording statistics necessary for fulfilling our business objectives.
- Keeping of accounts and records
- Monitoring, maintaining and managing our contractual obligations to customers, clients, suppliers, service providers, employees, National Executive Council members and other third parties
- Obtaining information necessary to provide contractually agreed services to customers and clients
- Resolving and tracking complaints
- Staff administration
- Verifying information provided to us

## **Categories of Data Subjects**

- Clients and client's employees (inclusion of member records), representatives, agents, contractors and service providers
- Existing and former employees (including contractors, agents, temporary and casual employees)
- Suppliers and service providers and their respective authorised employees, representatives, agents, contractors and service providers of such suppliers and service providers

## **Categories of Personal Information processed**

### **Natural Persons**

- Names
- Physical and postal addresses
- Date of birth
- ID number
- Tax related information
- Nationality
- Gender
- Confidential correspondence
- Email address
- Telephone number
- Online identifier or other particular assignment to the person

## **Juristic Persons**

- Names of contact persons
- Name of Legal Entity
- Registration Number
- Physical and Postal address and contact details
- Financial information
- Tax related information
- Authorised signatories, beneficiaries, ultimate beneficial owners
- BBBEE information

## **Categories of special information processed**

- Racial / ethnic origin
- Trade union membership
- Offences / alleged offences
- Criminal proceedings, outcomes & sentences



## **Possible Recipients of Personal Information**

- Auditors
- Banks and other financial institutions.
- Claims investigators
- Collection agencies
- Credit reference agencies
- Debt collection and tracing agencies
- Educators and examining bodies
- Employees of the organisation
- Employment and recruitment agencies
- Family, associates and representatives of the person whose personal information is processed
- Ombudsman and regulatory authorities
- Police / courts where necessary
- Private investigators
- Regulatory, statutory and government bodies
- Security organisations
- Suppliers, service providers, vendors, agents and representatives of such entities
- Third party verification agencies and credit bureau
- Trade unions

## **Trans-border / cross border flows of personal information**

It may be required from time to time need to share personal information of data subjects with third parties in other countries. Any sharing of personal information of data subjects with third parties in other countries will be done only if the recipient of the information is subject to a law, binding corporate rules or binding agreement which provide an adequate level of protection which effectively upholds principles for reasonable processing of the information that are substantially similar to the conditions for the lawful processing of personal information relating to a data subject who is a natural person and, where applicable, a juristic person, as set out in the Protection of Personal Information Act and the data subject consents to the transfer.

Any such transfer will have to be shown to be necessary for the performance of a contract between the data subject and the recipient in question, or for the implementation of pre-contractual measures taken in response to the data subject's request.

## General Description of Information Security Measures

Up to date technology is employed to ensure the confidentiality, integrity and availability of the Personal Information under our care.

Measures include:

- Acceptable usage of personal information
- Access control to personal information
- All third parties with whom any contract exists are required to ensure that appropriate security, privacy and confidentiality obligations are observed.
- Computer and network security including Firewalls, Virus protection software and updated protocols
- Governance and regulatory compliance
- Information security and HR policies including Bring Your Own Device (BYOD) policies
- Internal process to report security breach or anticipated security breach
- Investigating and reacting to security incidents
- Logical and physical access control
- Monitoring access and usage of private information
- Physical security
- Retention and disposal of information
- Secure communications
- Security in the outsourcing of any activities or functions through appropriate contracts
- Training of staff members

We continuously establish and maintain appropriate, reasonable technical and organisational measures to ensure that the integrity of the Personal Information which may be in our possession or under our control, is secure and that such information is protected against unauthorised or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures applicable.

## 7. INFORMATION REQUEST PROCEDURE

- The requester must use the prescribed form to make the request for access to a record. The prescribed form is available from the Head of Business named in Section 2 above. The form is also available from the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za)
- The request must be made to the Head of Business named in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.
- The requester must provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Head of Business aforesaid.
- The prescribed request fee must be attached.
- We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.
- Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

## 8. DENIAL OF ACCESS

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put Independent Municipal and Allied Trade Union(IMATU) at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Independent Municipal and Allied Trade Union(IMATU);
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Independent Municipal and Allied Trade Union (IMATU);

If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.



## **9. FEES**

The applicable fees are prescribed in terms of the Regulations promulgated under the Act.

There are two basic types of fees payable in terms of the Act.

### **Request Fee**

The non-refundable request fee of R 50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

### **Access Fee**

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

## **10. MANUAL AVAILABILITY**

A copy of this Manual may be obtained from the Head of Business referred to in Section 2 hereof

Any transmission costs or postage required in respect of hard copies of the Manual, will be for the account of the requester.



REPUBLIC OF SOUTH AFRICA

FORM C  
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 10]

**A. Particulars of private body**

The Head:

**B. Particulars of person requesting access to the record**

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

Full names and surname: .....

Identity number: 

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Postal address: .....

Telephone number: (.....) ..... Fax number: (.....) .....

E-mail address: .....

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: .....

Identity number: 

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**D. Particulars of record**

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.
- (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

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2. Reference number, if available:

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3. Any further particulars of record:

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**E. 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 required to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which access is required 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 reason for exemption.

Reason for exemption from payment of fees:

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**F. Form of access to 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 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested 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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	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 copy or transcription to be posted to you? Postage is payable.	YES	NO
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**G. 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 requester must sign all the additional folios.**

1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**H. 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 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 to the record?

.....

Signed at ..... this day ..... of ..... year .....

.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

