

ASL Group

Manual in terms of section 51 of the
Promotion of Access to Information Act, 2 of 2000

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1. CONTACT PARTICULARS

Name of Group:	ASL Group (" ASL Group ") [Refer point 3]		
Chief Executive Officer:	Christa Swart	Information Officer:	Christa Swart
Postal address:	PO Box 99 Somerset Mall 7137	Postal address:	Trident Park I 1 Niblick Way Somerset West 7130
Telephone number:	021 840 1600		
Email address:	christas@asl.co.za		
Website:	www.asl.co.za		

2. PREAMBLE

The *Promotion of Access to Information Act, 2000* ("**PAIA**") came into operation on 9 March 2001. PAIA seeks to give natural and juristic persons the right of access to records held by either a private or public body, subject to certain limitations, in order to enable them to exercise or protect their rights.

Section 51 of PAIA obliges private bodies to compile a manual to enable a person to obtain access to information held by such private body and stipulates the minimum requirements that the manual has to comply with.

This manual constitutes ASL Group's PAIA manual.

3. INTRODUCTION TO ASL GROUP

The ASL Group referred to the following entities –

- ASL Incorporated
- ASL Trustdienste Proprietary Limited
- ASL Advisory Proprietary Limited
- ASL Tesourie Proprietary Limited
- ASL Proprietary Limited

The ASL Group respects and protects the personal information and privacy of others.

4. OBJECTIVES OF THIS MANUAL

The objectives of this manual are:

- to provide a list of all records held by the legal entity;
- to set out the requirements with regard to who may request information in terms of PAIA as well as the grounds on which a request may be denied;
- to define the manner and form in which a request for information must be submitted; and
- to comply with the additional requirements imposed by the *Protection of Personal Information Act, 2013* ("**POPIA**").

5. INFORMATION REGULATOR'S GUIDE

An official Guide has been compiled which contains information to assist a person wishing to exercise a right of access to information in terms of PAIA and POPIA. This Guide is made

available by the Information Regulator (established in terms of POPIA). Copies of the updated Guide are available from Information Regulator in the manner prescribed. Any enquiries regarding the guide should be directed to:

Address: Postal: P.O Box 31533, Braamfontein, Johannesburg, 2017
Physical: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Telephone Number: 012 406 4818

Fax Number: 086 500 3351_

E-mail Address: POPIAComplaints@infoeregulator.org.za

Website: <https://www.justice.gov.za/infoereg/>

6. ENTRY POINT FOR REQUESTS

PAIA provides that a person may only make a request for information, if the information is required for the exercise or protection of a legitimate right.

Information will therefore not be furnished unless a person provides sufficient particulars to enable ASL Group to identify the right that the requester is seeking to protect as well as an explanation as to why the requested information is required for the exercise or protection of that right. The exercise of an individual's rights is subject to justifiable limitations, including the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance. PAIA and the request procedure contained in this manual may not be used for access to a record for criminal or civil proceedings, nor should information be requested after the commencement of such proceedings.

The Information Officer has been delegated with the task of receiving and co-ordinating all requests for access to records in terms of PAIA, in order to ensure proper compliance with PAIA and POPIA.

The Information Officer will facilitate the liaison with the internal legal team on all of these requests.

All requests in terms of PAIA and this manual must be addressed to the Information Officer using the details in paragraph 1 above.

7. AUTOMATICALLY AVAILABLE INFORMATION

Information that is obtainable via the ASL Group website about ASL Group is automatically available and need not be formally requested in terms of this manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- newsletters; and
- marketing and promotional material.

8. INFORMATION AVAILABLE IN TERMS OF POPIA

In terms of POPIA, personal information must be processed for a specified purpose. The purpose for which data is processed by ASL Group will depend on the nature of the data and

the particular data subject. This purpose is disclosed explicitly at the time the data is collected. Please also refer to the ASL Group Privacy Policy for further information.

- 8.1. Categories of personal information collected by ASL Group
- 8.2. The purpose of processing personal information
- 8.3. A description of the categories of data subjects and of the information or categories of information relating thereto
- 8.4. The recipients or categories of recipients to whom the personal information may be supplied
- 8.5. Planned transborder flows of personal information
- 8.6. A general description of information security measures to be implemented by ASL Group

ASL Group employs extensive information security measures to ensure the confidentiality, integrity and availability of personal information in our possession. ASL Group takes appropriate technical and organisational measures designed to ensure that personal information remains confidential and secure against unauthorised or unlawful processing and against accidental loss, destruction or damage.

9. INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

Information is available in terms of certain provisions of the following legislation:

- *Basic Conditions of Employment Act 75 of 1997*
- *Broad Based Black Economic Empowerment Act 53 of 2003*
- *Companies Act 71 of 2008*
- *Financial Group and Intermediary Service Act 37 of 2002*
- *Labour Relations Act 66 of 1995*
- *Employment Equity Act 55 of 1998*
- *South African Revenue Services Act 34 of 1997*
- *Value Added Tax Act 89 of 1991*

10. INFORMATION AVAILABLE IN TERMS OF PAIA

10.1. Accounting records

- Annual financial statements and working papers
- General ledger
- Subsidiary ledgers (receivables, payables, etc.)
- Bank statements, cheque books, cheques
- Customer and supplier statements and invoices
- Cash books and petty cash books
- Tax returns and assessments
- VAT returns

- Lease or instalment sale agreements
- Budgets and business plans
- Auditors' reports
- Capital expenditure
- Credit agreements
- Record of assets
- Record of liabilities
- Record of loans to related parties
- Record of liabilities and obligations
- Record of revenue
- Record of expenses

10.2. **Auditors**

- Working papers
- Correspondence

10.3. **Legal, agreements and contracts**

- Agreements with customers
- Agreements with shareholders, officers or directors

10.4. **Personnel Records**

- Employee evaluation and performance records
- Employee information records
- Employee remuneration
- Employment contracts
- IRP 5 and IT 3 certificates
- Payroll
- UIF, PAYE and SDL returns

10.5. **Sales and Marketing**

- Brochures, newsletters and marketing material
- Service and product information

10.6. **Statutory Company Records**

- Annual statutory returns
- Certificate of Change of Name
- Certificate of Incorporation
- Certificate to Commence Business
- Index of members
- Memorandum of Incorporation, including alterations / amendments

- Register of Allotments
- Register of Directors and Officers
- Registration Certificate
- General resolutions
- Special resolutions
- Resolutions
- Shareholders' agreements

10.7. **Tax**

- Income tax returns
- Provisional tax returns
- Tax assessments
- Documents relating to where the objection and appeal is lodged
- VAT documents

11. **REQUEST PROCEDURE**

If you are satisfied that you are entitled to make a request for access to certain information under PAIA, the request procedure outlined below must be utilised.

11.1. **Completion of the prescribed form**

Any request for access to a record in terms of PAIA must substantially correspond with Form C of Annexure B to *Government Notice No. R.187* dated 15 February 2002 and should be specific in terms of the record requested.

The prescribed form is attached to this manual for ease of reference in 14.

A request for access to information which does not comply with the formalities as prescribed by PAIA will be returned to you.

11.2. **Proof of identity**

You will, in addition to this prescribed form, be required to submit acceptable proof of identity such as a certified copy of your identity document or other legal forms of identity.

11.3. **Payment of the prescribed fees**

There are two categories of fees which are payable:

- **The request fee:** R50
- **The access fee:** This is calculated by taking into account reproduction costs, search and preparation costs, as well as postal costs, in accordance with the prescribed regulations.

Section 54 of PAIA entitles ASL Group to charge a fee for enabling it to recover the cost of processing a request and providing access to records.

Where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.

11.4. **Timelines for consideration of a request for access**

Requests will be processed within 30 (thirty) days, unless the request contains considerations that are of such a nature that an extension of the time limit is needed.

Should an extension be required, you will be notified, together with reasons explaining why the extension is necessary.

11.5. **Grounds for refusal of access and protection of information**

There are various grounds upon which a request for access to a record may be refused. These grounds include:

- the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
- the protection of commercial information of a third party (for example: trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- if disclosure would result in the breach of a duty of confidence owed to a third party;
- if disclosure would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
- if the record was produced during legal proceedings, unless that legal privilege has been waived;
- if the record contains trade secrets, financial or sensitive information or any information that would put ASL Group (at a disadvantage in negotiations or prejudice it in commercial competition; and/or
- if the record contains information about research being carried out or about to be carried out on behalf of a third party or by ASL Group.

Section 70 of PAIA contains an overriding provision. Disclosure of a record is compulsory if it would reveal (i) a substantial contravention of, or failure to comply with the law; or (ii) there is an imminent and serious public safety or environmental risk; and (iii) the public interest in the disclosure of the record in question clearly outweighs the harm contemplated by its disclosure.

If the request for access to information affects a third party, then such third party must first be informed within 21 (twenty one) days of receipt of the request. The third party would then have a further 21 (twenty one) days to make representations and/or submissions regarding the granting of access to the record.

12. **THE INFORMATION OFFICER'S DECISION AND YOUR RECOURSE**

If the Information Officer decides to grant you access to the particular record, such access must be granted within 30 (thirty) days of being informed of the decision.

There is no internal appeal procedure that may be followed after a request to access information has been refused. The decision made by the Information Officer is final. In the event that you are not satisfied with the outcome of the request, you are entitled to apply to a court of competent jurisdiction to take the matter further.

Where a third party is affected by the request for access and the Information Officer has decided to grant you access to the record, the third party has 30 (thirty) days in which to appeal the decision in a court of competent jurisdiction. If no appeal has been lodged by the third party within 30 (thirty) days, you must be granted access to the record.

13. **AVAILABILITY OF THIS MANUAL**

Copies of this manual are available for inspection, free of charge, at the offices of ASL Group and at www.asl.co.za.

14. ANNEXURE A Form C (Request for Access to Information Form)

ACCESS REQUEST FORM

Particulars of ASL Group's Information Officer

Requests can be submitted either via post or e-mail and should be addressed to the Information Officer as indicated below:

Information Officer: Christa Swart

Street Address: Trident Park I
1 Niblick Way
Somerset West
7130

Postal Address: PO Box 99
Somerset Mall
7137

Telephone: 021 840 1600

Email: christas@asl.co.za

Website: www.asl.co.za

Particulars of person requesting access to the record

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

Full names and surname:**Identity number:****Postal address:****Fax number:****Telephone number:****Email address:****Capacity in which the request is made, when made on behalf of another person:**

Particulars of person requesting access to the record (if a legal entity)

- *The particulars of the entity who requests access to the record must be given below.*
- *The address and/or fax number in the Republic to which the information is to be sent must be given.*
- *Proof of capacity in which the request is made, if applicable, must be attached.*

Name of entity:**Registration number:****Postal address:****Fax number:****Telephone number:****E-mail address:****Particulars of person on whose behalf request is made**

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

Full names and surname:

Identity number:

Particulars of record

- *Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be requested.*
- *If the space provided is inadequate, please use a separate folio and attach it to this form. Please sign any additional folios.*

Description of record or relevant part of the record:

Reference number (if available)

Any further particulars of record:

Fees

- *A request for access to a record will be processed only after a request fee has been paid.*
- *You will be notified of the amount to be paid as the request fee.*
- *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.*
- *If you qualify for exemption of the payment of any fee, please state the reason for exemption.*

Reason for exemption of payment of fees:

FORM OF ACCESS TO RECORD

Form in which record is required. Mark the appropriate box with an X

NOTES

- *Compliance with your request in the specified form may depend on the form in which the record is available.*
- *Access in the form requested may be refused under certain*

circumstances. In such a case you will be informed whether access will be granted in another form.

- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form

- Copy of record
- Inspection of record

2. If record consists of visual images

- View the images
- Copy of the image
- Transcription of the images

3. If the record consists of recorded information that can be reproduced in sound

- Listen to the soundtrack (audio)
- Transcription of the soundtrack
- Soundtrack (audio)

4. If the record is held on computer or in an electronic or machine-readable form (this includes photographs, slides, video recordings, computer generated images, sketches etc.)

- Printed copy of record
- Printed copy of information derived from the record
- Copy in computer readable form

5. If you request a copy or transcription of a record (above) do you wish the copy of transcription to be posted to you? Note that postage is payable.

- Yes
- No

Note that if a record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record?

In the event of a disability

If you are prevented by a disability from reading, viewing or listening to the record, state your disability and indicate in the form in which the record is required:

Disability**Form in which record is required**

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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

1. Indicate the right to be exercised or protected:

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

NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

You will be notified in writing whether your request has been approved or 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..... on this day of20....

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

PRINT NAME:

YOU MUST

- 1 Complete all necessary spaces
- 2 Sign the access request form Sign
- 3 Sign additional folios completed

SEND WITH THIS APPLICATION

- 1 The request fee
- 2 Any additional folios completed
- 3 Copy of Identity Document