

PROMOTION OF ACCESS TO INFORMATION MANUAL

LIFESTYLE GARDEN CENTRE (PTY) LTD

Registration Number: 1996/007567/07

("the Company")

PREPARED IN TERMS OF SECTION 51 OF THE

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

AND INCORPORATING THE ADDITIONAL REQUIREMENTS AS STIPULATED BY

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

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1. INTERPRETATION & DEFINITIONS

1.1 In this Manual, unless the context otherwise indicates:

1.1.1 the singular shall import and include the plural and *vice versa*;

1.1.2 words indicating one gender shall import and include the other gender; and

1.1.3 words indicating natural persons shall import and include artificial persons.

1.1.4 the head notes or clause headings to this Manual are used for the sake of convenience only and shall not govern the interpretation of the clause to which they relate.

1.1.5 the following words and expressions shall, in addition to their respective ordinary meanings, bear the following meanings assigned to each of them respectively:

1.1.5.1 **“Company”** means Lifestyle Garden Centre (Pty) Ltd (Reg Number: 1996/007567/07), a limited liability company duly registered and incorporated in accordance with the Company Laws of the Republic of South Africa and having its principal place of business situated at Cnr Beyers Naude & Ysterhout Drives, Randpark Ridge, Gauteng, Republic of South Africa;

1.1.5.2 **“Constitution”** means the Constitution of the Republic of South Africa, 1996;

1.1.5.3 **“Data Subject”** has the meaning ascribed thereto in Section 1 of POPIA;

1.1.5.4 **“Head of the Company”** means the “head” as defined in Section 1 of PAIA; and

1.1.5.5 **“Information Officer”** means the Information Officer of the Company appointed as such from time to time;

1.1.5.6 **“Manual”** means this manual prepared in accordance with Section 51 of PAIA and Regulation 4(1)(d) of the POPIA Regulations and all annexures thereto;

1.1.5.7 **“PAIA”** means the Promotion of Access to Information Act No. 2 of 2000;

1.1.5.8 **“Personal Information”** has the meaning ascribed thereto in Section 1 of POPIA;

1.1.5.9 **“Personnel”** refers to any person who works for, or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company, which includes, without limitation, all directors, all permanent, temporary and part-time employees as well as contract workers; **“POPIA”**

means the Protection of Personal Information Act No. 4 of 2013;

- 1.1.5.10 **“Policy”** means such policy as adopted by the Company in compliance with the provisions of POPIA, and as amended from time to time;
- 1.1.5.11 **“POPIA Regulations”** mean the regulations promulgated in terms of Section 112(2) of POPIA;
- 1.1.5.12 **“Private Body”** has the meaning ascribed thereto in Sections 1 of both PAIA and POPIA;
- 1.1.5.13 **“Processing”** has the meaning ascribed thereto in Section 1 of POPIA;
- 1.1.5.14 **“Regulator”** means the Information Regulator established in terms of Section 39 of POPIA;
- 1.1.5.15 **“Responsible Party”** has the meaning ascribed thereto in Section 1 of POPIA;
- 1.1.5.16 **“Record”** has the meaning ascribed thereto in Section 1 of PAIA and includes Personal Information;
- 1.1.5.17 **“Requester”** has the meaning ascribed thereto in Section 1 of PAIA;
- 1.1.5.18 **“Request for Access”** has the meaning ascribed thereto in Section 1 of PAIA;
- 1.1.5.19 **“Sensitive Personal data”** – includes the following:
- Racial or ethnic origin;
 - Political opinions;
 - Religious or similar beliefs;
 - Financial Information;
 - Mental or physical health;
 - Family details;
 - Criminal records or allegations of criminal conduct; and
- 1.1.5.20 **“SAHRC”** means the South African Human Rights Commission.

- 1.2 Capitalised terms used in this Manual have the meanings ascribed thereto in Section 1 of POPIA and PAIA as the context specifically requires, unless otherwise defined herein.

- 1.3 Where any other term is defined within the context of any particular clause in this Manual (other than definitions appearing in clause 1), unless it is clear from the clause in question that the term so defined has application to the entire Manual, that defined term shall bear the meaning ascribed to it for the entire main parent clause wherein it is defined (i.e. clause 1 or 2 or 3 etc), including all sub-clauses thereto, and not for the entire Manual.
- 1.4 When any number of days is prescribed in this Manual, same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day falls on a Saturday, Sunday or public holiday, in which case, the last day shall be the next succeeding day which is not a Saturday, Sunday, or public holiday. The term “business day” shall mean any day other than a Saturday, Sunday or public holiday.
- 1.5 Annexures to this Manual that do not themselves contain their own definitions expressions defined in this Manual shall bear the same meanings in such annexures.
- 1.6 The use of the word “including” followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* (of the same type) rule shall not be applied in the interpretation of such general wording or such specific example/s.
- 1.7 This Manual and all matters or disputes arising therefrom or incidental thereto, shall be governed and construed in accordance with the laws of the Republic of South Africa.

2. INTRODUCTION AND BACKGROUND OF THE MANUAL

- 2.1. The Company recognizes that Personal Data Protection as per Section 14 of the Constitution is an important piece of legislation to protect the rights of individuals in respect to any Personal Information that is kept about them, whether on computer or in a manual filing systems.
- 2.2. This Manual is published in terms of Section 51 PAIA. PAIA gives effect to the provisions of Section 32 of the Constitution of South Africa, which provides that “*everyone has the right of access to any information held by another person and that is required for the exercise and/or protection of any right*”. Where a request is made in terms of PAIA, the body to which the request is made is obliged to release the information, except where PAIA expressly provides that the information may not be released.

3. SCOPE OF APPLICATIONS

- 3.1. This Manual has been prepared in respect of Lifestyle Garden Centre(Pty) Ltd RegNumber: 1996/007567/07.
- 3.2. The Information Officer named below is appointed in respect of the Company as a whole.

INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF PAIA: CONTACT DETAILS

Name of Private Body	Lifestyle Garden Centre (Pty) Ltd
Head of Private Body	The Chairman of the Board of Directors as elected from time to time
Information Officer (IO)	
Email Address of IO	
Deputy IO	
Email Address of Deputy IO	
Postal Address	
Physical Address	
Phone Number	
Fax Number	
Website	

4. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b) OF PAIA

A guide has been compiled, in terms of Section 10 of the PAIA, by the SAHRC. It contains information to assist a person wishing to exercise a right, in terms of PAIA. This guide that has been prepared in accordance with Section 10 of PAIA is available for inspection as follows:

The South African Human Rights Commission:	PAIA Unit The Research and Documentation Department
Postal address:	Private Bag 2700
Physical address:	Braampark Forum 3
	33 Hoofd Street Braamfontein, Johannesburg, Gauteng
Telephone:	+27 11 877 3622 / 3600
Fax:	+27 11 403 0668
Website:	www.sahrc.org.za
E-mail:	paia@sahrc.org.za

5. PURPOSE FOR THIS MANUAL

- 5.1. The reference to any information in addition to that specifically required in terms of Section 51 of PAIA does not create any right or entitlement (contractual or otherwise) to receive such requested information.
- 5.2. It is important to note that PAIA recognizes certain limitations to the right of access to Personal Information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective and good governance, and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution. Any request for access to Personal Information may be refused on the grounds as set out in Chapter 4 of Part 3 of PAIA.
- 5.3. PAIA obliges Private Bodies to compile a Manual ("Manual") which would assist a Requester to obtain access to information held by the Private Body and stipulates the minimum requirements with which the Manual has to comply.
- 5.4. The purpose of POPIA is to, amongst others, promote the protection of Personal Information of persons that are processed by Public and Private Bodies and to protect persons against the unlawful collection, retention, dissemination and use of their Personal Information.
- 5.5. The purpose of this Manual, in accordance with PAIA and POPIA is –
 - 5.5.1. to make available to potential Requesters, information regarding the Records held by the Company;
 - 5.5.2. to define the manner and form in which a request for Personal Information ("Information Request") must be submitted to the Company;
 - 5.5.3. to set out the criteria and grounds to be applied by the Company in granting or refusing an Information Request; and
 - 5.5.4. to set out the purpose and the way Personal Information is processed, stored, secured and destroyed by the Company.
- 5.6. The Company also acknowledges that from a regulatory perspective and for the confidence of consumers, the provisions contained in this Manual, read with the provisions of PAIA and POPIA will ensure that Personal Information given to the Company will be treated appropriately.
- 5.7. The aim of this Manual is to ensure that the Company complies with this legislation and the Company understands fully its obligations under POPIA and PAIA.

6. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51 OF PAIA

- 6.1. No notice in terms of Section 52(2) of PAIA, regarding the categories of records of the Company which are available without request has been published.
- 6.2. The information as regarding the Company is accessible at www.lifestyle.co.za without request. The website contains various categories of information relating to the Company such as contact details.

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51 OF PAIA

Records are kept in accordance with the following legislation, all of which are available, subject to such legislation and PAIA:

1.	Alienation of Land Act No. 68 of 1981
2.	Arbitration Act No. 42 of 1965
3.	Basic Conditions of Employment No. 75 of 1997
4.	Broad – Based Black Economic Empowerment Act No. 71 of 2003
5.	Companies Act No. 71 of 2008 (as amended)
6.	Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
7.	Consumer Protection Act No. 68 of 2008
8.	Community Schemes Ombud Service Act No.9 of 2011
9.	Community Schemes Ombud Service Act Regulations: Levies and Fees
10.	Debt Collectors Act No.114 of 1998
11.	Electronic Communications Act No. 36 of 2005
12.	Electronic Communications and Transactions Act No. 25 of 2002
13.	Employment Equity Act No. 55 of 1998
14.	Environmental Conservation Act No. 73 of 1989
15.	Hazardous Substances Act No. 15 of 1973
16.	Financial Intelligence Act No. 38 of 2001
17.	Health Act No. 63 of 1977
18.	Identification Act No. 68 of 1997
19.	Income Tax Act No. 58 of 1962
20.	Insolvency Act No. 24 of 1936

21.	Labour Relations Act No.66 of 1995
22.	Municipal Systems Act No. 32 of 2000 and other Municipal Acts and Bylaws
23.	National Building Regulations and Building Standards Act No. 103 of 1977
24.	National Credit Act No. 34 of 2005
25.	National Environmental Management Act No. 107 of 1998
26.	National Environmental Management: Air Quality Act No. 39 of 2004
27.	National Environmental Management: Biodiversity Act No. 10 of 2004
28.	National Environmental Management: Waste Act No. 59 of 2008
29.	National Forest Act No. 84 of 1998
30.	National Road Traffic Act No. 93 of 1996
31.	National Veld and Forest Fire Act No. 101 of 1998
32.	National Water Act No. 36 of 1998
33.	Occupational Health & Safety Act No. 85 of 1993
34.	Pension Funds Act No. 24 of 1956
35.	Prescription Act No. 68 of 1969
36.	Preferential Procurement Policy Framework Act No. 5 of 2000
37.	Promotion of Access to Information Act No. 2 of 2000
38.	Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
39.	Protection of Information Act No. 84 of 1982
40.	Protection of Personal Information Act No. 4 of 2013
41.	Regional Services Councils Act No. 109 of 1985
42.	Regulation of Interception of Communications and Provisions of Communications Related Information Act No. 48 of 2008
43.	Regulation of Interception of Communications and Provisions of Communications Related Information Act No. 70 of 2002
44.	Road Transportation Act No. 74 of 1977
45.	Sectional Titles Act No. 95 of 1986 (as amended)
46.	Sectional Titles Schemes Management Act No.8 of 2011 (as amended)
47.	Sectional Titles Schemes Management Regulations
48.	Short Term Insurance Act No. 53 of 1998
49.	Skill Development Levies Act No. 9 of 1999
50.	Skills Development Act No. 97 of 1998
51.	Tax Administration Act No. 28 of 2011

52.	The Communities Scheme Ombudsman Services Act No. 9 of 2011
53.	The King Report on Corporate Governance in South Africa – King III and King IV
54.	Tobacco Products Control Act No. 83 of 1993
55.	Unemployment Insurance Act No. 63 of 2001
56.	Unemployment Insurance Contributions Act No. 4 of 2002
57.	Value Added Tax Act No. 89 of 1991

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. Whenever it comes to our attention that existing or new legislation allows a Requester access on a basis other than as set out in PAIA, we shall update the list accordingly. If a Requester believes that a Right of Access to a record exists in terms of other legislation listed above or any other legislation, the Requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

8. **RECORDS AVAILABLE ON REQUEST TO ACCESS IN TERMS OF PAIA [SECTION 51]**

RECORDS HELD BY THE COMPANY

- 8.1. For the purposes of this clause, "Personnel" refers to any person who works for, or provides services to, or on behalf of the Company, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.
- 8.2. This clause serves as a reference to the categories of information that the Company holds. The information is classified and grouped according to records relating to the following subjects and categories:-

RECORD	SUBJECT	AVAILABILITY
<u>Public Affairs</u>	<ol style="list-style-type: none"> 1. Annual AGM/SGM - Minutes, Director's Reports/Pack. 2. Communiqués. 3. Company documents. 4. Company Resolutions. 5. Newsletters. 6. Service provider contact details. 7. Any other Company governance documents 	All freely available on request at the Company Offices.

<u>Financial</u>	<ol style="list-style-type: none"> 1. Annual Audited Financial Statements. 2. Annual Company Budget. 3. Annual Summary Budget Performance statements. 4. Auditors' files. 5. Company's accounting records, bank statements, creditor and debtor accounts. 6. Company Insurance Policy (ies). 7. SARS files. 8. Staff remuneration records and budget details 	<p><u>Items 1 – 3:</u></p> <p>Freely available on request at the Management Offices</p> <p><u>Items 4 – 8:</u></p> <p>Request in terms of PAIA.</p>
<u>Consumer</u>	<ol style="list-style-type: none"> 1. Personal Information of a consumer 2. Litigation between a consumer or debtor and the Company details & debt collection. 3. Company utility account details. 	<p><u>All Items:</u></p> <p>Request in terms of PAIA</p>
<u>Human Resources</u>	<ol style="list-style-type: none"> 1. CCMA & Litigation records. 2. Director's and Board Member's personal details/information. 3. Disciplinary records. 4. Employment Contracts. 5. Employment Equity Plan & reports (if applicable) 6. Employment records. 7. Interview & appointment records. 8. Leave records. 9. Medical Aid records of Personnel (if applicable) 10. Personnel details. 11. Personnel files. 12. Protective clothing records (if applicable) Provident Fund records (if applicable) 	<p><u>All Items:</u></p> <p>Request in terms of PAIA</p>

	<ul style="list-style-type: none"> 13. Security Company reports with staff details. 14. Special benefits records. 15. Training records. 16. Workman's Compensation records. 	
<u>Security</u>	<ul style="list-style-type: none"> 1. Biometrics registration, access & egress details. 2. CCTV footage. 3. Company Registration status. 4. Employment information. 5. Standard Operating Procedures 	<p><u>All Items:</u> Request in terms of PAIA</p>
<u>Management</u>	<ul style="list-style-type: none"> 1. Correspondence with Government Departments (if applicable). 2. Minutes of Directors meetings & Resolutions. 3. Health & Safety Registers. 4. Litigation cases between the Company and third parties. 5. Maintenance meetings minutes. 6. Maintenance schedules and checklists. 7. 10 Year Maintenance Plan 8. Official correspondence with Company Auditors, Attorneys and Financial Institutions. 9. Official correspondence with debtors & creditors. 10. Official correspondence with Employers Organisation. 11. Official correspondence with consumers 12. Official correspondence with service providers. 13. Occupational Health and Safety ("OSH") Act File & Reports/findings. 14. Service contracts with service providers. 15. Staff meetings minutes. 	<p><u>All Items:</u> Request in terms of PAIA</p>

	16. Utility records including water/electricity usage & readings.	
<u>Archive</u>	All archive documents relating to the entire above schedule, excluding the Section – Public Affairs	<u>All Items:</u> Request in terms of PAIA

8.3. Note that the accessibility of the records may be subject to the grounds of refusal set out in this Manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before the Company will consider access.

9. RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF PAIA [SECTION 51]

9.1. Records of a public nature, typically those disclosed on the Company's website and in its various annual reports, may be accessed without the need to submit a formal application.

9.2. Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the head of company, as set out in POPIA.

10. PROTECTION OF PERSONAL INFORMATION ACT NO. 4 OF 2013 (POPIA)

10.1. The purpose of processing Personal Information, a description of the categories of Data Subjects and of the Personal Information or categories of Personal Information relating thereto, the recipients or categories of recipients to whom the Personal Information may be supplied, the planned transborder flows of Personal Information and a general description allowing a preliminary assessment of the suitability of the Personal Information security measures to be implemented by a responsible party to ensure the confidentiality, integrity and availability of the information which is to be processed, is contained in the Policy and adopted by the Company prepared in accordance with provisions and guidelines identified as set out in POPIA and PAIA.

10.2. A copy of the Company's Policy is attached marked annexure "A".

11. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e) OF PAIA

- 11.1. A request shall be made and submitted to the Information Officer on the prescribed form, a copy of the form is attached marked annexure “B” (“prescribed form”). The prescribed form is also available from SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za).
- 11.2. The prescribed form must be completed with enough particularity to enable the Information Officer to identify:
- A. the Record(s) requested;
 - B. the identity of the Requester;
 - C. indicate which form of access is required, if the request is granted;
 - D. specify the postal address, fax number or email address of the Requester in the Republic of South Africa.
- 11.3. The Requester must state which right he or she is seeking to exercise or protect and provide an explanation of why the requested Record is required for the exercise or protection of such right (Section 53(2)(d) of PAIA).
- 11.4. The Requester will be informed in writing, within 30 (thirty) days of receipt of the Request for Access, whether access has been granted or denied. If, in addition, the Requester requires the reasons for the decision in any manner, he or she must state the manner and the particulars so required (Section 53(2)(a) and (b) and (c) and (e) of PAIA).
- 11.5. If a Request for Access is made on behalf of another person, the prescribed form will still need to be completed and the Requester must submit proof of the capacity in which the Requester is making the Request for Access to the reasonable satisfaction of the Information Officer (Section 53(2)(f) of PAIA).
- 11.6. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the Request for Access orally.
- 11.7. Should the Information Officer require an extension of time, the Requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

- 11.8. Notwithstanding the foregoing, the Information Officer will advise the Requester in the manner stipulated by the Requester in the prescribed form of –
- A. the access fee to be paid for the Personal Information (in accordance with paragraph 13);
 - B. the format in which access will be given; and
 - C. the fact that the Requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 11.9. After access is granted, actual access to the Record requested will be given as soon as reasonably possible.
- 11.10. In the event that the requested Record cannot be found or if the Records do not exist, then the Information Officer shall notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested Record.

12. REFUSAL OF ACCESS TO RECORDS

- 12.1. If the Request for Access is refused, the Information Officer shall advise the Requester in writing of the refusal. The notice of refusal shall state –
- 12.1.1. adequate reasons for the refusal; and
 - 12.1.2. that the Requester may within 180 (one hundred and eighty) days of being informed of the decision, lodge an appeal with a court of competent jurisdiction against the refusal of the Request (including the period) for lodging such an appeal.
- 12.2. Upon the refusal of the Information Officer, the deposit paid by the Requester will be refunded.
- 12.3. If the Information Officer fails to respond within 30 (thirty) days after a Request for Access has been received, it is deemed, in terms of Section 58 read together with section 56(1) of PAIA, that the Information Officer has refused the Request.

13. FEES PAYABLE

- 13.1. The access fees payable by a Requester referred to in regulation 11(3) of the PAIA Regulations are as follows:

For every photocopy of an A4-size page or part thereof	R1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0,75
For a copy in a computer-readable form:	

For a transcription of visual images, for an A4-size page or part thereof	R40,00
For a copy of visual images	R60,00
For 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 and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.	

- 13.2. The fees for reproduction of a record, as prescribed by the Minister of Justice in terms of Section 52(3) of PAIA are as follows:

For every photocopy of an A4 size page or part thereof	R1,10
For every printed copy of an A4-size page or part thereof	R0,75
For a copy of a compact disc	R70,00
For a transcript of visual images for an A4 size page or part thereof	R40,00
For a copy of visual images	R60,00
For a transcript of an audio record, for an A4-size page or part thereof	R20,00
For a copy of an audio record	R30,00

- 13.3. The request fee payable by a Requester, other than a personal requester, is R50.00.
- 13.4. If the Information Officer is of the opinion that 6 (six) hours will be exceeded to search, reproduce and / or prepare the information requested, a deposit is payable equal to one-third of an amount of R30.00 for each hour or part thereof, exceeding the 6 (six) hours.

14. **REMEDIES AVAILABLE WHEN THE COMPANY REFUSES A REQUEST FOR INFORMATION**

14.1. **Internal Remedies**

The Company does not have an internal appeal procedure. As such, the decision made by the Information Officer is final, and the Requester will have to exercise such external remedies at their disposal if the request for Personal Information is refused, or the fees payable, or if the Requester is unhappy with the quality of information provided, or the Requester is not satisfied with the answer supplied by the Information Officer

14.2. External Remedies

A Requester that is dissatisfied with an Information Officer's refusal to disclose Personal Information, may within 30 (thirty) days of notification of the decision, apply to a relevant Court for relief. Likewise, a Third Party dissatisfied with an Information Officer's decision to grant a request for Personal Information, may within 180 (one hundred and eighty) days of notification of the decision, apply to a Court for relief. For purposes of PAIA, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

15. REVIEW, MONITORING AND AVAILABILITY OF THIS MANUAL

- 15.1. This Manual may be reviewed annually and at such times as the need to consider amendments if deemed necessary and appropriate by legislation. This process must be prompted by the Information Officer. Any changes to this Manual will require the permission of the Director of the Company.
- 15.2. This Manual is also available for inspection by the general public upon request, during office hours and free of charge at the physical address of the Company.
- 15.3. Copies may also be requested from the SAHRC.
- 15.4. This Manual is also published on the Company's website referred to above.