

**PAIA MANUAL**

for



**CYBERLOGIC**

Prepared in accordance with Section 51 of the  
Promotion of Access to Information Act, No. 2 of 2000

*Confidential*

We respect your right for access to information.

This document will help you exercise that right as required by section 51 of the Promotion of Access to Information Act 2 of 2000 (PAIA).

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

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| Version number | Version date     | Effective date   | Summary of changes  |
|----------------|------------------|------------------|---|
| V1             | 22 February 2022 | 1 March 2023     | PAIA manual compiled  |
| V2             | 1 September 2022 | 1 September 2022 | Branding changes applied  |
| V3             | 28 June 2023     | 1 July 2023      | Manual reviewed, deputy information officer added & company records updated |
|                |                  |                  |   |

## 1. DATES AND REVISIONS

- **Date Compiled:** 22nd February 2022
- **Date Revised:** 29 June 2023

## 2. PURPOSE

The Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) was enacted on 3rd February 2000 and gives effect to the constitutional right of access to information held by the State and any other person that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural requirements attached to such requests.

## 3. INTRODUCTION

Cyberlogic Stellenbosch (Pty) Ltd is a juristic person incorporated as a private company in terms of the company laws of the Republic of South Africa. Cyberlogic is classified as a “private body” within the definition of Section 1 of the Act, and we conduct business in relation to IT technologies and services. This is our ‘Access to Information Manual’. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

This manual exists to tell you what information we have and help you get access to it.

## 4. PURPOSE OF THE MANUAL

This manual has been prepared in accordance with Section 51 of the Act. It is intended to foster a culture of transparency and accountability within {Company Name}, 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 members of the public have effective access to information to enable them to more fully exercise and protect their rights.

Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- limitations aimed at the reasonable protection of privacy;
- commercial confidentiality;
- effective, efficient and good governance; and
- in a manner which balances the right of access with any other rights, including such rights contained in the Bill of Rights in Chapter 2 of the Constitution.

## 5. PARTICULARS IN TERMS OF SECTION 51

### 5.1 Company Contact Details [Section 51(1)(a)]

|                             |   |
|-----------------------------|---|
| <b>Company name:</b>        | Cyberlogic Stellenbosch (Pty) Ltd   |
| <b>Registration number:</b> | 2002/003725/07  |
| <b>Postal address:</b>      | Postnet Suite 317, Private Bag X 5061, Stellenbosch, 7599                     |
| <b>Physical address:</b>    | Trumali House<br>Trumali Street<br>Harrington’s Place<br>Stellenbosch<br>7600 |
| <b>Phone number:</b>        | +27 (0) 861 111 202   |

|  |  |
|--|--|
| <b>Information officer:</b>              | Andrea Marchetti   |
| <b>Information officer email:</b>        | <a href="mailto:andream@hyperclear.co.za">andream@hyperclear.co.za</a>     |
| <b>Deputy Information Officer:</b>       | Francien Johannes  |
| <b>Deputy Information Officer email:</b> | <a href="mailto:francienj@cyberlogic.co.za">francienj@cyberlogic.co.za</a> |
| <b>Contact email:</b>                    | <a href="mailto:info@cyberlogic.co.za">info@cyberlogic.co.za</a>           |
| <b>Website:</b>                          | <a href="http://www.cyberlogic.co.za">www.cyberlogic.co.za</a>             |

## 6. SECTION 10 GUIDE ON HOW TO USE THE ACT [SECTION 51(1)(B)]

If you would like further guidance on how you can get access to information under PAIA, you may contact the Information Regulator to find out more information about PAIA. The Information Regulator is required to compile a guide in each official language of South Africa on how to exercise any right under PAIA. The current guide compiled by the Information Regulator is available here: <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form01-Reg2.pdf>.

In terms of Section 110 of the Protection of Personal Information Act 4 of 2013 the functions of the Human Rights Commission have transferred to the Information Regulator. Their contact details are as follows:

|                          |  |
|--------------------------|--|
| <b>Postal address:</b>   | P.O Box 3153, Braamfontein, Johannesburg, 2017   |
| <b>Physical address:</b> | JD House, 27 Stiemens Street,<br>Braamfontein, Johannesburg, 2001  |
| <b>Phone number:</b>     | 010 023 5200   |
| <b>Website:</b>          | <a href="http://inforegulator.org.za">Home - Information Regulator (inforegulator.org.za)</a> &<br><a href="http://www.sahrc.org.za/index.php/understanding-paia">http://www.sahrc.org.za/index.php/understanding-paia</a> |
| <b>General email:</b>    | <a href="mailto:enquiries@inforegulator.org.za">enquiries@inforegulator.org.za</a>   |
| <b>Complaints email:</b> | <a href="mailto:PAIAComplaints@inforegulator.org.za">PAIAComplaints@inforegulator.org.za</a>   |

For further guidance on how you can get access to information, please visit:  
<https://inforegulator.org.za/>.

## 7. RECORDS AVAILABLE IN TERMS OF SOUTH AFRICAN LEGISLATION [SECTION 51(1)(D)]

We hold the following documents, subjects and categories of records in accordance with the following legislation. (Please note that this is not an exhaustive list):

### Business Operations

[Code of Advertising Practice of the ARB](#)  
[Modern Slavery Act 2015 \(UK\)](#)  
[Insolvency Act, 1936 \(Act 24 of 1936\)](#)  
[Consumer Protection Act 68 of 2008](#)  
[Protection of Businesses Amendment Act, 1979 \(Act No. 114 of 1979\)](#)  
[The Protection of Businesses Act, 1978 \(Act No. 99 of 1978\)](#)

### Finance

[Debt Collectors Act, 1988 \(Act 114 of 1988\)](#)  
[National Payments System Act, 1998 \(Act 78 of 1998\)](#)  
[Tax Administration Act, 2011 \(Act 28 of 2011\)](#)  
[Unemployment Insurance Contributions Act, 2002 \(Act 4 of 2002\)](#)  
[Value Added Tax Act, 1991 \(Act 89 of 1991\)](#)  
[Income Tax Act, 1962 \(Act 58 of 1962\)](#)

[Skills Development Levies Act, 1999 \(Act 9 of 1999\)](#)

Generally Accepted Accounting Principles  
International Financial Reporting Standards (IFRS)

**General**[Copyright Act, 1978 \(Act 98 of 1978\)](#)[Competition Act, 1998 \(Act 89 of 1998\)](#)[Disaster Management Act, 2002 \(Act 57 of 2002\)](#)

Applicable Regulations Competition Act No 89 of 1998

[Intellectual Property Laws Amendment Act 28 of 2013](#)[Intellectual Property Laws Amendments Act 38 of 1997](#)[Constitution of the Republic of South Africa, 1996](#)[Arbitration Act, 1965 \(Act 42 of 1965\)](#)**Governance**[Companies Act, 2008 \(Act 71 of 2008\)](#)

Generally Accepted Compliance Practices

[King Report and Code on Corporate Governance in South Africa, 2016 \(King IV\)](#)[Companies Amendment Bill \(Published 1 October 2021\)](#)[Protection of Personal Information Act, 2013 \(Act 4 of 2013\)](#)[The Data Protection Act, 20 of 2017 \(“DPA”\)](#)[The General Data Protection Regulation \(UK\)](#)[Promotion of Access to Information Act, 2000 \(Act 2 of 2000\)](#)**Human Resources**[Occupational Health and Safety Act, 1993 \(Act No. 85 of 1993\) \(OHSA\)](#)[Employment Equity Act, 1998 \(Act 55 of 1998\)](#)[Labour Relations Act, 1995 \(Act 66 of 1995\)](#)[Skills Development Act, 1998 \(Act 97 of 1998\)](#)[Compensation for Occupational Injuries and Diseases Act, 1993 \(Act 130 of 1993\)](#)[Unemployment Insurance Act, 2001 \(Act 63 of 2001\)](#)[Basic Conditions of Employment Act, 1997 \(Act No. 75 of 1997\) \(BCEA\)](#)[ICT Sector Code for BEE, 2012 \(Notice 485 of 2012\)](#)[Broad-based Black Economic Empowerment, 2003 \(Act 53 of 2003\)](#)**IT and Communication**[Electronic Communications and Transactions Act, 2002 \(Act 25 of 2002\)](#)[Electronic Communications Act, 2005 \(Act 36 of 2005\)](#)[Regulation of Interception of Communications and Provision of Communication related Information Act, 70 of 2002](#)**Money Laundering and Criminal**[Prevention and Combatting of Corrupt Activities Act, 2004 \(Act 12 of 2004\)](#)[Prevention of Organised Crimes Act, 1998 \(Act 121 of 1998\)](#)[Cybercrimes Act, 2020 \(Act 19 of 2020\)](#)**8. RECORDS [SECTION 52]**

Please note that records that are “not automatically available”, must be requested using the process outlined in the “Procedure for requesting access to information” section of this manual.

We hold various subjects and categories of records in electronic or physical form that are available automatically or in other ways.

### 8.1 Records Automatically Available

Records that are automatically available to the public are:

- Case studies, newsletters and pamphlets published by the Cyberlogic, which are available on the our website [Section 51(1) (e)].

### 8.2 Records that may be requested (Not automatically available)

The information in this section provides a reference to the records that Cyberlogic holds, which will facilitate a request in terms of the Act.

These records referred to below include, but are not limited to, records which pertain to the Cyberlogic's own affairs.

These records are not automatically available and can only be made available by facilitating a request in terms of the Act. Please note that the records listed below are not exhaustive.

#### 8.2.1 Personnel Documents and Records

**Not automatically available**

Personal Information relating to past, present and prospective Employees.

**“Personal information”** as defined in the Act means Information about an identifiable individual, including, but not limited to –

- information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well- being, disability, religion, conscience, belief, culture, language and birth of the individual;
- information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- any identifying number, symbol or other particular assigned to the individual;
- the address, fingerprints or blood type of the individual;
- the personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- Records provided by third parties relating to personnel;
- Records relating to conditions of employment;
- Records relating to personnel-related contracts and quasi-legal records;
- Records containing the results of internal evaluations;
- Correspondence relating to employees;
- Disciplinary Records;
- Records of salaries paid, other remuneration and benefits as they relate to all past present and prospective employees;
- SETA Records;
- Records embodying codes of conduct and policies and procedures relating to employees;
- Leave Records;
- Pension Fund Records;
- Provident Fund Records; and
- IRP5's.

**“Employee”** refers to any person who works for, or provides services to or on behalf of Cyberlogic, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Cyberlogic. This includes, without limitation, directors (executives and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

Personnel records include records about our employees and contractors.

### 8.2.2 Customer related Records

**Not automatically available**

- Records provided by customers in respect of their business and in terms of the contractual arrangements between Cyberlogic and customers;
- Records generated by or within Cyberlogic relating to its customers, including transactional records;
- Records pertaining to third party information provided by customers; and
- Records provided by third parties in the course of doing business with Cyberlogic.

**“customer”** refers to any natural or juristic entity that receives services from Cyberlogic.

Customer information includes any information about anyone that we provide goods or services to, including our customers, leads, or prospects.

### 8.2.3 Statutory Company Records / Corporate Records

**Not automatically available**

- Minutes of executive and other decision-making operational bodies;
- Documents of Incorporation;
- Memorandum and Articles of Association;
- Minutes of Board of Directors’ Meetings and Board sub-committee Meetings;
- Share Register and other Statutory Registers;
- Delegations of authority; and
- Other statutory documents of a legal and commercial nature.

Company records include our memorandum of incorporation and directors’ names.

### 8.2.4 Other Company Records

**Not automatically available**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Documents relating to the operational, commercial and financial interests of Cyberlogic;</li> <li>• Commercial and other legal contracts or agreements;</li> <li>• Client and other data bases;</li> <li>• Information on existing and past litigation;</li> <li>• Trade Mark and Intellectual Property applications and information;</li> <li>• Administrative Information;</li> </ul> | <ul style="list-style-type: none"> <li>• Licenses;</li> <li>• Human Resources Information;</li> <li>• Insurance Policies;</li> <li>• Marketing records;</li> <li>• Internal and external correspondence;</li> <li>• Disaster recovery plans;</li> <li>• Company product records;</li> <li>• Internal policies and procedures; and</li> <li>• Records held by officials of Cyberlogic.</li> </ul> |
|--|--|

### 8.2.5 Other Party Records

**Not automatically available**

Cyberlogic may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies and service

providers. Alternatively, such other parties may possess records that can be said to belong to Cyberlogic. These records include but are not limited to:

- Personnel, customer or private body records which are held by another party as opposed to the records held by Cyberlogic itself; and
- Records held by Cyberlogic pertaining to other parties, including but not limited to, financial, commercial, operational and legal records, contractual records, correspondence, records provided by the other party, and records provided by third parties about contractors/suppliers.

### 8.3 Website

Cyberlogic's website address is [www.cyberlogic.co.za](http://www.cyberlogic.co.za) and is accessible to anyone who has access to the Internet. The website contains various categories of information relating to Cyberlogic.

## 9. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA.

### 9.1 Access to records held by Company

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

A requestor must use the prescribed form to make a request for access to a record. A "requestor" in relation to a private body means -

- any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- a person acting on behalf of the person contemplated above.

There are two types of requesters:

- Personal Requester

A personal requester is a requester who seeks access to a record containing personal information about the requester. Cyberlogic will voluntarily provide the requested information or give access to any record with regard to the requester's personal information. 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 third parties.

### 9.2 Form of request

9.2.1 To request access to a record, the requester must complete Form 2 which is available from the Information Regulator website at <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>

9.2.2 The request should be made to the Designated Information Officer at the address, fax number or electronic mail address as stated above;

9.2.3 The prescribed form must be filled in with sufficient detail to enable the Designated Information Officer to identify [Section 53]:

- The record or records requested and the requester of the information;
- The form of access required;
- The postal address; fax number or e-mail address of the requester in the Republic;
- The right the requester is seeking to exercise or protect and provide an explanation of why the record is required for the exercise or protection of that right;
- If in addition to a written reply, the manner in which the requester wishes to be informed of the decision regarding the request made; and



- If the request is made on behalf of a person, the capacity in which the requester is making the request.

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

9.2.4 If you do not use the Form we may:

- reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- delay it.

### 9.3 Fees

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee. The fee that the requester must pay to a private body is R50; and
- An access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

The requester may lodge an application to the court against the tender or payment of the request fee or access fee [Section 54(3) (b)]. Further details on the fees are provided here:

<http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>

9.3.1 The requester must pay the prescribed request fee, before any further processing can take place. When the Designated Information Officer receives the request, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. [Section 54(1)].

The notice must also set out the procedure for lodging the application [Section 54(3) (c)].

9.3.2 A requester, who seeks access to a record containing personal information about that requester, is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the prescribed required request fee.

9.3.3 If the search for and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed, the Designated Information Officer shall notify the requester to pay as a deposit the prescribed portion (being no more than one third) of the access fee which would be payable if the request is granted. [(Section 54(2)].

9.3.4 If a deposit has been paid and the request for access refused, the deposit referred to above must be repaid to the requester.

9.3.5 The designated information officer may withhold a record until the requester has paid the applicable fees as indicated in Annexure B.

9.3.6 A requester, whose request for access to a record has been granted, must pay an access fee for reproduction, search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including deciding to make it available in the requested form [Section 54(5)]. In terms of the Act [Section 54(7)], the access fee prescribed for the purposes referred to above must

- provide for the costs of making the record, or a transcription of a record;
- and if applicable a postal fee; and
- the time reasonably required to search for the record and prepare the record for disclosure to the requester.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

## 10. CONSIDERING YOUR REQUEST

- 10.1 Cyberlogic will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect [Section 56].
- 10.2 The 30-day period within which Cyberlogic is to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if [Section 57]:
- the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the private body concerned;
  - the request requires a search for records in, or collection thereof from, an office of the private body not situated in the same town or city as the office of the head that cannot reasonably be completed within the original period;
  - consultation among divisions of Cyberlogic or with another private body is necessary or desirable to decide upon the request that cannot reasonably be completed within the original period;
  - more than one of the circumstances contemplated in the paragraphs above exist in respect of the request making compliance with the original period not reasonably possible;
  - the requester consent in writing to such extension.
  - If the period is extended, the Designated Information Officer will within 30 days after the request is received notify the requester of
    - The period of the extension;
    - The reasons for the extension, including the provisions of this Act relied upon; and
    - That the requester may lodge an application with a court against the extension, and the procedure (including the period) for lodging the application.

## 11. GROUNDS FOR REFUSAL

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

- 11.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information about that natural person [Section 63]. A record will not be refused in so far as it consists of information:
- about an individual who has consented to the disclosure of the record;
  - already publicly available;
  - that was given the private body by the individual to whom it relates and the individual was informed by or on behalf of the private body, before it is given, that the information belongs to a class of information that would or might be made available to the public;
  - about an individual's physical or mental health, or well-being, who is under the care of the requester and who is under the age of 18 years; or
  - incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;
  - about an individual who is deceased and the requester is the individual's next of kin; or
  - making the request with the written consent of the individual's next of kin; or
  - about an individual who is or was an official of a private body and which relates to the position or functions of the individual, including, but not limited to -
    - the fact that the individual is or was an official of that private body;
    - the title, work address, work phone number and other similar particulars of the individual;
    - the classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual; and
    - the name of the individual on a record prepared by the individual in the course of employment.
- 11.2 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 Cyberlogic, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition [Section 64].
- 11.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement [Section 65];
- 11.4 Mandatory protection of the safety of individuals and the protection of property [Section 66]. The head of a private body must refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual. The head of a private body may refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair -the security of:
- a building, structure or system, including, but not limited to, a computer or communication system;
  - a means of transport; or any other property; or
  - methods, systems, plans or procedures for the protection of -
    - an individual in accordance with a witness protection scheme;
    - the safety of the public, or any part of the public; or
    - the security of property contemplated above.
- 11.5 Mandatory protection of records which would be regarded as privileged in legal proceedings [Section 67];
- 11.6 The commercial activities of Cyberlogic, which may include [Section 68]:
- Trade secrets of Cyberlogic;
  - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Cyberlogic;
  - Information which, if it is disclosed could put Cyberlogic at a disadvantage in negotiations or
  - commercial competition;
  - A computer programme which is owned by Cyberlogic, and which is protected by copyright [Section 68]; and
- 11.7 The research information of Cyberlogic or a third party, if its disclosure would disclose the identity of Cyberlogic, the researcher or the subject matter of the research and would place the research at a serious disadvantage [Section 69];
- 11.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

We may have to refuse you access to a record to protect others.

## 12. HOW WE WILL GIVE YOU ACCESS

We will evaluate and consider all requests to us in terms of PAIA.

If we approve your request for access to our records, then we will decide how to provide access to you, unless you have asked for access in a specific form.

Publication of this manual does not give rise to any rights to access information records, except in terms of PAIA.

## 13. REMEDIES AVAILABLE WHEN CYBERLOGIC REFUSES A REQUEST FOR INFORMATION

### 13.1 Internal Remedies

Cyberlogic does not have an internal appeals procedure. As such, the decision made by the Designated Information Officer is final. The requesters will have to exercise such external remedies at their disposal, if the request for information is refused and the requester is not satisfied with the answer supplied by the Designated Information officer.

### 13.2 External Remedies [Section 78]

A requester that is dissatisfied with the Designated 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 Designated 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 the 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.

## 14. AVAILABILITY OF THIS MANUAL

This manual is available in English for inspection by the general public, upon request and on our website at: [www.cyberlogic.co.za](http://www.cyberlogic.co.za).

## 15. UPDATES TO THIS MANUAL

This manual will be updated whenever we make material changes to the current information.