

PAIA MANUAL

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ORNICO | 90 ALBERTINA SISULU ROAD

PROMOTION OF ACCESS TO INFORMATION MANUAL

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RIGHT OF ACCESS TO INFORMATION

Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to access to information.

The Promotion of Access to Information Act 2 of 2000 (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- > That record is required for the exercise or protection of any of his or her legal rights.
- > That requester complies with all the procedural requirements; and
- > Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

Availability of the Ornico Group PAIA Manual and Entry Point for requests

This document serves as the Ornico Group PAIA Manual (“the Manual”) in accordance with the requirements of section 51 of the Act to facilitate access to records held by Ornico Group. A copy of this Manual is available to any person of the public in a PDF (“Portable Document Format”) version on the website of Ornico Group at www.OrnicoGroup.co.za or on request from the Information Officer referred to in this Manual. Ornico Group endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

In summary the Manual provides information on the:

- > Contact details of the Information Officer.
- > Structure and functions of Ornico Group.
- > Subjects and categories of records that are held by Ornico Group; and
- > Procedure that needs to be followed and criteria that must be met by a requester to request access to > a record

Who may request access to information?

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities in making a request for a record. This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- > A personal requester who requests a record about him/herself.
- > An agent requester who requests a record on behalf of someone else with that person’s consent and where it is required for the protection of that person’s legal right.
- > A third party requester who requests a record about someone else with that person’s consent and where it is required for the protection of that person’s legal right; and
- > A public body who may request a record if:

It fulfills the requirements of procedural compliance.

The record is required for the exercise or protection of a right; and

No grounds for refusal exist.

Contact Details of Ornico Group Information Officer: Sec 51 (1) (a)

The Chief Executive Officer of Ornico Group has delegated his powers to the Information Officer below in terms of the Act to handle all requests on Ornico's behalf and ensure that the requirements of the Act are administered in a fair, objective, and unbiased manner.

Ornico Group contact details

Information Officer: Oresti Patricios

Information coordinator: Carol Peacock / Ingrid Wessels / Mia De Kock

Physical Address:

Ornico City
90 Albertina Sisulu Road
Cnr Harrison Street
Johannesburg CBD
2017
Tel: +27 (0) 11 884 5041
E-mail: carolp@ornicogroup.co.za

Policy about Confidentiality and Access to Information

Ornico Group will protect the confidentiality of information provided to it by third parties, subject to Ornico Group's obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, Ornico Group is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. If the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

ORNICO GROUP STRUCTURE

Scope

This Manual has been prepared in respect of Ornico Group.

Ornico Group Profile and Structure

Ornico provides reputation, media, advertising, and brand research across the African continent with a suite of products that includes Brand Intelligence™. By collecting and analyzing media data across many channels Ornico enables marketers and brand owners to make sense of the flood of information that occupies the media space.

From Editorial and Advertising monitoring services, social media analytics to advanced brand research, Ornico provides a holistic and independent view of brand performance as reflected by television, radio, and print media as well as mobile, outdoor, direct marketing, social and digital media.

Founded in 1984 Ornico services a wide variety of brands, agencies, governments, and other organizations across Africa and internationally. It was awarded two gold awards in London 2016 for best measurement and evaluation internationally.

Ornico warrants those services will be performed in a professional and workmanlike manner consistent with industry standards reasonably applicable to such services. If a client considers that a breach of this warranty has occurred and notifies Ornico in writing stating the nature of the breach, then Ornico will be required to urgently correct any affected services so that they comply with the warranty.

CLASSES OF RECORDS

Automatic Disclosure: Sec 51 (1)(b)(ii) – Records automatically available to the Public

No notice has been published in terms of section 52 of the Act. However, the following records are automatically available at the registered office of Ornico Group on payment of the prescribed fee for reproduction.

- Documentation and information relating to Ornico Group which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in section 25 of the Companies Act 71 of 2008.
- Product and Promotional Brochures
- News and other Marketing Information
- Communications as published on Ornico's website.

Legislative requirements: Sec 51 (1)(b)(iii) – Records available in accordance with other legislation

Records are kept in accordance with such other legislation as applicable to Ornico Group, which includes, but is not limited to:

- > Basic Conditions of Employment Act 75 of 1997
- > Broad-Based Black Economic Empowerment Act 53 of 2003
- > Compensation for Occupational Injuries and Diseases Act 130 of 1993
- > Employment Equity Act 55 of 1998
- > Labour Relations Act 66 of 1995
- > Occupational Health and Safety Act 85 of 1993
- > Protection of Information Act, No. 84 of 1982

Although Ornico Group has used its best endeavors to supply you with a list of applicable legislation it is possible that the above list may be incomplete.

Records held by Ornico Group: Sec 51 (1)(b)(iv) – ORNICO GROUP Record Subjects and Categories

Communications

- Media Releases
- Newsletters and Publications
- Corporate Social Investment

Governance

- Applicable Statutory Documents
- Codes of Conduct
- Executive Committee Meeting Minutes
- Legal Compliance Records
- Memoranda of Incorporation
- Minutes of Board of Directors and Board Committee Meetings
- Minutes of Shareholders' Meetings
- Group Policies and Procedures
- Share Certificates
- Shareholder Agreements
- Share Registers
- Statutory Returns to Relevant Authorities

Finance and Taxation

- Policies and Procedures
- Annual Financial Statements
- Audit Reports
- Invoices and Statements
- Management Reports

- Tax Records and Returns

Human Resources

- Education and Training Records
- Employment Contracts
- Employment Equity Records
- Employee Information
- Policies and Procedures
- Leave Records
- Study assistance scheme/s
- Tax Returns of employees
- UIF Returns

Information Technology

- Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material
- Client Information
- Marketing Brochures
- Marketing Strategies
- Product Brochures
- Policies and Procedures

PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE POPI ACT

Ornico Group processes personal information of data subjects for the purposes of: Sec 51 (1)(c)(i)

- Fulfilling its statutory obligations in terms of applicable legislation.
- Verifying information provided to Ornico Group.
- Obtaining information necessary to provide contractually agreed services to a customer.
- Monitoring, maintaining, and managing Ornico Group contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties.
- Marketing and advertising.
- Resolving and tracking complaints.
- Monitoring and securing the assets, employees, and visitors to the premises of Ornico Group.
- Historical record keeping, research and recording statistics necessary for fulfilling Ornico Group business objectives.

Ornico Group may process the personal information of the following categories of data subjects, which includes current, past and prospective data subjects: Sec 51 (1)(c)(ii)

- Customer and employees, representatives, agents, contractors, and service providers of such customers.
- Suppliers, service providers to and vendors of Ornico Group and employees, representatives, agents, contractors and service providers of such suppliers and service providers.
- Directors and officers of Ornico Group.
- Shareholders.
- Job applicants.
- Existing and former employees (including contractors, agents, temporary and casual employees);
 - I. Visitors to any premises of Ornico Group; and
 - II. Complaints, correspondents, and enquiries.

The nature of personal information processed in respect of the above data subjects may include, as may be applicable: Sec 51 (1)(c)(ii)

- Name, identifying number, symbol, email address, physical address, telephone number, location information, online identifier, or other assignment to the person.
- Information relating to the education or the medical, financial, criminal or employment history of the data subject.
- Information relating to the race, gender, marital status, national origin, age disability, language and birth of the data subject.
- The personal opinions, views, or preferences of the data subject.
- Confidential correspondence sent by the data subject.
- The views of opinions of another individual about the data subject.

Ornico Group may supply personal information to the following recipients: Sec 51 (1)(c)(iii)

- Regulatory, statutory and government bodies.
- Suppliers, service providers, vendors, agents, and representatives of Ornico Group.
- Employees of Ornico Group.
- Shareholders and other stakeholders.
- Third party verification agencies and credit bureau.
- Collection agencies.
- Banks and other financial institutions.

Planned or prospective transborder flow of personal information processed by Ornico Group in respect of the above categories of data subjects: Sec 51 (1)(c)(iv)

Personal information of data subjects may be transferred across borders due to the hosting of some Ornico Group infrastructure and application in foreign jurisdictions. Current employees and consultants' information may also be transferred transborder where Ornico Group has a physical presence or may be providing services or performing in terms of its contractual obligations.

Security measures implemented or to be implemented by Ornico Group to ensure the confidentiality, integrity and availability for the personal information which may be or is being processed by Ornico Group: Sec 51 (1)(c)(v)

Ornico Group continuously establishes and maintains appropriate, reasonable technical and organizational measures to ensure that the integrity of the personal information in its possession or under its 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 with apply to Ornico Group.

ACCESS PROCEDURE AND REQUESTS

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by Ornico Group.

It is important to note that an application for access to information can be refused if the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to the Ornico Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

Guidance on Completion of Prescribed Access Form: Sec 51 (1) (b)(iv)

For Ornico Group to facilitate your access to a record you need to complete the attached prescribed access form attached as Annexure B. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided. Ornico Group will not be held liable for delays due to receipt of incomplete forms. Due cognisance should be taken of the following instructions when completing the Access

Request Form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met:

- The Access Request Form must be completed in the English language.
- Proof of identity is required to authenticate the requesters identify. If the requester acts as an agent requester, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional attached folio.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

Submission of Prescribed Access Form

The completed Access Request Form must be submitted either via conventional mail or e-mail and must be addressed to the Information Officer.

Payment of Prescribed Fees

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- Request fee: An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.
- /Reproduction fee: This fee is payable with respect to all records that are automatically available.
- Access fee: If the request for access is successful an access fee may be required to re-imburse Ornico Group for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- Deposit: A deposit of one third (1/3) of the amount of the applicable access fee, is payable if Ornico Group receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. If access is refused to the requested record, the full deposit will be refunded to the requester.

Notification

Ornico Group will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which Ornico Group must decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of Ornico Group and the information cannot be reasonably be obtained within the original thirty (30) day period. Ornico Group will notify the requester in writing should an extension be sought.

If the request for access to a record is successful, the requester will be notified of the following:

- > The amount of the access fee payable upon gaining access to the record.
- > An indication of the form in which the access will be granted; and
- > Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
- > If the request for access to a record is not successful the requester will be notified of the following:
- > Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal); and
- > That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

Records that cannot be found or do not exist

If Ornico Group has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

Grounds for Refusal Chapter 4

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- > Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person.
- > Mandatory protection of commercial information of a third party or Ornico Group, if the record contains:
 - > Trade secrets of the third party or Ornico Group.
 - > Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or Ornico Group; and
 - > Information disclosed in confidence by a third party to Ornico Group if the disclosure could put that third party to a disadvantage or commercial competition.
- > Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement.
- > Mandatory protection of the safety of individuals, and the protection of property.
- > Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- > Mandatory protection of research information of a third party and of Ornico Group.

Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

PRESCRIBED FEES: SEC 92

Reproduction Fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

Category	Rand
For every photocopy of an A4-size page or part thereof	1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
For a copy in a computer readable form: Compact disc	70.00
A transcription of visual images, for an A4-size page or part thereof	40.00
i. For a copy of visual images	60.00
ii. A transcription of an audio record, for an A4-size page or part thereof	20.00
iii. For a copy of an audio record	30.00

Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requestor.

Access Fee

The applicable fees (excluding VAT) which will be payable are:

Category	Rand
i. For every photocopy of an A4-size page or part thereof	1.10
ii. For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	0.75
iii. For a copy in a computer readable form: a. Compact disc	70.00
iv. A transcription of visual images, for an A4-size page or part thereof	40.00
v. For a copy of visual images	60.00
vi. A transcription of an audio record, for an A4-size page or part thereof	20.00
vii. For a copy of an audio record	30.00

Postage Fee

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

ANNEXURE A:
ORNICO GROUP
PAIA REQUEST FOR ACCESS TO RECORD FORM
**REQUEST FOR ACCESS TO A RECORD IN TERMS OF SEC 53(1) of the PROMOTION OF ACCESS TO INFORMATION ACT
2 of 2000**
1. Of Private Body requesting access to the record

Contact details:	
Chief Executive Officer (as defined in the Act)	
Information Officer	
Postal address	
Physical address	
Phone number	
Fax number	
E-mail address	
Website address	

2. Particulars of an individual person requesting access to the record

- The particulars of the person who requests access to the record must be recorded below.
- Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.
- Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the Chief Executive Officer or Information Officer will need to be presented with this request by the requester or the requester's representative before the request will be processed.
- If the request is made on behalf of another person, proof of the capacity in which the request is made, is also to be presented with this request

DETAILS OF REQUESTER

Surname	
Full names	
Identity number	
Postal address	
Telephone number	
Fax number	
E-mail address	

If a request is made on behalf of another person the requester is obliged to identify him / herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

3. Particulars of person on whose behalf request is made

Surname	
Name	
Identity number	

4. Particulars of record

- > 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.
- > If the provided space is inadequate, please continue a separate folio and attach it to this form. The requester must sign all the additional folios.
- > The requester’s attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory, in others it may be discretionary):
 - Mandatory protection of the privacy of a third party who is a natural person (human being);
 - Mandatory protection of certain confidential information of a third party.
 - Mandatory protection of commercial information of third party.
 - Mandatory protection of the safety of individuals, and the protection of property.
 - Mandatory protection of records privileged from production in legal proceedings.
 - Commercial information of a private body.
 - Mandatory protection of research information of a third party and a private body.

DESCRIPTION OF RECORD AND/OR PART OF RECORD

Category	Description of record

Notes to Particular of record:

- Your indication as to the required form of access depends on the form in which the record is available.
- 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.
- The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an “X”.				
1. If the record is in written or printed form -				
copy of record*		inspection of record		
2. If record consists of visual images - (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)				
view the images		copy of the images*	transcription of the images*	
3. If the record consists of recorded words or information which can be reproduced in sound -				
listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		

4. If the record is held on computer or in an electronic or machine-readable form -					
printed copy of record*		printed copy of information derived		copy in computer readable format*	
Do you wish the copy or transcription to be posted to you?				Yes	No
Note: If you requested a copy or transcription of a record (above), a postal fee is payable.					

5. Fees

- A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee (currently R50.00) has been paid.
- If the prescribed request fee is amended, you will be notified of the amount required 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, therefore.

The requester qualifies for an exemption in payment of fees (mark the appropriate box)	Yes	No
Reason		

5. 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 hereunder, state your disability and indicate in which form the record is required.	
Disability:	
Form in which record is required?	

6. Details of the right to be exercised and/or protected.

Indicate which right is to be exercised or protected *

Explain why the requested record is required for the exercising or protection of the right *

* NOTE:

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

8. Notice of decision regarding request for access

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

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

9. Signatures

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER

(sign & print name)