



INSPIRED BUSINESS INSIGHTS, DECISIVELY DELIVERED

ACCESS TO INFORMATION MANUAL (PRIVATE BODY) PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a request for access to a record held by Agility that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- **“Act”** means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- **“Company”** means Agility as more fully described in the overview hereunder;
- **“Information Officer”** means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the head of the Company by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of the Company in writing;
- **“Manual”** means this manual published in compliance with Section 51 of the Act;
- **“Record”** means any recorded information, regardless of form or medium, which is in the possession or under the control of the Company, irrespective of whether or not it was created by the Company;
- **“Request”** means a request for access to a record of the Company;
- **“Requestor”** means any person, including a public body or an official thereof, making a request for access to a record of the Company and includes any person acting on behalf of that person; and
- **“SAHRC”** means the South African Human Rights Commission.
- Unless a contrary intention clearly appears, words signifying:-
 - the singular includes the plural and vice versa;
 - any one gender includes the other genders and vice versa; and

- natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

OVERVIEW OF THE COMPANY AND OUR SERVICES

Agility is a Company incorporated in accordance with the company laws of the Republic of South Africa.

Agility is a well-established firm with an office in Morningside which offers reliable services such as accounting, taxation, tax advisory, complex transaction advice, auditing assistance, legal support, restructuring, forensic accounting and reporting and company secretarial services to individuals, and small to medium sized enterprises.

CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

Information Officer: Nicole Donaldson

Address: 18 Prunus Avenue Morningside, Sandton

Email: info@agility.co.za

Website: www.agility.co.za

GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The guide is available on the SAHRC website, <https://www.sahrc.org.za/>.

The SAHRC can be contacted directly at: The South African Human Rights Commission:
PAIA Unit

The SAHRC website at <https://www.sahrc.org.za/> ; or

The Department of Justice and Constitutional Development website at
www.justice.gov.za at this

link: https://www.justice.gov.za/forms/paia/1752_paia_Form%20C.pdf

AUTOMATIC DISCLOSURE – CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

The following Records are automatically available without a person having to request access in terms of the Act:

- The web page www.agility.co.za is accessible to anyone who has access to the Internet. The Company website hosts the following categories of information
- Services
- Professional body memberships
- Our mission and approach
- Our company information and contact details

DISCLOSURE: PURPOSE OF DATA COLLECTION

The purpose of our data collection is to perform a specific task as part of our service offering that we offer to our clients upon instruction of our clients.

DISCLOSURE: PURPOSE OF DATA KEEPING

Some of our service offerings to our clients includes bodies such as The South African Revenue Services who require us to keep accounting information for at least 5-7 years.

We also store our client information until our services are no longer needed /termination of our services, upon which we handover all information back to the client and or demolish information if applicable and requested.

RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)]

Records are kept in accordance with the following legislation

- Basic Conditions of Employment Act, 1997
- Companies Act, 71 of 2008
- Income Tax Act, 1962
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991
- International Accounting Standards
- Tax Administration Act
- Auditing and Professions Act no 26 of 2005
- Adoption of IAASB Standards
- Comprehensive guide to capital gains tax
- Close Corporations Act of 1984
- The Code of Professional Conduct 2003
- The Code of Professional Conduct 2011
- Code of Professional Conduct for Chartered Accountants 2006
- Consumer Protection Act 68 of 2008
- The Currency and Exchanges manual for Authorised Dealer Manual 2016/07/29

- IRBA Rules regarding improper conduct Code of Professional Conduct Issued 2010
- Employment and Equity Act 55 of 1998
- Exchange Control Regulations 1961
- Financial Intelligence Centre Act 38 of 2001
- Labour relations Act 66 of 1995
- National Credit Act 34 of 2005
- Public Accountants and Auditors Act 1991
- Tanzania Revenue Act 2008
- Tanzanian Income tax act 2008
- Tanzania Finance Act 2016
- Trust Property control act 1988

CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

Statutory and Legal

- Annual Financial Statements
- Copies of statutory records & returns, including incorporation documents, memorandum of incorporation and share register if applicable
- Contractual and legal agreements

Human Resources

- Employee Records
- Remuneration records
- Leave records

Administration, Finance & Accounting:

- Accounting Records
- Tax returns
- Provisional tax returns
- VAT returns
- Payroll taxes returns
- Dividends tax returns
- Donations declarations
- CIPC annual returns
- Accounting records
- FICA documents

Insurance

- Policies, including coverage, limits, and insurers
- Claim Records

Information technology

- Hardware
- Software packages

- Licences
- Agility policies and procedures
- Operating systems

Assets

- Fixed assets register
- Leases

SECURITY SAFEGUARDS

In order to secure the integrity and confidentiality of the personal information in our possession, and to protect it against loss or damage or unauthorised access, we must continue to implement the following security safeguards:

- Our business premises where records are kept must remain protected by access control and armed response.
- Archived files must be stored behind locked doors and access control to these storage facilities must be implemented.
- All the user terminals on our internal computer network and our servers must be protected by passwords of suitable length.
- Our email infrastructure must comply with industry standard security safeguards.
- Vulnerability assessments must be carried out on our digital infrastructure at least on an annual basis to identify weaknesses in our systems and to ensure we have adequate security in place.
- We must run antivirus protection on an ongoing basis to ensure our systems are kept updated with the latest patches.
- Our staff must be trained to carry out their duties in compliance with POPI, and this training must be ongoing.
- It must be a term of the contract with every staff member that they must maintain full confidentiality in respect of all of our clients' affairs, including our clients' personal information.
- Employment contracts for staff whose duty it is to process a client's personal information, must include an obligation on the staff member (1) to maintain the company's security measures, and (2) to notify their manager/supervisor immediately if there are reasonable grounds to believe that the personal information of a client has been accessed or acquired by any unauthorised person.
- The processing of the personal information of our staff members must take place in accordance with the rules contained in the relevant labour legislation.
- The digital work profiles and privileges of staff who have left our employ must be properly managed such that no third party has access.
- The personal information of clients and staff must be kept locked and managed such that no third party can access the information.
- These security safeguards must be verified on a regular basis to ensure effective implementation, and these safeguards must be continually updated in response to new risks or deficiencies.

ACCESS: PROCEDURE AVAILABLE AND FEES

How to Request a Record (Section 53)

- Requests for access to records must be made to the Information Officer in the prescribed form, J752 at the address or electronic mail address referred to in 1 above. Failure to make use of the prescribed form could result in your request being refused or delayed.
- A request for access to a record must be accompanied by payment of an initial non-refundable request fee of R500.00 (inclusive of VAT). This fee is not applicable to personal requests, i.e. individuals seeking access to records pertaining to him/herself.
- The requestor must provide sufficient detail on the request form to enable the Information Officer to clearly identify the record as well as the requestor's identity, which is to be accompanied by positive proof of identification.
- The requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the request in any other manner, to state the necessary particulars to be so informed
- Access is not automatic. The requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the request. Failure to do so will result in the request being rejected.

Decision on Request (Section 56)

- The requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her request, alternatively whether an extension not exceeding 30 days is required to deal with the request.
- If the request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the records and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. Access will be withheld until the requestor has made payment of the applicable fee(s).
- In the event that the request for access is refused, reasons for the refusal will be provided and the requestor will be advised that he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- The requestor may lodge an internal appeal or an application to court against the tender

Transborder of information flows

We may not transfer a client personal information to a third party in a foreign country

- unless the client consents to this request, or
- such third party the client consents to this, or requests it; or
- such third party is subject to a law, binding corporate rules or a binding agreement which protects the personal information in a manner similar to POPI, and such third party is governed by similar rules which prohibit the onward transfer of the personal information to a third party in another country; or
- the transfer of the personal information is required for the performance of the contract between ourselves and the client; or
- the transfer is necessary for the conclusion or performance of a contract for the benefit of the client entered into between ourselves and the third party; or
- the transfer of the personal information is for the benefit of the client and it is not reasonably possible to obtain their consent and that if it were possible the client would be likely to give such consent.

Availability

This Manual is available on the company website, www.agility.co.za, alternatively at 18 Prunus Avenue, Morningside during office hours.