



## **PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)**

### **INFORMATION MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000 (the "ACT") IN RESPECT OF COLLIER AND MALAN COLLECTIONS PROPRIETARY LIMITED (REGISTRATION NUMBER 2016/302364/07) AND ITS SUBSIDIARIES ("COLLIER AND MALAN")**

#### **INTRODUCTION**

Collier and Malan Collections is a registered Debt Collector. We provide a range of collection services to our client base. We focus on delivering profitable solutions for our clients in our core areas of activity.

Our client-focused approach means that we strive to build business depth by strengthening existing client relationships and nurturing new ones.

The purpose of this manual is to inform requesters of the procedural and other requirements which a request for information must meet as prescribed by the Act.

#### **Contact Details**

Name of Private Body: Collier and Malan Collections Proprietary Limited

Physical Address: 5<sup>th</sup> Floor Oasim North Building, 78 Havelock Street, Central, Port Elizabeth South Africa

Head of Private Body: Karin Nel

Information Officer: Grant Miskin

Electronic Mail: [info@colliermalan.co.za](mailto:info@colliermalan.co.za)

Telephone Number: 087 2100 151

#### **THE PROMOTION OF ACCESS TO INFORMATION ACT**

The Promotion of Access to Information Act, 2 of 2000 (hereinafter referred to as "the Act") grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

**The contact details of the Commission are:**

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Facsimile Number: +27-11-403 0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

**RECORDS THAT ARE AUTOMATICALLY AVAILABLE**

Some records are automatically available to any person requesting this information and it is therefore not necessary to apply for access thereto in terms of the Act.

Information is freely available on Collier and Malan's website: [www.colliermalan.co.za](http://www.colliermalan.co.za)

Requests for the above mentioned records may be sent to any of the addresses provided under Contact Details above and copies are available for a fee as prescribed in Appendix 1.

**RECORDS THAT ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION**

Records are available in terms of the following legislation:

- Basic Conditions of Employment Act, 75 of 1997;
- Companies' Act, 71 of 2008;
- Compensation for Occupational Injuries and Disease Act, 130 of 1993;
- Competition Act, 89 of 1998
- Customs & Excise Act, 91 of 1964;
- Employment Equity Act, 55 of 1998;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;
- Skills Development Act, 97 of 1998;
- Trademarks Act, 194 of 1993;
- Unemployment Insurance Act, 63 of 2001;
- Value Added Tax Act, 89 of 1991.

**RECORDS HELD BY COLLIER AND MALAN AVAILABLE ON REQUEST**

Collier and Malan keeps, inter alia, records in terms of various regulatory requirements that have an impact on its operations. These records are not automatically available and any request for access to thereto will be assessed in accordance with applicable internal policies and legislative requirements.

**Companies' Act Records:**

1. Memorandum of Incorporation;

2. Minutes of meeting of the Board of Directors;
3. Minutes of meetings of Shareholders;
4. Records relating to the appointment of:
  - 4.1. Directors;
  - 4.2. Auditors;
  - 4.3. Secretary;
  - 4.4. Public Officer;
  - 4.5. Any other Officer.
5. Share Register and other statutory registers and/or records and/or documents.

#### **Income Tax Act Records:**

1. Pay-as-you-earn (PAYE) Records;
2. Documents issued to employees for income tax purposes;
3. Records of payments made to South African Revenue Services on behalf of Employees;
4. All or any statutory compliances;
5. Value Added Tax;
6. Regional Services Levies;
7. Skills Development Levies;
8. Unemployment Insurance Fund;
9. Workman's Compensation;
10. Customs and Excise.

#### **Labour Relations Records:**

1. Personnel Documents and Records;
2. Employment Contracts;
3. Employment Equity Plan (If applicable);
4. Medical Aid Records;
5. Provident Fund Records;
6. Disciplinary Records;
7. Salary Records;
8. Disciplinary Code and /or procedures;
9. Leave Records;
10. Training Records;
11. Training Manuals;
12. Address Lists;
13. Internal Telephone Lists.

#### **Third Party Records:**

1. Records held by Collier and Malan pertaining to third parties, including, but not limited to financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about any contractors and / or suppliers;
2. Records held by Collier and Malan pertaining to contractors, subsidiary companies, joint venture companies, special purpose vehicle companies and service providers.

### **PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53 TO 57 AND 60 OF THE ACT):**

1. The requester must comply with all the procedural requirements as set out in the Act, relating to the request for access to a record.

2. The requester must complete the prescribed form enclosed herewith as Appendix 1 (Form C), and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to the Information Officer at the postal or physical address, facsimile number or electronic mail address under PART I above.
3. The prescribed form must be completed with sufficient detail so as to enable the Information Officer to identify:
  - The records requested;
  - The identity of the requester;
  - Which form of access to the records is required, should the request be granted;
  - The postal address or facsimile number of the requester.
4. The requester must explain what other right is being protected or exercised.
5. The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner.
6. If the request is made on behalf of another person, then the requester must submit proof of the capacity in terms of which the requester is making the request, to the reasonable satisfaction of the Information Officer.
7. Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit such request orally to the Information Officer.
8. The requester must pay the prescribed fee (if applicable) before any further processing can take place.

## **APPLICABLE TIME PERIODS**

1. Collier and Malan will inform the requester within 30 days after receipt of the request of its decision whether or not to grant the request.
2. The 30 day period may be extended by a further period of not more than 30 days if 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 Collier and Malan or the records are not located at Collier and Malan, or consultations amongst divisions and/or subsidiaries of Collier and Malan or another private body are required.

## **THE OUTCOME OF A REQUEST (GRANTING OR REFUSING)**

1. Should the request be granted, the notice will state the access fee (if any) to be paid upon access, the form in which access will be given and further that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.
2. Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the Act relied upon; and that the requester may lodge an application with a Court against the refusal of the request, and the procedure (including the time period) for lodging the application.

## **GROUND FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT)**

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds for Collier and Malan to refuse a request for information as contemplated by the Act relates to:

1. Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (Section 63(1));
2. Protection of commercial information of a third party as defined by the Act, if the record contains:
  - a. trade secrets of that third party;
  - b. financial, commercial, scientific or technical information other than trade secrets of a third party, the disclosure of which would be likely to cause harm to the commercial or
3. financial interests of that third party;
  - a. information disclosed in confidence to Collier and Malan by a third party, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or would prejudice that third party in commercial competition (Section 64).
4. Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement (Section 65);
5. Protection of safety of individuals and protection of property (Section 66);
6. Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);
7. Protection of commercial activities of Collier and Malan, which includes:
  - a. trade secrets of Collier and Malan;
  - b. financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests of Collier and Malan;
  - c. information which, if disclosed, could put Collier and Malan at a disadvantage in negotiations or commercial competition;
  - d. a computer programme owned by Collier and Malan, and which is protected by copyright (Section 68);
8. The research information of Collier and Malan or a third party on behalf of Collier and Malan if the disclosure would expose the third party, Collier and Malan, the researcher or the subject matter of the research to serious disadvantage (Section 69).
9. The requester must pay the prescribed fee (if applicable) before any further processing can take place.

## **REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT)**

1. Collier and Malan does not have internal appeal procedures and as such, the decision made by the Information Officer is final.
2. Should the requester be dissatisfied with the Information Officer's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.
3. Should a third party be dissatisfied with the Information Officer's decision to grant a request for information relating to that third party, it (the third party) may within 30 days of notification of such decision, apply to a Court for the appropriate relief.

# APPENDIX 1

## PRESCRIBED FEES

No.	Description	Fee in Rands
1	The fee for a copy of the manual as contemplated in regulation 9(2)(c) for every photocopy of an A4-size page or part thereof	1.10
2	The fees for reproduction referred to in regulation 11(1) are as follows:	
	(a) For every photocopy of an A4-size page or part thereof	1.10
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
	(c) For a copy in a computer-readable form on –	
	(i) stiffy disc 7,50	7.50
	(ii) compact disc	70.00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	(ii) For a copy of visual images	60.00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
	(ii) For a copy of an audio record	30.00
3	The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2)	50.00
4	The access fees payable by a requester referred to in regulation 11(3) are as follows:	
	(1)(a) For every photocopy of an A4-size page or part thereof	1.10
	(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75
	(c) For a copy in a computer-readable form on -	
	(i) stiffy disc	7.50
	(ii) compact disc	70.00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	(ii) For a copy of visual images	60.00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00	20.00
	(ii) For a copy of an audio record	30.00
	(f) To search for and prepare the record for disclosure for each hour or part of an hour reasonably required for such search and preparation.	30.00