

INFORMATION MANUAL

PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, No. 2 of 2000 ("the Act")

for

THE DA VINCI INSTITUTE FOR TECHNOLOGY MANAGEMENT (PTY) LTD

1 INTRODUCTION & PURPOSE OF THIS DOCUMENT

The Promotion of Access to Information Act 2 of 2000 ("the Act") gives effect to the right of access to information in records held by public or private bodies that is required for the exercise or protection of any rights as enshrined in the Bill of Rights forming part of The Constitution of The Republic of South Africa, 1996 ("the Constitution").

The Act sets out the requisite procedural issues attached to such request, the requirements with which such a request must comply as well as the grounds for refusal of such request.

The manual informs requestors of the procedural and other requirements with which a request must comply in terms of the Act.

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

- limitations aimed at reasonable protection of privacy;
- commercial confidentiality;
- effective, efficient, and good governance.

The right to access to information must also be balanced against any other rights contained in the Constitution.

2 CONTACT DETAILS AND GENERAL INFORMATION

The Da Vinci Institute for Technology Management (Pty) Ltd ("Da Vinci") is registered by the Department of Higher Education and Training (DHET) as a Private Higher Education provider under the Higher Education Act 1997, registration number 2004/HE07/003. The Institute offers higher education qualifications in the distance mode of delivery, accredited by the Council on Higher Education (CHE) and registered on the National Qualifications Framework (NQF) by the South African Qualifications Authority (SAQA).

All requests for information from Da Vinci, in terms of the Act must be in writing and addressed to: The Information Officer of The Da Vinci Institute for Technology Management (Pty) Ltd

Registered address:

Da Vinci House
16 Park Avenue

Modderfontein
1609

Postal address:

PO Box 185
Modderfontein
1645

Telephone number: + 27 11 608 1331

Facsimile number: + 27 11 608 1380

Email: info@davinci.ac.za

Website: www.davinci.ac.za

Information Officer: Chief Executive Officer/Head of IT

3 GUIDELINES IN TERMS OF SECTION 10 ON HOW TO USE THE ACT

A guide on how to use the Act to obtain information is available in various languages from the South African Human Rights Commission.

Please direct queries to them at:

Postal Address:

Private Bag X2700
Houghton
2041

Telephone number: + 27 11 877 3600

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

4 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation, as amended, are as follows:

- Labour Relations Act 66 of 1995;
- Employment Equity Act 55 of 1998;
- Basic Conditions of Employment Act 75 of 1997;
- Compensation of Occupational Injuries and Diseases Act 130 of 1993;
- Companies Act 71 of 2008;
- Unemployment Insurance Act 63 of 2001;
- Value Added Tax Act 89 of 1991;
- Income Tax Act 58 of 1962;
- Skills Development Act 9 of 1999;
- Higher Education Act 101 of 1997;
- Protection of Personal Information Act 4 of 2013.

5 DA VINCI PRACTICES

Personal information that we collect about you:

- Identity data;
- Contact data;
- Financial data;
- Transaction data;
- Service data;
- Technical data;
- Usage data;
- Marketing and communications data.

We collect personal or other information to:

- provide services to you, as well as any services that you may purchase from us;
- administer our various education program[mes](#);
- operate our facilities;
- comply with our statutory obligations, including submissions to the Companies and Intellectual Property Commission, as well as interacting with regulatory authorities;
- conduct business case analysis;
- conduct Da Vinci's recruitment exercises, including referrals, and hiring processes, including the capturing of a job applicant's details and the providing of status updates to such a job applicant. In this context Da Vinci may conduct criminal record and credit checks;
- retain and make information available to you on the website;
- provide you with marketing that is relevant to you, or to direct information concerning Da Vinci to you;
- maintain and update our customer or potential customer databases;
- establish and verify your identity on our website;
- diagnose and deal with technical issues and customer support queries and other use queries;
- operate, administer, maintain, secure, and develop the website and the performance and functionality of our website;
- protect our rights in any litigation that may involve you;
- detect, prevent or deal with actual or alleged fraud, security or the abuse, misuse or unauthorized use of our Website and/or contravention of our Privacy Notice or of the terms and conditions that apply to your use of our website;
- communicate with you and keep a record of our communications with you and your communications with us;

- inform you about changes to our website, Privacy Notice or other changes that are relevant to you;
- create user profiles and analyse and compare how you and other users make use of the website, including (without limitation) habits, click-patterns, preferences, frequency and times of use, trends and demographics;
- analyse and compare the kinds of access devices that you and others make use of and where you are using them; and
- for other purposes relevant to our business activities, provided they are lawful.

6 ACCESS TO RECORDS

Automatic disclosures

The following information is freely available on our website:

- Da Vinci Annual Report;
- Da Vinci Research Report;
- Da Vinci Prospectus.

Records that may be requested

The records to be requested means any recorded information regardless of its form or medium which is in the possession or under the control of Da Vinci, whether or not it was created by Da Vinci.

All records or information published on the Da Vinci website and which are in the public domain do not require to be accessed in terms of the Act. In case of such a request, it shall be sufficient to refer the Requestor to the Da Vinci website.

The following records of Da Vinci may be available upon request:

- Companies Act records;
- Financial records;
- Tax records;
- Asset records;
- Income and other tax records;
- Employment records;
- Employment policies;
- Information technology records;
- Procurement records;
- Other party records.

Note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis on their own merits, and Da Vinci reserves the right to decline to grant access to records in accordance with the provisions of the Act.

Request procedures

Any person wishing to gain access to information ("the requestor") must use the prescribed form (see Annexure A hereto) to make the request for access to information. This request must be made in writing and addressed to the Information Officer at the contact details set out above.

The requestor must:

- provide sufficient detail on the request form to enable the Information Officer to identify the record and the requestor; and
- indicate in which form of access is required; and
- specify a postal address or fax number within South Africa; and
- identify the right that the requestor is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise of that protection.

If a request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request to the satisfaction of the information Officer. The Information Officer will decide whether to grant the request or to decline the request and must notify the requestor in the required form.

If the request is granted, then an access fee must be paid for the search, reproduction, and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

If, after reasonable steps have been taken to find a record requested and same cannot be located or does not appear to exist, Da Vinci will advise the requestor accordingly.

7 AVAILABILITY OF THE MANUAL

Da Vinci's manual is available for inspection free of charge at the registered address as set out in the contact details above. Furthermore, a copy is available from the SAHRC (see contact details above) and on Da Vinci's website as set out above.

8 FEES

The Act provides for 2 kinds of fees –

- request fees - non-refundable administration fees paid by all requestors (except personal requestors);
- access fee – paid by all requestors only when access is granted. The fee is intended to reimburse Da Vinci for the costs involved in searching for a record and preparing it for delivery to the requestor, exceeding the prescribed six hours.

Da Vinci may withhold the record until the request fee and the deposit (if applicable) have been paid.

A requestor who seeks access to a record containing personal information about that requestor ("personal requestor") is not required to pay the request fee.

Every other requestor, who is not a personal requestor, must pay the required request fee.

The fees payable are as follows:

- The fee for a copy of the manual in terms of regulation 9(2)(c) is R1.10 for every photocopy of an A4 page or part thereof.
- The fee for reproduction referred to in regulation 11(1) are as follows:
 - For every photocopy of an A4 page or part thereof R1.10
 - For every printed copy of an A4 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 on a compact disc R70.00
 - For transcription of visual images, for an A4 page or part thereof R40.00
 - For a copy of visual images R60.00
 - For a transcription of an audio record, for an A4 page or part thereof R20.00
 - For a copy of an audio record R30.00
- The request fee payable by a requestor, other than a personal requestor, is R50.00
- The access fees payable by a requestor referred to in regulation 11(3) are as follows:
 - For every photocopy of an A4 page or part thereof R1.10
 - For every printed copy of an A4 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 on compact disc R70.00
 - For transcription of visual images, for an A4 page or part thereof R40.00
 - For a copy of visual images R60.00
 - For a transcription of an audio record, for an A4 page or part thereof R20.00
 - For a copy of an audio record R30.00
 - To search for and prepare a record for disclosure, for each hour R30.00 or part thereof reasonably required for such search and preparation
 - Actual postage is payable when a record must be posted to a requestor.

9 DEPOSIT

In accordance with section 54(2) of the Act, Da Vinci may require a deposit in cases where searching for a record exceeds 6 hours. The deposit will represent one third of the access fees payable by the requestor.

10 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

See Annexure B attached.

11 RIGHT OF APPEAL

A requestor that is dissatisfied with the Information Officer's refusal to grant access to any information may –

- Within 30 days of being informed that the request was not granted lodge an internal appeal; or
- Within 30 days of notification of the decision apply to court for relief.

Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

12 UPDATES TO THIS MANUAL

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

13 PRESCRIBED FORMS

See Annexure A attached.

14 ANNEXURE A

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of organisation requested from:

The Information Officer: Prof Benjamin Anderson

B. Particulars of person requesting access to the record

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This section must be completed *ONLY* if a request for information is made on behalf of *another* person.

Full names and surname: _____

Identity number: _____

D. Particulars of record

The requestor must sign all the additional folios.

Description of record or relevant part of the record: _____

Reference number, if available: _____

Any further particulars of record: _____

E. Fees

(a) A request for access to a record, other *than* a record containing personal information about yourself, will be processed only after a request fee has been paid.

(b) You will be *notified* of the amount required to be paid as the request fee.

(c) 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.

(d) If you qualify for exemption *of* the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees: _____

F. 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: _____

NOTES:

(a) Compliance with your request in the specified form may depend on the form in which the record is available.

(b) 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.

(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

- copy of record yes/no
- inspection of record yes/no

2. If record consists of visual images:

this includes photographs, slides, video recordings, computer-generated images, sketches, etc

- view the images yes/no
- copy of the images yes/no
- transcription of the images yes/no

3. If record consists of recorded words or information which can be reproduced in sound:

- listen to the soundtrack yes/no
- audio yes/no
- transcription of soundtrack yes/no
- written or printed document yes/no

4. If record is held on computer or in an electronic or machine-readable form:

- printed copy of record yes/no
- printed copy of information derived from the record yes/no
- copy in computer readable form (compact disc) yes/no

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? yes/no

Postage is payable.

G Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected: _____
2. Explain why the record requested is required for the exercise or protection of the said right: _____

H. 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 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? _____

Signed at..... this..... day of20....

SIGNATURE OF REQUESTOR /
PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

The information contained in this section is a summary of the grounds upon which a private body is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a requestor with clarity as to the reasons why a request may be refused by the private body.

A. Section 63: Mandatory protection of privacy of a third party who is a natural person

The head of a private body must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

However, a record may not be refused if it consists of information:

- a) About an individual who has consented in writing to the disclosure of the information;
- b) Already publicly available;
- c) Given to the private body by the individual to whom it relates, and that individual was informed by the private body before it is disclosed that the information belongs to a class of information that may already be publicly available;
- d) About an individual's physical or mental health, or well-being, who is under the care of the requestor, and who is under the age of 18 years or incapable of understanding the nature of the request, and further if the disclosure would be in the individual's best interests;
- e) About an individual who is deceased and the requestor is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- f) About an individual who is or was an official of a private body, and the information relates to the position or functions of the individual.

B. Section 64: Mandatory protection of commercial information of a third party

1) The head of a private body must refuse a request for access to a record of that private body if it contains:

- a) Trade secrets of a third party;
- b) Financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;
- c) Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition.

However, a record may not be refused if it consists of information:

- a) About a third party who has already consented in writing, to its disclosure to the requestor;

b) About the results of any product or environmental testing or other investigation supplied by the private body or the results of any such testing or investigation carried out on by or on behalf of the private body and its disclosure would reveal a serious public safety or environmental risk.

C. Section 65: Mandatory protection of certain confidential information of a third party

The head of a private body must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

D. Section 66: Mandatory protection of safety of individuals, and protection of property

a) The head of a private body must refuse a request for access to a record of that body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

b) The head of a private body may refuse a request for access to a record of that body if its disclosure would be likely to prejudice or impair:

- The security of a building, structure, or system, including a computer or communication system; a

means of transport or any other property;

- The methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public or part of the public or the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

E. Section 67: Mandatory protection of records privileged from production in legal proceedings

The head of a private body must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

F. Section 68: Commercial information of a private body

1) The head of a private body may refuse a request for access to a record of that body if the record:

a) Contains trade secrets of the private body;

b) Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely cause harm to the commercial or financial interests of that body;

c) Contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations; or prejudice the body in commercial competition;

d) Is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the private body, unless it is required to give access to a record in terms of PAIA.

However, a record may not be refused if it consists of information:

About the results of any product or environmental testing or investigation (excluding the results of preliminary testing or investigations conducted for developing methods of testing), carried out by or for the public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

G. Section 69: Mandatory protection of research information of a third party, and protection of research information of a private body

1) The head of a private body must refuse a request for access to a record of that body, if the record contains information about research being carried out or to be carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to:

- a) Expose the third party, or
- b) the person carrying out the research or will be carrying out the research on behalf of the third party, or
- c) the subject matter of the research, to a serious disadvantage.

2) The head of a private body may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed it would likely to:

Expose

- a) the private body or
- b) the person carrying out the research or will be carrying out the research on behalf of the private body, or
- c) the subject matter of the research to a serious disadvantage.

H. Section 70: Mandatory disclosure in the public interest

a) Despite the above listed grounds for refusal, the head of a private body must grant a request for access to a record of that body if, the disclosure thereof would reveal evidence of:

- i) A substantial contravention of, or failure to comply with the law; or
- ii) An imminent and serious public safety or environmental risk; and
- b) the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.