



XON Systems (Pty) Ltd

XON Systems (Pty) Ltd - PAIA Manual



In terms of Section 51 of the Promotion of Access to Information Act 2/2000

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DOCUMENT APPROVAL

This Policy has been accepted in its entirety and the approving authorities affixed their signature hereto confirming the acceptance hereof.

Name	Signature	Date
J Grosse-Heitmeyer Head: Human Resources and Compliance		4-10-2013
JC Coetzee Chief Executive Officer		4-10-2013

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1. INTRODUCTION

1.1 XON OVERVIEW

XON Systems (“XON”) designs, builds, operates, and manages information and communication technology (ICT) solutions designed uniquely for customers based on partnerships with industry-leading vendors and the broadest and deepest skills base available.

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

XON supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law. The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

1.2 OBJECTIVES

The objectives of this Manual are:

- To provide a list of all records held by XON;
- To set out the requirements with regard to who may request information in terms of the Act as well as the grounds on which a request may be denied;
- To define the manner and form in which a request for information must be submitted.

1.3 AVAILABILITY OF THIS MANUAL

A copy of XON’s PAIA manual is available by sending a request for a copy to the Compliance Administrator by email. XON’s PAIA manual must be read in conjunction with the Access to Information Guide which can be obtained from the Department of Justice and Constitutional Development (www.doj.gov.za) website or from the Government Printers.

1.4 VOLUNTARY DISCLOSURE

XON has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to XON and its services is freely available on XON’s website. Certain other information relating to XON is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.



2. CONTACT DETAILS

Name of Private Body:	XON Systems (Pty) Ltd
Directors:	Mr. IB Skosana Mr. JC Coetzee Mr. BMH van Buynder Mr. M Nyama Mr. C Coetzee Me. DR Motsepe Mr MJ Harris
Chief Executive Officer:	Mr. JC Coetzee
Postal address:	PO Box 6973 Halfway House 1685
Street address:	218 Roan Crescent Corporate Park North Midrand
Phone number:	+27 11 237 4500
Fax number:	+27 11 314 9838
Designated Compliance Administrator:	Lily Franco
Email address of Compliance Administrator:	lily@xon.co.za

3. THE ACT (SECTION 51(1) (B))

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:

The South African Human Rights Commission
Postal address: Private Bag 2700
Houghton
2041

Telephone: +27-11-877 3600
Fax: +27-11-403 0625
www.sahrc.org.za
E-mail: jmokadikwa@sahrc.org.za

4. APPLICABLE LEGISLATION (SECTION 51 (1) (C))

Information is available in terms of the following legislation, if and where applicable:

No.	Ref.	Act
1	No. 61 of 1973	Companies Act
2	No. 55 of 1998	Employment Equity Act
3	No. 95 of 1967	Income Tax Act
4	No. 66 of 1995	Labour Relations Act
5	No. 89 of 1991	Value Added Tax Act
6	No. 37 of 2002	Financial Advisory and Intermediary Services Act
7	No. 75 of 1997	Basic Conditions of Employment Act
8	No. 69 of 1984	Close Corporations Act
9	No. 25 of 2002	Electronic Communications and Transactions Act
10	No. 2 of 2000	Promotion of Access of Information Act
11	No. 30 of 1996	Unemployment Insurance Act
12	No. 9 of 1999	Skills Development Levies Act
13	No. 97 of 1998	Skills Development Act
14	No. 130 of 1993	Compensation for Occupational Injuries and Health Diseases
15	No. 85 of 1993	Occupational Health & Safety Act
16	No. 4 of 2013	Protection of Personal Information Act

5. **PROTECTION OF PERSONAL INFORMATION ACT (4 OF 2013)**

The Promotion of Access to Information Act should be read in conjunction with the Protection of Personal Information Act (PoPI). PoPI gives a 'juristic person', being defined as a company, entity, community or other legally-recognised organisation, the right to the protection of its personal information, in much the same way as a 'natural person'. What this means for organisations is that, in addition to protecting the information they hold about clients (people) and employees, they are also going to have to safeguard the information they hold about clients who are companies, as well as business partners, vendors, suppliers, and so forth.

The enactment of the Bill will bring about a significant level of protection to individuals and companies in South Africa with regard to how their personal information is handled. Individuals will now have the ability to hold organisations to account for the ways their personal information is handled, or mishandled, as the case may be.

The main purposes of the Bill are to give effect to the constitutional right to privacy and to regulate the manner in which personal information is processed. The Bill also brings South Africa in line with international norms on the protection of data privacy, thereby allowing the flow of personal information to South Africa from other nations with data protection regimes. This is particularly important for services such as data or call center outsourcing and IT software solution providers who host such information here for foreign organisations.

XON therefore supports this Act and is committed in protecting personal information of employees and clients. Any request to have access to information from clients will only be given after the client has agreed in releasing the information.

6. **RECORDS (SECTION 51 (1) (C))**

XON maintains records on the following categories and subject matters. However, please note that recording a category or subject matter 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 in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

6.1 **INTERNAL RECORDS**

The following are records pertaining to XON own affairs and those of its divisions, subsidiary and associated companies:

- Memorandum and Articles of Association;
- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures.

6.2 **PERSONNEL RECORDS**

Personnel refers to any person who works for or provides services to or on behalf of XON and receives or is entitled to receive any remuneration and any other person who assists in carrying

out or conducting the business of XON. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to XON by their personnel;
- Any records a third party has provided to XON about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

6.3 CUSTOMER RECORDS

Please be aware that XON is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act. Customer information includes the following:

- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Confidential, privileged, contractual and quasi legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to XON either directly or indirectly; and
- Contractual information.

6.4 TECHNICAL RECORDS

Technical records generated by, or within XON pertaining to customers.

6.5 OTHER PARTIES

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to XON. The following records fall under this category:

- Personnel, customer or XON records which are held by another party as opposed to being held by XON; and
- Records held by XON pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

6.6 OTHER RECORDS

Further records are held including:

- Information relating to XON's own commercial activities; and

- Research carried out on behalf of a customer by XON or commissioned from a third party for a customer;
- Research information belonging to XON, whether carried out by itself or commissioned from a third party.

6.7 LEGAL

- Various contracts and agreements.

7. FORM OF REQUEST (SECTION 51 (1) (E))

1. Requests for access to records held by XON; must be made on the Request for Access to record of Private Body form (refer to FI_TPL_000352) that are available from our Compliance Administrator at the address, fax number or electronic mail address provided.
2. Address your request to the Chief Executive Officer.
3. Provide sufficient details to enable XON to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required:
 - (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (d) The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
 - (e) If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Compliance Administrator of XON.
4. The Request for Access to record of Private Body form must be completed in full and returned to XON; together with any other information that XON require in order to consider and decide on the request. A request, which does not comply with the formalities, as prescribed by the Act will be forwarded back to the requester with advice on the necessary steps for compliance. This includes forms that are not completed in full.
5. Proof of identity is required to authenticate the request and the requester. In view hereof a requester will, in addition to the Request for Access to record of Private Body form, be required to submit acceptable proof of identity such as a certified copy of their identity document or other legal forms of identity.

Kindly note that all requests to XON; will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by XON does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

7.1 NOTIFICATION PERIOD

All requests complying with the requirements set out above will be processed and considered expeditiously.

Whatever decision is taken, the requester will be given notice of the decision in writing. The Act requires that such notification be given within 30 days of the decision being made. In case of a request being refused, the notification will include the reasons for the refusal.

Please note that XON may extend the 30 day notice period if it is necessary due to the nature of the request and the amount of time required; to gather the requested information. The requester will however be given notice of the extension prior to the 30 day period's expiry.

The CEO will then make a decision on the request and notify the requester in the required form. If the request is granted then a further access fee must be paid for the reproduction and the search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (section 54.6)).

8. REQUEST FEES (SECTION 51 (1) (F))

The following applies to requests (other than personal requests):

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid;

Section 54 in the Act entitles a company to levy a charge or request fee to enable the company to recover the cost of processing a request and giving access to records in terms of the Act.

1. Access Fee for Reproduction		
1.1	For every photocopy of an A4 size page or part thereof.	R 1,17
1.2	For every photocopy of an A4 size page or part thereof held on a computer or in electronic or machine readable form.	R 0,78
1.3	For a copy in a computer readable form on:	
	i. Compact Disc	R 78,26
1.4	i. For a transcription of visual images, for an A4-size page or part thereof.	R 43,04
	ii. For a copy of visual images.	R 117,39
1.5	i. For a transcription of an audio record for an A4-size page or part thereof.	R 23,48
	ii. For a copy of and audio record.	R 33,26
2. Access Fee for Time Spent		
2.1	The time reasonable required to search for the record for disclosure and preparation R68,48/hour or part of.	R 68,48 /hr or part of
3. Request fee		
3.1	For a request for access to a record by a person other than a personal requester.	R 97,83
4. Deposit		
4.1	One third of the access fee is payable as a deposit by the requester.	
5. Postal Fee		

5.1	When a copy of a record must be posted to the requester.	R19,08
6. Appeal Fees		
6.1	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record.	R97,83
7. VAT		
7.1	Private Bodies registered under the Value Added Tax Act, 1991 may add VAT to all the above mentioned fees.	

For purposes of section 22(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable;
- One third of the access fee is payable as a deposit by the requestor; and
- The actual postage is payable when a copy of a record must be posted to a requestor.

Note that where a decision to grant a request has been taken, the record will not be disclosed until the necessary fees have been paid in full.