



PAIA MANUAL

ACCESS TO INFORMATION MANUAL OF RT PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (AS AMENDED)

Compiled: May 2022

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1. DEFINITIONS

RT	RTEOR (Pty) Ltd, 2007/012982/07 and RTEOR Turnaround (Pty) Ltd, 2017/357878/07, private companies registered in terms of the Companies Act No. 61 of 2008 (as amended)
Guide	Guide published by the SAHRC and updated by the Regulator
IO	Information Officer duly appointed by RT, to whom requests for access to information must be made in terms of PAIA and in terms of POPIA
Manual	This document together with all its annexures, as amended from time to time
PAIA	Promotion of Access to Information Act No. 2 of 2000 (as amended)
POPIA	Protection of Personal Information Act No. 4 of 2013 (as amended) and the Regulations relating to the Protection of Personal Information, 2017
Regulator	Information Regulator
SAHRC	South African Human Rights Commission

2. INTRODUCTION

RT provides a comprehensive selection of specialized restructuring and turnaround services across the complete spectrum of underperforming and distressed business by implementing successful business solutions for all such situations.

RT, based in Cape Town, is part of RT Group which currently has a presence in Europe, (GDPR compliant) and Sub-Saharan Africa.

3. PURPOSE OF THE MANUAL

The Manual is published pursuant to sections 14 and 51 of PAIA with the purpose to facilitate requests for access to records of RT as provided for in PAIA, and to inform data subjects on the types of information RT collects and processes, and how a data subject may request access to this information.

The Manual also explains how to access, or object to, or request correction or deletion of, personal information held by RT in terms of sections 23, 24 and 25 of POPIA.

4. KEY CONTACT DETAILS AT RT

INFORMATION OFFICER

Name	Michael Dorn
Cell	+27 (60) 648 9753

E-Mail	mdorn@rteor.com
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GENERAL CONTACT

E-Mail	Info@rtoer.com
Landline	+27 (21) 702 1702

HEAD OFFICE

Physical Address and Postal Address	Units 6, 7 & 8, 1 st Floor, Amdec House, Silverwood Close, Steenberg Office Park, Tokai, Cape Town, 7945
Website	www.rteor.com

Mr Dorn has been duly appointed as IO of RT and is the person to whom requests for access to information must be made in terms of PAIA and in terms of POPIA.

5. GUIDE ON HOW TO USE PAIA

The SAHRC published a Guide, as prescribed by section 10 of PAIA, on how to use PAIA. From 1 July 2021, the Regulator assumed the functions of the SAHRC. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide, designed to be a guiding, user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA and POPIA.

The aforesaid Guide contains the description of the objects of PAIA and POPIA. The Guide is accessible from the Regulator's website.

Please direct any queries regarding the Guide, PAIA or POPIA to the Regulator:

INFORMATION REGULATOR

Telephone No.	+27 (10) 023 5200
E-Mail	infoereg@justice.gov.za
Postal Address	P O Box 31533, Braamfontein, Johannesburg, 2017
Physical Address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Website	www.justice.gov.za/infoereg

6. CATEGORIES OF RECORDS OF RT WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The records that are located on RT's website are automatically available and freely accessible to any person requesting this information. It is therefore not necessary to apply for access thereto in terms of PAIA.

7. RECORDS OF RT WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

RT is required in accordance with legislation to retain certain records. RT holds records for the purposes of PAIA in accordance with the following legislation, among others:

- 7.1 Basic Conditions of Employment Act 75 of 1997;
- 7.2 Companies Act 71 of 2008;
- 7.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 7.4 Electronic Communications and Transactions Act 25 of 2002;
- 7.5 Employment Equity Act 55 of 1998;
- 7.6 Financial Intelligence Centre Act 38 of 2021;
- 7.7 Income Tax Act 58 of 1962;
- 7.8 Labour Relations Act 66 of 1995;
- 7.9 Occupational Health and Safety Act 85 of 1993;
- 7.10 Promotion of Access to Information Act 2 of 2000;
- 7.11 Protection of Personal Information Act 4 of 2013;
- 7.12 Unemployment Insurance Act 63 of 2001;
- 7.13 Value Added Tax Act 89 of 1991.

8. SUBJECTS AND CATEGORIES OF RECORDS OF INFORMATION HELD

The table below contains a description of the subjects and the categories of records RT holds and the records held on each subject. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects will be made available under PAIA. Certain grounds of refusal set out in PAIA may be applicable to a request for such records.

Subject/Category	Description of Record
Statutory	<ul style="list-style-type: none"> • Company incorporation documents • Share register • Memorandum of Incorporation • Minutes of meetings of the board of directors and that of Shareholders • Records relating to directors, auditors and other officers • All or any statutory compliance not listed above • Recordings of meetings
Income Tax and Value Added Tax	<ul style="list-style-type: none"> • Pay-as-you-earn (PAYE) records

	<ul style="list-style-type: none"> • Documents issued to employees for income tax purposes • Records of payments made to the South Africa Revenue Services on behalf of employees • All or any statutory compliance • Value Added Tax transactions • Skills development levies • Unemployment Insurance Fund
Labour Relations Records	<ul style="list-style-type: none"> • Employee handbook • Disciplinary records • Disciplinary code and/or procedures • Employment contracts • Contractor service agreements • Personnel documents and records • Salary records • Leave records • Training records
Finance	<ul style="list-style-type: none"> • Annual financial statements • Accounting records • Receipts and payments transactions • Bank statements • Banking details and bank accounts • List of debtors and creditors and related supporting vouchers • Budgets • Management accounts • Asset registers • Related correspondence
Risk and Compliance	<ul style="list-style-type: none"> • Contracts • Policies and procedures • Risk assessment documents and mitigations • Compliance records
Intellectual Property	<ul style="list-style-type: none"> • Trademarks • Records relating to domain names
Insurance	<ul style="list-style-type: none"> • Insurance policies taken out for the benefit of RT and its human resources, including: • Insurance in respect of movable and immovable property • Professional indemnity insurance

Information Technology	<ul style="list-style-type: none"> • Computer software – operating systems and other applications • Support and maintenance agreements • Documentation pertaining to computer software and hardware
Website	<ul style="list-style-type: none"> • Information contained on website, including: • Business overview • Team member details • Contact details
Client records (records received from client, records provided by and to third parties, records generated by RT)	<ul style="list-style-type: none"> • Agreements with clients • Documentation and other information received from clients / third parties • Documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2021 • Correspondence from clients • Correspondence with third parties • Research conducted on behalf of clients • Information prepared by RT and its employees for clients, including reports • Financial records • Statutory records • Records pertaining to legal proceedings with clients • Other information relating to, or held on behalf of, clients

9. PROCESSING OF PERSONAL INFORMATION

RT processes personal information of both natural and juristic persons in accordance with POPIA and in terms of its privacy policy, available on RT's website: www.rteor.com.

9.1 Purpose of Processing Personal Information by RT

RT processes information in the ordinary course of its business and will use such information only for the purpose for which it was originally or primarily collected. Such information will only be used for a secondary purpose if such purpose constitutes a legitimate interest and is closely aligned with the primary purpose for which the information was collected.

RT processes information for a number of reasons, including, but not limited to:

- 9.1.1 analysis, evaluation, review and collation of information in order to provide services requested;
- 9.1.2 managing the commercial relationship with clients and investors;
- 9.1.3 creating and managing supplier relationships;
- 9.1.4 managing contracts, orders, deliveries, invoices and accounting;
- 9.1.5 human resource and finance functions including those obligations imposed by legislation;
- 9.1.6 recruitment;
- 9.1.7 procurement processes.

9.2 Categories of data subjects

Category of Data	Types of information processed
Natural and juristic persons (clients and potential clients,)	Name, surname, South African identity number and/or passport number, nationality, date of birth, entity name, registration numbers, contact details for representatives, telephone numbers, email addresses, physical and postal addresses, income tax and VAT numbers, financial information, banking information including account numbers, FICA documentation
Employees and contractors, potential employees and contractors, new recruitments	Name, surname, South African identity number and/or passport number, nationality, gender, race, disability, telephone numbers, email addresses, physical and postal addresses, income tax number, banking details, employment history, criminal background checks, CVs, education history, details related to employee performance, disciplinary procedure information, employment contracts, remuneration records, leave records, training records, biometric data
Service providers, including outsourced services, auditors, etc	Company registration details, identity numbers, contact details, telephone numbers, email addresses, physical and postal addresses, income tax and VAT numbers, tax clearance, BEE certificates, banking information, invoices, contractual agreements

9.3 Disclosure of personal information to third parties

RT may disclose personal information to third parties for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.

Third parties are obliged to use the personal information disclosed for the reasons and purposes the information was disclosed for. RT has agreements in place with relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which personal information is being transferred to.

9.4 Cross border transfer of Personal Information

RT may transfer personal information to recipients outside of the Republic of South Africa, subject to the conditions for the transborder flow of personal information as provided by section 72 of POPIA.

9.5 Information Security Measures

RT takes reasonable, appropriate and adequate technical and organisational measures to ensure that personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access. RT contractually mandate any third parties to which personal information is transferred to do the same.

RT will regularly review its security controls and related processes to ensure that personal information is secure.

RT will notify the Regulator and the data subject (unless impeding on a criminal investigation) in the event there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person.

10. HOW TO REQUEST ACCESS TO A RECORD

To request a record in terms of PAIA, the requestor must complete the prescribed Form 2 attached to this Manual as Annexure A. This request must be sent to the IO at the addresses provided in item 4 to this Manual.

For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the request must be made in writing on the applicable prescribed Form 1 (objection) as Annexure B or Form 2 (correction or deletion) as Annexure C, which are attached to this Manual.

The requester must provide sufficient detail to enable the IO to identify the record(s) requested and the requester. The requester must indicate which form of access is required, identify the right that he/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.

If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the IO.

PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the IO will decide whether or not to grant a request for access to information.

11. PAYMENT OF FEES

PAIA provides for two types of fees, namely -

11.1 a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and

11.2 an access fee, payable when access is granted which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

Subsequent to a request being made, the IO, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the IO will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The IO may withhold a record until the requester has paid the fees as indicated in Annexure D.

A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

In terms of POPIA, a data subject has the right to request the IO to confirm, free of charge, whether RT holds personal information about the data subject and request from the IO the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

POPIA further provides that where the data subject is required to pay a fee for services provided to them, the IO must provide the data subject with a written estimate of the

payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

12. APPLICABLE TIME-PERIODS

The IO will inform the requester within 30 days after receipt of the request of its decision whether to grant the request.

The 30-day period may be extended by a further period of not more than 30 days if the request is for many records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of RT or the records are not located at RT's offices.

13. OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

14. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds -

- 14.1 protection of privacy to a third party who is a natural person;
- 14.2 protection of the commercial information of a third party;
- 14.3 protection of certain confidential information of a third person;
- 14.4 protection of the safety of individuals and the protection of property;
- 14.5 protection of records privileged from production and legal proceedings;
- 14.6 the commercial information and activities of RT;
- 14.7 the protection of research information of a third party; and
- 14.8 any other ground legally available on which to refuse access to the information requested.

Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

15. REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the IO's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

16. AVAILABILITY OF THE MANUAL

The Manual is available in English:

16.1 electronically on RT's website, www.rteor.com

16.2 in hard copy for inspection at its Cape Town office (free of charge);

16.3 to the Regulator upon request.

17. UPDATING OF MANUAL

This Manual will be reviewed and updated, if necessary, on a periodic basis.

18. ANNEXURE A

19. ANNEXURE B

20. ANNEXURE C

21. ANNEXURE D