

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

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1. DEFINITIONS

- 1.1. "Act" shall mean the Promotion of Access to Information Act, 2 of 2000.
- 1.2. "Information Officer" - the person duly authorised by the head of Optimi and appointed by Optimi to facilitate or assist the head of Optimi with any request in terms of the Act.
- 1.3. "Optimi" shall mean Optimi College (Pty) Ltd.
- 1.4. "Requester" means any person making a request for access to information in terms of the Act, in respect of a record under the control of Optimi.

2. THE PAIA MANUAL

- 2.1. The Act gives effect to the constitutional right of access to any information, which is held by another person and required for the exercise or protection of any right, as well as to regulate matters associated with such right.
- 2.2. The purpose of this manual is to:
 - 2.2.1. Inform a Requester of the procedural and other requirements which must be met when requesting information, from Optimi, in terms of the Act;
 - 2.2.2. Provide notice to a Requester of the categories of records which are held by Optimi and available for request in terms of the Act;
 - 2.2.3. Establish and give effect to Optimi's commitment to fostering a culture of transparency and accountability within its organisation as a whole, by giving effect to the right to access information which is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights more fully.
- 2.3. This manual may be amended, by Optimi, from time to time and any new versions of the manual will be made available to the public.

3. ACCESS TO THIS MANUAL

- 3.1. This manual is available for inspection, free of charge, at the offices of Optimi and can be accessed on the Optimi website (www.collegesa.edu.za).
- 3.2. Copies of the manual may be obtained by request, at a fee, from Optimi.

4. ABOUT OPTIMI

- 4.1. The Optimi group provides offerings in 4 divisions: Home, Workplace, Classroom and College.
- 4.2. Optimi Home provides accessible home education and after-school solutions for parents, tutors and learners.
- 4.3. Optimi Workplace offers accessible workplace training products and services for corporates and the public sector.
- 4.4. Optimi Classroom focuses on accessible classroom solutions for schools and tertiary institutions.
- 4.5. Optimi College provides accessible accredited and short courses for adults.

5. DETAILS OF OPTIMI

- 5.1. All communication and enquiries, in terms of this manual, must be addressed to the Optimi Information Officer, through the following channels

Entity Name: Optimi College (Pty) Ltd

Registration Number: 2007/017012/07

- 5.2. Physical Address: 1st Floor, Tygervalley Office Park, Corner of Old Oak and Durban Road, Tygervalley
Cape Town, South Africa

Postal Address: PO Box 6906, Welgemoed, 7538

Telephone: 0861 663 663

Website: www.collegesa.edu.za

Email: POPIA@college.optimi.co.za

Information Officer: Wilhelm Pretorius

Head: Eloise Nolte

6. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

- 6.1. Requesters are referred to the guide compiled by the SAHRC, in terms of Section 10 of the Act. The Section 10 guide contains advisory information on the exercising of the Constitutional right to information, in an easily comprehensible form. The Section 10 guide is freely available from the SAHRC, in each official language, in order to assist a Requester in obtaining the information necessary to exercising its right to information.

- 6.2. A Requester may direct any request or queries, in respect of the Section 10 guide, to:

The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
www.sahrc.org.za

- 6.3. For any further information pertaining to the Section 10 guide or this manual, a Requester may contact the SAHRC, through the following channels:

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Physical address (Johannesburg): Braampark Forum 3, 33 Hoofd St, Johannesburg, 2017, South Africa.

JOHANNESBURG: PO Box 2700, Houghton, 2041; Tel: 011 877 3600 / 011 484 8300; Fax: 011 403 0625 / 011 484 1360;

BLOEMFONTEIN: PO Box 4245, Bloemfontein, 9300; Tel: 051 447 1130; Fax: 051 447 1128;

PORT ELIZABETH: PO Box 1854, Port Elizabeth, 6001; Tel: 041 582 2611; Fax: 041 582 2204;

POLOKWANE: PO Box 55796, Polokwane, 0700; Tel: 015 291 3500; Fax: 015 291 3505;

DURBAN: PO Box 1456, Durban, 4000; Tel/Fax: 031 304 7323/4/5;

CAPE TOWN: PO Box 3563, Cape Town, 8000; Tel: 021 426 2277; Fax: 021 426 2875.

7. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

7.1. Certain records are kept in accordance with legislation other than the Act. To the extent that it is applicable to Optimi, the following legislation requires Optimi to retain certain records (this list is not exhaustive):

- 7.1.1. Companies Act, 71 of 2008;
- 7.1.2. Employment Equity Act, No. 55 Of 1998;
- 7.1.3. Labour Relations Act, 66 of 1995;
- 7.1.4. Basic Conditions of Employment Act, 75 of 1997;
- 7.1.5. Occupational Health and Safety Act, 85 of 1993;
- 7.1.6. Compensation for Occupational Injuries and Diseases Act, No 130 of 1993;
- 7.1.7. Unemployment Insurance Act, 63 of 2001;
- 7.1.8. Tax Administration Act, 28 of 2011;
- 7.1.9. Income Tax Act, 58 of 1962;
- 7.1.10. Value Added Tax Act, 89 of 1991;
- 7.1.11. Electronic Communications and Transactions Act, 25 of 2002.

8. LATEST NOTICE OF THE CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

8.1. Optimi has issued a notice in terms of Section 52 of the Act, which contains a list of categories of records, held by Optimi, which is freely available to the public. The latest Section 52 notice is enclosed herewith as Annexure "A" to this manual. Any information stipulated in the latest Section 52 notice has been made available to the public and may be accessible in the manner stipulated in such notice, without the need for a request in terms of the Act.

9. CATEGORIES OF RECORDS EXCLUSIVELY ACCESSIBLE UPON REQUEST

9.1. This section of the manual provides details of the categories and subjects of records, held by Optimi, which may be accessed upon request. The accessibility of the documents that are listed here may be subject to certain grounds of refusal, in accordance with Chapter 4 of the Act. A request must be refused if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

9.2. Communication:

- 9.2.1. Internal communication records;
- 9.2.2. Correspondence between Optimi employees or between Optimi employees and other persons, within the course and scope of their employment with Optimi, relating to the business conducted by Optimi, which is recorded in Optimi's communication system, such as data messages and telephonic records.

9.3. Statutory corporate records:

- 9.3.1. Memorandum of Incorporation;

9.3.2. Records relating to the appointment of:

- 9.3.2.1. Directors;
- 9.3.2.2. Auditors;
- 9.3.2.3. Secretary;
- 9.3.2.4. Public officer;
- 9.3.2.5. Any other officer.

9.3.3. Company Share Register;

9.3.4. Securities and equities records.

9.4. Human Resources:

- 9.4.1. Employment contracts;
- 9.4.2. Remuneration records and policies;
- 9.4.3. Disciplinary records and policies;
- 9.4.4. Employee leave and absence records;
- 9.4.5. Training records and manuals;
- 9.4.6. Information pertaining to employee benefits;
- 9.4.7. Medical aid records;
- 9.4.8. Pension-fund records;
- 9.4.9. Employee address records;
- 9.4.10. Internal and external telephonic contact records.

9.5. Operations:

- 9.5.1. Permits, licenses and authorisations;
- 9.5.2. Information technology records;
- 9.5.3. Marketing records;
- 9.5.4. Internal operation policies and procedures;
- 9.5.5. Product records;
- 9.5.6. Sales records;
- 9.5.7. Customer / client records and register;
- 9.5.8. Asset records and register;
- 9.5.9. Student / learner records and register;
- 9.5.10. Trademark and Copyright records and register.

9.6. Third Party Records:

- 9.6.1. Records pertaining to Optimi contractors, subsidiary companies and service providers;
- 9.6.2. Records provided, to Optimi, by a third party or client of Optimi;
- 9.6.3. Records generated by or within Optimi relating to its clients or other third parties, including transactional records.

9.7. Finances:

- 9.7.1. Financial and tax records of Optimi and/or its employees;
- 9.7.2. Accounting records;
- 9.7.3. Management accounts;
- 9.7.4. Annual financial statements;
- 9.7.5. Tax returns;
- 9.7.6. Records of payments made, by Optimi, to the South African Revenue Services on behalf of its employees;
- 9.7.7. Records of payments made, by Optimi, in respect of Skills Development levies, Pay-as-you-earn (PAYE) records, Unemployment Insurance Fund levies and Workman's Compensation Fund levies;

9.8. Legal:

- 9.8.1. All contractual agreements and arrangements to which Optimi is a party or has a vested interest.

10. PROCESS FOR THE REQUEST FOR ACCESS TO RECORDS

10.1. In order to facilitate the processing of a request for information, in terms of the Act, the Requester must:

- 10.1.1. Comply with the procedural requirements as set out in the Act and this manual, relating to the request for access to information;
- 10.1.2. Complete the prescribed information request form. The information request form is enclosed as Annexure "B" to this manual and is available on the Optimi website;
- 10.1.3. Address and submit, via email or fax, the information request form to the Optimi Information Officer as prescribed by this manual;

10.2. The aforementioned information request form must stipulate the following:

- 10.2.1. Sufficient particulars to enable the Optimi Information Officer to identify the record(s) requested;
- 10.2.2. The format (digital / hard copy) of the record(s) and the manner of access (inspection / provide copy) which is required;
- 10.2.3. All necessary contact details of the Requester, in particular the Requester's postal address and/or email address;

- 10.2.4. The right the Requester 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;
 - 10.2.5. The manner in which the Requester requires to be informed of Optimi's decision in respect of its request in the event the Requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of such decision in any other manner. The Requester must state such other manner with full particularity;
 - 10.2.6. In the event the request is made on behalf of another person, submit proof of the capacity or authority in terms of which the Requester is relying on in making such request.
- 10.3. All of the information as listed above must be provided, failing which the process shall be delayed while Optimi requests such additional information. The prescribed time periods shall not commence until all pertinent information has been furnished on Optimi.
- 10.4. 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 Optimi Information Officer.

11. PRESCRIBED FEE

- 11.1. On request of access to information, the Optimi Information Officer may require the Requester to pay a prescribed fee or deposit before processing the request. In the event a fee or deposit is required, no information request shall be processed before the applicable payment is made.
- 11.2. The request fee, which shall be a standard non-refundable administration fee, is payable prior to the request being considered.
- 11.3. The access fee is payable when access is granted and shall be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.
- 11.4. The fee structure in respect of a request made in terms of this manual shall be as prescribed under the Act, from time to time. The latest prescribed fee structure can be found on the website of the Department of Justice and Constitutional Development (www.doj.gov.za).
- 11.5. If the search for a requested record and/or the preparation of such record, requires more than the hours prescribed in the Act's regulations for this purpose, the Information Office shall notify the Requester to pay, as a deposit, the prescribed portion of the access fee. Such deposit shall not exceed one third of the total access fee payable in respect of that particular request.
- 11.6. If a deposit has been paid, in respect of a request which is refused, the deposit shall be repaid to the Requester.
- 11.7. If a request for information pertains to the Requester's personal information, such Requester shall not be required to pay a request fee.

12. OPTIMI'S CONSIDERATION OF THE INFORMATION REQUEST

- 12.1. In terms of the Act, a Requester must be given access to any Optimi record if:
- 12.1.1. That record is required for the exercise or protection of any right; and
 - 12.1.2. That person complies with the procedural requirements, relating to a request for access to that record, in terms of the Act; and
 - 12.1.3. Access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of the Act.

- 12.2. The Act recognises that the right to any information may be limited to the extent that such limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in Section 36 of the Constitution. Section 9 of the Act recognises that the right to access information cannot be unlimited and is subject to justifiable limitations.
- 12.3. In light of the above and considering the provisions of Chapter 4 of the Act, Optimi may refuse a request for information where such record relates to, or the disclosure of such record amounts to:
- 12.3.1. The mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
 - 12.3.2. The mandatory protection of the commercial information of a third party, if the record contains:
 - 12.3.2.1. Trade secrets of that third party;
 - 12.3.2.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - 12.3.2.3. Information disclosed in confidence to Optimi, and disclosure of such information could put that third party at a disadvantage in negotiations or commercial competition;
 - 12.3.3. The mandatory protection of the safety of individuals or the protection of property;
 - 12.3.4. The mandatory protection of legally privileged information;
 - 12.3.5. Research information of Optimi or a third party, if its disclosure would place such research at a serious disadvantage;
 - 12.3.6. The commercial activities of Optimi, which may include, without limitation:
 - 12.3.6.1. Trade secrets of Optimi;
 - 12.3.6.2. Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Optimi;
 - 12.3.6.3. Information which, if disclosed could put Optimi at a disadvantage in negotiations or commercial competition;
 - 12.3.6.4. Information protected by copyright.
 - 12.3.7. A breach of a confidentiality or non-disclosure duty, owed to a third party;
 - 12.3.8. A potential harm to the commercial or financial interests of a third party;
 - 12.3.9. Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.
- 12.4. In addition to the requirements mentioned directly above, if the Requestor is a public body, as defined by the Act, who requests information for the exercise or protection of any rights, other than its own rights, it must be acting in the public's interest for such request to be considered.
- 12.5. Optimi shall inform the Requester, within 30 (thirty) days after receipt of the request, of its decision whether or not to grant the request.
- 12.6. If the requested record cannot be found or does not exist, the Optimi Information Officer must notify the Requester, by way of affidavit or affirmation, that it is not possible to give access to the record. This is

deemed to be a refusal of the request. If, however, the record is later found, the Requester must be given access if the request would otherwise have been granted.

12.7. The 30 (thirty) day period, in terms of clause 12.5, may be extended by a further period of not more than 30 (thirty) days if:

12.7.1. The request is for a large number of records; or

12.7.2. The request requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of Optimi; or

12.7.3. The records requested are stored in a location other than at Optimi's main place of business; or

12.7.4. Consultation amongst divisions within Optimi or another private body is required.

12.8. If the request is:

12.8.1. Granted: Optimi's notification to the Requester must state the applicable access fee required to be paid, together with the procedure to be followed should the Requester wish to apply to court against such fee, and the form in which access shall be given;

12.8.2. Declined: Optimi's notification to the Requester must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the Requester wish to apply to court against the decision.

12.9. The Optimi Information Officer's failure to respond to the Requester within the 30 (thirty) day period, in terms of clause 12.5, constitutes a refusal of the request.

13. **REMEDIES AVAILABLE TO A REQUESTER UPON REFUSAL OF ACCESS**

13.1. Internal remedies:

13.1.1. Optimi does not have any internal appeal procedures that may be followed after a request for access to information has been refused. As such, the decision made by the Optimi Information Officer is final and a Requestor shall be required to exercise such external remedies at its disposal if the request for information is refused and the Requestor is not satisfied with the answer supplied by the Optimi Information Officer.

13.2. External remedies:

13.2.1. A Requester that is dissatisfied with an Optimi Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of such decision, apply to a competent court for relief;

13.2.2. Likewise, a third party that is dissatisfied with an Optimi Information Officer's decision not to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a competent court for relief.

ANNEXURE A

NOTICE IN TERMS OF SECTION 52(2) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2 OF 2000.

I, Wilhelm Pretorius, the Optimi Information Officer, hereby declare the following categories of record as automatically available to any person.

1. Communication and Correspondence:

1.1. Website publications. The website contains various categories of information relating to the company which is publically available;

1.2. Newsletters and media releases of the Company.

2. Operations:

2.1. Product overview;

No person shall be required to apply for access, in terms the Promotion of Access to Information Act, to any information stipulated in this notice.

Signed on this 25th day of June 2021

A handwritten signature in black ink, appearing to be 'W. Pretorius', is written over a horizontal line.

Wilhelm Pretorius

INFORMATION OFFICER:

OPTIMI COLLEGE (PTY) LTD

ANNEXURE B

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))

A. Particulars of body

The Chief Executive Officer / Information Officer:

B. Particulars of person requesting access to the record

(a) The particulars of the person who requests access to the record must be recorded below.

(b) The address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request has been made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number: E-mail:

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

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.

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

1 Description of the record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of the record:

E. Fees

*(a) A request for access to a record other than 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 the 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 the exemption of the payment of any fee, please state the reason for exemption.

Reason for the exemption from payment of fees:

F. Form of access to record

If you are prevented by 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 for access 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 the access to 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* inspection of record

2. If the record consists of visual images-

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images copy of the images* transcription of the images*

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

listen to the soundtrack

(audio cassette)

transcription of soundtrack*

(written or printed document)

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

printed copy of record*

printed copy of information derived from the record*

copy in computer readable form*

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

Postage is payable.

YES NO

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.

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 aforementioned 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 of _____ 202_

SIGNATURE OF REQUESTER / PERSON ON

WHOSE BEHALF REQUEST IS MADE