JUST DYNAMICS
bring business to life

MANUAL PUBLISHED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000

by

JUST DYNAMICS SOFTWARE SOLUTIONS (PTY) LTD

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SECTION 51 MANUAL FOR JUST DYNAMICS SOFTWARE SOLUTIONS (PTY) LTD AND ITS SUBSIDIARIES

GROUP OF COMPANIES

Just Dynamics Software Solutions (Pty) Ltd, registration number 1998/008240/07 is a private body as defined in the Promotion of Access to Information Act 2 of 2000 ("**Act**").

This manual has been compiled in relation to Just Dynamics Software Solutions (Pty) Ltd and its subsidiaries, as follows –

- No subsidiaries.

The motivation for the Act is to be found in the Constitution of South Africa. The Constitution provides that everyone has a right of access to information held –

- by the state, where no reason for access to the information needs to be established (section 32(1)(a) of the Constitution) or,
- by a private body, if the requestor requires a record for the exercise or protection of any right (section 32(1)(b) of the Constitution).

The Constitution further requires that legislation be enacted to give effect to the provision of section 32. The Act has been enacted to meet this requirement.

In terms of the Act any person has a right of access to a record held by or under the control of a private body if the record –

- is required for the exercise or protection of any right;
- the requestor has complied with all the procedural requirements of the Act; and
- the private body is not entitled to refuse access to the record requested in terms of the grounds of refusal established in the Act.

The grounds for refusal are –

- mandatory protection of the privacy of a third party who is a natural person (human being);
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information of a third party;
- mandatory protection of the safety of individuals, and the protection of property;
- mandatory protection of records privileged from production in legal proceedings;
- commercial information of a private body;
- mandatory protection of research information of a third party and of a private body.

The first issue to confirm is whether the request is procedurally correct. This will be facilitated by properly and fully completing the information required in the "Request for Access to a Record". If assistance is required, the information officer will render all reasonable assistance to a requester in complying with the procedures set out in the Act. He/she will also require that the requester is properly identified and that the applicable fee and, if applicable a deposit, has been paid. Only after these requirements have been satisfied will the thirty day period, within which the information officer is obliged to give the requester notice of his/her decision, begin to run.

The second issue to confirm is whether the requester has evidenced, in the request, that he/she requires the record to exercise or protect a right. If the information officer is satisfied that the information provided by the requester supports this requirement the third enquiry will be conducted.

The third issue to confirm is whether the information officer must or may refuse the request on the basis of a "Ground for Refusal" set out in the Act. In certain instances this decision is mandatory and in others it is discretionary.

Once the information officer has made his/her decision he/she must inform the requester of the decision and, if the request if refused, provide reasons for the refusal.

If the requester is aggrieved by either the fees charged for access to a record, the form in which access is provided to a record, or by a refusal to grant access to a record, the requester is entitled to apply to court for appropriate relief, within thirty days of receiving notice of the decision.

Just Dynamics Software Solutions (Pty) Ltd endorses the object of the Act, which is to give effect to the constitutional right of access to information, subject to justifiable limitations. The manual is intended to assist requesters in exercising this right.

INFORMATION REQUIRED UNDER SECTION 51(1)(a)

Information Officer of Just Dynamics Software Solutions (Pty) Ltd: Jeffrey Mann
Postal Address: 15e Riley Road, Riley Road Office Park, Bedfordview, Germiston, 2008
Street Address: 15e Riley Road, Riley Road Office Park, CIB Building 2, First Floor, Bedfordview, Germiston
Tel. No.: +27 11 421-4800
Fax. No.: Not applicable
e-Mail address: paia@just-dynamics.co.za

DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled in terms of section 10 of the Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by the Act. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at –

- Street Address: 33 Hoofd Street, Braampark Forum 3, Braamfontein, 2198
- Website: www.sahrc.org.za

VOLUNTARY DISCLOSURE

In terms of section 52(1), Just Dynamics Software Solutions (Pty) Ltd may make certain categories of records automatically available without the requester having to request access in terms of the Act. These would include –

- Reports
- Other literature intended for public viewing
- Public customer information

If the requester believes that any other statutory instrument allows access to a record this should be referred to the information officer who will within a reasonable period (not being more than 10 days) consider a request in the light thereof.

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

Records available in terms of other legislation are as follows –

- Basic Conditions of Employment No. 75 of 1997
- Bills of Exchange Act No. 34 of 1964
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Consumer Protection Act No. 68 of 2008
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Currency and Exchanges Act No. 9 of 1933
- Customs and Excise Act No. 91 of 1964
- Employment Equity Act No. 55 of 1998
- Electronic Communications Act No. 36 of 2005
- Electronic Communications and Transactions Act No. 25 of 2002
- Finance Act No. 35 of 2000
- Financial Intelligence Centre Act No. 38 of 2001
- General Pensions Act No. 29 of 1979
- Harmful Business Practices Act No. 23 of 1999
- Import and Export Control Act No. 45 of 1963
- Income Tax Act No. 95 of 1967
- Insider Trading Act No. 135 of 1998
- Insolvency Act No. 24 of 1936
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- Long Term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- Municipal Finance Management Act No. 56 of 2003
- National Building Regulations and Building Standards Act No. 103 of 1977
- National Credit Act No. 34 of 2005
- National Environmental Management: Waste Act No. 59 of 2008
- Occupational Health & Safety Act No. 85 of 1993
- Patents Act No. 57 of 1978
- Pension Funds Act No. 24 of 1956
- Post Office Act No. 44 of 1958
- Price Control Amendment Act, No. 80 of 1967
- Prescribed Rate of Interest Act No. 55 of 1975
- Prevention and Combating of Corrupt Activities Act No. 12 of 2004
- Promotion of Access to Information Act No. 2 of 2000
- Protected Disclosures Act No. 26 of 2000
- Protection of Businesses Act No. 99 of 1978
- Public Finance Management Act No. 1 of 1999

- Regional Services Councils Act No. 109 of 1985
- Regulation of Interception of Communications and Provision of Communication Related Information Act No. 70 of 2002
- SA Reserve Bank Act No. 90 of 1989
- Second Hand Goods Act No. 23 of 1955
- Sale and Services Matters Act No. 25 of 1964
- Securities Services Act No. 36 of 2004
- Securities Transfer Tax Act No. 25 of 2007
- Securities Transfer Tax Administration Act No. 26 of 2007
- Short Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchange Control Act No. 1 of 1985
- Tax on Retirement Funds Act No. 38 of 1996
- Trade Practices Act No. 76 of 1976
- Trade Marks Act No. 194 of 1993
- Uncertificated Securities Tax Act No. 31 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

SUBJECTS AND CATEGORIES OF RECORDS HELD: SECTION 51(1)(e)

1. Companies Act Records

- Documents of incorporation
- Memorandum and Articles of Association
- Memorandum of Incorporation
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers
- Share Register and other statutory registers

2. Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

3. Income Tax Records

- SITE
- PAYE
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- VAT
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

4. Personnel Documents And Records

- Employment contracts
- Employment Equity Plan
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

5. Intellectual Property

- Trademarks
- Copyright
- Licenses

6. Marketing And Sales

- Market information
- Public customer information
- Product brochures
- Owner manuals
- Product sales records
- Marketing strategies
- Customer database

7. Immovable And Moveable Property

- Agreements for leased property by the Companies
- Leases in respect of vehicles
- Office equipment leases

8. Insurance

- Insurance policies

9. Software

- Software licenses
- Software agreements
- Software library

DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS: SECTION 51(e)

- The requester must complete Annexure A and submit this form together with a request fee, to the information officer of the private body.
- The form must be submitted to the information officer of the private body at his/her address, fax number, or electronic mail address
- The form must: provide sufficient particulars to enable the information officer of the private body to identify the record/s requested and to identify the requester, indicate which form of access is required, specify a postal address or fax number of the requester in the Republic, identify the right that 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, if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner, if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer of the private body.

THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

PRESCRIBED FEES IN TERMS OF SECTION 54(1)

In terms of section 54(1) of the Act the head of a private body (or by implication its information officer) is not obliged to process the request until the prescribed request fee (currently R50.00) has been paid. Unless and until the fee or any deposit that the requester is required to pay in terms of the Act, and all other procedural requirements have been complied with the thirty day period allowed for the information officer to consider, the request shall not commence.

A schedule of the prescribed fees may be obtained by viewing regulation R187 on the South African Human Rights Commission's website at www.sahrc.org.za. As at the date of publication of this manual, the fees are as set out in Annexure B.

COPIES OF THIS MANUAL

Copies of this manual are obtainable in hardcopy from the premises of Just Dynamics Software Solutions (Pty) Ltd, and in electronic format by return email addressed to paia@just-dynamics.co.za. The following reference must be inserted in the subject line of the email "Request for Manual".

This manual will be published as required by the Act.

ANNEXURE A

SECTION 53(1) OF THE ACT

FORM FOR APPLICATION OF INFORMATION REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

A. Particulars of Private Body

Just Dynamics Software Solutions (Pty) Ltd Information Officer

Attention: Jeffrey Mann

Postal Address: 15e Riley Road, Riley Road Office Park, Bedfordview, Germiston, 2008

Street Address: 15e Riley Road, Riley Road Office Park, CIB Building 2, First Floor, Bedfordview, Germiston

Tel. No.: +27 11 421-4800

Fax. No.: Not applicable

Email address: paia@just-dynamics.co.za

B. Particulars of Person requesting access to the Record

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

b) The address and contact number in the Republic of South Africa to which the information is to be send must be given.

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

Full Name and Surname (if natural person): _____

Full Name of Entity (if juristic person): _____

Identity Number (if natural person): _____

Registration Number (if juristic person): _____

Postal Address: _____

Contact Number: (landline) _____ (cell phone) _____

Email 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. If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the information officer of the private body.

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 piece of paper and attach it to this form. **The requester must sign all the additional pages.**

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 from reading, viewing or listening 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: _____
_____	_____

Mark the appropriate box with an **X**

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 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 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 * ☐ (compact disc)

* 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 piece of paper and attach it to this form. **The requester must sign all the additional pages.**

Indicate which right is to be exercised or protected: _____

_____

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 _____ 20__

_____

Signature of Requester / Person on whose behalf Request is made

ANNEXURE B

FEES

All prices listed below are exclusive of value added tax as set out in the Value Added Tax Act, No. 89 of 1991.

SECTION 54(7) OF THE ACT

The request fee payable by a requester, other than a personal requester (i.e. a person seeking access to records that contain their personal information), is R50.00.

The fee for a copy of the manual is R1.10 for every photocopy of an A4-size page or part thereof.

The actual postage is payable when a copy of a record must be posted to a requester.

For the purposes of section 54(2) of the Act –

- 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 requester.

The access fees are –

• For every photocopy of an A4-size page or part thereof	R 1.10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
• For a copy in a computer-readable form on compact disc	R70.00
• For a transcription of visual images, for an A4-size page or part thereof	R40.00
• For a copy of visual images	R60.00
• For a transcription of an audio record, for an A4-size page or part thereof	R20.00
• For a copy of an audio record	R30.00
• To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation	R30.00

The fees for reproduction are –

• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R 0.75
• For a copy in a computer-readable form on compact disc	R70.00
• For a transcription of visual images, for an A4-size page or part thereof	R40.00
• For a copy of visual images	R60.00
• For a transcription of an audio record, for an A4-size page or part thereof	R20.00
• For a copy of an audio record	R30.00