



PEAK CHILD EDUCATION (PTY) LTD POPIA AND PAIA MANUAL

Registration number 2016/069358/07

in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000
as amended ("PAIA")

and

Section 55 of the Protection of Personal Information Act No. 4 of 2013 as amended
("POPI Act")

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1. SCOPE

The purpose of this document is to serve as the Manual for Peak Child Education (Pty) Ltd (“Peak Child”) as required in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 (“PAIA”) in order to promote the right of access to information, giving effect to the constitutional right in terms of section 32 of the Constitution of the Republic of South Africa Act 108 of 1996 (“the Constitution”).

Peak Child Education (Pty) Ltd provides quality, affordable, early learning in a high-care environment close to parents’ and caregivers’ places of work.

Section 9 of PAIA limits the right to access information. Justifiable limitations include commercial confidentiality, good governance and the protection of personal information as prescribed by the Protection of Personal Information Act 4 of 2013 (“POPIA”).

This Manual sets out the responsibilities of the Peak Child-appointed Information Officer who will take up the duties mandated in PAIA and POPIA, to ensure compliance with PAIA and POPIA.

This Manual provides a reference to the records held by Peak Child and the procedures that need to be followed to request access to such records.

Peak Child respects the privacy of personal information. For reference, see the Privacy Policy of Peak Child.

2. CONTACT DETAILS OF PEAK CHILD EDUCATION (PTY) LTD in terms of Section 51(1)(a)

The Directors of Peak Child via a resolution of the Board have authorised the contact person below to ensure that the Act is complied with:

Contact person:	Terence Berry
Designation:	Director
Physical Address:	222 Main Road, Claremont, Cape Town
Postal Address:	222 Main Road, Claremont, Cape Town
Telephone:	+27 21 671 7046
Email address:	info@peakchild.co.za
Website address:	www.peakchild.co.za

3. PAIA: SECTION 51(1)(b)

PAIA 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.

For purposes of PAIA, Peak Child is a private body.

Requests in terms of PAIA should be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in this Manual.

Section 23 of POPIA (read with sections 18 and 53 of PAIA), grants a data subject (a customer, employee or third party) a right to request confirmation of records containing their personal information being held by Peak Child, which confirmation shall be provided free of charge.

The requester can subsequently request a copy of the record or a description of the personal information contained within the record, subject to the fees prescribed by PAIA.

Requesters are referred to the Guide in terms of Section 10 of PAIA which has been compiled by the South African Human Rights Commission (“SAHRC”), which contains information for the purposes of exercising Constitutional Rights.

The Guide is available from the SAHRC or at their website at <http://www.sahrc.org.za/>

The contact details of the SAHRC are:

Physical Address: The South African Human Rights Commission

Braampark Forum 3

33 Hoofd Street

Braamfontein

Johannesburg

Postal Address: Private Bag X2700

Houghton

2041

Telephone: +27 11 877 3600

Website address: www.sahrc.org.za

4. APPLICABLE LEGISLATION: SECTION 51(1)(c)

Records are available in accordance with the following current South African legislation, any amendments of legislation and regulations which support the legislation, only to the extent that the relevant Act is applicable, and which therefore makes disclosure of records compulsory:

No. 75 of 1997 Basic Conditions of Employment Act

No. 53 of 2003 Broad-Based Black Economic Empowerment Act

No. 71 of 2008 Companies Act

No. 130 of 1993 Compensation for Occupational Injuries and Diseases Act

No. 89 of 1998 Competition Act

No 108 of 1996 Constitution of the Republic of South Africa

No. 68 of 2008 Consumer Protection Act

No. 55 of 1998 Employment Equity Act

No. 85 of 1993 Occupational Health and Safety Act

No. 4 of 2013 Protection of Personal Information Act

No. 2 of 2000 Promotion of Access to Information Act

No. 4 of 2002 Unemployment Insurance Contributions Act

5. SCHEDULE OF RECORDS AVAILABLE: SECTION 51(1)(d)

Records are subject to Peak Child's External and Internal Policies and will be access-controlled depending on the classification.

Peak Child has in its possession the following categories of records on the subject matters referred to hereunder and for which a request for access needs to be made in terms of PAIA or the POPI Act:

Category	Records
Accounting	<p>The Accounting staff members maintain financial and management accounts for the company and provide back-office activities that support cash management.</p> <p>Accounting records comprise the following main categories:</p> <ul style="list-style-type: none">• Accounting records• General correspondence• Internal reports and communications• Management reports• PAYE records• Tax records• Transactional records
Board	<p>The Board of Directors' records comprise the following main categories:</p> <ul style="list-style-type: none">• Administration records• Financial reports• Internal reports and communications• Statutory records

Company Secretary	<p>The contracted Company Secretary provides company secretarial services to Peak Child.</p> <p>Company Secretary records comprise the following main categories:</p> <ul style="list-style-type: none"> • Relevant contracts and agreements • General correspondence • Internal reports and communications • Minutes • Records relating to appointment of directors • Records of resolutions • Statutory records
Communication and Marketing	<p>The Business Development team provides communications and marketing services.</p> <p>Records exist in the following main categories:</p> <ul style="list-style-type: none"> • Advertising and promotional material • Corporate videos • Emailers • Updates to parents • Updates to staff
Human Resources	<p>The Human Resources function's primary objective is to develop and implement a competitive human resource strategy that will support the company.</p> <p>Human Resource records comprise the following main categories:</p> <ul style="list-style-type: none"> • Relevant contracts • Disciplinary records • Employee records • Employee tax records (IRP 5's) • Employment Equity records • Employment Equity returns to the Department of Labour • General correspondence • General HR policies and procedures • Health and Safety records • Labour Relations records • Leave records • Payroll reports • Salary records • Skills development levies • Standard Terms and Conditions of Employment applicable to all staff • Statutory records • Training records • UIF • Workmen's Compensation
Risk and Compliance	<p>The Risk and Compliance function provides the company with assurance that risks and compliance issues are being appropriately managed.</p> <p>Risk and compliance records comprise the following main categories:</p> <ul style="list-style-type: none"> • General administration records • General correspondence • Risk Management records • Compliance related records

	<ul style="list-style-type: none"> • Insurance records
ICT	<p>The ICT team is responsible for developing, supporting and providing assurance on the implementation of ICT policies, procedures, standards and best practice in the company.</p> <p>ICT records comprise the following main categories:</p> <ul style="list-style-type: none"> • Disaster recovery plan • General correspondence • Contracts and agreements • Software licensing agreements
Legal	<p>When necessary, legal advisors help with all material corporate legal matters.</p> <p>Legal records comprise the following main categories:</p> <ul style="list-style-type: none"> • Copies of agreements • General correspondence • Intellectual property rights records • Statutory records

A person (customer, employee or third party) has the right to request access in terms of section 23 of POPIA:

Category	Records
Personal information	<p>Any recorded piece of information relevant to a data subject, including but not limited to the following, which can be in either hard copy or electronic format:</p> <ul style="list-style-type: none"> • race, gender, sex, pregnancy, marital status, nationality, ethnicity, or social origin; colour; sexual orientation; age; physical or mental health and well-being • belief, religion, conscience, culture, language and birth, education, medical information, financial information, criminal or employment history • an identifying number or symbol • disability, personal opinions, blood type, biometric information • views or preferences of a person, correspondence of private or confidential nature, views, or opinions of another person • name of a person if it appears with other personal information • consumer or purchasing pattern • e-mail address and physical address, location information or online identifier and telephone number and mobile number
Special personal information	<p>A special category of personal information is religious or philosophical beliefs, race or ethnic origin, trade union membership, political opinions, health, sex life, criminal behaviour and biometric information. Where personal information is referenced, it will automatically include special personal information unless otherwise indicated.</p>

6. FORM OF REQUEST: PAIA SECTION 18 AND 53 (1) (ALSO APPLICABLE TO POPI ACT SECTION 23)

To help us process your request, kindly:

- Use the prescribed form (Form C – when a request is made to a private body or business), available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za
- Address your request to the Information Officer.
- Provide sufficient details to enable Peak Child to identify:
 - The record(s) requested;
 - The requester (and if an agent is lodging the request, proof of capacity);
 - The form of access required:
 - The postal address, email address or fax number of the requester in the Republic;
 - If the requester wishes to be informed of the decision in any manner (in addition to written) and the manner and particulars thereof;
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Any request for access to records should be submitted on the prescribed form C (a copy of which is included below) which should be sent to Peak Child's Information Officer whose name and address details appear above.

7. PRESCRIBED FEES AND PROCEDURE: SECTION 54

The following applies to requests:

- A requester 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 should be paid (of not more than one-third of the access fee which would be payable if the request were granted).
- A requester 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.
- The fee structure is available on the website of the South African Human Rights Commission (SAHRC) at www.sahrc.org.za.

Please note that the correct completion and submission of a Request for Access form does not automatically entitle or allow the requester access to the requested record.

An application for access to a record is subject to certain limitations if the requested record falls within a category as specified in section 23 (4)(a) of the POPIA read with Part 3 Chapter 4 of PAIA.

Please further note that if it is reasonably suspected that a requester has obtained access to a record based on the submission of materially incorrect, false or misleading information, legal proceedings may be instituted against such requester.

If a request for access is successful, an access fee will be payable for the search, reproduction and/or preparation of records and which will be calculated based on the fee prescribed under PAIA, an extract of the details of which is attached at the end of this Manual.

7.1. COMPLETION OF REQUEST FOR ACCESS FORM

All requesters should take note of the following guidelines when completing the attached Request for Access to Record of a Private Body (refer to Annexure: Form C):

- The form must be completed by filling in all lines and spaces.
- Proof of identity, in the form of a copy of the requester's identity document, is required to be submitted with the application.
- If the requester is a body corporate, the authority of the person submitting the application on behalf of such body corporate must be proven on the basis of a written authority to be attached.
- Type or print in a clear eligible manner. If a question does not apply, indicate so by inserting N/A in response to that question, and if there is nothing to disclose in response to a particular question write NIL in response.
- If there is insufficient space in the form, add additional pages on which the additional information is provided, clearly indicating to which question this relates.

Requests for information will be evaluated and the requester will be notified within 30 days after receipt of the request in the prescribed format.

7.2. NOTIFICATION OF EXTENSION PERIOD (IF REQUIRED)

Requesters must take note that in terms of PAIA, the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension).

7.3. THE ACCESS FEES AND/OR DEPOSIT

The requester will be informed of the access fee or deposit (if any) which is payable for having access to the records and for the search, reproduction and/or preparation work involved, the account details, and the methods in which payment may be made. In addition, a deposit may be requested which is fully refundable if the application is ultimately refused.

7.4. DECISION ON REQUEST

The requester will be informed whether or not the application for access has been denied, or granted. In the event that the application is refused, the requester will be given adequate reasons for the refusal and will be informed that the requester may lodge an application with a Court (if a PAIA request) or the Information Regulator (if a POPIA request) against the refusal of the application, as well as the procedure (including the period) for lodging such application.

7.5. GROUNDS FOR REFUSAL

Peak Child may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Peak Child may refuse include:

- Protecting personal information that Peak Child holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure
- Protecting commercial information that Peak Child holds about a third party or Peak Child (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of Peak Child or the third party)
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement
- If disclosure of the record would endanger the life or physical safety of an individual
- If disclosure of the record would prejudice or impair the security of property or means of transport
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme
- If disclosure of the record would prejudice or impair the protection of the safety of the public
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Peak Child

- Disclosure of the record would put Peak Child at a disadvantage in contractual or other negotiations or prejudice it in commercial competition
- The record is a computer programme which is owned by Peak Child and protected by Copyright law
- The record contains information about research being carried out or about to be carried out on behalf of a third party of Peak Child and/or
- Information not yet in the public domain.

7.6. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If Peak Child has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

8. THIRD PARTY INFORMATION

If access is requested to a record that contains information about a third party, Peak Child is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third-party furnishing reasons for the support or denial of access, the Peak Child Information Officer will consider these reasons in determining whether access should be granted, or not.

Annexure A:

PAIA Form C: Request for access to record of private body



J/11

REPUBLIC OF SOUTH AFRICA

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 50(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 10]

A. Particulars of private body

The Head:

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/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Postal address:

Telephone number: (.....) Fax 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

- (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 record or relevant part of the record:

.....
.....
.....
.....

2. Reference number, if available:

.....
.....
.....
.....

3. 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 below, 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 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 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* (floppy or 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 folio and attach it to this form. The requester 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 aforementioned right:

.....

.....

.....

II. 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 year

.....
SIGNATURE OF REQUESTER /
PERSON ON WHOSE BEHALF REQUEST IS MADE

Annexure B

POPIA Form 1: Objection to the processing of personal information

**FORM 1
OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF
SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO.
4 OF 2013)**

**REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018
[Regulation 2]**

Note:

1. Affidavits or other documentary evidence as applicable in support of the objection may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

A	DETAILS OF DATA SUBJECT
Name(s) and surname/ registered name of data subject:	
Unique Identifier/ Identity Number	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number / E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname/ Registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	REASONS FOR OBJECTION IN TERMS OF SECTION 11(1)(d) to (f) (Please provide detailed reasons for the objection)

Signed at this day of 20.....

.....
Signature of data subject/designated person

Annexure C

POPIA Form 2: Request for correction or deletion of personal information

FORM 2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2018 [Regulation 3]

Note:

1. Affidavits or other documentary evidence as applicable in support of the request may be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.
3. Complete as is applicable.

Mark the appropriate box with an "x".

Request for:

- Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.
- Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A	DETAILS OF THE DATA SUBJECT
Name(s) and surname / registered name of data subject:	
Unique identifier/ Identity Number:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/E-mail address:	
B	DETAILS OF RESPONSIBLE PARTY
Name(s) and surname / registered name of responsible party:	
Residential, postal or business address:	
	Code ()
Contact number(s):	
Fax number/ E-mail address:	
C	INFORMATION TO BE CORRECTED/DELETED/ DESTROYED/ DESTROYED
D	REASONS FOR "CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(a) WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY ; and/or REASONS FOR "DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT IN TERMS OF SECTION 24(1)(b) WHICH THE RESPONSIBLE PARTY IS NO LONGER AUTHORISED TO RETAIN. (Please provide detailed reasons for the request)

Signed at this day of 20.....

.....
Signature of data subject/ designated person