

**PRIVATE BODY MANUAL OF BOARDSERV PROPRIETARY LIMITED (“BOARDSERV”)  
PREPARED IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000  
("PAIA")**

**1. CONTACT DETAILS**

Address: Unit 9, The Sheds @ Waterfall, 1 Country Estate Drive, Waterfall, 1682

E-mail: roxanne@boardserv.co.za

**2. OVERVIEW AND OBJECTIVES OF THE MANUAL**

- 2.1 PAIA gives effect to section 32 of the Constitution, which provides that everyone has the right to access information held by the State, as well as information held by another person (or private body) when such privately held information is required for the exercise and protection of rights.
- 2.2 More broadly, PAIA aims to underline the importance of access to information in a democratic society by fostering a culture of transparency and accountability. PAIA does this by requiring public (government) and private (non-government) bodies to create both a manual describing the type of records they hold, and procedures for others to access that information.
- 2.3 PAIA also sets limits on the types of information that can be accessed.
- 2.4 This manual is compiled in accordance with Section 14 of PAIA and offers an outline of information held by Boardserv, which is accessible to the public.

**3. INTRODUCTION TO BOARDSERV**

Boardserv provides company secretarial and corporate legal advisory services.

**4. INFORMATION OFFICER**

- 4.1 Roxanne Bain is in terms of PAIA and the Protection of Personal Information Act, 4 of 2013 ("POPIA"), Boardserv's information officer ("**Information Officer**").

- 4.2 The Information Officer can be contacted at:

E-mail: roxanne@boardserv.co.za

**5. SECTION 10 GUIDE**

- 5.1 In terms of section 10 of PAIA as amended by POPIA, the South African Human Rights Commission ("**SAHRC**") has published a guide containing information relating to:
- 5.1.1 obtaining access to a record of a private body and the assistance that is available from the SAHRC and as of 1 July 2021, the Information Regulator;
- 5.1.2 lodging a court application against a decision by the head of a private body;
- 5.1.3 the fees that are payable for accessing a record; and
- 5.1.4 the voluntary disclosure of information by private bodies.
- 5.2 The contact details of the South African Human Rights Commission are as follows:
- PAIA Unit
- The Research and Documentation Department
- Postal Address: Private Bag 2700, Houghton, 2041
- Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582  
Website: www.sahrc.org.za  
E-mail: paia@sahrc.org.za

- 5.3 Effective 1 July 2021, the guide, as updated by the Information Regulator, will be available at the offices of the Information Regulator and on its website as prescribed by Section 10 of PAIA, and in accordance with POPIA. Please direct any queries regarding the guide to:

Information Regulator

The Research and Documentation Department

Postal Address: P.O. Box 31533, Braamfontein, Johannesburg, 2017

Telephone: +27 10 023 5200

Website: justice.gov.za

E-mail (complaints): complaints.IR@justice.gov.za

E-mail (general enquiries): [infoereg@justice.gov.za](mailto:infoereg@justice.gov.za)

## **6. RECORDS THAT ARE AVAILABLE IN TERMS OF OTHER LEGISLATION**

- 6.1 Where applicable and insofar as the requester complies with the requirements set out in PAIA and this manual, the requester may request information which is available in terms of the following legislation, as amended:

- 6.1.1 Basic Conditions of Employment Act 75 of 1997
- 6.1.2 Broad Based Black Economic Empowerment Act 53 of 2003
- 6.1.3 Companies Act 61 of 1973, 71 of 2008
- 6.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 6.1.5 Competition Act 89 of 1998
- 6.1.6 Copyright Act 98 of 1978
- 6.1.7 Electronic Communications and Transactions Act 25 of 2002
- 6.1.8 Employment Equity Act 55 of 1998
- 6.1.9 Financial Markets Act 12 of 2012
- 6.1.10 Income Tax Act 58 of 1962
- 6.1.11 Labour Relations Act 66 of 1995
- 6.1.12 Occupational Health and Safety Act 85 of 1993
- 6.1.13 Pension Funds Act 24 of 1956
- 6.1.14 Protection of Personal Information Act 4 of 2013
- 6.1.15 Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
- 6.1.16 SA Securities Act 36 of 2004
- 6.1.17 Skills Development Act 97 of 1998
- 6.1.18 Skills Development Levies Act 9 of 1999
- 6.1.19 Trade Marks Act No 194 of 1993

- 6.1.20 Unemployment Insurance Act 63 of 2001
- 6.1.21 Unemployment Insurance Contributions Act 4 of 2002
- 6.1.22 Value Added Tax Act 89 of 1991

**7. SUBJECTS AND CATEGORIES OF INFORMATION HELD**

This section of the manual sets out the subject and categories of records held by Boardserv. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records. The following information should be formally requested as set out in clause 8 below:

Statutory records	<ul style="list-style-type: none"> <li>• Company incorporation documents</li> <li>• Share register</li> <li>• Memorandum of Incorporation</li> <li>• Minutes of meetings of the board of directors</li> <li>• Records relating to the appointment of directors, auditors, and other officers</li> </ul>
Income tax	<ul style="list-style-type: none"> <li>• Pay-as-you-earn (PAYE) records</li> <li>• Documents issued to employees for income tax purposes</li> <li>• Records of payments made to South African Revenue Services on behalf of employees</li> <li>• All or any statutory compliance</li> <li>• Unemployment Insurance Fund</li> </ul>
Labour relations records	<ul style="list-style-type: none"> <li>• Personnel documents and records</li> <li>• Salary records</li> <li>• Leave records</li> <li>• Address lists</li> <li>• Internal telephone lists</li> </ul>
Finance	<ul style="list-style-type: none"> <li>• Receipts and payments</li> <li>• Bank statements</li> <li>• A list of the company's debtors and creditors</li> <li>• Invoices</li> <li>• Salaries</li> <li>• Minutes of meetings</li> <li>• Correspondence</li> </ul>
Risk and compliance	<ul style="list-style-type: none"> <li>• Contracts</li> <li>• Compliance records</li> </ul>
Others	<ul style="list-style-type: none"> <li>• IT: usage, statistics and equipment details</li> <li>• Supplier lists</li> <li>• Secretarial records</li> </ul>

**8. THE REQUEST PROCEDURE**

8.1 Forms and fees

- 8.1.1 A request for information must be made in the prescribed form, a copy of which is annexed hereto as Appendix 1, must be addressed to the head of Boardserv and must be submitted with the prescribed fee (if any).

- 8.1.2 The prescribed request form and details regarding the prescribed fees are available from the Boardserv Information Officer, the Information Regulator's website and from the South African Human Commission's offices and website, whose contact details are set out above.
- 8.2 Form of request
- 8.2.1 The requester must use the prescribed form to make the request for access to a record. This must be made to the head of Boardserv. This request must be made to the address or electronic mail address of Boardserv.
- 8.2.2 The requester must provide sufficient detail on the request form to enable the head of Boardserv to identify the record and the requester. The requester should also indicate which form of access is required. The requester should indicate if it requires notice of the decision of the head of the private body in any manner, other than in writing.
- 8.2.3 The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 8.2.4 If a 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 satisfaction of the head of the private body.

8.3 Fees

- 8.3.1 A requester who seeks access to a record containing personal information must pay the required request fee, if any.
- 8.3.2 The head of Boardserv must by notice, require the requester to pay the prescribed fee, if any, before further processing the request.
- 8.3.3 The requester may lodge an application to the high court relating to the payment of the request fee.
- 8.3.4 After the head of Boardserv has made a decision on the request, the requester must be notified in the required form.
- 8.3.5 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time, in excess of the prescribed hours, required to search and prepare for the record disclosure.
- 8.3.6 The prescribed fees are available from the head of Boardserv and from the SAHRC (if the request is before 1 July 2021) or the Information Regulator (if the request is after 1 July 2021), whose contact details are set out above.

**9. PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013**

We process personal information that is necessary to enable us to provide our various services. Below are the various categories of personal information we collect and who we share personal information with.

Subject	Category
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Data subject categories and their personal information	<ul style="list-style-type: none"> <li>• Customers: records of customer life cycle</li> <li>• Employees: record of employee life cycle</li> <li>• General public: general enquiries and viewing the company website; name, e- mail address</li> <li>• Service providers: record of service provider life cycle</li> </ul>
Recipients of personal information	<ul style="list-style-type: none"> <li>• Law enforcement</li> <li>• Regulators</li> <li>• Operators (service providers)</li> <li>• Statutory authorities</li> </ul>
Security measures to protect personal information	<p>We use reasonable security methods to protect data that is provided to us and resides on our servers. Our security measures include:</p> <ul style="list-style-type: none"> <li>• Physical security measures</li> <li>• Access control measures</li> <li>• Internal security measures</li> <li>• Cyber security measures</li> <li>• Anti-virus measures</li> <li>• Installing security firewalls</li> <li>• Password control</li> </ul>

For more information on how we process personal information, please see our privacy policy available on our website.

**10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AS STIPULATED IN SECTION 63 TO 69 OF PAIA AND POPIA:**

- 10.1 Boardserv may deny access to certain records on the basis of the grounds set out in PAIA. These include:
- 10.1.1 mandatory protection of the privacy of a third party who is a natural person, including a deceased individual;
  - 10.1.2 mandatory protection of commercial information of a third party;
  - 10.1.3 mandatory protection of certain confidential information, special personal information and confidential information of a third party;
  - 10.1.4 mandatory protection of the safety of individuals and protection of property;
  - 10.1.5 mandatory protection of records privileged from production in legal proceedings;
  - 10.1.6 the commercial information and activities of Boardserv;
  - 10.1.7 mandatory protection of research information of a third party; or

- 10.1.8 any other ground legally available on which to refuse access to the information requested.
- 10.2 Boardserv may deny access to commercial information if the record:
- 10.2.1 contains trade secrets of a third party;
- 10.2.2 contains financial, commercial, scientific or technical information, the disclosure of which would be likely to harm the commercial or financial interests of a third party's company; or
- 10.2.3 contains information, the disclosure of which would reasonably be expected to put a third party's company at a disadvantage in contractual or other negotiations, or to prejudice the company in commercial competition.
- 10.3 Boardserv must refuse a request for access to a record if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.
- 10.4 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.

## **11. AVAILABILITY OF THE MANUAL**

- 11.1 This manual is available for inspection at Boardserv's physical address as stated above and website, available at: [www.boardserv.co.za](http://www.boardserv.co.za), free of charge.
- 11.2 The request forms and fee structure can be obtained via the Information Regulator's website and the South African Human Rights Commission's website, details of which are set out above. Request forms are also available on the Department of Justice and Constitutional Development's website which website can be accessed using the universal resource locator: [www.doj.gov.za](http://www.doj.gov.za).

**APPENDIX 1**

**FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**





**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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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:

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**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 <b>X</b> .	
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.	

<b>1. If the record is in written or printed form:</b>					
	copy of record*		inspection of record		
<b>2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</b>					
	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy 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
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**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. <b>The requester must sign all the additional folios.</b>
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1. Indicate which right is to be exercised or protected:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

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**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 .....year .....

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