

Manual for: Arco360 (Pty) Ltd

2007/031720/07

Prepared in terms of the requirements of Section 10 of the PROMOTION OF ACCESS TO INFORMATION ACT

No. 2 of 2000

(hereinafter referred to as the "Act")

1. Introduction

The Promotion of Access to Information Act gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

Specifically, section 51(1) of the Act provides that within six months after the commencement of this section (now the 31st December 2015) or within six months after coming into existence of the private body concerned, the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership, which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust). Arco360 (Pty) Ltd falls within the definition of a "private body" and this Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance. Accordingly, this manual provides a reference to the records held by Arco360 (Pty) Ltd and the process that needs to be adopted to access such records.

All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business named in section 2 of this Manual.

2. Business and Contact Details

Name of Business: Arco360 (Pty) Ltd
Head of Business/Information Officer: Mrs Genevieve McNeill
Position: Director
Postal Address: PO Box 6062, Kirtlington Park, KwaZulu-Natal, 3626
Physical Address: 62 Kirtlington Park, 56 Inanda Road, Hillcrest, KwaZulu-Natal, 3626
Phone Number: 0828964501
Email Address: gen@arco360.co.za
Website: www.arco360.co.za

3. Manual and guidelines

Section 10 of the Act provides that the South African Human Rights Commission must compile simple and easily comprehensible guidelines on how to use the Promotion of Access to Information Act. This Guide can be found at the following URL: <http://www.sahrc.org.za>

Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein. Telephone 011 877 3750 or Fax 011 403 0668.

The Guide is also available at all offices and on the website of the South African Human Rights Commission, www.sahrc.org.za.

4. Records available in terms of any other legislation (list is not exhaustive)

Basic Conditions of Employment Act No. 75 of 1997
Collective Investments Schemes Control Act No. 45 of 2002
Companies Act No. 71 of 2008
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Consumer Protection Act No. 68 of 2008
Employment Equity Act No.55 of 1998
Financial Advisory and Intermediary Services Act No. 37 of 2002
Financial Intelligence Centre Act No. 38 of 2001
Financial Institutions (Protection of Funds) Act No. 28 of 2001
Financial Services Board Act No. 97 of 1990
Financial Services Ombud Schemes Act No. 37 of 2004
Friendly Societies Act No. 25 of 1956
Income Tax Act No. 58 of 1962
Insurance Laws Amendment Act No. 27 of 2008
Labour Relations Act No. 66 of 1995
Medical Schemes Act No. 131 of 1998
Occupational Health and Safety Act No. 85 of 1993
Pension Funds Act No. 24 of 1956
Prevention of Organised Crime Act No. 121 of 1998
Protection of Constitutional Democracy against Terrorist and Related Activities Act No. 33 of 2004
Security Services Act No. 36 of 2004
Short Term Insurance Act No. 53 of 1998
Skills Development Act No.97 of 1998 Skills Development Levies Act No. 9 of 1999
Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No. 63 of 2001
Value Added Tax Act No. 89 of 1991

5. Records held by Arco 360 (Pty) Ltd as per section 51 (1) (e)

Companies Act 71 of 2008 Records

- Documents of Incorporation

- Memorandum of Incorporation
- Records relating to the appointment of directors/auditors/secretary/public officer and other officers.
- Share Register and other Statutory Registers.
 - Shareholders Agreement
 - Share Certificates
 - Minutes of Shareholder Meetings
 - Resolutions
- Authorised Financial Service Provider Records

Financial Records

- Annual Financial Statements
- Annual Tax Returns
- Accounting Records
- Bank Statements
- Invoices

Income Tax Records

- PAYE Records
- Documents issued to employees for Income Tax Purposes
- Records of payment made to SARS on behalf of employees
- VAT Records
- Skills Development Levies
- UIF
- Workman's Compensation

Personal Documents and Records

- Employment Contracts
- Disciplinary Records
- Salary Records
- Leave Records
- Training Records

Operations

- Compliance Manual – FAIS
- Compliance reports
- Contractual Agreements with providers
- Procedures Manual – FICA
- Register of premature cancellation of products
- Client Database/Register

Client Records

- Client Application Forms
- Client Supporting Documentation required by Provider

6. Records available in terms of Section 52(2) of the Act

The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2): Not applicable.

Some brochures, pamphlets and documents related to the business of the private body are available without cost.

7. Statutory Records

At present these include records (if any) held in terms of:

- Promotion of Access to Information Act No 2 of 2000
- Protection of Personal Information Act No 4 of 2013

8. Request to access information/records (Annexure A)

In order to request access to a record the requester must:

- Use the prescribed form to make the request for access to a record. Request forms are available from our offices or at www.arco360.co.za
- Address the request to the Head of Business named in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.
- Provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester.
- Indicate which form of access is required.
- Indicate what form of communication the Company should use to inform the requester and furnish the necessary particulars to ensure accurate and timeous communication.
- The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right
- 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 Head of Business/
- The prescribed request fee must be attached in relation to request for access to information.

Arco 360 (Pty) Ltd. (Arco 360) will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied.

Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

9. Denial of access

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);

- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put Arco360 (Pty) Ltd at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of Arco360 (Pty) Ltd
- Disclosures of any record containing information about research and development being carried out or about to be carried out by Arco360 (Pty) Ltd

If access to a record or any other relevant information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

10. Fees (Annexure B)

The applicable fees are prescribed in terms of the Regulations promulgated under the Act.

There are two basic types of fees payable in terms of the Act.

Request Fee

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

The non-refundable request fee of R 50 (excluding VAT) is payable on submission of any request for access to any record. If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Access Fee

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

11. Protection of personal Information

Arco 360's mission is to strive to maintain the highest level of care and diligence to ensure compliance with the Protection of Personal Information Act 4 of 2013. (PoPIA)

By acting as a custodian and collator of personal information, Arco 360 shall apply all applicable laws and legislation in a consistent manner to ensure that personal information be processed lawfully and in a reasonable manner; that does not infringe on the privacy of the data subject.

Arco 360 has published an Information Privacy and Protection Policy on the Company website www.arco360.co.za, which provides information on how the Company complies with the conditions of PoPIA. Any additional information may be requested as described in Section 12 herein.

Arco 360 is a paperless environment. The electronic retention of records practice is implemented and maintained in line with the business, industry, legal and statutory requirements.

In the event of a potential or actual data breach incident, Arco 360 shall record and investigate the root cause of the incident and report to the Information Regulator as required by PoPIA. Communication of a data breach shall be determined subsequent to the investigation findings and on advisement of the Information Regulator.

Arco 360 has appointed an Information Officer, an employee within the organisation, to encourage and ensure compliance, accountability and responsibility in terms of relevant legislation. See Section 2 herein.

12. Request for access to personal information

Section 22 of the Protection of Personal Information Act, states that a person to whom the personal information is related, may request a responsible party to confirm that they are holding personal information about the person (data subject) and may obtain a description of the information and details about who has had access to it.

Where such a request is received, the matter must be referred to the Information Officer who will ensure that the correct procedures are adopted.

Section 23 of the Protection of Personal Information Act, provides for a right to request correction of personal information held by a responsible party if it is inaccurate, incomplete, misleading, out of date, and obtained unlawfully, irrelevant or excessive. Where such a request is received, the matter must be referred to the Information Officer who will ensure that the correct procedures are adopted.

13. Manual Availability

This Manual is available at the offices of the South African Human Rights Commission. The Manual is also available at www.arco360.co.za

Copies may also be obtained from the Information Protection Officer of Arco360 (Pty) Ltd In respect of hard copies, any transmission costs or postage will be for the account of the requester.