

## PROMOTION OF ACCESS TO INFORMATION ACT

### SECTION 51 MANUAL

#### Introduction

This manual is published in terms of sections 14 and 51 of the Promotion of Access to Information Act, 2000 herein referred to as PAIA to address the requirements of the Protection of Personal Information Act, 2013 (herein referred to as PoPIA).

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

#### 1. V-Tech (Pty) Ltd Overview

The company supports the constitutional right of access to information, and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of the South African law.

#### 2. Availability of this manual

A copy of this manual is available on our website ([www.vtech.co.za](http://www.vtech.co.za)) or by sending a request for a copy to the Information Officer by email. The manual may also be obtained from the head office of the South African Human Rights Commission ("SAHRC"), which will contain information for the purposes of exercising Constitutional Rights.

#### The contact details of the Commission are:

##### PAIA Unit

29 Princess of Wales Terrace, c/o York and Andrew Streets, Parktown.

Private Bag 2700, Houghton 2041,

Tel: +27 11 877 3600.

email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

**IT 18-01 Promotion access to information Act policy, Version 01, Effective Date: 25 June 2021**

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### 3. How to request access to records held by V-Tech (Pty) Ltd

- 3.1. The requester must comply with all the procedural requirements contained in PAIA relating to the request for access to a record.
- 3.2. Requests for access to records held by V-Tech (Pty) Ltd must be made on the prescribed request form enclosed herewith or is available from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under “regulations”).
- 3.3. Payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer at the postal-, physical-, or electronic mail address as noted in clause 4 below.
- 3.4. The form must be filled in with sufficient information to enable the Information Officer to identify:
  - 3.4.1.the record or records requested; and
  - 3.4.2.the identity of the requester.
- 3.5. The requester should indicate which form of access is required and specify a postal- or email address of the requester in the Republic.
- 3.6. The requester must state that he/she requires the information to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must clearly specify why the record is necessary to exercise or protect such a right [section 53(2)(d)].
- 3.7. V-Tech will process the request within 30 (thirty) days, unless the requester has stated special reasons to the satisfaction of the Information Officer that circumstances dictate that the above time periods not be complied with.
- 3.8. The requester shall be advised in writing whether access is granted or denied. If, in addition, the requester requires the reason(s) for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.
- 3.9. If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer [section 53(2)(f)].
- 3.10. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally, proving their identity to the reasonable satisfaction of the Information Officer.
- 3.11. The requester must pay the prescribed fee (if applicable) before any further processing can take place.
- 3.12. All information as listed in clause 12 herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary and required information. The Information Officer may sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

Kindly note that all requests to V-Tech (Pty) Ltd will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by the company does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

#### 4. The information Officer [Section 51(1)(b)]

The company has opted to appoint an Information Officer to assess such a request for access to information as well as to oversee its required functions in terms of PAIA.

The Information Officer appointed in terms of PAIA also refers to the Information Officer as referred to in PoPIA. He oversees the functions and responsibilities as required for in terms of both this Acts as well as the duties and responsibilities in terms of section 55 of PoPIA.

The Information Officer may appoint, where it is deemed necessary, Deputy Information Officers, as allowed in terms of section 17 of PAIA as well as section 56 of PoPIA. This is to render the company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed in terms of section 55 of the PoPIA.

All request for information in terms of this Act must be addressed to the Information Officer.

##### 4.1. Contact details of the Information Officer of V-Tech (Pty) Ltd

Name and Surname	Johan Abraham Oosthuysen
Registered Address	Corner Douglas and Old Pretoria Road, Midrand, 1685, South Africa
email address	<a href="mailto:johan@v-tech.co.za">johan@v-tech.co.za</a>
Telephone number	+27 87 150 5925
website	<a href="http://www.vtech.co.za">www.vtech.co.za</a>

##### 4.2. Contact details of the V-Tech's Directors

Name and Surname	Johan Abraham Oosthuysen
Registered Address	Corner Douglas and Old Pretoria Road, Midrand, 1685, South Africa
email - address	<a href="mailto:johan@v-tech.co.za">johan@v-tech.co.za</a>
Telephone number	+27 87 150 5925
website	<a href="http://www.vtech.co.za">www.vtech.co.za</a>
Name and Surname	David Gerber
Registered Address	Corner Douglas and Old Pretoria Road, Midrand, 1685, South Africa
email - address	<a href="mailto:david@v-tech.co.za">david@v-tech.co.za</a>
Telephone number	+27 87 150 5925
website	<a href="http://www.vtech.co.za">www.vtech.co.za</a>

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## 5. Access to records held by V-Tech

### 5.1. Prerequisites for access by personal/Other Requester

5.1.1. Records held by V-TECH may be accessed by requests only once the prerequisite requirements for access have been met.

5.1.2. A requester is any person making a request for access to a record of V-TECH.

### 5.2. There are two types of requesters:

5.2.1. **Personal Requester** – a requester who is seeking access to a record containing personal information about the requester.

5.2.1.1. V-Tech will voluntarily provide the requested information or give access to any record regarding the requester's personal information. The prescribed fee for reproduction of the information requested may be charged.

5.2.2. **Other Requester** - requester (other than a personal requester) is entitled to request access to information regarding a third party.

5.2.2.1. In considering such a request, V-Tech will adhere to the provisions of PAIA.

5.2.2.2. Section 71 of PAIA requires that the V-Tech Information Officer take all reasonable steps to inform a third party, to whom the requested record relates, of the request, informing him/her that he/she may make a written or oral representation to the V-Tech Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

### 5.2.3. V-Tech is not obliged to grant access to such records.

5.2.3.1. The requester must fulfil the prerequisite requirements, in accordance with the requirements of PAIA and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

## 6. Voluntary disclosure

V-Tech (Pty) Ltd has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to the company and its services is freely available on V-Tech's website. Certain other information relating to V-Tech is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

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**7. Records available in terms of the following and any other legislation must be done in accordance with the prescriptions of PAIA.**

Companies Act 71 of 2008

Income Tax Act 58 of 1962

Value Added Tax Act 89 of 1991

Labour Relations Act 66 of 1995

Basic Conditions of Employment Act 75 of 1997

Employment Equity Act 55 of 1998

Skills Development Levies Act 9 of 1999

Unemployment Insurance Act 30 of 1966

Electronic Communications and Transactions Act 25 of 2002.

Telecommunications Act 103 of 1996

Electronic Communications Act 36 of 2005

ICASA Act 13 of 2000

Film and Publications Act 65 of 1996

Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002

Stock remedies Act 36 of 1947

Medicines and Substance Control Act 101 of 1965

Auditing Professions Act, No 26 of 2005

Broad- Based Black Economic Empowerment Act, No 75 of 1997

Business Act, No 71 of 1991

Compensation for Occupational Injuries & Diseases Act, 130 of 1993

Competition Act, No.71 of 2008

Constitution of the Republic of South Africa 2008

Copyright Act, No 98 of 1978

Customs & Excise Act, 91 of 1964

Financial Intelligence Centre Act, No 38 of 2001

Identification Act, No. 68 of 1997

Intellectual Property Laws Amendment Act, No 38 of 1997

Long Term Insurance Act, No 52 of 1998

Occupational Health & Safety Act, No 85 of 1993

Pension Funds Act, No 24 of 1956

Prescription Act, No 68 of 1969

Prevention of Organised Crime Act, No 121 of 1998

Promotion of Access to Information Act, No 2 of 2000

Protection of Personal Information Act, No. 4 of 2013

Revenue laws Second Amendment Act. No 61 of 2008

Short-term Insurance Act No. 53 of 1998

Trust Property Control Act 57 of 1988

Value Added Tax Act 89 of 1991

## 8. Subjects and categories of records available only on request to access in terms of PAIA [Section 51(1) (e)]

### 8.1. Records held by V-Tech (Pty) Ltd

V-Tech (Pty) Ltd maintains records on the following categories and subject matters. However, please note that recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

The following are records pertaining to V-Tech's own affairs and those of its divisions, subsidiary and associated companies:

Subject	Category
<b>Companies Act Records</b>	Documents of Incorporation Memorandum of Incorporation Records relating to the appointment of Directors
<b>Financial records</b>	Annual financial reports and statements Asset registers Bank statements, accounts and banking records
<b>Sales and Marketing records</b>	Customer details Credit application information Information and records provided by a third party Advertising and promotional material
<b>Operational/technical records</b>	Memorandum and articles of association Intellectual property Licences Product records Research and development records Product manufacturing & specification documents
<b>Human resources records</b>	Personnel records Internal correspondence Statutory records;
<b>Quality assurance records</b>	Audit reports Internal policies and procedures Risk management frameworks Risk management plans
<b>Safety, health, and the environment</b>	Complete safety, health and environment risk assessment Inquiries, inspections, examinations by environmental authorities
<b>Information technology records</b>	Information technology systems and software licensing

For the purposes of this clause 8.1, Personnel refers to any person who works for, or provides services to, or on behalf of V-Tech (Pty) Ltd and receives or is entitled to receive remuneration and any other person who assist in carrying out or conducting the business of the company. This includes, without limitation, members, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.

### **8.2 Personal information includes:**

- Any personal records provided to V-Tech (Pty) Ltd by their personnel;
- Any records a third party has provided to V-Tech (Pty) Ltd about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

### **8.3 Customer records**

Please be aware that V-Tech (Pty) Ltd is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to V-Tech (Pty) Ltd or a third party acting for or on behalf of V-Tech (Pty) Ltd
- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to V-TECH PTY LTD about customers;
- Confidential, privileged, contractual and quasi legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to V-Tech (Pty) Ltd either directly or indirectly; and
- Records generated by or within V-Tech (Pty) Ltd pertaining to customers, including transactional records.

## 8.4 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to V-Tech (Pty) Ltd. The following records fall under this category:

- Personnel, customer, or V-Tech (Pty) Ltd records which are held by another party as opposed to being held by V-Tech (Pty) Ltd; and
- Records held by V-Tech (Pty) Ltd pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

## 8.5 Other Records

Further records are held including: - Information relating to V-Tech (Pty) Ltd.'s own commercial activities; and Research carried out on behalf of a client by V-Tech (Pty) Ltd or commissioned from a third party for a customer;

Research information belonging to V-Tech (Pty) Ltd, whether carried out itself or commissioned from a third party.

## 9 Note

The accessibility of the records may be subject to grounds of refusal as set out in this PAIA manual. Amongst other, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before V-Tech will consider access.

## 10 Records available without a request to access in terms of PAIA

10.1 Records of a public nature, typically those disclosed on the V-Tech website and in its various annual reports, may be accessed without the need to submit a formal application.

10.2 Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records will still have to be made with the Information Officer.

## 11 Availability and updating of the PAIA manual

This PAIA manual is made available in terms of Regulation Number R.187 of 15 February 2002. V-Tech will update it at such intervals as may be deemed necessary. This PAIA manual of V-Tech is available to view at its premises and on its website.