

TEBA (PTY) Limited

Promotion of Access to Information Act (PAIA) Manual



An approved copy of this manual will be available on TEBA's website, and at TEBA's registered head office, whose address is set out further below.

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Introduction and Purpose

The Promotion of Access to Information Act of 2000 (PAIA) requires the Information Officer of TEBA, a private body, to compile a manual that contains information on the records TEBA holds. We describe who we are and what we do on our website. This manual exists to tell you what information we have and help you get access to it, where appropriate.

In requesting any information from TEBA, a requester needs to prove that the record is required for the exercise or protection of a right.

Scope

The scope of this manual will be limited to highlighting the records held by TEBA and how and whether you can get access to them. For a more detailed description of how we process any personal information in those records, please see our Privacy Policy, which is located on our website.

Company Overview

TEBA is primarily a labour recruitment and management service provider which also offers several additional services to clients; these include human resources services, social services and financial services, rendered pre-employment, during employment and post-employment.

Availability

- This manual is available for inspection at the offices of TEBA, free of charge.
- Copies of the manual may be obtained, subject to the prescribed fees, at the offices of TEBA.
- The manual can also be accessed on the portal available on the website of the Information Regulator (<https://inforegulator.org.za/>) and on TEBA's website (www.teba.co.za). Please note that the most up-to-date version of the manual will always be more likely the one on the TEBA website.

Abbreviations and Acronyms

Abbreviation / Acronym	Description
AFISwitch	Risk management service assisting in automated criminal record checks.
AOS	Agreements of Service
MIE	Risk management service that verifies qualifications, credit records, criminal records, driver's licences and CV claims.
XDS	(E)xpert Decision Systems. Risk management service assisting in pre-vetting and screening, Credit reports, Analytics and model building, Biometric, Fraud protection, and Authentication.

Administration of PAIA

1. Company details

Company Registration:	TEBA (PTY) Limited Registration Number 1902/001680/07
Contact Person:	Jaawed Salejee

Postal Address:	P.O. Box 62251, Marshalltown, Johannesburg, South Africa, 2107
Physical Address:	TEBA Head office: 4th Floor Girton View, Corner of St David's Place and Girton Road Parktown
Telephone No:	+27113536062
Information Officer (IO)	Jaawed Salejee
Deputy Information Officer (DIO)	Anna Catharina (Anneri) Pieterse
Deputy Information Officer	Pravesh Ramkisson
Deputy Information Officer	Nardo Neveling
Email:	jaawed.salejee@teba.co.za
Website	www.teba.co.za

2. Further guidance from the Information Regulator

For further guidance, contact the Information Regulator. They have compiled a PAIA guide in each official language of South Africa on how to exercise your rights under PAIA.

Visit their website	www.inforegulator.org.za
Postal address	P.O Box 31533, Braamfontein, Johannesburg, 2017
Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Phone number	010 023 5200
Ask a general enquiry by email	enquiries@inforegulator.org.za
Lodge a complaint by email	PAIAComplaints@inforegulator.org.za

3. Automatic availability of certain records

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

Type of record	How you can access it
Memorandum of incorporation (MOI)	BizPortal (https://www.bizportal.gov.za/)
Directors' names	BizPortal
Documents of incorporation	BizPortal

Banking details	Request by email
Brochures	Request by email
External newsletters and circulars	Subscribing or on our website
Information on our website	Visit our website
External policies	External policies relating to members and other third parties

4. Records that certain laws require us to hold

We keep certain records to comply with certain laws, including the following legislation:

- Companies Act No. 71 of 2008;
- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998;
- Labour Relations Act No. 66 of 1995;
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- Compensation for Occupational Injuries and Diseases Amendment Act 10 of 2022, which increases the period for which documents should be retained from four years to five years;
- Occupational Health and Safety Act No. 85 of 1993;
- The Unemployment Insurance Act No. 63 of 2001;
- The Skills Development Levies Act No. 9 of 1999;
- The Regional Services Councils Act No. 109 of 1985;
- Protection of Personal Information Act No. 4 of 2013; and
- Tax Administration Act 28 of 2011 - the requirements relating to the retention of documentation requirements were removed from the Income Tax Act and the Value-Added Tax Act and were included in the Tax Administration Act 28 of 2011, which has been effective from 1 October 2012.

5. Record topics and categories

Managing Director's Office

The Managing Director's Office records comprise the following main categories:

- Statutory Records
- Administration Records
- Research Records
- Sponsorship Records

Income Tax

Tax records comprise the following main categories:

- Income tax returns
- Correspondence with South African Revenue Services (SARS)
- Correspondence from SARS
- Income tax opinions by tax advisors

Value-Added Tax

- Value-Added Tax (VAT) invoices and credit notes
- VAT returns
- VAT opinions by tax advisors
- Correspondence with SARS
- Correspondence from SARS
- Administrative Records

System Support

The System Support's records comprise the following main categories:

- Records of service
- General correspondence

Information Technology

The Information Technology Department's records comprise the following main categories:

- Central Computer Repository documentation (for example, archives, backups, log files, audit trails, etc.)
- General correspondence

Finance and Administration

Finance and Administration's records comprise the following main categories:

- Accounting Records
- Financial Statements
- Investment Records
- General Correspondence
- Management Reports
- Transactional Records
- Building and Property Records
- Insurance Records
- Audit appointment letters
- Correspondence with auditors
- Audit management letters
- Audit reports

Company Secretarial Department

The Company Secretary provides company secretarial services to TEBA. The company secretary's records comprise the following main categories:

- Administration Records
- Contracts and Agreements
- Property Records
- Legal Records
- General Correspondence
- Company and Share Registration Records
- Customer Applications (Contractors)
- Research Reports (obtained from external providers)
- Statutory Records, inclusive of the following:
 - Certificate of Incorporation
 - Memorandum and Articles of Association
 - Documentation lodged with the Registrar of Companies
 - Notices to members
 - Minutes of meetings of members
 - Resolutions of members, including special resolutions
 - Directors' consent forms to act as directors
 - Register of directors and officers
 - Register of directors' interests in contracts
 - Minutes of directors' meetings
 - Directors' resolutions
 - Papers for directors' meetings
 - Attendance register of directors' meetings
 - Minutes of board committee meetings
 - Attendance register of board committee meetings

Human Resources Department

The Human Resources (HR) Department's primary objective is to develop and implement a competitive human resource strategy that will support the Company. Human Resources records comprise the following main categories:

- Employee Records
- Letters of Appointment

- Payroll Records
- Leave Records
- Correspondence with Employees
- Standard Terms and Conditions of Employment
- Employment Equity Policy/Records
- Labour Relations Records
- Industrial Relations Correspondence
- General Correspondence
- General Company & HR Policies and Procedures
- Training Records
- Pension/Provident Fund Records
- Employee Benefit Records
- Statutory Records
- Contracts
- PAYE Records
- Workmen's Compensation Records
- UIF Records
- Skills Development Records

Agreements or contracts with service providers and others

Both the documents themselves and all related documents.

- Standard agreements
- Contracts concluded with sister societies
- NDAs
- Letters of intent, MOUs
- Third party contracts (such as JV agreements)
- Office management contracts
- Bond agreements
- Rental agreements
- Supplier or service contracts

Regulatory documents

Any documents we need to comply with any laws.

- Permits
- Licences
- Authorities

6. Processing of Personal Information

The purpose of this section is to provide information about whose personal information we process, along with why we process it and the steps we take to protect it. For more on our data processing, please also see our Privacy Policy, which is available on our website.

Whose Personal Information we process

As part of our main business activities we primarily process the personal information of adults residing in Southern Africa (RSA, Mozambique, Lesotho, Botswana, and Swaziland) who have worked, or have a desire to work in the mining industry in South Africa. We process this information in order to help data subjects find and retain employment, get access to money, and assist them in providing benefits to them and their families through a range of financial products.

Note:

As a consequence of this process we also process personal information of the families, dependants or beneficiaries of the data subjects (mineworkers).

We also process the personal information of our employees in the course and scope of their employment with us to manage and monitor our relationship with them.

Who we disclose Personal Information to

As part of our main business activities we disclose the personal information to employers (mining companies / contractors) and financial service providers as directed to by the data subjects.

We disclose the personal information of beneficiaries only to specific pension or provident funds or administrations that TEBA services.

Our own employees will have access to this information as part of their employment relationship with us. We do not sell any personal information to third parties.

If required to by law, we may disclose personal information to members of law enforcement or other government agents. We may disclose personal information to other third parties if required to by a court order.

We disclose personal information to third parties (AFISwitch, Department of Home Affairs, MIE, XDS, credit bureaus etc.) to perform various verification checks and enrich data to provide further service offerings.

As per intergovernmental agreements with foreign countries, we provide hardcopies of Agreements of Service (AOS) containing personal information for all people TEBA has engaged on behalf on the employer from those countries. We also provide details of payments effected to mineworkers (deferred pay) on a regular basis to the applicable ministry. This is a requirement as per the applicable laws of each country.

How We Secure Personal Information

We secure personal information we process and store by taking practical technical and organisational measures to ensure the confidentiality of the personal information is kept intact. Some of these measures include encrypting of electronic data, access control, and comprehensive destruction and retention policies along with a strict internal information security policy.

7. Access Request Procedure

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by TEBA.

We have appointed our information officer to deal with all matters relating to PAIA so we can comply with our PAIA obligations. To request access to a record, please complete [Form 2](https://inforegulator.org.za/paia-forms/) (<https://inforegulator.org.za/paia-forms/>).

Please submit the completed form (together with the relevant request fee we explain below) to our information officer's email address, our physical address, using the details we provide. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and the form of access you require,
- specifies your email address, postal address, or fax number,
- describes the right that you seek to exercise or protect,
- explains why you need the requested record to exercise or protect that right,
- provides any other way you would like to be informed of our decision other than in writing, and provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- reject the request due to lack of procedural compliance,
- refuse it if you do not provide sufficient information, or delay it.

Note:

If we reasonably suspect that the requester has obtained access to TEBA's records through the submission of materially false or misleading information, we may institute legal proceedings against such requester.

Completion of Access Request Form

In order for TEBA to respond to requests in a timely manner, you should complete the relevant Form 2, taking due cognisance of the following *Instructions on Completion of Forms*:

1. You must complete the form in the English Language.
2. Type or print in BLOCK LETTERS an answer to every question.
 - If a question does not apply, state "N/A" in response to that question.
 - If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
 - If there is insufficient space on a printed form in which to answer a question, additional information may be provided in a separate document, such as an attached letter.
3. When the use of an additional document is required, precede each answer thereon with the title applicable to that question.

Note:

For security reasons, the requester's identity must be validated before their application will be considered. Proof of identity, such as a certified copy of their Identity Document or other legal form of identification, must accompany their application.

Submission of Access Request Form

Please submit the completed Form 2 via conventional mail, email. Please address it to our Information Officer.

An initial, **non-refundable R50.00 request fee (excluding VAT)** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information. Please see Appendix A for the rest of the prescribed fees, which we may update and increase from time to time, as necessary.

Payment of Fees

You can obtain payment details from the Information Officer, including our preferred payment method. We may require proof of payment.

Notification

We will evaluate your request and notify you within 30 days of receipt of the completed Form 2. Notifications may include:

Notification of Extension Period (if required)

The requesters will be notified whether an extension period is required for the processing of their requests, including:

- The required extension period, which will not exceed an additional 30-day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

The requester will be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- The amount of the deposit payable (if applicable); and
- That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Note:

If access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required, the requesters will be notified, within 30 days of the decision on their requests.

If the request for access to a record is **successful**, the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);
- An indication of the form in which the access will be granted;
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful**, we will notify the requester of the adequate reasons for the refusal (refer to [Third-Party Information](#) and [Grounds for Refusal](#) below). You may:

- follow our Complaints Policy and Procedure to appeal to us internally using [Form 4](#),
- apply to a court with appropriate jurisdiction, or
- [complain](#) to the Information Regulator,

for the necessary relief within 180 calendar days of us notifying you of our decision.

Third-Party Information

If access is requested to a record that contains information about a third-party, TEBA 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, our designated contact person will consider these reasons in determining whether access should be granted, or not.

Protection of research information

We may refuse you access to a record that contains research done by us or someone else, if disclosing it would disclose our identity, the researcher's or the subject matter of the research and would place the research at a serious disadvantage.

Grounds for Refusal

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

- Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of TEBA;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Protecting personal information that TEBA holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that TEBA holds about a third party or TEBA (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation 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 records 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;
- Disclosure of the record would put TEBA at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or TEBA.

Appeal or Lodgement of Complaints

The Act makes provision for the lodgement of complaint against:

- Access fee charged or the form of access granted
- Refusal of the request to grant access
- Decision to extend the 30 days' period for granting the requested access
- Form in which access is granted

A Requester aggrieved by TEBA's decision or who wishes to lodge a complaint or appeal must follow this process:

- A compliant or an internal appeal must:
 - be lodged within 30 days after the decision is communicated to the Requester;
 - be delivered or sent to TEBA's address, fax or electronic mail address contained herein;
 - identify the subject of the complaint or internal appeal and state the reasons for the complaint or internal appeal;
 - be accompanied by the prescribed appeal fee as prescribed;
 - specify a postal address, fax number or electronic mail for the return of the decision.

The complainant or appellant who is not happy with the decision of the internal process may lodge an application with a court against the decision made within 30 days after the decision was communicated to him/her.

Records that Cannot Be Found or Do Not Exist

If TEBA 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.

Updates to this Manual

We will update this manual whenever we make material changes to it.

Appendix A - Prescribed Fees in Respect of Private Bodies

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fee for reproduction referred to in regulation 11 (1), is as follows:

2.1 For every photocopy of an A4-size page or part thereof	R1,10
2.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
2.3 For a copy in a computer-readable form on: <ul style="list-style-type: none"> o stiffy disc o compact disc 	R7,50 R70,00
2.4 For a transcription of visual images: <ul style="list-style-type: none"> o For a transcription of visual images, for an A4-size page or part thereof o For a copy of visual images 	R40,00 R60,00
2.5 For a transcription of an audio record: <ul style="list-style-type: none"> o For an A4-size page or part thereof o For a copy of an audio record 	R20,00 R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50, 00.
4. The access fee payable by a requester referred to in regulation 11 (3) are as follows:

4.1 For every photocopy of an A4-size page or part thereof	R1,10
4.2 For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
4.3 For a copy in a computer-readable form on: <ul style="list-style-type: none"> o stiffy disc o compact disc 	R7,50 R70,00
4.4 For a transcription of visual images: <ul style="list-style-type: none"> o For an A4-size page or part thereof o For a copy of visual images 	R40,00 R60,00
4.5 For a transcription of an audio record: <ul style="list-style-type: none"> o For an A4-size page or part thereof o For a copy of an audio record 	R20,00 R30,00
4.6 To search for and prepare the record for disclosure, R30, 00 for each hour or part of an hour reasonably required for such search and preparation.	R30,00
4.7 For purposes of section 54(2) of the Act, the following applies: <ul style="list-style-type: none"> o Six hours as the hours to be exceeded before a deposit is payable; and o One third of the access fee is payable as a deposit by the requester. 	
4.8 The actual postage is payable when a copy of a record must be posted to a requester.	

Please note that the fees listed above exclude VAT.