

## 1. Introduction and Purpose

- 1.1. New Laceys Promotions (Pty) Ltd ("Laceys") is an importer and distributor of various goods including children's toys, electronics, party goods, housewares, and electronics. This is Laceys' Access to Information Manual ('PAIA Manual') in terms of the Promotion of Access to Information Act 2 of 2000 ('PAIA').
- 1.2. The purpose of this manual is to facilitate requests for access to information of Laceys, its holding company, subsidiaries and/or related group entities as the case may be. This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in PAIA. Requesters are advised to familiarise themselves with the provisions of PAIA before making any requests to Laceys in terms of PAIA.
- 1.3. In terms of PAIA, this PAIA Manual makes it possible for external parties to know what types of information Laceys has and to request access to such information.
- 1.4. The motivation for giving effect to the right of access to information is to foster a culture of transparency and accountability in both public and private bodies and to promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.
- 1.5. Section 9 of PAIA recognises that such right of access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
  - 1.5.1. limitation aimed at the reasonable protection of privacy;
  - 1.5.2. commercial confidentiality; and
  - 1.5.3. effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

## 2. The PAIA Act

- 2.1. The PAIA Act 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.
- 2.2. Requests in terms of the PAIA Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the PAIA Act.
- 2.3. Requesters are referred to the Guide in terms of Section 10 of the PAIA Act which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.
- 2.4. The contact details of the Commission are:



New Laceys Promotions Pty Ltd

29 Qashana Khuzwayo Road, New Germany, 3610, KZN

Tel: +27 31 705 1055 | Fax: +27 31 705 1610

info@laceys.co.za | www.laceys.co.za

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

### 3. Laceys's Information Officer Details

- 3.1. Information officer: Margaret-Ann Hurst
- 3.2. Company name: New Laceys Promotions (Pty) Ltd
- 3.3. Registration number: 2012/105626/07
- 3.4. Postal address: PO Box 267, New Germany, 3620
- 3.5. Physical address: 29 Qashana Khuzwayo Road, New Germany, 3610
- 3.6. Phone number: 031 705 1055
- 3.7. Fax number: n/a
- 3.8. Contact email: MagsH@laceys.co.za –
- 3.9. Website: <https://www.laceys.co.za/>

### 4. Warranties and Representations

- 4.1. Laceys makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Laceys shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Laceys or from any error therein.
- 4.2. All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Laceys.

### 5. General Company Information

- 5.1. General information about the business, activities and other information about Laceys is available on the Laceys Website – <https://www.laceys.co.za/>.

New Lacey's Promotions (Pty) Ltd

• Co. Reg. No. 2012/105626/07 • VAT Reg. No. 4160262954 •

Director: B J Hurst , M Hurst

## **6. Holding, Subsidiary, Related and or other Companies of Laceys**

6.1. There are no holding, subsidiary, or related companies.

## **7. Applicable Legislation**

7.1. Laceys is primarily regulated by the various laws including, but not limited to:

- 7.1.1. Basic Conditions of Employment Act, 75 of 1997;
- 7.1.2. Companies Act, 71 of 2008;
- 7.1.3. Electronic Communications and Transactions Act, 25 of 2002;
- 7.1.4. Employment Equity Act, 55 of 1998;
- 7.1.5. Income Tax Act, 58 of 1962;
- 7.1.6. Labour Relations Act, 66 of 1995;
- 7.1.7. Occupational Health and Safety Act, 85 of 1993;
- 7.1.8. Protection of Personal Information Act, 4 of 2013;
- 7.1.9. Promotion of Access to Information Act, 2 of 2000;
- 7.1.10. Unemployment Insurance Act, 63 of 2001;
- 7.1.11. Value Added Tax Act, 89 of 1991.

## **8. South African Human Rights Commission: The PAIA Unit**

- 8.1. The South African Human Rights Commission ('SAHRC') has provided a guide on the protection of access to information available in every official language in South Africa.
- 8.2. The guide is available at the SAHRC website at <http://www.sahrc.org.za>.

## **9. The Following Schedule of Records Are Available in Terms of Section 51(1)(d) Of The Act.**

- 9.1. Section 50 of PAIA states that any person requesting information has access to any record of a private body if:
  - 9.1.1. that record is necessary for the exercise or protection of any right; or
  - 9.1.2. that person complies with the procedural requirements in PAIA relating to a request for access to that record; or
  - 9.1.3. there is a refusal that is not in terms of the grounds for refusal in Part 3, Chapter 4 of PAIA.
- 9.2. Laceys may refuse to provide you with access to the records, depending on the situation. We set out and explain these reasons in clause 18 below of this PAIA Manual.

9.3. Laceys has the following types of records available:

9.3.1. Employee records

- 9.3.1.1. personal records that personnel provide;
- 9.3.1.2. records that a third party (external company or person) provides relating to personnel;
- 9.3.1.3. conditions of employment and other personnel-related contracts and quasi-legal records;
- 9.3.1.4. internal evaluation records and other internal records;
- 9.3.1.5. letters and documents relating to personnel; and
- 9.3.1.6. training schedules and material

9.3.2. "Employee" refers to any person who works for or provides services to or on behalf of Laceys. This person is remunerated for their work or should be paid for their work. Personnel also includes any other person who assists in carrying out or conducting the business of Laceys as well as, without limitation, any directors, trustees, all permanent, temporary, and part-time staff, and contract workers.

9.4. Client and/or Customer records;

- 9.4.1. records relating to any client, customer, or user of any of the services provided by Laceys;
- 9.4.2. records a third party provides to Laceys in relation to a client, customer, or user;
- 9.4.3. records generated by or within Laceys relating to a client, customer, or user.

9.5. "Client, customer or user" refers to any natural or juristic entity that receives services or products from Laceys. This includes prospective clients, customers or users who submit requests to Laceys, but which or who ultimately do not receive services or products from Laceys.

9.6. Laceys's records:

- 9.6.1. These records include, but are not limited to, the records which affect Laceys' own affairs, such as:
  - 9.6.1.1. financial records;
  - 9.6.1.2. strategic records;
  - 9.6.1.3. operational records;
  - 9.6.1.4. policies and procedures.

9.7. Third-party records:

- 9.7.1. Laceys may possess records affecting other parties including, but not limited to, contractors, suppliers, and service providers.
- 9.7.2. These other parties can have records that belong to Laceys such as:
  - 9.7.2.1. personnel, client, or private body records which another party holds, as opposed to the records Laceys holds;

- 9.7.2.2. records held by Laceys relating to other parties, including without limitation, financial records, correspondence, contractual records, records the other party provides, and records third parties provide about contractors or suppliers.

## **10. Access To Records Held by Laceys**

- 10.1. Records held by Laceys may be accessed by requests only once the prerequisite requirements for access have been met.

## **11. Requester**

- 11.1. A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 11.2. Laceys may 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.
- 11.3. The requester (other than a personal requester) is entitled to request access to information on third parties. However, Laceys is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **12. Request**

- 12.1. A request for access to a record must be made on the prescribed form to the Information Officer at his/her address, facsimile number, or e-mail address.
- 12.2. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate:
- 12.2.1. the preferred language if applicable;
  - 12.2.2. whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
  - 12.2.3. a facsimile number and/or postal address.
- 12.3. 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.
- 12.4. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- 12.5. A request must be directed to the Information Officer or any authorised persons.

- 12.6. The prescribed form must be sent to Laceys via mail, facsimile or may be provided to the requester by Laceys.
- 12.7. The requester must pay the prescribed fee before any further processing can take place.
- 12.8. The form must be adequately completed, with sufficient information particularly so that the official of Laceys can identify:
  - 12.8.1. from where and from whom the request is made;
  - 12.8.2. what record(s) are being requested;
  - 12.8.3. what the access fee will be should access be granted.

### 13. Request Procedure

- 13.1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 13.2. The requester must complete the prescribed PAIA Request Form, as well as payment of a request fee and a deposit, if applicable as per clause 14 below. The request forms are also available [here](#).
- 13.3. Laceys will process the request within 30 days.
- 13.4. The requester shall be informed whether access is granted or denied.
- 13.5. The requester must indicate that he/she requires the information in order to exercise or protect a right.

### 14. PAIA Prescribed Fees

- 14.1. PAIA provides for two types of fees, namely:
  - 14.1.1. A request fee, which will be a standard fee; and
  - 14.1.2. An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 14.2. When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request.
- 14.3. If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 14.4. The Information Officer shall withhold a record until the requester has paid the required fees.



- 14.5. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 14.6. If a deposit has been paid in respect of a request for access, which is subsequently refused, then the Information Officer will repay the deposit to the requester.
- 14.7. The following applies to requests (other than personal requests):
- 14.7.1. A requester is required to pay the prescribed request fee of R50.00 before a request will be processed;
  - 14.7.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted); and
  - 14.7.3. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- 14.8. The fee structure applicable to PAIA requests is in terms of this clause and all fees applicable are as prescribed and may be amended from time to time.
- 14.9. Please refer to the SAHRC website <https://www.sahrc.org.za/> for the latest fees.
- 14.10. The “fees for reproduction” referred to in section 52(3) and “access fees” payable by a requester referred to in section 54(7), unless exempted under section 54(8) of the Act, are in terms of the following table:

Description	Fee
for every photocopy of an A4-size page or part thereof	R1,10
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
for a copy in a computer-readable form on compact disc	R70
for a transcription of visual images, for an A4-size page or part thereof	R40
for a copy of visual images	R60
for transcription of an audio record, for an A4-size page or part thereof	R20
for a copy of an audio record	R30
to search for the record for disclosure, charged per hour reasonably required for such search;	R30 per hour
the actual postal fee is payable when a copy of a record must be posted to a requester.	Actual postal fee

## 15. POPIA Request Procedure

- 15.1. If the requester is requesting assistance or information in terms of the provisions of POPIA, the requester must complete the necessary and applicable POPIA request

forms found on Laceys' website, or by contacting the Information Officer to obtain the applicable forms or by visiting the Information Regulator's website.

15.2. The requester must submit the completed forms to the Information Officer as identified in clause 2 above.

15.3. Once Laceys has received a request in terms of POPIA, Laceys shall:

- 15.3.1. respond to the request within a reasonable time;
- 15.3.2. advise the requester of any applicable and prescribed fee, if any;
- 15.3.3. advise of any grounds for the refusal of the request;
- 15.3.4. advise the requester of any other requirements.

## **16. Decision**

16.1. Laceys will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect.

16.2. The 30-day period within which Laceys must decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office of Laceys and the information cannot reasonably be obtained within the original 30-day period. Laceys will notify the requester in writing should an extension be sought.

## **17. The Manner in Which the Above Records Will Be Made Available**

17.1. The above-mentioned records are available for public inspection at the offices of Laceys during office hours, by prior arrangement with the Information Officer, subject to the grounds of refusal mentioned in the Act and in terms of clause 18 below.

## **18. Grounds For Refusal**

18.1. The main grounds for Laceys to refuse a request for information relate to the:

- 18.1.1. mandatory protection of privacy of a third party who is a natural person;
- 18.1.2. mandatory protection of the commercial information of a third party;
- 18.1.3. mandatory protection of confidential information of third parties if it is protected in terms of any agreements;
- 18.1.4. mandatory protection of the safety of individuals and protection of property;
- 18.1.5. mandatory protection of records which would be regarded as privileged in legal proceedings;
- 18.1.6. mandatory protection of the commercial activities of Laceys;



- 18.1.7. the research information of Laceys or a third party, if its disclosure would disclose the identity of Laceys, the researcher or the subject matter of the research and would place the research at a serious disadvantage; and
- 18.1.8. requests for information that are clearly frivolous, or which involve an unreasonable diversion of resources shall be refused.

## **19. Remedies Available When Laceys Refuses a Request for Information**

### **19.1. Internal Remedies**

- 19.1.1. Laceys does not have internal appeal procedures, the Courts will have to be approached if the request for information is refused. This would apply to any situation in which the requester wishes to appeal a decision made by the Information Officer.

### **19.2. External Remedies**

- 19.2.1. A requester who is dissatisfied with an Information Officer's refusal to disclose information, may, within 30 days of notification of the decision, apply to a Court for relief. Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may, within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and the Magistrates Court.

## **20. Records That Cannot Be Found**

- 20.1. If Laceys searches 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.

## **21. Amendments To This Policy**

- 21.1. Amendments to or a review of this PAIA Manual will take place on an *ad hoc* basis. Interested parties are advised to access our website periodically to inform themselves of any changes. Where material changes take place interested parties may view the changes as available on the Laceys website.
- 21.2. Amendments to or a review any aspects relating to the POPIA processes outlined in this PAIA Manual will take place on an *ad hoc* basis. Interested parties are advised to access our website periodically to inform themselves of any changes. Where material changes take place interested parties may view the changes as available on the Laceys website.



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## 22. Availability Of the Manual

This manual is available at Laceys' website: <https://www.laceys.co.za/> and at the offices of Laceys.

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