



PAIA MANUAL

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000 ("THE ACT")

A. INTRODUCTION TO AG CONSULTING CC

Ag Consulting CC is a close corporation registered in accordance with the laws of South Africa and based in the Western Cape, which provides gaming law and compliance consultancy services to both local and international clients.

B. PURPOSE OF MANUAL

1. The purpose of this manual is to facilitate requests for access to information on AG Consulting.
2. This manual does not comprehensively deal with every procedure provided for in the Act.
3. Requesters of information are advised to familiarise themselves with the provisions of the Act before making any requests to AG Consulting in terms of the Act.
4. AG Consulting makes no representation and gives no undertaking or warranty that the information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of such information shall use such information entirely at their own risk, and AG Consulting shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or any information provided by AG Consulting or any error therein.

C. PARTICULARS OF SECTION 51 MANUAL

1. Contact Details (section 51(1)(a))

AG Consulting has authorised its joint member to act as its head for the purpose of the compilation of this Manual and to address all requests for access to information from AG Consulting made in terms of the Act.

AG Consulting CC

The Head : Attention: Mr G G R Lubbe

Street Address : 84 Barnard Street, Oakdale, BELLVILLE, 7350

Telephone : +27 87 898-4956

E-mail : info@agconsulting.co.za

2. Guide on how to use the Act (section 51(1)(b)(i))

The Promotion of Access to Information Act grants a requester access to records of a company 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. Requests in terms of the Act are required to be made in accordance with the prescribed procedures, at the rates provided.

This Guide is available from the South African Human Rights Commission : PAIA unit, Research and Documentation Department, Postal Address: Private Bag 2700, Houghton, 2041; Telephone : +27 11 484 8300; Fax : +27 11 484 0582; Website : www.sahrc.org.za; e-mail: paia@sahrc.org.za.

3. Records available in terms of any other legislation (section 51(1)(b)(iii))

Records are kept and are available upon specified conditions (and in certain instances only to specified persons) in accordance with such other legislation as is applicable to AG Consulting, including (and as amended from time to time):

- **Company Secretarial & Legal**
 - i. Close Corporations Act 69 of 1984
 - ii. Competition Act 89 of 1998
 - iii. Consumer Protection Act 68 of 2008
- **Accounting and Finance**
 - i. Income Tax Act 58 of 1962
 - ii. Revenue Laws Amendment Act 60 of 2008
 - iii. Value Added Tax Act 89 of 1991
 - iv. Financial Intelligence Centre Act 38 of 2001
 - v. South African Reserve Bank Act 90 of 1989
 - vi. National Credit Act 34 of 2005
- **Human Resources**
 - i. Broad-Based Black Economic Empowerment Act, 53 of 2003
 - ii. Labour Relations Act 66 of 1995
 - iii. Basic Conditions of Employment Act 75 of 1997
 - iv. Employment Equity Act 55 of 1998

- v. Skills Development Levies Act 9 of 1999
- vi. Pension Funds Act 24 of 1956
- vii. Medical Schemes Act 131 of 1998
- viii. Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- ix. Occupational Health and Safety Act 85 of 1993
- x. Unemployment Insurance Act 63 of 2001
- xi. Environmental Health and Safety Act 1989
- **Gambling Legislation**
 - i. National Gambling Act of 7 of 2004
 - ii. Eastern Cape Gambling Act 5 of 1997
 - iii. Free State Gambling, Liquor and Tourism Act 6 of 2010
 - iv. Gauteng Gambling Act 4 of 1995
 - v. KwaZulu-Natal Gaming and Betting Act 8 of 2010
 - vi. Limpopo Gambling Act 3 of 2013
 - vii. Mpumalanga Gambling Act 5 of 1995
 - viii. Mpumalanga Economic Regulator Act 2 of 2017
 - ix. Northern Cape Gambling Act 3 of 2008
 - x. Northern Cape Gambling Levies Act 4 of 2009
 - xi. North West Gambling Act 2 of 2001
 - xii. Western Cape Gambling and Racing Act 4 of 1996, and
 - xiii. All regulations and/or Rules made under the above Acts

4. Access to the records held by AG Consulting (sections 51(1)(c) & (e))

i. The categories of records which are available without a person having to request access in terms of the Act

Information already available in the public domain including information that is available in terms of the latest notice regarding the categories of records in terms of section 52(2).

ii. **Records held by AG Consulting [Section 51(1)(b)(iv)]**

The following is a list of the subjects on which AG Consulting holds records and the categories into which these fall. The procedure in terms of which such records may be requested is set out in sections 4(iii) to (v) below.

Kindly note that this does not mean that the information and records listed below will automatically be made available as there are a number of grounds for refusal of access, [Sections 7, 61 and 63 to 70]

CLOSE CORPORATIONS ACT RECORDS

- Documents of incorporation
- Founding Statement & Association Agreement
- Minutes of meetings of members
- Records relating to the appointment of bookkeepers
- Statutory Registers
- Purchase & Sale Agreement

FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Rental Agreements
- Other contracts
- Invoices

TAX-RELATED RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees

- All other statutory taxes, levies and contributions:
 - i. VAT
 - ii. Skills Development Levies
 - iii. UIF
 - iv. Workmen's Compensation

PERSONNEL DOCUMENTS AND RECORDS (where applicable)

- Salary records

INDUSTRY CLIENT AND/OR STAKEHOLDER RECORDS

"Industry Stakeholders" include –

- All provincial licensing authorities, as defined in the National Gambling Act, 2004 and their respective personnel
- The National Gambling Board of South Africa and its personnel
- The Financial Intelligence Centre
- Any Standing Committee of a Provincial Legislature responsible for the gambling portfolio
- The Portfolio Committee on Trade and Industry (National Parliament)
- Applicants for or holders of any licence or registration or certificate of suitability capable of being issued by any provincial licensing authority in respect of the gambling industry
- Certain Voluntary Associations representing sectors of the gambling and betting industries

Industry Client and/or Stakeholder Records include hard and/or soft copies of the following –

- All national and provincial licences issued to certain of the Industry Clients and/or Stakeholders with which the private body has a contractual relationship
- Licence application documentation in respect of certain of the Industry Clients and/or Stakeholders with which the private body has a contractual relationship
- All contracts entered into with Industry Clients and/or Stakeholders with which the private body has a contractual relationship
- Any documentary records provided to the private body by Industry Clients and/or Stakeholders
- Bid documents, reports, submissions, invoices, payment confirmation reports, correspondence, circulars, opinions and/or memoranda prepared for, addressed to or received from Industry Clients and/or Stakeholders
- B-BBEE verification source documentation

iii. **The request procedure**

To facilitate the processing of your request, kindly:

- Use the prescribed form.
- Provide proof of identity to authenticate the request and the requester. Therefore in addition to the prescribed form, requesters will be required to supply a certified copy of their identification document or any other legally acceptable form of identification.
- Address your request to the Chief Operating Officer.
- Provide sufficient details to enable AG CONSULTING to identify the following:
 - (a) the nature of the record(s) requested;
 - (b) the identity of the requester (and if an agent is lodging the request, proof of capacity);
 - (c) the form of access required;
 - postal address or electronic mail address of the requester in the Republic;
 - if the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof;
 - (d) the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect that right.

iv. **Notification**

Requesters will be informed within 30 days if AG Consulting's decision is to refuse access to the information requested based on any of the grounds for refusal as contemplated in Sections 7, 61 and 63 to 70 of the Act. Take note that the 30-day period may be extended for a further 30-day period should more time be required to gather the requested information. The requester will, however, be notified if the initial 30-day notice period is to be extended for a further 30 days.

v. **Prescribed Fees**

The following applies to requests (other than personal requests):

- A requester is required to pay the prescribed fees (if any) before a request will be processed (See Annexure A for the prescribed fees);
- If the preparation of the record requested requires more than the prescribed number of 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);
- A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.

5. Information regarding the Protection of Personal Information Act (“POPIA”) [Section 51(1)(c)]:

5.1. Purpose of the processing [Section 51(1)(c)(i)]:

Personal information, as defined in POPIA, is processed by AG Consulting for the purposes of:

- (i) Assisting Industry Clients and/or their stakeholders and/or third-party contractors in making application for licences and/or certificates of suitability;
- (ii) Assisting Industry Clients and/or their stakeholders and/or third-party contractors in the development of B-BBEE plans and business strategies and preparing for B-BBEE ratings and monitoring compliance with B-BBEE-related requirements;
- (iii) Monitoring compliance with contractual obligations;
- (iv) Monitoring and ensuring compliance of Industry Clients with applicable legislation;
- (v) Monitoring and ensuring compliance of Industry Clients with licence conditions;
- (vi) Representing Industry Clients in quasi-judicial proceedings in relation to (i), (iv) and (v) above, and
- (vii) Preparing reports, submissions, correspondence, circulars, opinions and/or memoranda for or on behalf of Industry Clients.

5.2. Categories of data subjects and information relating thereto [Section 51(1)(c)(ii)]:

The personal information specified in the Table below is held and processed by AG Consulting in respect of the categories of data subjects listed in the Table below:

DATA SUBJECTS	PERSONAL INFORMATION
Customers	Identity data, contact data, financial data, B-BBEE compliance-related data, probity-related data
Employees	Identifying data, contact data, banking details, tax numbers, salary records
Suppliers, contractors & creditors	Company name, company registration number, contact details, bank details, tax number and/or VAT number

For the purposes of the above table, the following definitions apply:

- **Identity Data** includes: first name, last name, identity number, username or similar identifier, title, date of birth and gender of the data subject.

- **Contact Data** includes: address, email address and telephone numbers.
- **Financial Data** includes: bank account and payment card details.
- **B-BBEE compliance-related Data** includes: data, including personal and special personal information, relating to measures implemented or proposed to be implemented by Industry Clients in relation to B-BBEE, including details regarding PDI ownership, skills development initiatives, PDI content in relation to management and details of agreements and/or other measures implemented or proposed to be implemented in relation to enterprise development and socio-economic development.
- **Probity-related Data** includes: bid and/or application and/or related documentation and/or other information pertaining to initial and/or ongoing eligibility for licensing of Industry Clients, as set forth in the qualification requirements for licensing contained in national and provincial legislation relating to gambling and betting

5.3. **Categories of recipients to whom personal information may be supplied [Section 51(1)(c)(iii)]:**

The personal information held by AG Consulting may be supplied to –

- (i) the relevant data subject;
- (ii) any governmental and/or regulatory authority which requires such information for the proper performance of a statutory function;
- (iii) other persons, with the consent of the data subject, and only for a purpose consistent with the purpose for which the relevant personal information was collected, and/or
- (iv) where the personal information is anonymous (i.e. does not enable the recipient to identify the data subject).

5.4. **Planned transborder flows of personal information [Section 51(1)(c)(iv)]:**

AG Consulting does not intend to transfer personal information in respect of SA-based data subjects beyond the borders of South Africa, although it may process personal information in respect of individuals outside of the borders of South Africa under the authority of and in the course of executing valid mandates conferred on it by governmental and/or regulatory bodies having appropriate jurisdiction.

5.5. **Information security measures [Section 51(1)(c)(v)]:**

The confidentiality, security and integrity of the personal information held and processed by AG Consulting is promoted and assured by means of –

- (i) Password protection for log-in access;
- (ii) Detailed Password Policy;
- (iii) Encryption;

- (iv) Access controls to personal information;
- (v) Firewalls;
- (vi) 2-factor Authentication;
- (vii) Privacy Policy;
- (viii) Personal Information Sharing Policy;
- (ix) Subject Access Request Policy;
- (x) Data Retention Policy, and
- (xii) Internal Privacy Policy.

6. Availability of the Manual (section 51(3))

This Manual is available for inspection at the offices of AG Consulting free of charge and copies are available with the SAHRC, and on the AG Consulting website at www.agconsulting.co.za.

ANNEXURE A
PRESCRIBED FEES

Prescribed Fees for 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 fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) compact disc	70,00
(ii) flash drive	70,00
(d) For a transcription of visual images,	
(i) for an A4-size page or part thereof	40,00
(ii) for a copy of visual images	60,00
(e) For a transcription of an audio record,	
(i) for an A4-size page or part thereof	20,00
(ii) for a copy of an audio record	30,00

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 fees payable by a requester referred to in regulation 11(3) are as follows:

(1)(a) For every photocopy of an A4-size page or part thereof	R1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on –	
(i) compact disc	70,00

- | | | |
|------|---|-------|
| (ii) | flash drive | 70,00 |
| (d) | For a transcription of visual images, | |
| (i) | for an A4-size page or part thereof | 40,00 |
| (ii) | for a copy of visual images | 60,00 |
| (e) | For a transcription of an audio record, | |
| (i) | for an A4-size page or part thereof | 20,00 |
| (ii) | for a copy of an audio record | 30,00 |
| (f) | To search for and prepare the record for disclosure, R30,00 for each part of an hour reasonably required for such search and preparation. | |
| (2) | For purposes of section 54(2) of the Act, the following applies: | |
| (a) | six hours as the hours to be exceeded before a deposit is payable; and | |
| (b) | one third of the access fee is payable as a deposit by the requester. | |
| (3) | The actual postage is payable when a copy of a record must be posted to a requester. | |

ANNEXURE B: PRESCRIBED FORM C

REQUEST FOR ACCESS TO RECORDS OF AG CONSULTING CC

(Section 53(1) of the Promotion of Access to Information Act, 2000)

(Act No. 2 of 2000)

[Regulation 10]

A. Particulars of private body

AG Consulting CC

The Head: Attention: Mr G G R Lubbe

Address: 84 Barnard Street, Oakdale, BELLVILLE, 7350

Telephone: +27 87 898-4956

E-mail: info@agconsulting.co.za

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or electronic address in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

.....

Identity number:

.....

Postal address:

.....

Fax number:

Telephone number:.....

E-mail address:

Capacity in which request is made, when made on behalf of another person:

.....

C. Particulars of person on whose behalf request is made

This section must be completed **ONLY if a request for information is made on behalf of another person.**

Full names and surname:

.....

Identity number:

.....

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:

.....

2 Reference number, if available:

.....

3 Any further particulars of record:

.....

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:

.....

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 hereunder, 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 X. NOTES: (a) Compliance with your request 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 for the record, if any, will be determined partly by the form in which access is requested.	

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

1. Indicate which right is to be exercised or protected:

.....

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

.....

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, 20.....

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