



EVERSCI

Science for everyone

# POPIA & PAIA MANUAL OF EVERSCI (PTY) LTD

Published in terms of:

Section 51 of the **Promotion of Access to Information Act (No. 2 of 2000)**

&

Sections 11 and 24 of the **Protection of Personal Information Act (No. 4 of 2013)**

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## Introduction

Eversci (Pty) Ltd (“the Company”) provides an online platform for education, consulting and coaching of the sciences.

In this POPIA & PAIA Manual any reference to Eversci (Pty) Ltd includes any of the entities as listed below:

- Eversci (Pty) Ltd, registration number 2020/690397/07
- Eversci (Pty) Ltd t/a Eversci Consulting
- Eversci (Pty) Ltd t/a Eversci Education
- Eversci (Pty) Ltd t/a Eversci Industries
- Eversci (Pty) Ltd t/a Eversci Academy

This POPIA & PAIA Manual illustrates the type of records and personal information it holds, and explains how to submit requests for access to these records in terms of the Promotion of Access to Information Act (2 of 2000) (“PAIA”), how to object to the processing of personal information held by the company, or request for correction or deletion of the personal information held by the Company, in terms of Sections 11 and 24 of the Protection of Personal Information Act (4 of 2013) (“POPIA”).

This POPIA & PAIA Manual adheres to the requirements of Section 10 of the Act and acknowledges that with the commencement of the Protection of Personal Information Act (4 of 2013), the appointed Information Officer will be accountable for facilitating compliance with the Act and the Regulations by Public and Private Bodies.

### Purpose of the POPIA & PAIA Manual

It is intended to ensure that Eversci (Pty) Ltd complies and upholds the Acts, to remain accountable and transparent within the Company by supporting the right to information that is required for the exercise or protection of any right. It aims to promote a community which has access to information to enable individuals to exercise and protect their rights.

To promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act recognises that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- commercial confidentiality; and
- Effective, efficient and good governance;

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

### Availability of the POPIA & PAIA Manual

This Manual is published on the company website at [www.eversci.com](http://www.eversci.com) or can be requested from the Information Officer (see contact details in section 3).

### Company Contact Details

Company contact details in terms of PAIA, Section 51:

Directors:	Mrs. C Stindt Dr. RM Dix-Peek
CEO/IO:	Mrs. C Stindt <a href="mailto:carmen@eversci.com">carmen@eversci.com</a>
Postal Address:	56 Prospect Road Walmer Port Elizabeth South Africa 6070
Physical Address:	56 Prospect Road Walmer Port Elizabeth South Africa 6070
Contact Number:	+27 76 114 9295
Email:	<a href="mailto:admin@eversci.com">admin@eversci.com</a>

### Availability of Guides to the PAIA and POPIA Acts

The Act allows access to records of a private body by request on the accord that it is required for the exercise or protection of any rights.

The South African Human Rights Commission have compiled the guide in terms of Section 10 of the Act and contains information for the purpose of maintain Constitutional Rights.

The guide consists of information on how to comprehend and use the Act; the objectives of the Act; details of every Public and Private Body; the procedures and forms for requests; contents of the regulations issued under the Act; and will be updated and published every two years. The guide is available in all official languages of the Republic of South Africa.

Guides to the PAIA and POPIA Acts can be obtained from and queries directed to the South African Human Rights Commission.

Contact Details of the Commission:

Physical Address: 27 Stiemens Street  
Braamfontein  
Johannesburg  
2001

Postal Address: Private Bag X2700  
Houghton  
2041

Email Address: [section51.paia@sahrc.org.za](mailto:section51.paia@sahrc.org.za)

Telephone Number: (+27) 11 877 3803

Fax Number: (+27) 11 403 0625

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

Records Available Only on Request to Access in Terms of the Act (Section 51 (1) (D))

Records Held by Eversci (Pty) Ltd

*This clause serves as a reference to the categories of information that Eversci (Pty) Ltd holds. The information is classified and grouped according to records relating to the following subjects and categories:*

- Personnel Records
  - Personal records provided by personnel.
  - Records provided by a third party relating to personnel.
  - Conditions of employment and other personnel-related contractual and legal records.
  - Internal evaluation records and other internal records.
  - Correspondence relating to personnel.
  - Training schedules and material.

“Personnel” refers to any person who works for, or provides services to or on behalf of Eversci (Pty) Ltd, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Eversci (Pty) Ltd. This includes but not limited to directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers.
- Customer Related Records
  - Records provided by a customer.
  - Records provided by a customer to a third party acting for or on behalf of Eversci (Pty) Ltd.
  - Records provided by a third party.
  - Records generated by or within Eversci (Pty) Ltd relating to its customers, including but not limited to transactional records.

“Customer” refers to any natural or juristic entity that receives services from Eversci (Pty) Ltd.

- Private Body Records
  - Financial Records
  - Operational Records
  - Databases
  - Information Technology
  - Marketing Records
- Internal Correspondence
  - Product and Service Records
  - Statutory Records
  - Internal Policies and Procedures
  - Records held by the officials of the institution

These records include, but are not limited to, the records relevant to Eversci (Pty) Ltd.’s own affairs.

- Other Party Records
  - Records held by Eversci (Pty) Ltd relevant to other parties, including but not limited to, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
  - Eversci (Pty) Ltd may possess records belonging to other parties, including but not limited to, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, these parties may also possess records that can be said to belong to Eversci (Pty) Ltd.

The accessibility of the records may be subject to the grounds of refusal set out in the PAIA Manual as well as records deemed confidential on behalf of a third party, permission will be required from the third party concerned, before Eversci (Pty) Ltd will consider access.

#### Records Available Without a Request to Access in Terms of the Act

- Records of a public nature, customarily disclosed on Eversci (Pty) Ltd.’s website, may be accessed without the need to submit a formal application.
- Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application.

#### Records Available in Terms of Any Other Legislation (Section 51 (1) (C))

Unless disclosure is prohibited in terms of legislation, regulations, contractual agreements or alternatively, records that are required to be made available in terms of these acts shall be made available for inspection in terms of the requirements and conditions of the Act.

The below mentioned legislation, and applicable internal policies and procedures, should interested parties be entitled to this information, a request to access must be done in accordance with the conditions and requirements of the Act.

No.	Act	Reference
1.	Companies Act	No. 61 of 1973
2.	Copyright Act	No. 98 of 1978
3.	Employment Equity Act	No. 55 of 1988
4.	Income Tax Act	No. 95 of 1967
5.	Labour Relations Act	No. 66 of 1995
6.	Value Added Tax Act	No. 89 of 1991
7.	Financial Advisory and Intermediary Services Act	No. 37 of 2002
8.	Basic Conditions of Employment Act	No. 75 of 1997
9.	Close Corporations Act	No. 69 of 1984
10.	Electronic Communications and Transactions Act	No. 25 of 2002
11.	Promotion of Access of Information Act	No. 02 of 2000
12.	Unemployment Insurance Act	No. 30 of 1996
13.	Intellectual Property Laws Amendment Act	No. 38 of 1997
14.	Protection of Personal Information Act	No. 04 of 2013

## Request Procedure

### Procedural Requirements

The requestor must comply with all procedural requirements contained in the Act relating to the request for access to a record.

The requestor must complete the form (link below), including (where applicable) payment of a request fee and a deposit (if applicable) to the Information Officer at the postal or physical address, or electronic mail address.

The form provided must be filled in with sufficient information to allow the Information Officer to identify the record/s requested and the identity of the requestor.

The requestor must state that they require the information in order to exercise or protect a right and state the right that is to be exercised or protected. The requestor must also specify why the record is necessary to exercise or protect such a right (Section 53 (2) (D)).

The requestor will be informed in writing whether access is granted or denied. If the requestor requires the reason/s for the decision, the requestor will be obligated to state which manner and the particulars required.

If the request is made on the behalf of another person, the requestor must submit proof of the capacity granted by that person to the reasonable satisfaction of the Information Officer (section 53 (2) (F)).

All information listed in this section needs to be provided, failing to will delay the process until the required information is provided.

## [Refusal of Access to Records](#)

### Grounds to Refuse Access

A Private Body such as Eversci (Pty) Ltd is entitled to refuse a request for information.

The main grounds for Eversci (Pty) Ltd to refuse a request:

- Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in the Protection of Personal Information Act (4 of 2013), which would involve the unreasonable disclosure of personal information of that natural or juristic person.
- Mandatory protection of the personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory, or contractual agreements, comply with the provisions of the Protect of Personal Information Act (4 of 2013)
- Mandatory protection of the commercial information of a third party (section 64), if the record contains:
  - Trade secrets of the third party
  - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party
  - Information disclosed in confidence by a third part to Eversci (Pty) Ltd if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property (section 66).
- Mandatory protection of records which would be regarded as privileged in legal proceedings (section 67).
- The commercial activities (section 68) of a Private Body, such as Eversci (Pty) Ltd, which may include:
  - Trade secrets of Eversci (Pty) Ltd
  - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of Eversci (Pty) Ltd.
  - Information which, if disclosed could put Eversci (Pty) Ltd at a disadvantage in negotiations or commercial competition.



- The research information (section 69) of Eversci (Pty) Ltd or a third party, if its disclosure would disclose the identity of Eversci (Pty) Ltd, the researcher or the subject matter of the research and would place the research at a serious disadvantage.
  - Requests for information that are clearly trivial or vexatious, or which involve an unreasonable diversion of resources, shall be refused.
  - If a requested record cannot be found or if the record does not exist, the Information Officer will, by way of an affidavit or affirmation, notify the requestor that it is not possible to give access to the requested record. If the record should later be found, the requestor will be given access to the record in the manner stipulated by the requestor in the prescribed form, unless the Information Officer refuses access to such record.

## Remedies Available When Eversci (Pty) Ltd Refuses a Request

### Internal Remedies

Eversci (Pty) Ltd does not have an internal appeal procedure, the decision made by the Information Officer is final.

Requestors will have to exercise external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

### External Remedies

A requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) 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 a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

## Access to Records Held by Eversci (Pty) Ltd

### Prerequisites for Access by Personal/Other Requestor

Records held by Eversci (Pty) Ltd may be accessed by request only once the prerequisite requirements have been met.

### Personal Requestor

A personal requestor is a requestor that is seeking access to a record containing personal information about the requestor.

Eversci (Pty) Ltd will voluntarily provide the requested information or give access to any record with regard to the requestor's personal information. The prescribed fee for reproduction of the information requested will be charged.

### Other Requestor

This requestor is entitled to request access to information on third parties.

In considering the request, Eversci (Pty) Ltd will adhere to the provisions of the Act. Section 71 requires the Information Officer to take all reasonable steps to inform a third party to whom the requested record relates of the request, informing them that they are required to make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the information.

Eversci (Pty) Ltd is not obligated to voluntarily grant access to such records. The requestor must fulfil all prerequisite requirements, in accordance with the requirements of the Act and as in Chapter 5, Part 3, including the payment of a request and access fee.

## Fees

### Fees Provided by the Act

The Act provides for two types of fees:

- A request fee, which is a form of administration fee to be paid by all requestors excluding personal requestors, before the request is even considered. The request fee is not refundable.
- An access fee, which is paid by all requestors in the event that a request for access is granted. This fee is inclusive of costs involved by the Private Body in obtaining and preparing a record for delivery to the requestor.

When a request is received by the Information Officer, such officer will require by notice, the requestor, other than a personal requestor, to pay the prescribed request fee, before further processing of the request (section 54 (1)).

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 will notify the requestor to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer will withhold a record until the requestor has paid the fees as indicated below.

A requestor whose request for access to a record has been granted, must pay an access fee that is calculated to include, where applicable, the request fee, the process fee for reproduction and for search and preparation, and for any time reasonable 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 requested form.

If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer will process the refund of the deposit to the requestor.

### Reproduction Fees

The following fees will be charged if the required information is requested as physical copies or on a USB drive:

<b>Reproduction of Information</b>	<b>Fees to be Charged</b>
Information on an A4 size page	R1.10 Per Page
A copy in computer-readable format	
USB	R100.00
Email	R50.00
OneDrive	R50.00
Transcription of Visual Images	R40.00
Transcription of an audio record	R30.00 Per A4 Page
A copy of an audio record	R30.00

### Request Fees

Where a requestor submits a request for access to information held by an institution on a person other than the requestor themselves, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request.

### Access Fees

An access fee is payable in all instances where a request for access to information is granted, except in instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

<b>Access of Information</b>	<b>Fees to be Charged</b>
Information on an A4 size page	R1.10 Per Page
A copy in computer-readable format	
USB	R100.00
Email	R50.00
OneDrive	R50.00
Transcription of Visual Images	R40.00
Transcription of an audio record	R30.00 Per A4 Page
A copy of an audio record	R30.00

A search for a record that must be disclosed *Per hour or part of an hour reasonably required for such search.	R100.00*
Where a copy of a records needs to be posted or couriered, the actual postal or courier fee is payable.	

#### Deposits

Where the institution receives a request for access to information held on a person, other than the requestor themselves and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requestor.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.

#### Collection Fees

The initial "request fee" of R50.00 should be deposited into the bank account below and a copy of the proof of payment with the application form and other correspondence/documents, must be forwarded to the Information Officer via email.

All fees must be deposited into the following bank account:

Bank: Nedbank  
Account Name: Eversci (Pty) Ltd  
Account Number: 1205743324  
Branch Code: 12681700

All fees are subject to change as allowed for in the Act and therefore such escalations may not always be immediately available at the time of the request being made. Requestors will be informed of any changes in the fees prior to making payment.

#### Decision

##### Time Allowed to the Institution

Eversci (Pty) Ltd, within 30 (thirty) days of receipt of the request, will decide whether to grant or decline the request and provide notice with reasons (if required) to that effect.

If the request is for a large number of documents and cannot reasonably be obtained within the original 30 (thirty) day period, it may be extended for a further period. Eversci (Pty) Ltd will notify the requestor in writing should an extension be needed.