

Manual in terms of Sections 14 (1) and 51 of the
Promotion of Access to Information Act No. 2 Of 2000
("PAIA")

for

Open Learning Group (OLG)
(PAIA Manual)

CONTENTS

No.	Item	Page No.
1.	Introduction and Purpose	3
2.	Nature of the business	3
	2.3 Further Details of OLG and Information Officer	4
3.	Guide on how to use PAIA and how to obtain Access to the Guide	4
4.	Records held in accordance with Section 51(1)(d) of the PAIA	5
5.	Subjects and Categories of Records	6
6.	Records automatically available	7
7.	Requests for Access to Information	7
8.	Refusal of Access Requests	8
9.	Grounds for Refusal of Access to Records	8
10.	Lodging of Complaints	9
11.	Updates to Manual	9
12.	Availability of Manual and Forms	9

1. INTRODUCTION AND PURPOSE

- 1.1. The Promotion of Access to Information Act. No. 2 of 2000 ("PAIA") gives effect to the section 32(2) Constitutional right of access to information. One of the main legislated requirements is the compilation of an Access to Information Manual.
- 1.2. This document is the Access to Information Manual for Open Learning Group (OLG) and is referred to as 'The PAIA Manual'.
- 1.3. This PAIA Manual is useful as it provides reference to and provides the process for persons to :
 - 1.3.1 Examine the categories of records held by OLG without having to submit a formal request in terms of PAIA.
 - 1.3.2 Get sufficient understanding of how to make a request for access to a record, by providing a description of the subjects on which OLG holds records and the categories of records held on each subject.
 - 1.3.3 Know the description of the records of the body which are available in accordance with any other legislation.
 - 1.3.4 Access the relevant contact details of the Information Officer and will assist with access, if required and relevant.
 - 1.3.5 Know the description of the guide on how to use PAIA, as updated by the Regulator from time to time and how to access to it.
- 1.4. This PAIA Manual is read with OLG's Privacy Policy which is written in accordance with the Protection of Personal Information Act, act 4 of 2013 ("POPIA"), both of which are accessible on its website.

2. Nature of the business

- 2.1 OLG, a subsidiary of Kagiso Capital (RF) Pty Ltd, is an education and training provider that offers a wide range of accredited and non-accredited courses. OLG is registered with the Department of Higher Education and Training as a private higher education institution under the Higher Education Act, 1997. Its focus is on providing accessible and flexible learning solutions, including distance learning, online courses, and workplace training. OLG provides education, skills development opportunities and comprehensive student support services to a diverse range of learners, including individuals and corporate clients.

2.2 The directors are appointed in accordance with the MOI.

2.3 Further details of OLG and Information Officer

Information Officer : Dr Hennie Scheepers

Registration number : 1997/020392/07

Registered Address : 87 Central Street
Houghton Estate
Johannesburg
2198
South Africa

Postal Address : Private Bag X10
Weltevredenpark
2159

Telephone Number : 011 670 4700

Website : <https://olg.co.za/>

Requests for all information must be directed to : info@olg.co.za

2.4 For more information about OLG and its specific offerings, visit its website and social media pages.

3. GUIDE ON HOW TO USE PAIA AND HOW TO OBTAIN ACCESS TO THE GUIDE

3.1. The Information Regulator compiles a Guide in accordance with Section 10 of PAIA. The Guide contains information to assist a person wishing to exercise a right in terms of PAIA and POPIA.

3.2. The Guide is available for inspection and use in each of the official languages on the Information Regulators website : <https://info regulator.org.za/paia-guidelines/>.

3.3. A copy of the Guide, in at least two of the official languages are also at each of our offices for public inspection from Monday to Friday during our business hours.

3.4. Should any person require a copy of the Guide, or any part thereof, they may email using Form 1 of Annexure A to the PAIA Regulations.

3.5. Prescribed fees as provided for by the PAIA Regulation will be charged for reproduction and postage.

3.6. Any further queries regarding the Guide may be directed to The Information Regulator (South Africa) as follows:

Physical address	JD House 27 Stiemens Street Braamfontein Johannesburg 2001
Postal Address	P.O Box 31533 Braamfontein Johannesburg 2017
Email	enquiries@inforegulator.org.za
Website	https://inforegulator.org.za/

3.7. The Guide, and any amendments thereto, form part of this Manual.

4. RECORDS HELD IN ACCORDANCE WITH SECTION 51(1)(d) OF THE PAI ACT

4.1. In the conduct of its day-to-day business and as a matter of standard practice and good governance OLG is required by law to keep records. The subjects and categories of records are as per paragraph 5 below.

4.2. Records are held in accordance with legislation. The list below is by no means exhaustive and is intended to serve as a guide only: -

- 4.2.1. Value-Added Tax Act No. 89 of 1991
- 4.2.2. Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- 4.2.3. Skills Development Act No. 97 of 1998
- 4.2.4. Unemployment Insurance Act No. 63 of 2001
- 4.2.5. Basic Conditions of Employment Act No. 75 of 1997
- 4.2.6. Companies Act No. 71 of 2008
- 4.2.7. Promotion of Access to Information Act No. 2 of 2000
- 4.2.8. Promotion of Administrative Justice Act No. 3 of 2000
- 4.2.9. Protection of Personal Information Act No. 4 of 2013
- 4.2.10. Income Tax Act No. 58 of 1965
- 4.2.11. Labour Relations Act No. 66 of 1995
- 4.2.12. Financial Intelligence Centre Act No. 38 of 2001

- 4.2.13. Employment Equity Act No. 55 of 1998
- 4.2.14. Occupational Health and Safety Act No. 85 of 1993
- 4.2.15. Broad Based Black Economic Empowerment Act No. 3 of 2003
- 4.2.16. Customs and Excise Act No. 91 of 1964
- 4.2.17. Pension Funds Act No. 24 of 1956
- 4.2.18. National Credit Act No.34 of 2005
- 4.2.19. Electronic Communications and Transactions Act No. 25 of 2002
- 4.2.20. Competition Act No. 89 of 1988
- 4.2.21. Legal Metrology Act No. 9 of 2014
- 4.2.22. Merchandise Marks Act No. 17 of 1941
- 4.2.23. Patents Act No. 57 of 1978
- 4.2.24. Trademarks Act No. 194 of 1993
- 4.2.25. Designs Act No. 195 of 1993
- 4.2.26. Consumer Protection Act No. 68 of 2008

5. SUBJECTS AND CATEGORIES OF RECORDS

5.1. The subjects and categories below are of records held as a matter of standard practice and are by no means exhaustive and is intended to serve as a guide only of the records held by OLG.

- 5.1.1. Certificate of incorporation /Memorandum of Incorporation
- 5.1.2. Companies Act records
- 5.1.3. Financial records including audited annual financial statements
- 5.1.4. Tax records
- 5.1.5. Asset and liability records
- 5.1.6. Employment records and policies (in compliance with The Basic Conditions of Employment Act and Labour Relations Act including inter alia each employee's name, occupation, remuneration and benefits received, performance related matters, and other personal information)
- 5.1.7. Employment equity plan
- 5.1.8. Procurement records
- 5.1.9. Other party records
- 5.1.10. Contracts and agreements
- 5.1.11. Minute books, (Resolutions passed at shareholders, Boards and Committees meetings
- 5.1.12. Register of shareholdings
- 5.1.13. Books of account required by legislation and supporting schedules
- 5.1.14. Policies and Procedures, Research papers, Publications, Marketing documents, User Manuals
- 5.1.15. Bursary applications, Learner and Guardian/Parent Records
- 5.1.16. Confidential, internal and external Correspondence.

5.2. The recordal of the subjects and categories in this paragraph is not an indication that all the information is available for public consumption nor does not imply that a request will automatically be granted.

Information that is automatically available without having to make a request in the prescribed form is itemised in paragraph 6 below.

5.3. All requests for access will be evaluated on a case-by-case basis on their own merits and due consideration will be made. OLG also reserves the right to decline to grant access in accordance with the law.

6. RECORDS AUTOMATICALLY AVAILABLE

6.1. Records which are automatically available without having to make a request in the prescribed form include the following:

- 6.1.1. Brochures, articles, newsletters, publications
- 6.1.2. All information contained on the OLG website.

7. REQUESTS FOR ACCESS TO INFORMATION

7.1. Access request procedure

- 7.1.1. Should any person request information they must follow the procedure and use the email address as stipulated in paragraph 2.3 above.
- 7.1.2. It is important to note that the successful submission of an access request form does not automatically guarantee the requester access to the requested records.
- 7.1.3. An application for access to a record is also subject to certain limitations if the requested record protects certain rights and falls within a certain category as specified with Part 3 and Chapter 4 of the PAIA.

7.2. Completion of access request form

- 7.2.1. To facilitate a timely response to requests for access, requesters should submit the fully complete an Access Request Form (Form 2 of Annexure A of the Regulations) and ensure that the following requirements are met:
 - 7.2.1.1. Proof of identity to authenticate the identity of the requester.
 - 7.2.1.2. If there is insufficient space on a printed form, additional information may be attached.
 - 7.2.1.3. The form must provide sufficient particulars to enable the information officer to identify:
 - the record/s requested, and the form of access required; and
 - full details of the requester, including their capacity, if it is being made on behalf of another as well as contact details and address;
 - the right the requester is seeking to exercise or protect and an explanation of why the requested record is required for the exercise or protection of that right.

7.2.1.4. Should the requester be illiterate or have a disability that prevents him/her from completing the form, or the form has to be completed orally, the information officer will complete Form 2 of Annexure A to the Regulations on behalf of the requester and provide a copy thereof to the requester.

8. REFUSAL OF ACCESS REQUESTS

8.1 After due consideration and within 30 days a decision will be made and a decision with reasons will be given to the requester in writing. This 30-day period may be extended for a further period of not more than thirty days.

8.2 If the request is for a large volume of information and the information cannot be reasonably obtained within the original 30-day period OLG will notify the requestor in writing should an extension be sought.

8.3 If the request for access is granted, and before the processing of the request, an access fee may be required for the search, reproduction and/or preparation of the records and this fee will be calculated based on the Prescribed Fees, as gazetted from time to time.

8.4 The Information Officer will inform the requester of such amount and the process that needs to be followed to fulfil this requirement. The Information Officer may also request a deposit of up to one third of the access fee.

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

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

9.1 The primary grounds for refusing a request are as follows (however other reasons may exist):

9.1.1. Mandatory protection of the privacy of a third party, which would involve the unreasonable disclosure of personal information to that natural person. Personal information is as defined by POPIA.

9.1.2. Mandatory protection of the commercial and confidential information of a third party, if the record contains:-

9.1.2.1. trade secrets of that party;

9.1.2.2. financial, commercial, or technical Information which disclosure would likely cause harm to the financial or commercial Interests of that party;

9.1.2.3. information disclosed in confidence by a third party to the company;

9.1.2.4. mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

9.1.2.5. mandatory protection of the safety of individuals and the protection of property;

9.1.2.6. mandatory protection of records which could be regarded as privileged in legal proceedings.

9.1.3. The commercial activities of OLG, which may include: -

9.1.3.1. trade secrets;

9.1.3.2. financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of OLG or any of its holdings.

9.1.4. If the records cannot be found or do not exist and all reasonable steps have been taken to find the record requested, the head of a private body by way of affidavit or affirmation, is required to notify the requester that it is not possible to give access to that record and set out the steps taken to find the record in question or to determine whether the record exists, as the case may be, including all communications with every person who conducted the search on behalf of the head.

9.1.5. If, after the said notice is given and the record in question is found, the requester concerned must be given access to the record, unless access is refused on any other grounds.

10. LODGING OF COMPLAINTS

10.1 Should a requester be unsatisfied with the decision, a complaint may be lodged in writing on a Form that corresponds substantially with Form 5 of Annexure A to the Regulations, to the Information Regulator.

11. UPDATES TO THE MANUAL

11.1 This Manual is updated from time to time.

12. AVAILABILITY OF MANUAL AND FORMS

12.1 A copy of this Manual is available for inspection free of charge at our place of business and is available to the public on our website.

12.2 The Forms and fee tariff as prescribed by the Regulator is available to the public on the Information Regulator's website at <https://info regulator.org.za/paia-forms/> or you may contact our Information Officer using the email address in paragraph 2.3 above.
