

PAIA MANUAL

1. INTRODUCTION

- 1.1. This Manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, 2000 ("the Act", "PAIA") for Capability HR (Pty) Ltd ("Capability HR", "the Company").
- 1.2. PAIA gives effect to the constitutional right of access to information held by another person and that is required for the exercise or protection of any rights.
- 1.3. Capability HR is a private profit Company incorporated under the laws of the Republic of South Africa ("RSA"). The Company provides: Business Process Outsourcing (BPO) services to both private and public sector clients based within the RSA and within international markets; debt recovery services; and assistance with credit-related challenges to large institutions and small businesses.
- 1.4. For more information on Capability HR please visit www.capabilityhr.com.

2. PURPOSE OF THIS MANUAL

- 2.1. This manual is designed to facilitate any request for information a requester may have under the Act and that is required for the exercise or protection of any right. Such a request may however be subject to justifiable limitations.
- 2.2. If a public body is the requester, the public body must be acting in the public interest. If a request is made in terms of the Act, the body to whom the request is made must release the information, except where the Act states that the information may or must not be released.
- 2.3. Requests in terms of the Act must be made in accordance with the required procedures, at the rates provided.

3. INFORMATION REQUIRED IN TERMS OF SECTION 51(1)(a) OF THE ACT

Registered Company name	Capability HR (Pty) Ltd
Registration number	2018/407555/07
Registered, physical and postal address	26 th Floor Delta Towers, 303 Dr Pixley Kaseme Street, Durban, Kwazulu-Natal, 4001
Telephone number	087 3515 109
Managing Director	Mark Essey 087 3515 109 mark@capabilitybpo.com
Information Officer/ Data Protection Officer	Nirshan Garrypershad 087 3515 109 Nirshan.h@capabilitybpo.com
Compliance Officer	Varesha Munsamy 087 3515 109 compliance@capabilitybpo.com

4. GUIDE OF THE INFORMATION REGULATOR (SOUTH AFRICA)

- 4.1. The Information Regulator has published a guide containing information on how to access information held by Private Bodies which impact a person's rights.
- 4.2. The guide can be obtained from the Information Regulator's office or from their website. Their contact details are as follows:

Physical address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001. P.O Box 31533, Braamfontein, Johannesburg, 2017
------------------	---

PAIA MANUAL

Telephone number	+27 11 023 5200
Email address	enquiries@infoeregulator.org.za
Website	www.infoeregulator.org.za

5. TYPES OF RECORDS HELD

5.1. Records are held and made available in terms of the following legislation:

Basic Conditions of Employment Act 75 of 1997	Occupational Health and Safety Act 85 of 1993
Broad-Based Black Economic Empowerment Act 53 of 2003	Promotion of Access to Information Act 2 of 2000
Companies Act 71 of 2008	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
Compensation for Occupational Injuries and Diseases Act 130 of 1993	Protection of Personal Information Act 4 of 2013
Copyright Act 98 of 1978	Skill Development Levies Act 9 of 1 999
Electronic Communications Act 36 of 2005	Skills Development Act 97 of 1998
Electronic Communications and Transactions Act 25 of 2002	Tax Administration Act 28 of 2011
Employment Equity Act 55 of 1998	Tax Administration Laws Amendment Act 44 of 2014
Financial Intelligence Centre Act 38 of 2001	Trade Marks Act 194 of 1993
Income Tax Act 58 of 1962	Unemployment Insurance Act 63 of 2001
Intellectual Property Laws Amendments Act 38 of 1997	Unemployment Insurance Contributions Act 4 of 2002
Labour Relations Act 66 of 1995	Value Added Tax Act 89 of 1991
National Credit Act 34 of 2005	Any other applicable legislation

5.2. Records that are freely available

The Minister may publish a Notice in the Government Gazette describing records which are freely available. As of the date of this Manual, no such Notice has been published that applies to Capability HR.

5.3. Other records held

The following other records are held:

5.3.1 Personnel Records

"Personnel" refers to any person who works for or provides services to or on behalf of the Company and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Company. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as prospective employees and contract workers.

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

PAIA MANUAL

5.3.2 Customer Related Records

A "customer" refers to any natural or juristic entity that receives services from the Company and includes all prospective customers.

- Records provided by a customer
- Records provided by a third party
- Records generated by or within the Company relating to its customers, including transactional records.

5.3.3 Company Records

- Financial records
- Operational records
- Databases
- Information Technology
- Marketing records

5.3.4 Internal Correspondence

Records including but not limited to the Company's affairs:

- Product records
- Statutory records
- Internal Policies and Procedures
- Records held by officials of the institution.

5.3.5 Other Party Records

- Personnel, website users, customer or private body records which are held by another party, as opposed to the records held by the Company itself.
- Records held by the Company pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers/vendors.
- The Company may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the Company.

5.4. Records automatically available

The following categories of records are automatically available for inspection, purchase or photocopying and do not need to be requested this information in terms of PAIA. These documents can be obtained from our information officer.

- Newsletters
- Booklets
- Pamphlets / Brochures
- Other literature intended for public viewing

6. **GROUNDINGS FOR REFUSAL**

In terms of the Act justifiable grounds exist for an entity to refuse or limit access to information. Grounds for refusal include, but are not only limited to these, are:

- Personal information relating to individuals
- Certain types of commercial information
- Information that is deemed confidential

PAIA MANUAL

- Information that is deemed privileged

7. PROCEDURE TO REQUEST FOR ACCESS TO RECORDS

- 7.1. The Requester must complete the prescribed form in as much detail as possible and forwarded to compliance@capabilitybpo.com.
- 7.2. The form can be accessed at <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf> or can be requested from compliance@capabilitybpo.com.
- 7.3. If the request is being made on behalf of another person, the requester must submit proof, to the satisfaction of the Information Officer, of the capacity in which they are making the request.
- 7.4. Once the form has been submitted, the Compliance Officer will advise the Requester if any fees will be payable. Fees payable can be accessed at [PAIA Fee Structure](#).
- 7.5. The Compliance Officer will advise if the request is approved, rejected or that a further 30 (thirty) day extension period is required to respond within 30 (thirty) business days.

8. RECORDS NOT FOUND OR NON-EXISTENT

- 8.1. If the Company has searched for a record and believes that it either does not exist or cannot be found, the Company will notify the requester by way of an affidavit or affirmation that it is not possible to provide access to the requested record due to its inability to locate it.
- 8.2. The Company will also provide the requester with details on the investigation to try to locate the record and will confirm to the requester that, if at a later stage the record is located, the Company will grant the requester access, provided that access is not prohibited.

9. AVAILABILITY OF THIS MANUAL

- 9.1. This manual is available for inspection, free of charge, at the registered offices of Capability HR, on our website (www.capabilityhr.com) and via email request to compliance@capabilitybpo.com.