

PAIA MANUAL
FOR
MAIN STREET 1523 PROPRIETARY LIMITED T/A SIX SENSE
MARKETING

In terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 As
amended

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1. INTERPRETATION

1.1. Main Street 1523 Proprietary Limited t/a Six Sense Marketing is defined as a private body in terms of the Act.

1.2. In this Manual, unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them and cognate words and expressions shall bear corresponding meanings:

1.2.1. **“the Act”** the Promotion of Access to Information Act No 2 of 2000 and the Regulations to the Act.

1.2.2. **“Six Sense”** Main Street 1523 Proprietary Limited, registration number 2017/122138/07, a subsidiary of Main Street 1533 Proprietary Limited;

1.2.3. **“Constitution”** the Constitution of the Republic of South Africa, 1996;

1.2.4. **“Information Officer”** the individual appointed in terms of the Protection of Personal Information Act No. 4 of 2013;

1.2.5. **“Manual”** this Manual prepared in accordance with section 51 of the Act;

1.2.6. **“Record”** any recorded information regardless of form or medium in the possession or under the control of Six Sense;

1.2.7. **“Requester”** any person or entity requesting access to a record held by Six Sense;

1.2.8. **“Request for Access”** a request for access to Six Sense in terms of the Act in respect of records held by Six Sense;

1.2.9. **“SAHRC”** the South African Human Rights Commission;

1.2.10. **“Section 10 Guide”** the guide compiled by the South African Human Rights Commission in terms of section 10 of the Act;

2. BACKGROUND

The Promotion of Access to Information Act, No 2 of 2000 (“the Act”) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

Reference to any information in addition to that specifically required in terms of section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

3. PURPOSE OF THE MANUAL

3.1 This manual is intended to foster a culture of transparency and accountability within Six Sense, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them more fully exercise and protect their rights.

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

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

3.3.1 Limitations aimed at the reasonable protection of privacy

3.3.2 Commercial confidentiality; and

3.3.3 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.

3.4 This Manual sets out to provide a manual to Six Sense to deal with the requests in a conforming manner, which will enable the Requesters to obtain the Record/s which they are entitled to in a quick, easy and accessible manner.

4. CONTACT DETAILS OF THE INFORMATION OFFICER IN TERMS OF SECTION 51(1)(a)

Information Officer:	Barry Fourie Bornman
Physical address:	Unit 3 & 4 Sax Centre, Pinotage Road, Saxenburg Park, Blackheath, 7580
Postal address:	PO Box 1370, Sanlamhof, 7532
Telephone number:	021 907 3860
E-mail address:	info.officer@sixsensemarketing.co.za

Deputy Information Officer:	Michael Koorsse
Physical address:	Unit 3 & 4 Sax Centre, Pinotage Road, Saxenburg Park, Blackheath, 7580
Postal address:	PO Box 1370, Sanlamhof, 7532
Telephone number:	021 907 3860
E-mail address:	mike@tradeonsa.co.za

5. SECTION 10 GUIDE TO THE ACT IN TERMS OF SECTION 51(1)(b)

5.1. The Act grants a Requester access to records of a private body, if the record is required for the exercise or protection of any rights.

- 5.2. If a public body lodges a request for access to information with Six Sense, the public body must be acting in the public interest.
- 5.3. Requests in terms of the Act shall be made in accordance with the prescribed procedures and at the rates provided and gazetted by the Minister of Justice and Constitutional Development from time to time. The applicable forms and tariffs are specified in the Act.
- 5.4. Requesters are referred to the Section 10 Guide which will contain information that will be of assistance to the Requester for the purposes of exercising their constitutional rights.
- 5.5. This guide is available from the **SAHRC** at:

Postal Address:	Private Bag X2700 Houghton, 2041
Physical Address:	Braampark Forum 3, 33 Hoof Street, Braampark, Johannesburg, 2017
Telephone number:	+27 11 877 3600
Fax number:	+27 11 403 0684
E-mail:	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

6. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

7. RECORDS OF SIX SENSE WHICH ARE AVAILABLE IN ACCORDANCE WITH LEGISLATION IN TERMS OF SECTION 51(1)(d)

- 7.1. Schedule of Records:

The Schedule of Records as contained in **Appendix 1** of this Manual details the records that are held and/or processed by Six Sense for the purposes of the Act. Access to such records may not be granted if they are subject to the grounds of refusal which are specified in paragraph 12 below.

7.2. List of applicable legislation:

7.2.1. Six Sense also retains records which are required in terms of legislation other than the Act.

7.2.2. Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the Requester has a right of access to a record other than in terms of the procedure set out in the Act are set out in **Appendix 2**.

8. SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF SIX SENSE

8.1. A Requester must comply with all the procedural requirements as contained in section 53 of the Act relating to a Request for Access.

8.2. A Requester must complete the prescribed form attached as **Appendix 3** and submit the completed form as well as confirmation of payment of the applicable fee / deposit for the attention of the Information Officer.

8.3. On the prescribed form, clear and sufficient details must be provided to enable Six Sense to ascertain:

8.3.1. the identity of the Requester (if the Requester is represented by an agent, sufficient proof showing authority to represent the Requester and the identity of the agent must be included);

8.3.2. the Record/s requested;

8.3.3. the right that the Requester is seeking to exercise or protect with an explanation of the reason/s the Record is required to exercise or protect the right;

8.3.4. the form of access required; and

8.3.5. the postal address, fax number or email address of the Requester.

8.4. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally to the Information Officer.

8.5. Upon receipt of a Request for Access, the Information Officer will consider the request and notify the Requester of his/her decision by way of a sworn affidavit, within the time periods stipulated in the Act, stating clearly whether the request is granted or refused and advising the Requester of external remedies which the Requester may pursue to dispute the Information Officer's decision.

9. INFORMATION REQUESTED ABOUT A THIRD PARTY

9.1. Where any information relating to a third party is requested from Six Sense by a Requester, Six Sense will notify the third party of the request.

9.2. The third party will have an opportunity to grant his/her/its consent to the disclosure of the Record or to make representations as to why the requested record should not be disclosed to the Requester.

9.3. Where Six Sense decides to grant access to the Record, it will notify all affected third parties who will be entitled to approach a competent court by way of application in relation to such decision.

10. FEE SCHEDULE IN TERMS OF SECTION 54

10.1. When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester to pay the prescribed fee before a request will be processed.

10.2. If the preparation of the Record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the Request for Access was granted).

10.3. The Information Officer may withhold access to the Record until the requisite fees have been paid.

- 10.4. If a Request for Access is granted, an access fee must be paid before such information is made available to the Requester.
- 10.5. If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.
- 10.6. The prescribed fees are set out in **Appendix 4**.
- 10.7. Personal requests will not be subject to a fee.

11. DECISION TO GRANT ACCESS TO RECORDS

- 11.1. Six Sense will decide whether to grant or decline the Request for Access within 30 days of receipt thereof and must give notice to the Requester with reasons (if required) to that effect.
- 11.2. The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for many records or the Request for Access requires a search for records held at another office of Six Sense and the records cannot reasonably be obtained within the initial 30-day period.
- 11.3. Six Sense will notify the Requester in writing should an extension of time as contemplated above be required.
- 11.4. If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

12. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4

- 12.1. Six Sense may, subject to the exclusions contained in section 7 and 70 of the Act, refuse a Request for Access in the following circumstances:

- 12.1.1. the mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of personal information would be unreasonable;
- 12.1.2. the mandatory protection of the commercial information of a third party, if the Record contains:
 - 12.1.2.1. trade secrets of that third party;
 - 12.1.2.2. financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or
 - 12.1.2.3. information disclosed in confidence by a third party to Six Sense, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
 - 12.1.2.4. the mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - 12.1.2.5. the mandatory protection of the safety of individuals and the protection of property;
- 12.1.3. the mandatory protection of records that would be regarded as privileged in legal proceedings;
- 12.1.4. the protection of the commercial information of Six Sense, which may include:
 - 12.1.4.1. trade secrets;
 - 12.1.4.2. financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of Six Sense;
 - 12.1.4.3. information which, if disclosed, could put Six Sense at a disadvantage in contractual or other negotiations or prejudice Six Sense in commercial competition; and/or

- 12.1.4.4. computer programs which are owned by Six Sense, and which are protected by copyright and intellectual property laws;
- 12.1.5. the mandatory protection of research information of Six Sense or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- 12.1.6. requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

13. INFORMATION OR RECORDS THAT CANNOT BE FOUND

- 13.1. Where Six Sense has taken all reasonable steps to find a record, but such record is not found, or is found not to exist, Six Sense will provide notification of this to the Requester in the form of a sworn affidavit.
- 13.2. The sworn affidavit will provide a full account of all steps taken by Six Sense to find the record or to determine the existence thereof.
- 13.3. If the requested record is later found by Six Sense, the Requester shall be notified and furnished with the requested document in the manner stipulated by the Requester in the application for access to information previously lodged by the Requester (this will apply to instances where Six Sense does not object to disclosing the requested information).
- 13.4. Where the requested record is later found but the Information Officer objects to disclosing the record to the Requester on the grounds set out in Chapter 4 of the Act, the Information Officer shall notify the Requester of the decision and advise the Requester of the available external remedies.

14. REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF SECTION 78

- 14.1. Internal Remedies

If the Information Officer refuses access to the requested information, any member of Main Street's executive committee can be consulted and must agree before such decision becomes final. Any other decision made by the Information Officer is final and Requesters will have to exercise such external remedies at their disposal if the request for the information is refused and the Requester is not satisfied with the answer supplied by the Information Officer.

14.2. External Remedies

A Requester that is dissatisfied with the Information Officers refusal to disclose information, may apply to a court within 30 days of notification of the decision for appropriate relief.

15. AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 51(3)

- 15.1. This Manual is available at the offices of Six Sense for inspection during normal business hours and on Six Sense's website. This Manual may be viewed or downloaded free of charge.
- 15.2. Copies of the Manual can be obtained from the Information Officer. A fee will be levied for copies of the Manual in accordance with **Appendix 4**.

DESCRIPTION OF THE SUBJECTS ON WHICH SIX SENSE HOLDS RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT AS REQUIRED BY SECTION 51(1)(E) OF THE ACT

Note: the accessibility of these records may be subject to the grounds of refusal set out in this Manual.

The information is classified and grouped according to records relating to the following subjects and categories:

1. Staff Records

- 1.1. Personal records provided by staff;
- 1.2. Records provided by a third party relating to staff;
- 1.3. Conditions of employment and other staff-related contractual and *quasi-legal* records;
- 1.4. Internal evaluation records and other internal records;
- 1.5. Correspondence relating to staff
- 1.6. Training schedules and material

"Staff" refers to any person who works for or provides services to or on behalf of the institution, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of MS1522. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

2. Client related records

- 2.1. Records provided by a client to a third party acting on behalf of Six Sense;
- 2.2. Records provided by a third party;
- 2.3. Records generated by or within Six Sense pertaining to its clients from Six Sense, including transactional records.

"Client" refers to any natural or juristic entity that receives services or products from Six Sense.

3. Private body records

- 3.1. Financial records;
- 3.2. Operational records;
- 3.3. Databases;
- 3.4. Information technology;
- 3.5. Marketing records;
- 3.6. Internal correspondence
- 3.7. Product records;
- 3.8. Statutory records;
- 3.9. Internal policies and procedures;
- 3.10. Minutes of Meetings;
- 3.11. Securities and Equities, and
- 3.12. Records held by officials of Six Sense.

These records include, but are not limited to, the records which pertain to Six Sense's own affairs.

4. Other party records

- 4.1. Staff, client or private body records which are held by another party, as opposed to the records held by Six Sense itself;
- 4.2. Records held by Six Sense 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.

Six Sense 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 Six Sense.

LIST OF APPLICABLE LEGISLATION:

1.	Basic Conditions of Employment Act 75 of 1997
2.	Companies Act 71 of 2008
3.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
4.	Consumer Protection Act 68 of 2009
5.	Copyright Act 98 of 1987
6.	Electronic Communications Act No. 36 of 2005
7.	Electronic Communications and Transactions Act 2 of 2000
8.	Employment Equity Act 55 of 1998
9.	Income Tax Act 58 of 1962
10.	Insolvency Act No. 24 of 1936
11.	Intellectual Property Law Amendments Act No. 38 of 1997
12.	Labour Relations Act No. 66 of 1995
13.	Occupational Health and Safety Act 85 of 1993
14.	Patents Act 57 of 1987
15.	Pension Funds Act 24 of 1956
16.	Promotion of Access to Information Act No. 2 of 2000
17.	Protection of Personal Information Act No. 4 of 2013
18.	Skills Development Act 97 of 1997
19.	Skills Development Levies Act 9 of 1999
20.	Trademarks Act 194 of 1993
21.	Unemployment Insurance Act 63 of 2001
22.	Unemployment Insurance Fund Contributions Act 4 of 2002
23.	Value-Added Tax Act 89 of 1991

ACCESS REQUEST FORM - RECORDS OF A PRIVATE BODY

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

[Regulation 10]

COMPLETION OF ACCESS REQUEST FORM: INSTRUCTIONSNote:

1. The Access Request Form must be completed.
2. Proof of identity is required to authenticate the identity of the Requester. Attach a copy of the Requester's identification document.
3. Type or print an answer to every question in BLOCK LETTERS.
4. If a question does not apply, state "N/A".
5. If there is nothing to disclose in reply to a question, state "nil".
6. When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.

1. The Information Officer:

Information Officer:	Barry Fourie Bornman
Physical address:	Unit 3 & 4 Sax Centre, Pinotage Road, Saxenburg Park, Blackheath, 7580
Postal address:	PO Box 1370, Sanlamhof, 7532
Telephone number:	021 907 3860
E-mail address:	info.officer@sixsensemarketing.co.za / Info@sixsensemarketing.co.za

2. Particulars of the Requester (if natural person):

- 2.1 The particulars of the person who requests access to the record must be given below.

- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Identity number:	
Physical address:	
Postal address:	
Fax number:	
Telephone number:	
E-mail address:	

Capacity in which the request is made, when made on behalf of another person (attach letter of authorisation in support of the request):

3. Particulars of the Requester (if a legal entity):

- 3.1 The particulars of the entity that requests access to the record must be given below.
- 3.2 The address and/or fax number and/or email address in the Republic to which the information is to be sent.
- 3.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Registration number:	
Physical address:	

Postal address:	
Telephone number:	
Fax number:	
Email address:	

4. 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:	
Physical address:	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

5. Particulars of the Record:

5.1 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.

5.2 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.

Description of Record or relevant part of the Record:

Reference number, if available:

Any further particulars of Record:

6. Fees:

- 6.1 A request for access to a Record, other than a Record containing personal information about yourself, will be processed only after a non-refundable request fee of R57.00 has been paid.
- 6.2 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.
- 6.3 You will be notified of the amount required to be paid as the access fee.
- 6.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

7. Form of access to Record:

- 7.1 Compliance with your request in the specified form may depend on the form in which the Record is available.
- 7.2 Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.
- 7.3 The fee payable for access to the Record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an "X".

If the Record is in written or printed form	Copy of the Record	
	Inspection of the Record	
If the Record consists of visual images: (Photographs, slides, video recordings, computer-generated images, sketches, etc.)	View the images	
	Copy of the images	
	Transcription of the images	
If Record consists of recorded information that can be reproduced in sound:	Listen to the soundtrack (audio cassette)	
	Transcription of soundtrack (written or printed document)	
If Record is held on computer or in an electronic or machine-readable form:	Printed copy of Record	
	Printed copy of information derived from Record	
	In readable form* (flash drive / compact disc)	
*If you are requesting a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you? <i>Postage is payable</i> – kindly provide address below if "yes"		
Yes		No

<p>In which language would you prefer the Record?</p> <p><i>*Note that if the Record is not available in the language you prefer, access may be granted in the language in which the record is available.</i></p>	
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8. In the event of disability:

If you are prevented by a disability to read, view or listen to the record, state your disability and indicate in which form the Record is required.

Disability:

Form in which the Record is required:

9. Particulars of right to be exercised or protected:

- 9.1 If the provided space is inadequate, please continue on a separate folio and attach it to this form.
- 9.2 The Requester must sign all the additional folios.

Indicate which right is to be exercised or protected:

Explain why the Record requested is required for the exercise or protection of the
aforementioned right:

10. 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 _____ on this _____ day of _____ 202__

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

FEE SCHEDULE AS PER THE REGULATIONS TO THE ACT

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) of the Act are as follows:

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	R0,75
c)	For a copy in a computer-readable form on -	
	i) a CD (compact disc)	R70,00
	ii) a Stiffy disc	R7,50
d)	i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	ii) For a copy of visual images	R60,00
e)	i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	ii) For a copy of an audio record	R30,00

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:

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	R0,75
c)	For a copy in a computer-readable form on -	
	i) a CD (compact disc)	R70,00
	ii) a Stiffy disc	R7,50

d)	i)	For a transcription of visual images, for an A4-size page or part thereof	R40,00
	ii)	For a copy of visual images	R60,00
e)	i)	For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	ii)	For a copy of an audio record	R30,00
f)		To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation	R30,00

5. For purposes of section 54(2) of PAIA, the following applies:

5.1. Should the time limit allocated, of six hours, be exceeded a deposit is payable;
and

5.2. One third of the access fee is payable as a deposit by the Requester.

6. The actual postage is payable when a copy of a record must be posted to a Requester.