

NAVIGATE GROUP (PTY) LTD

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MANUAL

**PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT
2000**

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1. INTRODUCTION

This manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 and section 23 of the Protection of Personal Information Act 4 of 2013. Section 32(1)(a) of the Constitution of the Republic of South Africa of 1996 (hereinafter referred to as 'the Constitution') provides that everyone has a right of access to any information held by the state and any information held by another person that is required for the exercise or protection of any rights.

The Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as 'PAIA') was enacted to give effect to the constitutional right of access to information. The Protection of Personal Information Act 4 of 2013 (hereinafter referred to as 'POPIA') was enacted to give effect to the Constitutional right to privacy and to promote the protection of personal information processed by public and privacy bodies.

2. PURPOSE OF MANUAL

This manual is compiled not only to comply with the provisions of PAIA and POPIA, but is also intended to:

- advance a culture of transparency and accountability by giving effect to the right to information that is required for the exercise or protection of any right, and
- promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

Section 51 of the PAIA requires private bodies to compile a manual to enable a person to gain access to information held by such private body and stipulates the minimum requirements that the manual must comply with.

This Manual constitutes the PAIA manual of Navigate and has been compiled in accordance with section 51 of PAIA as amended by the Protection of Personal Information Act, 2013 ("POPIA"), which gives effect to the constitutional right to privacy.

The POPIA amends certain provisions of the PAIA, balancing the need for access to information against the need to ensure protection of personal information by providing for the establishment of an Information Regulator who is, among others, empowered to monitor and enforce compliance by public and private bodies with the provisions of the POPIA. More information on how Navigate processes and protects personal information can be found in each of the relevant entity's customer privacy notices which are available on each of the respective entity's websites.

The purpose of this Manual is to facilitate requests for access to information regarding Navigate and it applies in respect of Navigate and each member, affiliate or subsidiary described in Annexure C.

3. CONTACT DETAILS

The following relevant contact details are provided as required by section 51(1)(a) of PAIA:

Information Officer: Sholane Sathu

Postal Address: 24 The Downs, Downing Street
Magaliessig
2055

Business phone: 0739569407

Website: www.navigatecompliance.io and www.navigatelearning.io and all associated domains/instances

Email: info@navcompliance.co.za

4. GUIDE ON HOW TO USE THE ACT

[Information required by section 51(1)(b)]

The South African Human Rights Commission has compiled a guide, in terms of Section 10 of the PAIA, to facilitate ease of use of the POPIA for requesters of information. This guide is available in all 11 official languages from the South African Human Rights Commission. Any Queries can be directed to:

	The South African Human Rights Commission	Information Regulator
Physical Address	33 Hoofd Street Forum 3 3rd Floor Braamfontein South Africa	JD House 27 Stiemens Street Braamfontein Johannesburg
Postal Address	Private Bag X2700 Houghton 2041	PO Box 31533 Braamfontein Johannesburg 2017
Tel	011 – 877 3600	010 023 5200
Website	www.sahrc.org.za	www.inforegulator.org.za

E-mail	PAIA@sahrc.org.sa	enquiries@inforegulator.org.za
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5. RECORDS AUTOMATICALLY AVAILABLE

Information that is available in the public domain and information obtainable via any of the websites of Navigate or any of its affiliates, managed entities, or related companies, is automatically available and need not be formally requested in terms of this Manual.

6. ACCESS TO RECORD SUBJECTS AND CATEGORIES HELD BY **Navigate IN TERMS OF PAIA**

[Section 51(1)(c) and 51(1)(e)]

The subjects on which Navigate holds records and the categories on each subject in terms of Section 51(1)(e) are listed below. Please note that a requestor is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the PAIA. Please also refer to the relevant entity's privacy policies for further information.

6.1. Financial information

- 6.1.1. Accounting records
- 6.1.2. Annual financial statements
- 6.1.3. Asset register
- 6.1.4. Banking records
- 6.1.5. Invoices and statements
- 6.1.6. Insurance policies
- 6.1.7. Tax reports and returns
- 6.1.8. Statistics SA returns

6.2. Secretarial

- 6.2.1. Management Reports
- 6.2.2. Minute books
- 6.2.3. Statutory records

6.3. Human Resources

- 6.3.1. Employee records and information
- 6.3.2. Training records, manuals, materials and reports
- 6.3.3. Employment equity records and reports
- 6.3.4. Disciplinary records
- 6.3.5. Payroll records
- 6.3.6. UIF/SDL/PAYE returns
- 6.3.7. Leave records
- 6.3.8. Policies and procedures
- 6.3.9. Retirement benefit records
- 6.3.10. Information required for and the screening results in terms of Directive 8

6.4. Information management and technology

- 6.4.1. Databases
- 6.4.2. Computer software
- 6.4.3. Registered Trademarks and Domains
- 6.4.4. Software license agreements
- 6.4.5. Disaster recovery plans
- 6.4.6. Policies and Procedures
- 6.4.7. Access control registers

6.5. Marketing

- 6.5.1. Marketing, advertising and promotional materials
- 6.5.2. Marketing strategies

6.6. Operations

- 6.6.1. Operational policies and procedures

6.7. Customer and learner related records

- 6.7.1. Full name
- 6.7.2. Copies of national identity number or passport number
- 6.7.3. Physical address
- 6.7.4. Bank details
- 6.7.5. Contact number
- 6.7.6. Correspondence
- 6.7.7. Source of income
- 6.7.8. Occupation
- 6.7.9. IP address
- 6.7.10. Supporting documentation provided by the customer or third- party providers
- 6.7.11. Credit applications by qualifying employees

6.8. Legal and Compliance

- 6.8.1. Licenses and approvals from the regulatory authorities
- 6.8.2. Agreements and contracts
- 6.8.3. Policies and procedures
- 6.8.4. Self -exclusion communications from the Gambling Board

Note that this may not be an exhaustive list, and that these records are not necessarily available for requestors.

7. RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION

[Section 51(1)(d)]

The following records are available in accordance with the following legislation:

7.1. Human Resources

- 7.1.1. Broad-Based Black Economic Empowerment Act, 2003
- 7.1.2. Labour Relations Act, 1995
- 7.1.3. Basic Conditions of Employment Act, 1997
- 7.1.4. Employment Equity Act, 1998
- 7.1.5. Skills Development Act, 97 of 1998
- 7.1.6. Skills Development Levies Act, 1999
- 7.1.7. Employment Equity Act, 1998
- 7.1.8. Unemployment Insurance Act, 2001
- 7.1.9. Occupational Health and Safety Act, 1993
- 7.1.10. Occupational Health and Safety Regulations
- 7.1.11. Unemployment Contributions Act, 2002
- 7.1.12. Unemployment Insurance Act, 2001
- 7.1.13. Compensation for Occupational Injuries and Diseases Act, 1993

7.2. Accounting and Finance

- 7.2.1. Income Tax Act, 1962
- 7.2.2. Value Added Tax Act, 1991

7.3. Legal and Compliance

- 7.3.1. Companies Act, 2008
- 7.3.2. Financial Intelligence Centre Act, 2001 and related legislation
- 7.3.3. Protection of Personal Information Act, 2013
- 7.3.4. Promotion of Access to Information Act, 2000

Note that this may not be an exhaustive list, and that these records are not necessarily automatically available to requestors.

8. PROCEDURE FOR ACCESS REQUEST

It is important to note that the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 of Chapter 4 of the Act. If it is reasonably suspected that the requestor has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requestor.

The following steps must be followed when a requester wishes to obtain access to information

from Navigate:

- 8.1. The requester must complete Form C found in Annexure A. This Form must be submitted, together with a request fee (if applicable) and proof of the requestor's ID, to the Information Officer at the specified address or electronic email address listed in section 3 above. A request which does not comply with the formalities prescribed by the PAIA will be returned to you.
- 8.2. The request must meet the following requirements:
 - 8.2.1. provide sufficient detail to enable the Information Officer to identify the record(s) requested and to identify the requestor;
 - 8.2.2. indicate which form of access is required;
 - 8.2.3. specify a postal address or e-mail address of the requester in the Republic of South Africa;
 - 8.2.4. identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right; and
 - 8.2.5. indicate if any other manner is to be used to inform the requestor and state the necessary particulars to be so informed.
- 8.3. If a request is made on behalf of another person, the requestor must then submit proof of the capacity in which the requestor is making the request to the satisfaction of the Group.
- 8.4. The fee that the requestor must pay to Navigate is currently R 140.
- 8.5. After the Information Officer has decided on the request, the requestor must be notified whether access is granted or refused.
- 8.6. If the request is granted then an access fee is payable in respect of the search, reproduction, and preparation costs. These fees are set out in Annexure B.
- 8.7. The request will be processed within 30 days, unless the request contains considerations that are of such a nature that an extension of the 30-day time limit is necessitated. Where an extension of the 30-day time limit is required, the Requester must be notified, together with reasons explaining why such extension is necessitated.
- 8.8. If a request is made on behalf of another person, then the Requester must submit proof of the capacity in which the Requester is making the request to the reasonable satisfaction of the Information Officer.
- 8.9. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.10. If the request pertains to a third party, the Information Officer must take all reasonable steps to inform that third party of the request within 21 days of receipt of the request. The

third party may within 21 days thereafter either make representation as to why the request should be refused or grant written consent to disclosure. The third party must be advised of both the decision taken and of their right to appeal against the decision by way of application to court within 30 days after the notice

9. Who may request information?

9.1. Any person who requires information for the exercise or protection of any rights may request information from a private body. Section 50 of PAIA states that a Requester must be given access to any record of a private body if:

- 9.1.1. that record is required for the exercise or protection of any rights,
- 9.1.2. that person complies with the procedural requirements in PAIA relating to a request for access to that record, and
- 9.1.3. access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4, Part 3 of PAIA.

10. Decision of the Information officer

10.1.1. The Information Officer will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

10.1.2. The Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the Requester by way of affidavit or affirmation that it is not possible to give access to the record. If, however, the record is later found, the Requester must be given access if the request would otherwise have been granted.

10.1.3. The 30-day period with which their Information Officer has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information records, or the request requires a search for information and the information cannot reasonably be obtained within the original 30-day period. Should an extension be required the Requester will be notified in writing and will also be provided with the procedure involved should the Requester wish to apply to court against the extension.

10.1.4. If a request is for the information is GRANTED:

The notification must state the applicable access fee required to be paid, together with the procedure to be followed should the Requester wish to apply to court against such fee, and the form in which access will be given.

10.1.5. If a request is DECLINED:

The notification must include adequate reasons for the decision, together with the relevant provisions of PAIA relied upon and provide the procedure to be followed should the Requester wish to apply to court against the decision. The Information

Officer's failure to respond to the Requester within the 30-day period constitutes a deemed refusal of the request.

10.1.6. Section 59 of PAIA provides that the Information Officer may redact a record and grant access only to that portion which the law does not prohibit access to. If access is granted, access must be given in the form that is reasonably required by the Requester, or if the Requester has not identified a preference, in a form reasonably determined by the Information Officer.

10.1.7. Reasons for Refusal

10.1.7.1. The main reasons for refusal access to information relates to the:

10.1.7.1.1. Protection of the privacy of data subjects and third parties (both natural corporate and natural persons) disclosure of which would involve the unreasonable disclosure of personal information of that natural person

10.1.7.1.2. Protection of trade secrets, financial, commercial, scientific or technical information which could likely cause harm to the financial or commercial interests

10.1.7.1.3. information disclosed in confidence by a third party to Hollywoodbets, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition

10.1.7.1.4. Protection of confidential information of third parties if it is protected in terms of any agreement.

10.1.7.1.5. Protection of the safety of individuals and the protection of property

10.1.7.1.6. Protection of records which would be regarded as privileged in legal proceedings

10.1.7.1.7. The research information of Navigate or a third party, if its disclosure would place the research at a serious disadvantage

10.1.7.1.8. a computer program, tool or software which is owned by Hollywoodbets, and which is protected by copyright

10.1.8. Requests for information that are clearly not legitimate, trivial, or nuisance, or which involve an unreasonable diversion of resources must be refused.

10.1.9. Remedies available when an institution refuses a request for information:

10.1.9.1. Navigate does not have internal appeal procedures. For this reason, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the Requester is not satisfied with the answer supplied by the Information Officer.

10.1.9.2. A requester that is dissatisfied with the Information Officer's refusal to disclose information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to

grant a request for information may, within 30 days of notification of the decision, apply to a court for relief.

10.1.9.3. For purposes of PAIA and POPIA, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

The Navigate PAIA manual is available on the website of Navigate at www.navigatecompliance.io and www.navigatelearning.io

DOCUMENT MAINTENANCE

Entity	Navigate (Pty) Ltd
Policy Owner	Sholane Sathu
Implementation Date	10/01/2019
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ANNEXURE A - PRESCRIBED FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

(Regulation 10)

A. PARTICULARS OF PRIVATE BODY

The Head : _____

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 (postal and/or email) and/or fax number 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 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 sheet and attach it to this form. The requestor must sign all additional sheets*

Description of record or relevant part of record : _____

Reference number, if available : _____

Any further particulars of record : _____

E. FEES

- (a) A request for access to a record, other than a record containing personal information about you, 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 below 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 to 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"/>	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"/>	Copy of the images*		
<input type="checkbox"/>		<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 (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack * (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"/>	Printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form *		
*If you requested a copy or transcript of a record (above) do you wish the copy or transcription to be posted to you? Postage is payable			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate sheet and attach it to this form. The requestor must sign all the additional sheets

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 : _____

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 _____

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

ANNEXURE B - FEES IN RESPECT OF PRIVATE BODIES

Item	Description	Amount
1.	The request fee payable by every requester	R 140
2.	Photocopy/ printed black and white copy of A4-size page	R 2 per page or part thereof
3.	Printed copy of A4-size page	R 2 per page or part thereof
4.	For a copy in a computer-readable form on: iii. Flash drive (to be provided by requester) iv. Compact disc • If provided by requestor • If provided to the requester	R 40 R 40 R 60
5.	For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on quotation from service provider.
6.	Copy of visual images per A4-size page	
7.	Transcription of an audio record, per A4-size page	R 24
8.	Copy of an audio recording on: v. Flash drive (to be provided by requester) vi. Compact disc • If provided by requestor • If provided to the requester	R 40 R 40 R 60
9.	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation. To not exceed a total cost of	R 435
10.	Deposit: if such exceeds 6 hours	One third of amount per request calculated in terms of items 2 to 8.
11.	Postage, e-mail or any other electronic transfer	Actual expense, if any.

