

PAIA Manual

Prepared in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

This PAIA Manual specifically addresses the processing of personal information by Learning Curve Holdings and its subsidiaries, AMI Marketing (Pty) Ltd t/a Learning Curve and Learning Curve Academy Africa (Pty) Ltd, within the scope of the Protection of Personal Information Act No 4 of 2013 ("POPIA"). It is designed to ensure transparency and compliance with lawful information handling practices when personal information is processed in South Africa under POPIA. This manual does not apply to processing activities outside the scope of POPIA, or to processing personal information in jurisdictions or under circumstances where POPIA is not applicable.

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1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 “Minister” – Minister of Justice and Correctional Services;
- 1.2 “PAIA” – Promotion of Access to Information Act No. 2 of 2000 (as Amended);
- 1.3 “POPIA” – Protection of Personal Information Act No.4 of 2013;
- 1.4 “Learning Curve” – any one or more of the entities referred to on the cover page; and
- 1.5 “Regulator” – Information Regulator.

2. INTRODUCTION

- 2.1 PAIA upholds the constitutional right of individuals to access information held by both public entities and private bodies, where such information is necessary for the exercise or protection of rights. Under PAIA, entities receiving requests are obligated to disclose information, except where specific provisions prohibit disclosure.
- 2.2 Learning Curve is required by law to compile a manual that complies with PAIA’s requirements, providing necessary information to facilitate access to information.

3. PURPOSE OF PAIA MANUAL

- 3.1 This manual enables the public to:
 - 3.1.1 check the categories of records held by Learning Curve which are available without a person having to submit a formal PAIA request;
 - 3.1.2 have a sufficient understanding of how to make a request for access to a record of Learning Curve, by providing a description of the subjects on which Learning Curve holds records and the categories of records held on each subject;
 - 3.1.3 know the description of the records of Learning Curve which are available in accordance with any other legislation;
 - 3.1.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
 - 3.1.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
 - 3.1.6 know if Learning Curve will process personal information, the purpose of processing of personal information and the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 3.1.7 know the description of the categories of data subjects and of the information or categories of information relating thereto;
 - 3.1.8 know the recipients or categories of recipients to whom the personal information may be supplied;
 - 3.1.9 know if Learning Curve has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
 - 3.1.10 know whether Learning Curve has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

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

3.2.1 limitations aimed at the reasonable protection of privacy;

3.2.2 commercial confidentiality; and

3.2.3 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.

3.3 This manual will enable requesters to obtain records to which they are entitled under PAIA in a quick and accessible manner.

4. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF LEARNING CURVE

All requests for information in terms of this manual should be directed to the Information Officer of Learning Curve, being:

Name:	Anneline Chapman
Postal Address:	26 Worcester Str, Hout Bay, Cape Town, South Africa, 7806
Physical Address:	26 Worcester Str, Hout Bay, Cape Town, South Africa, 7806
Tel:	+27 (0) 87 089 4435
Email:	anneline@learningcurve.co.za

4.1 Access to information general contacts

Email: anneline@learningcurve.co.za

4.2 National or Head Office in South Africa

Postal Address: 26 Worcester Str, Hout Bay, Cape Town, South Africa, 7806

Physical Address: 26 Worcester Str, Hout Bay, Cape Town, South Africa, 7806

Telephone: +27 (0) 87 089 4435

Email: anneline@learningcurve.co.za

Website: www.learningcurve.co.za/

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

5.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide on how to use PAIA (“Guide”), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

5.2 The aforesaid Guide contains the description of, amongst other things –

- 5.2.1 the objects of PAIA and POPIA;
- 5.2.2 the manner and form of a request for access to a record of a private body contemplated in section 50;
- 5.2.3 the assistance available from the Regulator in terms of PAIA and POPIA;
- 5.2.4 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging –
 - 5.3.4.1 an internal appeal;
 - 5.3.4.2 a complaint to the Regulator; and
 - 5.3.4.3 an application with a court against a decision by the Regulator or a decision of the head of a private body;
- 5.2.5 the provisions of sections 14 and 51 requiring a private body to compile a manual, and how to obtain access to a manual;
- 5.2.6 the provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a private body;
- 5.2.7 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 5.2.8 the regulations made in terms of section 92.

5.3 The Guide can be obtained in each of the official languages spoken in the Republic of South Africa –

- 5.3.1 upon request to the Information Officer;
- 5.3.2 from the website of the Regulator (<https://www.justice.gov.za/inforeg/>).

6. CATEGORIES OF RECORDS OF LEARNING CURVE WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

A private entity has the option to voluntarily provide the Minister with a list of categories of records that can be accessed automatically without individuals needing to formally request access under the Act. The Minister is required to publish any such submitted description in the Gazette. Currently, Learning Curve has not submitted any such description for publication.

7. DESCRIPTION OF THE RECORDS OF LEARNING CURVE WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Learning Curve maintains a variety of records that are accessible in accordance with specific South African legislation. These records encompass several categories, each governed by corresponding legislative provisions. The availability of these records is subject to the access rights defined for specific data subjects under such legislation:

7.1 Labour Relations Act, No. 66 of 1995 (LRA)

- 7.1.1 Employee Contracts and Agreements: Records of employment contracts, collective agreements, and related documentation.
- 7.1.2 Disciplinary Records: Documentation of disciplinary actions, hearings, and outcomes.
- 7.1.3 Grievance Records: Records of grievances raised by employees and the resolutions thereof.

7.2 Basic Conditions of Employment Act, No. 75 of 1997 (BCEA)

- 7.2.1 Time and Attendance Records: Logs of employee working hours, overtime, and leave.
- 7.2.2 Pay Records: Employee salary and wage records, including payslips and payroll information.

7.3 Employment Equity Act, No. 55 of 1998 (EEA)

- 7.3.1 Employment Equity Reports: Annual employment equity reports submitted to the Department of Labour.
- 7.3.2 Affirmative Action Records: Documentation related to affirmative action measures and compliance.

7.4 Companies Act, No. 71 of 2008

- 7.4.1 Statutory Records: Memorandum of Incorporation, minutes of board and shareholder meetings, and resolutions.
- 7.4.2 Financial Statements: Annual financial statements, auditor's reports, and related financial documentation.

7.5 Income Tax Act, No. 58 of 1962

- 7.5.1 Tax Records: Corporate tax returns, VAT records, PAYE records, and other tax-related documentation.
- 7.5.2 Tax Clearance Certificates: Certificates issued by the South African Revenue Service (SARS).

7.6 Occupational Health and Safety Act, No. 85 of 1993 (OHSA)

- 7.6.1 Health and Safety Records: Incident reports, risk assessments, and health and safety committee meeting minutes.
- 7.6.2 Training Records: Records of health and safety training provided to employees.

7.7 Protection of Personal Information Act, No. 4 of 2013 (POPIA)

- 7.7.1 Personal Information Processing Activities: Records containing the details of the information processed, categories of data subjects, categories of recipients.

- 7.7.2 Consent and Withdrawal Records: Where processing is based on consent, records that show when and how consent was obtained from the data subjects, and any withdrawals of such consent.
- 7.7.3 Contracts and Agreements: data processing agreements.
- 7.7.4 Data breach records: Documentation of any personal data breaches, including the effects and the remedial actions taken.
- 7.7.5 Training and policy documents: training logs, privacy policy and procedures.
- 7.7.6 Data Subject Access Requests: Records of requests made by data subjects for access to their personal information.
- 7.7.7 Privacy Impact Assessments: Documentation of assessments conducted to evaluate the impact of processing activities on personal information.

7.8 Consumer Protection Act, No. 68 of 2008

- 7.8.1 Consumer Complaints Records: Logs of complaints received from consumers and actions taken to address them.
- 7.8.2 Warranty Records: Documentation of product and service warranties provided to consumers.

8. DESCRIPTION OF THE SUBJECTS ON WHICH LEARNING CURVE HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY LEARNING CURVE

We set out below the subjects and categories of records for which you may submit a formal request under section 51(1)(E).

- (1) You must be given access to any record held by us if
 - (a) that record is required for the exercise or protection of any of your rights or the rights of the person on whose behalf the request is made;
 - (b) you comply with the procedural requirements in this manual relating to a request for access to that record; and
 - (c) access to that record is not refused in terms of any ground for refusal contemplated in clause 9 below.
- (2) In addition to the requirements referred to in (1) above, when a public body requests access to a record of a private body for the exercise or protection of any rights, other than its rights, it must be acting in the public interest.
- (3) A request contemplated in (1) includes a request for access to a record containing personal information about you or the person on whose behalf the request is made.

Subjects on which the body holds records	Categories of records
Corporate Governance	<p>Constitutional Documents: MOI and incorporation documents.</p> <p>Board of Directors' Minutes and Resolutions: Records of board meetings and resolutions.</p> <p>Shareholder Registers and Agreements: Details of shareholdings and shareholders' agreements.</p> <p>Corporate Policies and Procedures: Documentation of internal policies, including ethical guidelines and operational procedures.</p>
Human Resources	<p>Applicant Records: Application Documents, interview records, communication records, background check information, offer and rejection letters, consent forms.</p> <p>Employee Records: Personal details, employment contracts, performance reviews, medical records voluntarily submitted, background checks, criminal records and disciplinary records.</p> <p>Payroll and Tax Records: Information related to salaries, benefits, deductions, and tax filings.</p> <p>Training and Development Records: Documentation on training programs and employee development initiatives.</p>
Financial and Accounting	<p>Management Accounts: monthly management accounts prepared by the Board.</p> <p>Financial Statements: Annual financial reports, audits, and supporting documentation.</p> <p>Accounts Receivable and Payable: Details of financial transactions, invoices, and payments.</p> <p>Budgeting and Forecasting Records: Information related to financial planning and budget management.</p>
Legal Compliance	<p>Compliance Records: Documentation pertaining to compliance with local and international laws, including labour, health and safety, and data protection laws.</p> <p>Contracts and Agreements: Copies of agreements with suppliers, partners, agents, consultants, landlords, tenants, experts, professional advisors and customers.</p>

Operational Records	Sale Records: records of sales, purchase orders, invoices and statements.
Marketing and Sales	<p>Marketing Strategies and Campaigns: Records of marketing plans and advertising campaigns.</p> <p>Customer Feedback and Surveys: Data collected from customer feedback mechanisms and survey results.</p> <p>Sales Reports and Analytics: Analysis and reports on sales performance and market research.</p>
Information Technology	<p>IT Policies and System Documentation: Information on IT infrastructure, security policies, and system configurations.</p> <p>User Data and Access Records: Logs of system access and user activity.</p>
Regulatory and Government Affairs	<p>Regulatory Submissions and Correspondence: Records of filings and communications with regulatory bodies.</p> <p>Licenses and Permits: Copies of operational licenses and permits required by various government agencies.</p>

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

Access to records may be denied based on several justified grounds to ensure the protection of various interests:

9.1 **Protection of Privacy:** Access is denied if it involves revealing personal information about another person without their consent, compromising their privacy.

9.2 **Commercial Interests of third parties:** Access is restricted if the information contains:

9.2.1 trade secrets of any third party;

9.2.2 proprietary information of any third party;

9.2.3 sensitive financial or commercial data that, if disclosed, could harm a third party's competitive or financial standing;

9.2.4 confidentially provided information that might disadvantage the third party in commercial dealings.

9.3 **Confidentiality of Third Parties:** Protecting information given in confidence by third parties.

9.4 **Safety and Legal Privileges:** Ensuring the safety of individuals and safeguarding legally privileged records.

9.5 **Institution's Commercial Sensitivities:** Protecting the institution's own commercial data including:

9.5.1 trade secrets and proprietary information.

9.5.2 sensitive information that might disadvantage Learning Curve in negotiations if disclosed.

9.5.3 copyrighted software.

9.6 **Research Information:** Protecting research-related information that could reveal the identity of individuals or sensitive details about the research, potentially disadvantaging the research outcomes.

9.7 **Any other reason for refusal specified in PAIA.**

Additionally, requests that are frivolous or vexatious in nature will be denied.

10. REMEDIES AVAILABLE WHEN AN INSTITUTION REFUSES A REQUEST FOR INFORMATION

If Learning Curve refuses a request for access to information under PAIA, the requester has several remedies available:

10.1 **Internal Appeal:** you could first seek to resolve the matter through Learning Curve's internal review process.

10.2 **Appeal to the Information Regulator:** If dissatisfaction persists following the internal review, you may lodge an appeal with the South African Information Regulator.

10.3 **Court Application:** As a final recourse, you may apply to a court for the necessary relief if the appeal to the Information Regulator does not resolve the issue.

11. REQUEST PROCEDURE

To request access to records under PAIA, the following steps must be followed:

11.1 **Form Submission:** Complete the prescribed form (found in Appendix 1) and submit it along with the required request fee and a deposit, if necessary, to the Information Officer via the provided postal or electronic addresses.

11.2 **Form Requirements:** Clearly identify the record(s) requested, your identity, the desired form of access, and your contact details.

11.3 **Purpose of Request:** State the right you wish to exercise or protect with this information, explaining why the record is necessary for this purpose.

11.4 **Processing Time:** Learning Curve will process the request within 30 days unless special circumstances are stated that justify an alteration of this period. The 30 day period may be extended for a further period of not more than 30 days if the request is for a large volume of information, or the request requires a search for information held at another office and the information cannot reasonably be obtained within the 30 day period. Learning Curve will notify you in writing should it require such extension.

11.5 **Notification of Decision:** You will be informed of the decision to grant or deny access. If detailed reasons are required, these should be specified.

11.6 **Third-Party Requests:** If requesting on behalf of someone else, proof of authority to make the request must be provided.

11.7 **Assistance for Disability:** If unable to complete the form due to disability or illiteracy, the request may be made orally.

11.8 **Fee Payment:** Payment of the prescribed fee is required before processing the request.

12. FEES

12.1 Under PAIA, Learning Curve employs a structured fee system for processing information requests, which includes:

12.1.1 Request Fee

Nature: A fixed fee, applicable to all requests except those seeking personal information, is required to cover the administrative costs of initiating the processing of requests.

12.1.2 Access Fee

Calculation: This fee is determined based on actual costs involved in making the requested information available. This includes reproduction of documents, the time required for searching and preparing the documents, and any associated postal costs.

12.1.3 Other

Learning Curve may charge any other fees referred to in Appendix 2.

12.2 **Deposit Requirement:** Should the search and preparation exceed the regulated timeframe, the requester may need to pay a deposit equivalent to a portion of the anticipated access fee.

12.3 **Final Payment and Access:** Access to the documents is granted only after full payment of all calculated fees, as detailed in Appendix 2 of this manual.

12.4 **Refund Policy:** In instances where a request is not granted, any deposit made will be refunded.

13. PROCESSING OF PERSONAL INFORMATION

Refer to our Privacy Notice published on our website for information on:

13.1 the purpose for Processing of Personal Information;

13.2 a description of the categories of Data Subjects and of the information or categories of information relating thereto;

13.3 the recipients or categories of recipients to whom the personal information may be supplied;

13.4 planned trans-border flows of personal information; and

13.5 a general description of information security measures to be implemented by the responsible party to ensure the confidentiality, integrity and availability of the information.

14. AVAILABILITY OF THE MANUAL

14.1 A copy of the manual is available:

14.1.1 on our website;

14.1.2 head office of Learning Curve for public inspection during normal business hours;

14.1.3 to any person upon request and upon the payment of a reasonable prescribed fee; and

14.1.4 to the Information Regulator upon request.

14.2 A fee for a copy of the manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

15. UPDATING OF THE MANUAL

The Information Regulator will on a regular basis update this manual.

Issued by

Learning Curve

(Head of Finance : Anneline Chapman)

Appendix 1: Request for Access to Record

(Regulation 7)

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation must be attached to this form.

The Information Officer: _____

Address: _____

Code: _____

Email address: _____

Mark with an "X"

<input type="checkbox"/> Request is made in my own name	<input type="checkbox"/> Request is made on behalf of another person
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A) Personal Information

Full name: _____

Identity number: _____

Capacity in which request is made (when made on behalf of another person): _____

Postal address: _____

Code: _____

Street address: _____

Code: _____

Email: _____

Telephone number (business): _____

Cellphone number: _____

Full name of the person on whose behalf the request is made (if applicable): _____

Identity number: _____

Postal address: _____

Code: _____

Street address: _____

Code: _____

Email: _____

Telephone number (business: _____

Cellphone number: _____

B) Particulars of Record

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. If the provided space is inadequate please continue on a separate page and attach it to this form. All additional pages must be signed.

Description of the Record or relevant part of the record: _____

Reference number, if applicable: _____

Any further particulars of the record: _____

C) Type of Record

TYPE OF RECORD (Mark the applicable box with an 'X')	
<input type="checkbox"/>	Record is in written or printed form
<input type="checkbox"/>	Record comprises virtual images (this includes photographs, slides, videos, recordings, computer-generated images, sketches, etc)
<input type="checkbox"/>	Record consists of recorded words or information which can be reported in sound
<input type="checkbox"/>	Record is held on a computer or in an electronic, or machine-readable form

D) Form of Access to the Record

FORM OF ACCESS (Mark the applicable box with an 'X')	
<input type="checkbox"/>	Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic machine-readable form)
<input type="checkbox"/>	Written or printed transcription of virtual images (this includes photographs, slides, video, recordings, computer-generated images, sketches, etc.)
<input type="checkbox"/>	Transcription of soundtrack (written or printed document)
<input type="checkbox"/>	Copy of record on flash drive (including virtual images and soundtracks)
<input type="checkbox"/>	Copy of record on compact disc (including virtual images and soundtracks)
<input type="checkbox"/>	Copy of record saved on cloud storage server

E) Manner of Access

MANNER OF ACCESS (Mark the applicable box with an 'X')	
<input type="checkbox"/>	Personal inspection of record at registered address of public/private body (including listening to recorded words, information which can be reproduced in sound or information held on computer in an electronic machine or machine readable form)
<input type="checkbox"/>	Postal services to postal address
<input type="checkbox"/>	Postal services to street address

	Courier service to street address
	Facsimile of information in written or printed format (including transcriptions)
	Email of information (including soundtracks if possible)
	Cloud share / file share
	Preferred language (note that if record is not available in language you prefer, access may be granted in the language in which the record is available)

F) Particulars of right to be exercised or protected

If the provided space is inadequate, please continue of a separate page and attach it to this form. The requester must sign all the additional pages.

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:

G) Fees

- A request fee must be paid before the request will be considered.
- You will be notified of the amount of the access fee to be paid.
- The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare a record.
- If you qualify for exemption of the payment of any fee, please state the reason for exemption:

Reason:

You will be notified in writing whether your request has been approved or denied and if approved, the costs related to your request, if any. Please indicate your preferred manner of correspondence:

Postal Address	Fax Number	Electronic communication (Please specify)

Signed at _____ this _____ day of _____ 20_____.

Signature of Requester/Person on Whose Behalf Request is Made: _____

FOR OFFICIAL USE	
Reference number	
Request received by: (state rank, name and surname of information officer)	
Date received	
Access fees	
Deposit (if any)	

Signature of Information Officer

Appendix 2: Outcome of Request and Fees Payable

(Regulation 8)

Note:

1. If your request is granted the
 - a) amount of the deposit, (if any), is payable before your request is processed; and
 - b) requested record/portion of the record will only be released once proof of full payment is received.

2. Please use the reference number hereunder in all future correspondence.

Reference number: _____

TO:

Your request dated _____, refers.

1. You requested:

Personal inspection of information at registered address of Learning Curve (including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed below.	
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OR

2. You requested:

Printed copies of the information (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of information on flash drive (including virtual images and soundtracks)	
Copy of information on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

3. To be submitted:

Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language: (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)	

Kindly note that your request has been:

- Approved
 - Denied, for the following reasons:
-

4. Fees payable with regard to your request:

Item		Rand	Number of pages/items	Total
1.	Request fee, payable by every requester	R140		
2.	Photocopy: per page or part of a page	R2		
3.	Printed copy: per page or part of a page	R2		
4.	For a copy in a computer-readable form on: (i) Flash Drive (to be provided by the requester) (ii) Compact Disc • If provided by the requester • If to be provided to the requester	40.00 40.00 60.00		
5.	For a transcription of visual images, per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider.		
6.	Copy of visual images	Service to be outsourced. Will depend on the quotation of the service provider.		
7.	Transcription of an audio record, for an A4-size	24.00		
8.	Copy of an audio record (i) Flash Drive (to be provided by the requester)	40.00		

	(ii) Compact Disc • If provided by the requester • If to be provided to the requester	40.00 60.00		
9.	For each hour or part of an hour (excluding the first hour) reasonably required to search for, and prepare the record for disclosure. The search and preparation fee cannot exceed	R145 R435		
10.	Deposit: if the search exceeds 6 hours	One-third of the amount per request. It is calculated in terms of items 2 to 8 above.		
11.	Postage, email or any other electronic transfer	Actual expense, if any		

5. Deposit payable (if search exceeds six hours):

Yes No

Hours of search	Amount of deposit (calculated on one third of total amount per request)
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The amount must be paid into the bank account as per the details provided upon calculation of the fees payable.

Signed at _____ this _____ day of _____ 20_____.

Information Officer: _____