

PAIA MANUAL

FOR

MORTON CONTROLS (PTY) LTD

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

INTRODUCTION

Access to Information Manual

We respect your right of to access information. This manual will help you (the requester of information) exercise that right and help you to know how you may access our records. The Promotion to Access of Information Act 2 of 2000, as amended from time to time (known as “PAIA”), requires us to draft and make this Manual available to you.

This Manual enables you to:

- Know what types of information we have.
- Know how to request access to it.

Who we are and what we do

We describe who we are and what we do on our website, www.mortoncontrols.co.za or you can ask us for this information. PAIA requires the Information Officer of a private body to compile a manual that contains information on the records it holds. A “private body” means a natural person, company, or another type of juristic entity that carries on any trade, business, or profession and includes a political party. We are a private body.

Our details

The details of our organisation and its Information Officer are on our website at www.mortoncontrols.co.za or available on request.

Further guidance from the Information Regulator

For further guidance, please contact the Information Regulator. It has compiled a PAIA guide in each official language of South Africa on exercising your rights under PAIA.

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| Visit their website | https://inforegulator.org.za |
| Postal address | P.O Box 3153, Braamfontein, Johannesburg, 2017 |
| Physical address | JD House, 27 Stiemens Street, Braamfontein, JHB, 2001 |
| Phone number | 010 023 5200 |
| Ask a general enquiry by e-mail | enquiries@inforegulator.org.za |
| Lodge a complaint by e-mail | PAIAComplaints@inforegulator.org.za |

1. LIST OF ACRONYMS AND ABBREVIATIONS

- 1.1 **“CEO”** means Chief Executive Officer.
- 1.2 **“DIO”** means Deputy Information Officer.
- 1.3 **“IO”** means Information Officer.
- 1.4 **“Manual”** means this PAIA Manual.
- 1.5 **“Minister”** means the Minister of Justice and Correctional Services.
- 1.6 **“PAIA”** means Promotion of Access to Information Act 2 of 2000, as amended from time to time.
- 1.7 **“POPIA”** means Protection of Personal Information Act 4 of 2013, as amended from time to time.
- 1.8 **“Regulator”** means Information Regulator.
- 1.9 **“Republic”** means the Republic of South Africa.

2. PURPOSE OF PAIA MANUAL

This PAIA Manual is useful for the public to:

- 2.1 Check the categories of records held by a body that are available without a person having to submit a formal PAIA request;
- 2.2 Have a sufficient understanding of how to request access to a record of the body by describing the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 Know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 Access all the relevant contact details of the IO and DIO who will assist the public with the records they intend to access;

- 2.5 Know the description of the guide on how to use PAIA, as updated by the Regulator, and how to obtain access to it;
- 2.6 Know if the body will process personal information, the purpose of the processing of personal information, and the description of the categories of data subjects and the information or categories of information relating thereto;
- 2.7 Know the description of the categories of data subjects and the information or categories of information relating thereto;
- 2.8 Know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 Know if the body 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
- 2.10 Know whether the body has appropriate security measures to ensure the confidentiality, integrity, and availability of the personal information which is to be processed.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MORTON CONTROLS (PTY) LTD

3.1. Chief Information Officer

Name: Ian Morton
Tel: 021 557 9011 or 083 628 8537
E-mail: ian@mortcon.co.za

3.2. Deputy Information Officer

Name: Chantel Van Rensburg
Tel: 021 557 9011 or 083 210 4753
E-mail: chantel@mortcon.co.za

3.3 Access to information contact e-mail

E-mail: chantel@mortcon.co.za; ian@mortcon.co.za

3.4 National or Head Office

Postal Address: PO Box 60305, Table View, 7439

Physical Address: 166 Blaauwberg Road, Table View, Cape Town, 7441

Telephone: 021 557 9011

E-mail: ian@mortcon.co.za; chantel@mortcon.co.za

Website: www.mortoncontrols.co.za

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

- 4.1. 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.
- 4.2. The Guide is available in each of the official languages and braille.
- 4.3. The Guide contains the description of:
 - 4.3.1. The objects of PAIA and POPIA;
 - 4.3.2. The postal and street address, phone and fax number, and, if available, electronic mail address of:
 - 4.3.2.1. The Information Officer of every public body, and
 - 4.3.2.2. every Depute Information Officer of every public and private body designated in terms of section 17(1) of PAIA¹ and section 56 of POPIA²

¹ Section 17(1) of PAIA- For the purposes of PAIA, each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers as are necessary to render the public body as accessible as reasonably possible for requests of its records.

² Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of

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- 4.3.3. the manner and form of a request for:
 - 4.3.3.1. access to a record of a public body contemplated in section 11³; and
 - 4.3.3.2. access to a record of a private body contemplated in section 50⁴;
- 4.3.4. the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6. 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:
 - 4.3.6.1. an internal appeal;
 - 4.3.6.2. a complaint to the Regulator, and
 - 4.3.6.3. an application with a court against a decision by the Information Officer of a public body, a decision on internal appeal or a decision by the Regulator, or a decision of the head of a private body;

such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.

³ Section 11(1) of PAIA- A requester must be given access to a record of a public body if that requester complies with all the procedural requirements in PAIA relating to a request for access to that record; and access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

⁴ Section 50(1) of PAIA- A requester must be given access to any record of a private body if-

- a) That record is required for the exercise or protection of any rights;
- b) That person complies with the procedural requirements in PAIA 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 Chapter 2 of this Part.

- 4.3.7. the provisions of sections 14⁵ and 51⁶ requiring a public body and private body, respectively, to compile a manual and how to obtain access to a manual;
 - 4.3.8. the provisions of section 15⁷ and 52⁸ providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
 - 4.3.9. the notices issued in terms of sections 22⁹ and 54¹⁰ regarding fees to be paid in relation to requests for access; and
 - 4.3.10. the regulations made in terms of section 92¹¹.
- 4.4. Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during regulator working hours.
- 4.5. The Guide can also be obtained:
- 4.5.1. Upon request to the Information Officer;

⁵ Section 14(1) of PAIA- The information officer of a public body must, in at least three official languages, make available a manual containing the information listed in paragraph 4 above.

⁶ Section 51(1) of PAIA- The head of a private body must make available a manual containing the description of the information listed in paragraph 4 above.

⁷ Section 15(1) of PAIA- The information officer of a public body must make available in the prescribed manner a description of the categories of records the public body that are automatically available without a person having to request access.

⁸ Section 52(1) of PAIA- The head of a private body may, voluntarily, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access

⁹ Section 22(1) of PAIA- The information officer of a public body to whom a request for access is made must, by notice, require the requester to pay the prescribed request fee (if any) before further processing the request.

¹⁰ Section 54(1) of PAIA- The head of a private body to whom a request for access is made must, by notice, require the requester to pay the prescribed request fee (if any) before further processing the request.

¹¹ Section 92(1) of PAIA provides that- “The Minister may, by notice in the Gazette, make regulations regarding;

- a) Any matter which is required or permitted by this Act to be prescribed;
- b) Any matter relating to the fees contemplated in sections 22 and 54;
- c) Any notice required by this Act;
- d) Uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and
- e) Any administrative or procedural matter necessary to give effect to the provisions of this Act.”

4.5.2. From the website of the Regulator <https://info regulator.org.za>

4.6. A copy of the Guide is also available in all official languages for public inspection during regular office hours.

5 CATEGORIES OF RECORDS OF MORTON CONTROLS (PTY) LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

5.1. Information on our website

6 DESCRIPTION OF THE RECORDS OF MORTON CONTROLS (PTY) LTD WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

6.1. We keep information / documents in accordance with the following legislation (please note this is not an exhaustive list)-

6.1.1. Unemployment Insurance Act No 63 of 2001

6.1.2. Income Tax Act No 58 of 1962

6.1.3. Value Added Tax Act No 89 of 1991

6.1.4. Basic Conditions of Employment Act No 75 of 1997

6.1.5. Companies Act of 71 of 2008

6.1.6. Promotion of Access to Information Act 2 of 2000

7 PROCESSING OF PERSONAL INFORMATION

7.1. Purpose of Processing Personal Information

We Process the personal information of various categories of people for various purposes. The main purpose for processing personal information is to enable Morton Controls (Pty) Ltd to provide products and services to our customers.

Please refer to our website for our Privacy Policy or ask our IO for a copy.

7.2. Description of the categories of Data Subjects and of the information or categories of information relating thereto

7.2.1. Employees:

7.2.1.1. Name, Surname; Date of birth; Identity number; contact details; Gender; Marital status; Number of dependants; Physical address; Bank details; Tax information

7.2.2. Customers:

7.2.2.1. Name; Postal address; Delivery address; contact information; account details; registration numbers; payment information

7.2.3. Suppliers:

7.2.3.1. Name; Postal address; Physical address; contact information; bank account information

7.3. Planned transborder flow of personal information

Personal Information of Customers of Morton Controls (Pty) Ltd will be contained in e-mail correspondence and stored on Microsoft SharePoint. The Microsoft head office is in Redmond, Washington, United States. The South African Subsidiary Offices are 3012 William Nicol Drive, Bryanston, Johannesburg. Morton Controls data is in the European Union. Microsoft SharePoint meets the GDPR/POPI requirements with data governance.

Categories of personal information will include information as required by the Financial Intelligence Centre Act 38 of 2001 as amended from time to time, e-mail and other digital correspondence, Customer contact information, records of quotes sent as well as orders received.

7.4. General description of Information Security Measures to be implemented by the responsible party to ensure the confidentiality, integrity, and availability of the information

Morton Controls (Pty) Ltd has implemented and uses Anti-virus and Anti-Malware software on all its devices. We have also implemented Bitlocker as well as two-step authentication. We have secured our website and use a secure

online data repository, Microsoft SharePoint, to record and store Customer information.

8 HOW YOU CAN REQUEST ACCESS

We have appointed our IO to deal with all matters relating to PAIA so that we can comply with our PAIA obligations. To request access to a record, please complete form 2.

Please submit the completed form (together with the relevant request fee, which we explain below) to our IO's e-mail address or our physical address using the details we provide. Please ensure that the completed form:

- Has enough information for the Information Officer to identify you, the requested records, and the form of access you require,
- Specifies your email address, postal address, or fax number,
- Describes the right that you seek to exercise or protect,
- Explains why you need the requested record to exercise or protect that right,
- Provides any other way you would like to be informed of our decision other than in writing, and
- Provides proof of the capacity in which you are making the request if you are making it on behalf of someone else (we will decide whether this proof is satisfactory).

If you do not use the standard form, we may:

- Reject the request due to lack of procedural compliance,
- Refuse it if you do not provide sufficient information, or
- Delay it.

9 HOW WE WILL GIVE YOU ACCESS

We will evaluate and consider all requests we receive. If we approve your request, we will decide how to provide access to you unless you have asked for access in a specific form. Publication of this manual does not give rise to any rights to access information records except in terms of PAIA.

10 HOW MUCH WILL IT COST YOU

Request Fees

When submitting your request, you must pay us a request fee as the law prescribes. You must pay us the prescribed fees before we give you access. Upon request, you will receive a notice from our IO setting out the application procedure.

Access fees

If we grant the request, you will have to pay us a further access fee which the law prescribes, which includes a fee for the time it takes us to handle your request or if the time has exceeded the prescribed hours to search and prepare the record for disclosure. Our IO will notify you if you need to pay a deposit for the access fee. The deposit may be up to one-third of the prescribed access fee. The access fee will provide for:

- The costs of making the record or transcribing the record,
- A postal fee (if applicable), and
- The reasonable time we need to search for the record and prepare the record for you.

If you paid the deposit and we have refused your request, we will refund you the deposit amount. Until you have paid the fees, we may withhold the record that you have requested.

11 GROUNDS FOR US TO REFUSE ACCESS

We may have to refuse you access to certain records in terms of PAIA to protect:

- Someone else's privacy,
- Another company's commercial information,
- Someone else's confidential information,
- Research information, or
- The safety of individuals and property.

Our decision to give you access

We will notify you in writing whether your request has been approved or denied within 30 calendar days after receiving your request. If we cannot find the record that you asked for or it does not exist, we will notify you by way of an affidavit that it is not possible to give access to that record.

Remedies available if we refuse to give you access

If we deny your request for access, you may apply to a court with appropriate jurisdiction or complain to the Information Regulator for the necessary relief within 180 calendar days of us notifying you of our decision.

12 AVAILABILITY OF THE MANUAL

12.1. A copy of the Manual is available:

- 12.1.1. On www.mortoncontrols.co.za
- 12.1.2. At the head office of Morton Controls (Pty) Ltd for public inspection during regular business hours;
- 12.1.3. To any person upon request and upon payment of a reasonable prescribed fee; and
- 12.1.4. To the Information Regulator up request.
- 12.1.5. 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.

13 UPDATING OF THE MANUAL

The head of Morton Controls (Pty) Ltd will regularly update this manual or whenever Morton Controls (Pty) Ltd makes material changes to it.

Issued by

Ian Anthony Morton

Name of the IO

Managing Director

Title of the head of the body

DATE OF COMPILATION: 1 NOVEMBER 2023