MAHLAKO

BALANCING GROWTH

MAHLAKO A PHAHLA INVESTMENTS (PTY) LTD

PAIA MANUAL

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

DATE OF COMPILATION: 30 May 2024

Change Control				
	Name	**Designation**	**Signature**	**Date**
Originator:	Nomthandazo Malele	Legal Advisor		31 May 2024
Check and Approved:				
Approved:	Meta Mhlarhi	Executive Director		25 June 2024

Amendment History			
Rev	**Date**	**Originator**	**Description of Change**

CONTENTS

LIST OF ACRONYMS AND ABBREVIATIONS

"BEPA"	means the Black Energy Professionals Association;
"CEO"	means the Chief Executive Officer;
"Client"	means any natural or juristic entity that receives services from Mahlako;
"DIO"	means the Deputy Information Officer;
"IO"	means the Information Officer;
"Mahlako"	means Mahlako A Phahla Investments (Pty) Ltd;
"Manual"	means this Manual;
"MFS"	means the Mahlako Financial Services (Pty) Ltd;
"Minister"	means the Minister of Justice and Correctional Services;
"PAIA"	means the Promotion of Access to Information Act No.2 of 2000 (as Amended);
"Personnel"	means any person who works for, or provides services to or on behalf of Mahlako, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Mahlako. This includes, without limitation, directors (executive and non-executive), all permanent, temporary, and part-time staff, as well as contract workers;
"Personal Requester"	means a requester who is seeking access to a record containing personal information about the Requester;
"POPIA"	means the Protection of Personal Information Act No.4 of 2013;
"Regulator"	means the Information Regulator;
"Republic"	means the Republic of South Africa; and
"Requester"	means any person making a request for access to a record of Mahlako.

1 INTRODUCTION

1.1 The Promotion of Access to Information Manual ("Manual") is published in terms of Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 and section 23 - 25 of the Protection of Personal Information Act No.4 of 2014 ("POPIA").

1.2 PAIA gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by any another person. A person that is entitled to exercise a right or who needs information for the protection of any right, is entitled to access that information, subject to certain restraints.

1.3 Section 51 of PAIA creates a legal right to access records (as defined in section 1 of PAIA) of a private body (both natural and juristic), however this right may be negated in circumstances as set out under Chapter 4 of Part 3 of PAIA. In addition, in compliance with POPIA a responsible party who processes personal information must notify the person to whom personal information relates ("Data Subject") of the manner in which the Data Subject can access their personal information held by the responsible party.

2 MAHLAKO A PHAHLA INVESTMENTS (PTY) LTD ENTITIES, SUBSIDIARIES AND ASSOCIATIONS

2.1 Mahlako A Phahla Investments (Pty) Ltd is a professional entity established in accordance with the Laws of the Republic with registration number 2008/005538/07. This PAIA Manual is applicable to entities listed in section 2.1.1 below. Reference to Mahlako in this Manual shall be reference to these entities as well.

2.1.1 In this Manual, any reference to Mahlako includes any of the entities as listed below.

2.1.1.1 Mahlako A Phahla Investments (Pty) Ltd, registration number: 2008/005538/07;

2.1.1.2 Mahlako Advisory (Pty) Ltd, registration number 2010/000814/07

2.1.1.3 Mahlako Financial Services (Pty) Ltd, registration number 2015/290711/07;

2.1.1.4 Mahlako A Phahla IT (Pty) Ltd, registration number 2013/145335/07;

2.1.1.5 Mahlako Gas Energy Fund (Pty) Ltd, registration number 2023/826238/07

2.1.1.6 Mahlako Energy Fund (Pty) Ltd, registration number 2019/107411/07;

2.1.1.7 Mahlako Properties (Pty) Ltd, registration number 2016/384900/07; and

2.1.1.8 Solar Eclipse Holdings (RF) RF (Pty) Ltd, registration number 2024/157830/07.

3 PURPOSE OF PAIA MANUAL

3.1 This Manual is useful for the public to:

3.1.1 Check the categories of records held by Mahlako which are available without a person having to submit a formal PAIA request;

3.1.2 Have sufficient understanding of how to make a request for access to a record of Mahlako, by providing a description of the subjects on which Mahlako holds records and the categories of records held on each subject;

3.1.3 Know the description of the records of Mahlako 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 Mahlako 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 Mahlako 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

4 KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF MAHLAKO

4.1 Information Officer

Name:	Meta Mhlarhi
Tel:	(011) 706 3902

Email:	meta@mahlako.co.za
Fax number:	086 508 4158

4.2 Deputy Information Officers

Name:	Tanaka Chiota
Tel:	(011) 706 3902
Email:	tanaka@mahlako.co.za
Fax Number:	086 508 4158

Name:	Mbali Lavhelani
Tel:	(011) 706 3902
Email:	mbali@mahlako.co.za
Fax Number:	086 508 4158

4.3 Access to information general contacts

Email:	info@mahlako.co.za
Website:	Contact – Mahlako A Phahla Investments

4.4 National or Head Office

Postal Address:	P O Box 78676, Sandton, Johannesburg, Gauteng, 2191
Physical Address:	345 Rivonia Road, 1st Floor, North Wing, Johannesburg, Gauteng 2191
Telephone:	(011) 706 3902
Email:	info@mahlako.co.za
Website:	www.mahlako.co.za

This Manual is available in one official language and if reasonably practical and required, this Manual can be explained in any other of the official languages of South Africa to any Requester upon completion of Form 1. This Manual can be viewed at Mahlako's premises as listed above under section 4.4 as well as on its website as listed above under section 4.4.

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, updated and made available the revised Guide on how to use PAIA (the "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 Guide is available in each of the official languages and in braille.

5.3 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 normal working hours.

5.4 The Guide can also be obtained:

5.4.1 Upon request to the Information Officer;

5.4.2 From the website of the Regulator (https://www.justice.gov.za/inforeg/).

6 CATEGORIES OF RECORDS OF MAHLAKO WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

6.1 Records of a public nature, typically those disclosed on Mahlako's website, may be accessed without the need to submit a formal application.

6.2 Other non-confidential records, such as statutory records maintained at the CIPC, may also be accessed without the need to submit a formal application, however, please note that appointment to view such records will still have to be made with the Information Officer.

6.3 Below is the category of records held by Mahlako which are available without a person having to request access by completing Form C. These records can be accessed from the Mahlako website and social media platforms.

Category of records	Types of the Record	Availability
Product Information	Information relating to our products and services	Freely available
Public facing policies and notices	PAIA Manual	Freely available
Media	Newsletters and journal articles, published works	Freely available

7 DESCRIPTION OF THE RECORDS OF MAHLAKO WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

7.1 Where applicable to its operations, Mahlako retains records and documents required to be maintained in terms of legislation. Unless disclosure is prohibited in terms of legislation, regulations, contractual agreement or otherwise, records that are required to be made available in terms of the legislation listed below shall be made available for inspection in terms of the requirements and conditions of PAIA, the below mentioned legislation and applicable internal policies and procedures. Such records will be made available to only those individuals/entities authorised to request access to such records in terms of the

particular legislation. Any other person must follow the request for access of records procedure as outlined in this Manual and PAIA.

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act no. 53 of 2003
- Companies Act 71 of 2008
- Consumer protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communication and Transaction 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Labour Relations Act 66 of 1955
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

8 DESCRIPTION OF THE SUBJECTS ON WHICH MAHLAKO HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY MAHLAKO

8.1 This section serves as a reference to the categories of information that Mahlako holds. The information is classified and grouped according to records relating to the following subjects and categories:

Subjects on which Mahlako holds records	Categories of records
Private Body Records	• Annual Reports • Strategic Plan • Annual Performance Plan • Operational records • Financial records • Databases • Information Technology • Marketing records • Insurance records and policies • Company records (i.e., memorandum of incorporation, director's names, incorporation documents, minutes of board meetings, written resolutions, share register) • Tax records
Human Resources	• HR policies and procedures • Advertised posts. • Employees records
Personnel Records	• Personal records provided by personnel. • Records provided by a third party relating to personnel. • Conditions of employment and other personnel-related contractual and quasi legal records • Internal evaluation records and other internal records • Correspondence relating to personnel. • Training schedules and materials
Client Records	• Records provided by a client to a third party acting on behalf of Mahlako. • Records provided by a third party. • Records generated by or within Mahlako relating to its clients, including transactional records. • Standard Agreements • Non-Disclosure Agreements • Supplier Contracts
Internal Correspondence	• Product records • Statutory records • Internal policies and procedures • These records include, but are not limited to, the records which pertain to Mahlako's own affairs.
Other Party Records	• Personnel, customer, or private body records which are held by another party, as opposed to the records held by Mahlako itself. • Mahlako 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 Mahlako.

Subjects on which Mahlako holds records	Categories of records
	• Records held by Mahlako 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.

8.2 A person requesting access to records from Mahlako is advised to familiarise themselves with the provisions of PAIA before making any requests to Mahlako in terms of PAIA. Accessibility to the records may be subject to the grounds of refusal set out in PAIA. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to normal requirements, before Mahlako will consider access.

8.3 Mahlako makes no representation and gives no undertaking or warranty that any record(s) provided by it to a Requester is complete or accurate, or that such record is fit for any purpose. All users of such records shall use such records entirely at their own risk, and Mahlako shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this Manual or of any record provided by Mahlako or any error therein.

8.4 All users and Requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this Manual or any records provided by Mahlako.

9 PROCESSING OF PERSONAL INFORMATION

9.1 Purpose of Processing Personal Information

9.1.1 The purposes for which we process personal information includes but is not limited to:

9.1.1.1 Rendering of services to our Clients;

9.1.1.2 Employee administration;

9.1.1.3 Transacting with our suppliers and third-party service providers;

9.1.1.4 Maintaining records;

9.1.1.5 Recruitment;

9.1.1.6 General administration;

9.1.1.7 Financial requirements;

9.1.1.8 Compliance with legal and regulatory requirements; and

9.1.1.9 Facilities management.

9.2 **Description of the categories of Data Subjects and of the information or categories of information relating thereto**

9.2.1 The categories of Data Subjects and of the information or categories of information relating thereto includes but is not limited to those set out in the table below:

Categories of Data Subjects	Personal Information that may be processed
Customers / Clients	Name, address, registration numbers or identity numbers, employment status and bank details
Service Providers	Names, registration number, vat numbers, address, trade secrets, trade marks and bank details
Employees	Address, qualifications, gender, and race

9.3 **The recipients or categories of recipients to whom the personal information may be supplied**

Category of personal information	Recipients or Categories of Recipients to whom the personal information may be supplied
Identity number and names, for criminal checks	South African Police Services/ Managed Integrity Evaluation (Pty) Ltd
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history, for credit information	Credit Bureaus

9.4 **Planned transborder flows of personal information**

Mahlako has no planned transborder flows of personal information.

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

9.5.1 Data Encryption

9.5.2 Anti Virus

9.5.3 Anti-malware

9.5.4 Password prootected laptops and cell phones

9.5.5 Controlled Access to the premises of Mahlako

10 REQUEST PROCEDURE

10.1 Procedural Requirements

10.1.1 The Requester must comply with all the procedural requirements contained in the PAIA relating to the request for access to a record.

10.1.1.1 The Requester must complete the prescribed form and submit same as well as payment of a request fee and a deposit (if applicable) to the Information Officer or the Deputy Information Officer(s) at the postal or physical address, fax number or electronic mail address as noted in section 4 above.

10.1.1.2 The prescribed form must be filled in with sufficient information to enable the Information Officer to identify:

10.1.1.2.1 The record or records requested; and

10.1.1.2.2 The identity of the Requester.

10.1.1.3 The Requester should indicate which form of access is required and specify a postal address or fax number of the Requester in the Republic. The Requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is sought to be exercised or protected. The Requester must clearly specify why the record is necessary to exercise or protect such a right (section 53(2)(d)).

10.1.1.4 Mahlako will process the request within 30 (thirty) days of receipt of the request, unless the Requester has stated special reasons, to the satisfaction of the Information Officer, that circumstances dictate that the above time periods not be complied with.

10.1.1.5 Mahlako will, within 30 (thirty) days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

10.1.1.6 The 30 (thirty) day period within which Mahlako has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 (thirty) days if the

request is for a large number of information, or the request requires a search for information held at another office of Mahlako and the information cannot reasonably be obtained within the original 30 (thirty) day period.

10.1.1.7 The Information Officer will notify the Requester in writing should any extension be sought.

10.1.1.8 The Requester shall be advised whether access is granted or denied in writing. If, in addition, the Requester requires the reasons for the decision in any other manner, the Requester will be obliged to state which manner and the particulars required.

10.1.1.9 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 (section 53(2)(f)).

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

10.1.1.11 The Requester must pay the prescribed fee, before any further processing can take place.

10.1.1.12 All information as listed in this section herein should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the Requester has furnished all the necessary and required information. The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

11 REFUSAL OF ACCESS TO RECORDS

11.1 Grounds to Refuse Access

A private body such as Mahlako is entitled to refuse a request for information.

11.1.1 The main grounds for Mahlako to refuse a request for information relates to the:

11.1.1.1 Mandatory protection of the privacy of a third party who is a natural person or a deceased person (section 63) or a juristic person, as included in POPIA, which would involve the unreasonable disclosure of personal information of that natural or juristic person;

11.1.1.2 Mandatory protection of personal information and for disclosure of any personal information to, in addition to any other legislative, regulatory or contractual agreements, comply with the provisions of POPIA;

11.1.2 Mandatory protection of the commercial information of a third party (section 64), if the record contains:

11.1.2.1 Trade secrets of the third party;

11.1.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

11.1.2.3 Information disclosed in confidence by a third party to Mahlako, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

11.1.3 Mandatory protection of confidential information of third parties (section 65) if it is protected in terms of any agreement;

11.1.4 Mandatory protection of the safety of individuals and the protection of property (section 66);

11.1.5 Mandatory protection of records which would be regarded as privileged in legal proceedings (section 67)

11.1.6 The commercial activities (section 68) of a private body, such as Mahlako, which may include:

11.1.6.1 Trade secrets of Mahlako;

11.1.6.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Mahlako;

11.1.6.3 Information which, if disclosed could put Mahlako at a disadvantage in negotiations or commercial competition;

11.1.6.4 A computer program which is owned by Mahlako, and which is protected by copyright;

11.1.6.5 The research information (section 69) of Mahlako or a third party, if its disclosure would disclose the identity of Mahlako, the researcher or the subject matter of the research and would place the research at a serious disadvantage.

11.1.7 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

11.1.8 All requests for information will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

11.1.9 If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the Requester that it is not possible to give access to the requested record. Such a notice will be regarded as a decision to refuse a request for access to the record concerned for the purpose of the Act. If the record should later be found, the Requester shall be given access to the record in the manner stipulated by the Requester in the prescribed form, unless the Information Officer refuses access to such record.

12 REMEDIES AVAILABLE WHEN MAHLAKO REFUSES A REQUEST

12.1 **Internal Remedies**

12.1.1 As a Private Body, Mahlako does not have an internal appeal procedure. The decision made by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the Requestor is not satisfied with the answer supplied by the Information Officer.

12.2 **External Remedies**

12.2.1 A Requestor that is dissatisfied with the Information Officer's refusal to disclose information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

12.2.2 A third party dissatisfied with the Information Officer's decision to grant a request for information, may within 30 (thirty) days of notification of the decision, apply to a Court for relief.

12.2.3 For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Development and which is presided over by a designated Magistrate.

13 ACCESS TO RECORDS

13.1 **Requirements for Access**

13.1.1 Records held by Mahlako may be accessed by requests only once the prerequisite requirements for access have been met.

13.1.2 Mahlako will voluntarily provide requested information to a personal requester or give access to any record with regard to the requesters personal information. The prescribed fee for reproduction of the requested information will be charged.

13.1.3 If any other requester requests access to information on third parties, Mahlako shall adhere to PAIA. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him / her that he /she may make a written or oral representation to the Information Officer why the request should be refused or, where required, give written consent for the disclosure of the Information.

13.1.4 Mahlako is not obliged to voluntarily grant access to such records.

13.1.5 The Requester must fulfil the prerequisite requirements, in accordance with the requirements of PAIA and as stipulated in Chapter 5; Part 3, including the payment of a request and access fee.

14 PAYABLE FEES

14.1 **PAIA provides for two types of fees, namely:**

14.1.1 A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered. The request fee is not refundable; and

14.1.2 An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs incurred by the Private Body in obtaining and preparing a record for delivery to the Requester.

14.2 A Requester must pay a request fee as required by law when submitting a request for access to information. The prescribed fees are as set out in the Fee Schedule which is available from http://www.sahrc.org.za/index.php/understanding-paia at this link: http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf.

14.3 A Requester must pay the fees before the Information Officer hands over any information. A Requester may have to pay a further access fee if the Information Officer grants the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The Information Officer shall withhold a record until the Requester has paid the fees.

15 AVAILABILITY OF THE MANUAL

15.1 A copy of the Manual is available-

15.1.1 On www.mahlako.co.za;

15.1.2 At the registered physical of address Mahlako for public inspection during normal business hours;

15.1.3 To any person upon request and upon the payment of a reasonable prescribed fee; and

15.1.4 To the Information Regulator upon request.

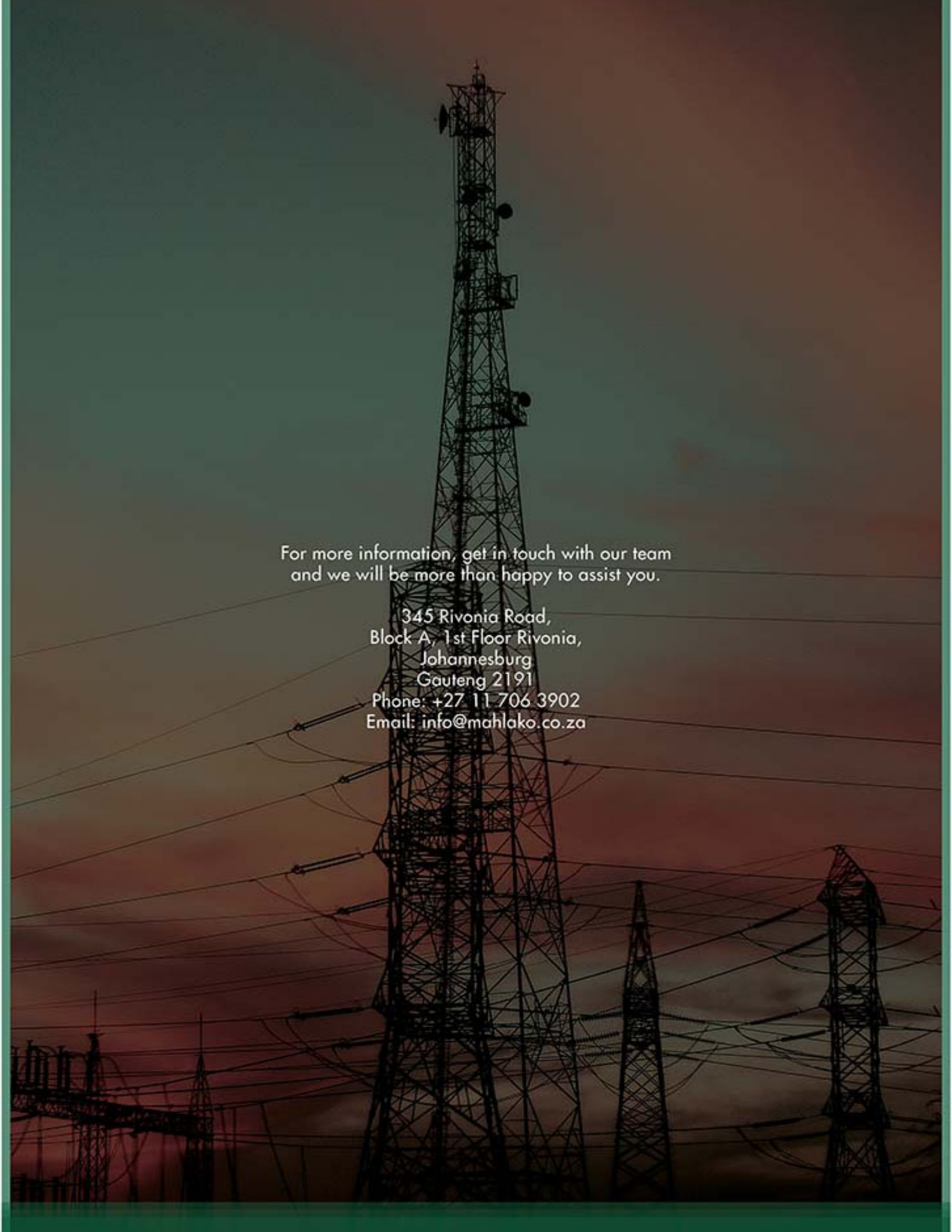
15.1.5 A fee for a copy of the Manual, as contemplated in annexure B of the Regulations, shall be payable per each A4-size photocopy made.

16 UPDATING OF THE MANUAL

Mahlako will update this manual from time to time as may be deemed necessary. Any changes will be posted on this page with an updated revision date.

Issued by

Meta Mhlarhi
Executive Head



For more information, get in touch with our team
and we will be more than happy to assist you.

345 Rivonia Road,
Block A, 1st Floor Rivonia,
Johannesburg
Gauteng 2191
Phone: +27 11 706 3902
Email: info@mahlako.co.za