

ONENEBULA (PTY) LTD

**Manual in terms of Section 51 of
The Promotion of Access to Information Act 2 of 2000**

May 2024

Index

1. Introduction
2. Company Contact details (Section 51(1)(a))
3. The Act and Section 10 Guide (Section 51(1)(b))
4. Applicable Legislation (Section 51(1)(c))
5. Schedule of Records (Section 51(1)(d))
6. Form of request (Section 51(1)(e))
7. Denial of Access
8. Remedies available when Nebula refuses a request for information
9. Request for access to information about third parties
10. Records that cannot be found or that do not exist
11. Fees
12. Form C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

1. Introduction

- 1.1. OneNebula (trading as Nebula and hereinafter referred to as Nebula) is a leading technology company with a range of solutions.
- 1.2. Nebula is a registered South African private company, with business registration number 2004/011655/07.

2. Company Contact Details

2.1. Trading area

Nebula operates globally, with business and solutions which are offered by service providers and businesses that operate in the digital space and on the internet, whose physical locations may be found throughout the world.

2.2. Office locations

Western Cape

Email: ContactUs@nebula.co.za

Tel: +2721 555 3227

Address: 22 Park Lane, Century City, Cape Town, 7446

- | | |
|----------------------|---|
| 2.3. Directors: | Bradley Gierdien
Daniel Nel (Office Manager/CEO) |
| Information Officer: | Daniel Nel |
| Contact Detail: | ContactUs@nebula.co.za |

3. The Act (Section 51(1) (b))

- 3.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600
 Fax Number: +27-11-403 0625
 Website: www.sahrc.org.za

4. Applicable South African Legislation (Section 51(1)(c))

The following pieces of legislation play a role in guiding the compliance and running of the business, but are not an exhaustive list:

No.	Reference	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 130 of 1993	Compensation for Occupational Injuries and Diseases Act
8	No 181 of 1993	Occupational Health and Safety Amendment Act
9	No 75 of 1997	Basic Conditions of Employment Act
10	No 97 of 1998	Skills Development Act
11	No 9 of 1999	Skills Development Levies Act
12	No 25 of 2002	Electronic Communications and Transactions Act
13	No 2 of 2000	Promotion of Access of Information Act
14	No 63 of 2001	Unemployment Insurance Act
15	No 4 of 2002	Unemployment Insurance Contributions Act
16	No 70 of 2002	The Regulation of Interception of Communications and Provision of Communication-Related Information Act
17	No 53 of 2003	Broad-Based Black Economic Empowerment Act
18	No 4 of 2013	Protection of Personal Information Act

While every effort is made to compile a list, new legislation or existing legislation that are applicable may not appear on this list. Further queries relating to this may be addressed to the information officer.

5. Schedule of Records

Records	Subject	Availability
Public Affairs	<ul style="list-style-type: none"> Public Product Information Public Corporate Records Media Releases 	<ul style="list-style-type: none"> Freely available on the web site www.nebula.co.za
Financial	<ul style="list-style-type: none"> Financial Statements Financial and Tax Records (Company & Employees) Asset Register 	<ul style="list-style-type: none"> Proprietary (Pty Ltd) documents and private individual documents- Request in terms of PAIA. Not otherwise available.

	<ul style="list-style-type: none"> • Management Accounts • General Correspondence • Budgets • Information relating to Financial Transactions • Purchase and order Information • Banking Records • Contracts 	
Marketing	<ul style="list-style-type: none"> • Market Information • Public Customer Information: <ul style="list-style-type: none"> ○ Product Brochures ○ Owner Manuals • Field Records • Performance Records • Product Sales Records • Marketing Strategies • Customer Database 	<ul style="list-style-type: none"> • Limited Information available on web site. • Request in terms of PAIA
Human Resources	<ul style="list-style-type: none"> • Employee Records • Employment Contracts • Personnel guidelines, policies and procedures • Employee medical Records • General Correspondence • Training Records • Employment Equity Records • Pension Records • Employee Benefit Records • Labour Relations Records • Statutory Records 	<ul style="list-style-type: none"> • Proprietary (Pty Ltd) documents and private individual documents-Request in terms of PAIA. Not otherwise available.
Group Audit	<ul style="list-style-type: none"> • Risk Management Records • Investment Records • General Correspondence • Management Records • Transactional Records 	<ul style="list-style-type: none"> • Proprietary (Pty Ltd) documents and private individual documents-Request in terms of PAIA. Not otherwise available.
Information Technology	<ul style="list-style-type: none"> • IT Policies and Procedures • Network Diagrams • Configuration set-ups • User Manuals • Asset Registers – IT related equipment • System Performance Records • Source Code 	<ul style="list-style-type: none"> • Proprietary (Pty Ltd) documents and private individual documents-Request in terms of PAIA. Not otherwise available.

6. Form of Request

To facilitate the processing of your request, kindly:

- 6.1.** Use the prescribed form, as included below, and available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.
- 6.2.** Address your request to the Head of the Company (CEO) and/or the information officer.
- 6.3.** Provide sufficient details to enable the COMPANY to identify:
 - 6.3.1. The record(s) requested;
 - 6.3.2. The requester (and if an agent is lodging the request, proof of capacity);
 - 6.3.3. The form of access required;
 - 6.3.4. The postal address or fax number of the requester in the Republic;
 - 6.3.5. If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - 6.3.6. The right which the requester is seeking to exercise or protect, with an explanation of the reason the record is required to exercise or protect the right.
- 6.4.** Subject to Nebula's rights relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt unless the requester has submitted special reasons, to Nebula's reasonable satisfaction, in support of a request that the above time periods be dispensed with.
- 6.5.** Nebula will give the requestor written notice of its decision, including reasons if the request is declined.
- 6.6.** The said 30 day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be sought.
- 6.7.** If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of Nebula.
- 6.8.** If an individual is unable to submit the request in the prescribed form because of illiteracy or disability, such a person may make the request orally.

7. Denial of access

Access may be refused under limited circumstances including:

- 7.1.** Protecting personal information that we hold about a third person (who is a natural person) from unreasonable disclosure;

- 7.2. Protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- 7.3. If disclosure would result in a breach of a duty of confidence owed to a third party;
- 7.4. If disclosure would jeopardize the safety or life of an individual;
- 7.5. If disclosure would prejudice or impair the security of property or means of transport;
- 7.6. If disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- 7.7. If disclosure would prejudice or impair the protection of the safety of the public;
- 7.8. The record is privileged from production in legal proceedings unless the privilege has been waived;
- 7.9. If the record is a computer programme;
- 7.10. Disclosure of the record will put this private body at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- 7.11. Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of this private body; and
- 7.12. Records containing information about research being carried out or about to be carried out on behalf of a third party

8. Remedies available when Nebula refuses a request for information

8.1. Internal Remedies:

Nebula does not have internal appeal procedures.

8.2. External Remedies:

A requester or a third party, who is dissatisfied with the decision of Nebula in relation to a request for access to a record (including with regard to fees) may, within 30 (thirty) days apply to the High Court, or any other Court having jurisdiction, for relief.

9. Request for access to information about third parties

- 9.1. If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.
- 9.2. In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.

10. Records that cannot be found or that do not exist

- 10.1.** If we searched for a record and believe that it either does not exist or cannot be found, we will notify you by way of an affidavit or affirmation that it is not possible to give you access to the requested record as we are unable to locate it. We will also provide you with details on the steps that were taken to try to locate the record.
- 10.2.** If at a later stage the record is located, we will grant you access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Promotion of Access to Information Act.

11. Fees

- 11.1.** The Act provides for two types of fees, namely:
 - 11.1.1. a request fee, being a standard fee; and
 - 11.1.2. an access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 11.2.** When a request is received by Nebula it will, by written notice, require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request.
- 11.3.** If the search for the record has been made and the preparation of the record for disclosure would require more than the hours prescribed for this purpose, the Information Officer will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.
- 11.4.** Nebula will withhold a record until the requester has paid the prescribed fees (and deposit where appropriate).
- 11.5.** A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure, including making arrangements to make it available in the requested form.
- 11.6.** If a deposit has been paid in respect of a request for access, which is refused, then Nebula will repay the deposit to the requester.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

(Act No. 2 of 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 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 made 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

- | |
|--|
| <p>(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.</p> <p>(b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.</p> |
|--|

- 1 Description of record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

E. Fees

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>
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Disability:	Form in which record is required
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Mark the appropriate box 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 for 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:			
	copy of record*		inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack		transcription of soundtrack*
	audio cassette		written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*		printed copy of information
			derived from the record"
			copy in computer readable form* (stiffy or compact disc)
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			YES NO

G Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:
2. 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 of20

SIGNATURE OF REQUESTER / PERSON ON BEHALF OF ANOTHER