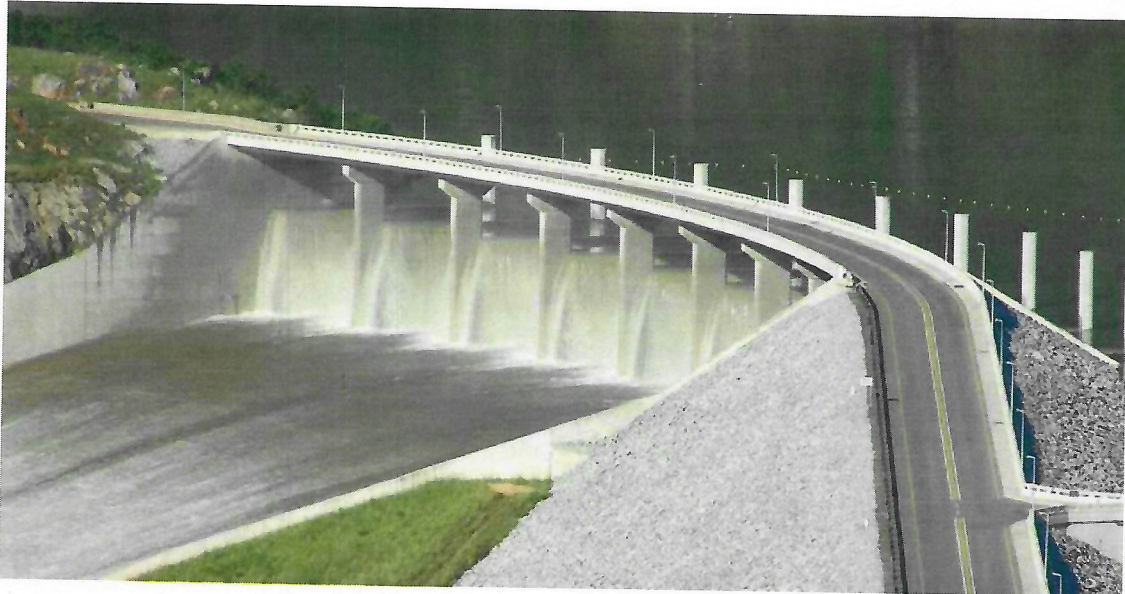


COMPLIANCE MANUAL FOR THE IMPLEMENTATION OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000



KOMATI BASIN WATER AUTHORITY (KOBWA)

We respect your right of access to information. This document will help you exercise that right as required by section 51 of the Promotion to Access of Information Act 2 of 2000 (PAIA).

Callouts like this are a summary of our manual and contain the most important and relevant points for you. They are here to help you understand it, but please read the full manual.

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1. Introduction

We are the Komati Basin Water Authority (KOBWA), a bi-national entity formed in 1993 through the Treaty on the Development and Utilization of the Water Resources of the Komati River Basin which was signed in 1992. This is our 'Access to Information Manual'. Its purpose is to help you access our information and any other information that we have. The Promotion of Access to Information Act 2 of 2000 (PAIA) requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

This manual exists to tell you what information we have and help you get access to it.

1.2 Our details

Our details are as follows:

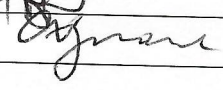
- **Organisation name:** Komati Basin Water Authority (KOBWA)
- **Postal address:** Box 518, Malelane, 1320
- **Physical address:** Maguga - Head Office
 - **Driekoppies Dam (Schoemansdal)** – Water Management Office
- **Phone number:** +27 13 591 2644 - Maguga Office
 - +27 13 5912633 - Driekoppies Office
- **Fax number:** +268 24371460/3 - Maguga Office
 - +2713 781 0320 - Driekoppies Office
- **Information officer:** Ms Pholile Dlodlu ; Deputy: Mr. Mlibatise Simelane
- **Emails** pholile.dlodlu@kobwa.co.za / tisi.simelane@kobwa.co.za
- **Contact email:** maguga.office@kobwa.co.za
- **Website:** <http://www.kobwa.co.za/>

These are all our details, but please rather contact us by email at reception@kobwa.co.za whenever possible.

1.3 Further guidance

If you would like further guidance on how you can get access to information under PAIA, you may contact the South African Human Rights Commission (SAHRC) to find out more information about PAIA. They have a guide in each official language of South Africa on how to exercise any right under PAIA. Their contact details are as follows:

- **Phone number:** 011 877 3600
- **Fax number:** 011 403 0668
- **Postal address:** Private Bag X2700, Houghton, 2041

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Approved By	CEO	

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- **Physical address:** Braampark Forum 3, 33 Hoofd Street, Braamfontein, Johannesburg, 2017
- **Website:** <http://www.sahrc.org.za/index.php/understanding-paia>

For further guidance on how you can get access to information, please contact the SAHRC by visiting their website at <http://www.sahrc.org.za/index.php/understanding-paia>.

1.4 Records we hold

We hold the following subjects and categories of records:

- Company records;
- Business records;
- Financial records;
- Insurance records;
- Personnel records;
- Policies and directives;
- Agreements or contracts;
- Regulatory documents;
- Published information;
- Customer information; and
- Reference materials.

We hold various subjects and categories of records in electronic or physical form that are available automatically or in other ways.

1.4.1 Company records

Company records are all our records related to the incorporation and administration of our company. Some of them are available from the Companies and Intellectual Property Commission (CIPC).

Memorandum of incorporation

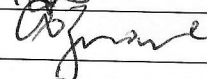
Automatically available from CIPC

Directors' names

Automatically available from CIPC

Documents of incorporation

Automatically available from CIPC

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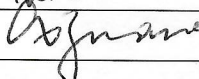
Notice and minutes of shareholders' meetings	Not available	automatically
Minutes of board of directors' meetings	Not available	automatically
Written resolutions and related documents	Not available	automatically
Written communication to shareholders	Not available	automatically
Records relating to appointment of directors, auditor, secretary, public officer, or other officers	Not available	automatically
Reports presented at annual general meetings	Not available	automatically
Share register and other statutory registers	Not available	automatically
Other statutory company records	Not available	automatically

Company records include our memorandum of incorporation and directors' names.

1.4.2 Business records

Business records include any documents that have economic value to the business.

Operational records	Not available	automatically
Databases	Not available	automatically
Published works	Not available	automatically
Internal correspondence	Not available	automatically
Product records	Not available	automatically
Records related to known premature cancellations of the transactions or financial products	Not available	automatically
Complaints received together with an indication on the status of the complaint	Not available	automatically
Policies or procedures dealing with the financial services we provide	Not available	automatically

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1.4.3 Financial records

Financial records are all our records related to our finances.

Financial statements

Not automatically available (NDA required)

Tax returns

Not automatically available

Other documents relating to taxation of the organisation

Not automatically available

Accounting records

Not automatically available

Banking records

Not automatically available

Banking details

Automatically available on request

Bank statements

Not automatically available

Electronic banking records

Not automatically available

Paid cheques

Not automatically available

Asset register

Not automatically available

Rental agreements

Not automatically available

Invoices

Not automatically available

Financial agreements

Not automatically available

Financial records include our financial statements and banking details.

1.4.5 Insurance records

Insurance records are all our records related to our insurable assets.

Insurance policies held by the organisation

Not automatically available

Register of all movable assets owned by the organisation

Not automatically available

Register of all immovable property owned by the organisation

Not automatically available

1.4.6 Income tax records

Income tax records are all our records related to our income tax obligations.

PAYE Records

Not automatically available

Corporate tax records

Not automatically available

Customs tax

Not automatically available

Documents issued to employees for income tax purposes

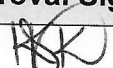
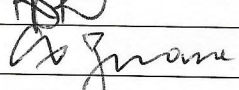
Not automatically available

Records of payments made to SARS on behalf of employees

Not automatically available

VAT records

Not automatically available

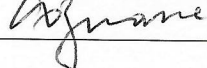
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Regional Services Levies
Skills Development Levies
UIF
Workmen's Compensation

Not automatically available
 Not automatically available
 Not automatically available
 Not automatically available

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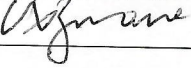
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1.4.7 Personnel records

Personnel records are all our records about anyone who works for us, provides services to us, or provides services on our behalf and who receives or is entitled to receive remuneration, including our employees, contractors, and other personnel.

List of employees	Not automatically available
Employee personal information	Not automatically available
Employee employment contracts	Not automatically available
Employment policies and procedures	Not automatically available
Employment Equity Plan	Not automatically available
Medical aid records	Not automatically available
Pension and provident fund records	Not automatically available
Salaries of employees	Not automatically available
Leave records	Not automatically available
Internal evaluations	Not automatically available
Disciplinary records	Not automatically available
Disciplinary codes	Not automatically available
Training records	Not automatically available
Operating manuals	Not automatically available
Personal records provided by personnel	Not automatically available
Trade union-related records	Not automatically available
Other statutory records (including health and safety recommendations and reports)	Not automatically available

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Records of incidents reported at the workplace	Not automatically available
Medical surveillance records	Not automatically available
Noise assessment and noise monitoring records	Not automatically available
Related correspondence	Not automatically available

Personnel records include records about our employees and contractors.

1.4.8 Policies and directives

Policies and directives include both internal and external documents.

Internal relating to employees and the organisation	Not automatically available
External relating to clients and other third parties	Not automatically available
Information technology systems and documents	Not automatically available

1.4.9 Agreements or contracts

Agreements or contracts include the documents themselves and all related documents.

Standard Agreements	Not automatically available
Contracts concluded with customers	Not automatically available
NDAs	Not automatically available
Letters of Intent, MOUs	Not automatically available
Third party contracts (such as JV agreements, VAR Agreements, etc.)	Not automatically available
Office management contracts	Not automatically available
Supplier contracts	Not automatically available

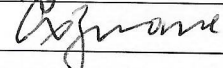
1.4.10 Regulatory documents

Regulatory documents include any documents required to comply with any laws.

Permits	Not automatically available
Licences	Not automatically available
Authorities	Not automatically available

1.4.11 Published information

Published information includes any document that we prepare and produce.

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External newsletters and circulars

Automatically available

Internal newsletters and circulars

Not automatically available

Information on the organisation published by third parties

Not automatically available

1.4.12 Customer information

Customer information includes any information about anyone that we provide goods or services to, including our customers, leads, or prospects.

Customer details

Not automatically available

Customer identification documents

Not automatically available

Contact details of individuals within customers

Not automatically available

Communications with customers

Not automatically available

Sales or service records

Not automatically available

Customer intermediary fees and related costs

Not automatically available

Transactional information

Not automatically available

Marketing records

Not automatically available

1.4.13 Reference materials

Reference materials include any sources of information that we contribute to.

Books

Not automatically available

Newsletters and journals articles

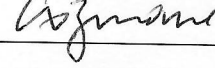
Not automatically available

Magazines

Not automatically available

Newspaper articles

Not automatically available

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2. Information we hold to comply with the law

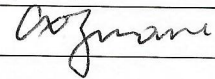
We hold records for the purposes of PAIA in terms of the following main laws, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad Based Black Economic Empowerment Act No. 53 of 2003;
- Companies Act 61 of 1973;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Disease Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Copyright Act 98 of 1978;
- Criminal Procedure Act 51 of 1977;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Financial Advisory and Intermediary Services Act 37 of 2002;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act 58 of 1962;
- Insurance Act 27 of 1943;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Protection of Personal Information Act 4 of 2013;
- Regulation of Interception of Communications and Provision of Communication related Information Act 70 of 2002;
- Skills Development Act 97 of 1998;
- Skills Development Levies Act 9 of 1999;
- Tax Administration Act 28 of 2011;
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

3. How to request access

We have authorised and designated our information officer to deal with all matters relating to PAIA in order to comply with our obligations in terms of PAIA. To request access to a record, please complete Form C which is available from:

- the SAHRC website at <http://www.sahrc.org.za/index.php/understanding-paia> at this link: <http://www.sahrc.org.za/home/21/files/Form%20C.doc%20August%202013.doc>; or
- the Department of Justice and Constitutional Development website at www.justice.gov.za at this link: http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf.

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Please submit the completed form to our information officer together with the relevant request fee (details here: <http://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>) at our information officer's email address, our physical address, or by fax in terms of our details provided above. Please ensure that the completed form:

- has enough information for the information officer to identify you, the requested records, and which 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:

- we may reject the request due to lack of procedural compliance;
- refuse it if you do not provide sufficient information; or
- delay it.

You may request information by completing a request for access form and submitting it to our information officer together with a request fee.

4. Grounds for refusal

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

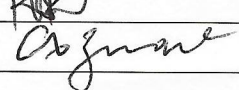
- someone else's privacy;
- another company's commercial information;
- someone else's confidential information;
- the safety of individuals and property;
- records privileged from production in legal proceedings; or
- research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request for access form. If we cannot find any requested record or it does not exist, then we will notify you by way of affidavit that it is not possible to give access to that particular record.

We may have to refuse you access to a record to protect others.

5. How we will give you access

We will evaluate and consider all requests to us in terms of PAIA. If we approve your request for access to our records, then we will decide how to provide access to you –

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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.

6. Records that cannot be found

If we search for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by an affidavit or affirmation. The affidavit or affirmation will include the steps that were taken to locate the record.

7. How much it will cost you

You must pay us 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>. You must pay us the fees before we will hand over any information. You may have to pay a further access fee if we grant the request for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

8. How we process and protect personal information

We process the personal information of various categories of people for various purposes as set out in our Privacy Policy, which can be accessed from our website at: <http://www.kobwa.co.za/>.

We do our best to keep all data in our possession secure and up-to-date.

9. Other prescribed information

The Minister of Justice and Constitutional Development has not made any regulations prescribing any other information that needs to appear in this manual.

10. Availability of this Manual

This manual is available in English and will be available on our website, and at our offices. The manual is also electronically available on our website at: <http://www.kobwa.co.za/>.

11. Updates to this Manual

This manual will be updated whenever we make material changes to the current information.

12. Policy Review

The risk management policy will be reviewed every 3 years in line with KOBWA policies. Any need for review in between is encouraged to ensure that it remains current and relevant.

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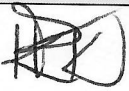
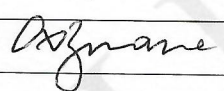
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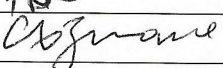
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13. Policy Amendments and approval

13.1 No amendment (s) may be made to any section of this manual without such amendment (s) being duly approved by the CEO.

13.2 KOBWA PAIA Manual created and approved by:

	Title	Approval Signatures	Date
Created By	Risk and Quality Officer		29.04.2019
Approved By	CEO		29/04/2019

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Approved By	CEO	

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