

 	Document Title	Access to Information, Protection of Personal Information and the Retention of Documents		
	Document No.	PRO – HUM - 006		
	Revision Date	15 November 2018	Rev No.	04

The Company Management of the Subtech Group approves the following:

- A) Section 51 PAIA Manual (Promotion of Access to Information Act 2 of 2000)
- B) Protection of Personal Information Act 4 of 2013
- C) Retention and Confidentiality of Documents, Information and Electronic Transactions



Paul Wilely – CEO
(On behalf of the Company Management)



Andre Krugel – Information Officer
(On behalf of the Company Management)

Date: 15 November 2018

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SECTION A) PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

Prepared
For

SUBTECH GROUP HOLDINGS (PTY) LTD

a private company incorporated with limited liability according to the company laws of the
Republic of South Africa with registration number 2009/011634/07

In accordance with

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

A copy of the manual will be available for inspection at The Subtech Group Holdings Head
Office, at all its subsidiaries and is available on the company website at
www.subtech.co.za

Created on 12 October 2015

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1 Introduction

Section 32(1)(a) of the Constitution of the Republic of South Africa Act, No. 108 of 1996 (“the Constitution”) provides that everyone has a right of access to any information held by the State and any information held by another person that is required for the exercise and/or protection of any rights.

The Promotion of Access to Information Act, No.2 of 2000 (“PAIA” or “the Act”) is the national legislation which was enacted to foster a culture of transparency and accountability by giving effect to the section 32 constitutional right of access to information, thus affording all South Africans the right to have access to records held by the state, government institutions and private bodies.

In terms of section 51 of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

This document serves as the Subtech Group Holdings (Pty) Ltd information manual (“the Manual”) and provides reference to the information and/or records held by Subtech Group Holdings (Pty) Ltd (Subtech) and the process to request access to such records.

In accordance with Section 51 of PAIA, this Manual contains the following information:

- Structure, functions and contact details of Subtech Group Holdings (Pty) Ltd
- Name and contact details of the Chief Information Officer
- Categories of records that are held by Subtech
- Procedure that needs to be followed and criteria that have to be met by a requester to request access to a record
- The fees charged for access to and copies of the information requested

2 Interpretation and Definitions

Unless the context clearly indicates otherwise, the following terms in this Manual shall have the meanings assigned to them hereunder, namely:

“The Act”

Means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time.

“PAIA”

Means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time.

“The Constitution”

Constitution of the Republic of South Africa Act, No. 108 of 1996

“Manual”

Means this manual published in compliance with Section 51 of the Act.

“Subtech”

Subtech Group Holdings (Pty) Ltd, registration number 2009/011634/07 and all of its Subsidiaries

“Chief Information Officer”

Means the person acting on behalf of Subtech Group Holdings (Pty) Ltd and discharging the duties and responsibilities assigned to the “head” of Subtech Group Holdings (Pty) Ltd by the Act. The Chief Information Officer is duly authorized to act as

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such and such authorization has been confirmed by the “head” of Subtech Group Holdings (Pty) Ltd

“Request”

Means a request for access to a record of Subtech Group Holdings (Pty) Ltd

“Requester”

Any person, including, but not limited to a public body or an official thereof, making a request for access to a record of Subtech and includes any person acting on behalf of that person

“Personal Requester”

A person who requests a record about himself/herself

“Agent Requester”

A person requesting a record about someone else

“Third Party Requester”

A person requesting a record on behalf of someone else

“Record”

Any recorded information regardless of form or medium in the possession or under the control of Subtech, whether or not it was created by Subtech

“Third Party”

Any person other than the requester

“SAHRC”

Means the South African Human Rights Commission

3 Availability of This Manual

A copy of this Manual is available to the public in the following ways:

- Subtech’s website at www.subtech.co.za
- Subtech’s head office at the address set out in section 5 below
- The South African Human Rights Commission (“SAHRC”) at the address set out in section 5 below
- On request from the Chief Information Officer referred to in in this Manual

This Manual is also available for inspection during office hours, at no cost, at Subtech’s head office.

This Manual will be updated from time to time, as and when required.

4 Who May Request Access to Information

In term of section 50(1) of the Act, any person/entity (requester) is entitled to access to a record of a private body, if the record is required for the exercise or protection of any rights.

A requester may act in different capacities in making a request for a record, namely a requester may make a request as:

- A personal requester who requests a record about him/herself
- An agent requester who requests a record on behalf of someone else

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- A third-party requester, who requests a record about someone else
- A public body - A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it's acting in the public interest.

5 The Structure, Functions and Contact Details Of Subtech Group Holdings (Pty) Ltd and its Subsidiaries

Subtech Group Holdings (Pty) Ltd is a private company incorporated with limited liability according to the company laws of the Republic of South Africa with registration number 2009/011634/07.

The Subtech Group, in operation since 1995, specializes in the provision of world-class marine services throughout Sub-Saharan Africa. We are based in Durban, with operational bases in Walvis Bay, Cape Town, Maputo, Beira, Nacala, Pemba, Dar es Salaam and Mauritius.

Subtech has a wealth of invaluable experience, which, together with our geographical reach and range of services, enable us to offer our clients comprehensive solutions to all their marine related requirements. Backing up our operational experience is our ISO 9001:2015 certification as well as full membership with the International Maritime Contractor's Association (IMCA).

Our services cover most aspects of diving and marine related requirements, both above and below water, and are incorporated within the following Divisions:

- Offshore Oil and Gas
- Salvage
- Diving Services
- Marine Services
- Inspection Services
- Survey
- Construction
- Subsea Cable
- Logistics

Each of these divisions boasts an impressive team of specialized skills, resources and assets. Driving each of them is a passion for ensuring every client engagement is carried out in the spirit of innovation combined with experience that is the core ethos of Subtech.

The following subsidiaries are managed under the Subtech Group Holdings (Pty) Ltd:

- Subtech (Pty) Ltd – Durban, Cape Town and Mozambique
- Namibia Subtech Diving and Marine (Pty) Ltd
- Subtech South Africa (Pty) Ltd
- Subtech Offshore (GBL II) Mauritius
- Subtech Norte Lda
- Subtech Diving and Marine Tanzania Limited

Subtech Group is a wholly owned Subsidiary of James Fisher and Sons PLC.

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Subtech Group Holdings (Pty) Ltd and its subsidiaries are private bodies as defined in the Act, with the following business contact details:

Company Name **Subtech Group Holdings (Pty) Ltd**
Registration No. 2009/011634/07
Physical Address 20 Rustic Close
 Briardene
 Durban
 4051
Postal Address P.O. Box 18897
 Dalbridge
 4014
Telephone No 031 206 2073
Fax No 031 205 7772
Email info@subtech.co.za - common email address
Website www.subtech.co.za - common website address

Company Name **Subtech (Pty) Ltd**
Registration No. 2004/003713/07
Physical Address 20 Rustic Close
 Briardene
 Durban
 4051
Postal Address P.O. Box 18897
 Dalbridge
 4014
Telephone No 031 206 2073
Fax No 031 205 7772

Company Name **Namibia Subtech Diving and Marine (Pty) Ltd**
Registration No. 2064/2011
Physical Address 1A Rooibank Avenue
 Walvis Bay
 Namibia
 9000
Postal Address P.O. Box 2924
 Walvis Bay
 9000
Telephone No +264 (0) 64 220 297
Fax No +264 (0) 64 220 298

Company Name **Subtech South Africa (Pty) Ltd**
Registration No. 2013/073983/07
Physical Address 20 Rustic Close
 Briardene
 Durban
 4051
Postal Address P.O. Box 18897
 Dalbridge
 4014
Telephone No 031 206 2073
Fax No 031 205 7772

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Company Name **Subtech Offshore GBL 2**
Registration No. 098294 C2/GBL
Physical Address Level 2 Max City Building
 Remy Ollier Street
 Port Louis
 Mauritius
Postal Address As above
Telephone No +230 217 5100 297
Fax No +230 217 5400

Company Name **Subtech Norte Lda**
Registration No. 9814/11/01/PS/2014
Physical Address Bairro Wimbe
 Av. Joaquim Alberto Chipande
 Pemba
 Mozambique
Postal Address P.O Box 220
 Pemba
 Mozambique
Telephone No +258 27 220 759
Fax No +258 27 220 759

Company Name **Subtech Diving and Marine Tanzania Limited**
Registration No.
Physical Address
Postal Address
Telephone No
Fax No

6 Contact Details of the Subtech Chief Information Officer

In terms of the Act, Subtech Group Holdings (Pty) Ltd Chief Executive Officer, has appointed the below mentioned, as the designated Chief Information Officer to handle all requests on behalf of Subtech Group Holdings (Pty) Ltd. The Chief Information Officer shall ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

When making a request please direct it to the Chief Information Officer, as detailed below:

Chief Information Officer Andre Krugel
Department Safety, Health, Environmental and Quality
Position SHEQ Manager
Email Address andre@subtech.co.za
Tel 031 206 2073
Address 20 Rustic Close
 Briardene
 Durban
 4051
Postal Address P.O. Box 18897
 Dalbridge
 4014

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7 SAHRC Guidance to requesters on how to use the ACT

In terms of section 10 of the Act, the South African Human Rights Commission (“SAHRC”) is required to compile a guide to the Act to assist people in exercising their rights under the Act. A guide has been compiled in all of the official languages and is available from the SAHRC who may be contacted at:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Physical Address Braampark Office Park
Forum 3
33 Hoofd Street
Braamfontein

Postal Address Private Bag X2700
Houghton
2041

Website www.sahrc.org.za

Telephone 011 877 3803
011 877 3600
021 426 2277

Fax 011 403 0625
011 403 0668
021 426 2875

E-Mail paia@sahrc.org.za

8 Policy with Regard to Confidentiality and Access to Information

Subtech will protect the confidentiality of the information provided to it by third parties, subject to Subtech’s obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, Subtech is obliged to reasonably attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishing reasons for the support or denial of access, the Chief Information Officer will consider these reasons in determining whether access should be granted, or not.

9 Category of Subtech Records

9.1 Records Automatically Available Without Request (Section 51(1)(C))

In terms of Section 52(2) of the Act, a private body may on a voluntary basis develop a list of information that is automatically available from the private body without having to make a formal request in terms of PAIA, referred to as a “*Section 52 notice or voluntary disclosure notice*”.

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Considering the automatic disclosure of certain records held by private companies is voluntary, a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

Subtech has not published any notice in terms of section 52(2) of the Act, however the following records are automatically available at Subtech head office:

- News and other marketing information
- Brochures

9.2 Records Available in Terms of Any Other Legislation (Section 51(1)(D))

Records are kept in accordance with such other legislation as is applicable to Subtech Group Holdings (Pty) Ltd, which includes but is not limited to, the following legislation (if and to the extent applicable to Subtech operations):

- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Broad-Based Black Economic Empowerment Act 2003
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Occupational Health and Safety Act 85 of 1993
- Companies Act 71 of 2008
- Businesses Act 1991
- Protection of Businesses Act 99 of 1978
- Competition Act 89 of 1998
- Insolvency Act 24 of 1936
- Income Tax Act 58 of 1962
- Value Added Tax Act 89 of 1991
- South African Revenue Services Act 34 of 1997
- Financial Intelligence Centre Act of 2001
- South African Revenue Services Act 1997
- Tax Administration Act 2011
- Finance Act 35 of 2000
- Pension Funds Act 1956
- Tax on Retirement Funds Act 38 of 1996
- Construction Industry Development Board (CIDB) Act 38 of 2000
- Preferential procurement policy framework Act 5, 2000
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Arbitration Act No. 42 of 1965
- Electronics Communications and Transactions Act 25 of 2002
- Promotion of Access to Information Act 2 of 2000
- Consumer Protection Act 68 of 2008
- IMCA Guidelines

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9.3 Subject and Categories of Records Held by Subtech (Section 51(1)(E))

Subtech keeps certain records in the conduct of its day-to-day business and as a matter of standard practice and good governance.

The following subjects and categories of the records are held by Subtech:

Company Records

- Certificate of Incorporation
- Certificate of Change of Name (If any)
- Memorandum of Incorporation
- Register of directors and director's shareholding
- Minutes of Board of Director meetings
- Records relating to the appointment of directors/auditors etc.
- Company policies and procedures
- Minutes of EXCO meetings

Finance and Taxation

- Financial statements
- Annual financial statements
- Assets inventory
- Tax Returns
- Accounting Records
- Banking Records Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Invoices
- Income Tax Records
 - PAYE Records
 - Documents issued to employees for income tax purposes
 - Records of payments made to SARS on behalf of employees
 - All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

Human Resources

- Staff recruitment policies
- Employment contracts
- Remuneration records and policies
- Employment Equity Plan (if applicable)
- Leave records
- Disciplinary and grievance procedures and records
- CCMA records
- Training records
- Training Manuals

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- HR policies and procedures
- Pension Fund records
- Correspondence
- Personnel files

Legal

- General contracts and agreements
- Legal, risk and governance policies
- General legal records and correspondence
- Litigation records
- Insurance records
 - Claim records
 - Details of insurance coverage, limits and insurers
 - Insurance policies

Information Technology

- Domain name registrations
- IT technology capabilities
- IT policies and procedures

Operations

- Client registry
- List of Projects executed by Subtech and records related to it
- Records, reports, design and the like generated by Subtech for its clients
- Records generated by or within Subtech pertaining to the client
- Contracts with the client, suppliers and subcontractors
- Completed Project files

Marketing and Communication

- Marketing brochures
- Media releases
- Newsletters and publications

Safety, Health, Environment and Sustainability

- Environmental assessment records
- Incident reports and investigations
- Training records
- Safety, health, environment and sustainability policies and management standards

Procurement

- Procurement policies
- Supplier data
- Purchase order terms and conditions
- General correspondence

Quality

- Management Systems
- Internal Audits
- Supplier / Client Audits

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The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by Subtech.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an Access Request Form does not automatically allow the requester access to the requested record.

Note:

If it is reasonably suspected that the requester has obtained access to Subtech's records through the submission of materially false or misleading information, legal proceedings may be instituted against such Requester.

10.1 Completion of the Prescribed Access Request Form

In order for Subtech to respond to requests in a timely manner, the prescribed Access Request Form, attached hereto marked Annexure 1, should be completed in full, taking due cognisance of the following instruction on completing the prescribed form:

- The Access Request Form must be completed in the English Language
- Type or print in BLOCK LETTERS an answer to every question
- Requester to provide sufficient detail to enable the Chief Information Officer to identify the records requested and to identify the requester
- Clearly indicate which form of access is required (i.e. email, post, fax etc.)
- Specify a postal address or fax number of the requester in the Republic
- Specify the right the requester is seeking to exercise or protect
- Provide an explanation of why the requested record is required for the exercise or protection of that right
- If a question does not apply, state "N/A" in response to that question
- If there is nothing to disclose in reply to a particular question, state "nil" in response to that question
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question
- All additional folios must be signed by the requester
- Proof of identity is required to authenticate the identity of the requester
- If the request is made on behalf of a person, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above. Failure to comply with the abovementioned requirements will result in the process being delayed until the Chief Information Officer is satisfied all these requirements have been met and Subtech shall not be liable for such delays.

Refer to Annexure 1: Access Request Form

10.2 Submission of The Prescribed Access Request Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the Chief Information Officer.

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10.3 Payment of Prescribed Fees

Payment details can be obtained from the Chief Information Officer and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Four (4) types of fees are provided for in terms of the Act:

Request fee

- An initial, non-refundable fee payable upfront on submission of an access request form
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee
- The Chief Information Officer shall notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request

Access fee

- If the request for access to a record is successfully granted, then an access fee may be required to re-imburse Subtech for the costs involved in the search, reproduction and/or preparation of the record for disclosure and will be calculated based on the prescribed Fees under Annexure 2.

Deposit

- If the preparation of the record for disclosure would take more than 6 (six) hours, then a deposit of one third (1/3) of the amount of the applicable access fee, shall be payable by the requester, other than personal requester. The Chief Information Officer shall notify the requester by notice of the amount of the deposit payable
- In the event that access is refused to the requested record, the full deposit will be refunded to the requester

Reproduction fee

- This fee is payable with respect to all records that are automatically available and will be calculated based on the prescribed Fees under Annexure 2

These prescribed fees must be paid before access to a record will be allowed. The requester will be informed of the amount of the fees once the request for access form has been submitted.

The list detailing the prescribed fees in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure 2.

Refer to Annexure 2: Prescribed Fees Structure

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10.4 Records That Cannot Be Found or Do Not Exist

If Subtech has searched for a record and it is believed that the record either does not exist or cannot be found, the Requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

10.5 Notification

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

The notification may include:

Notification of Extension Period (if required)

The Chief Information Officer may extend the period of 30 (thirty) days once for a further period of not more than 30 (thirty) days, if the request is for a large volume of information, or the request requires a search for information held at another office of Subtech and the information cannot be reasonably obtained within the original 30 (thirty) day period.

The requesters shall be notified in writing of the extension sought for the processing of their requests, including:

- The required extension period, which will not exceed an additional 30 (thirty) day period
- Adequate reasons for the extension
- That the requester may lodge an application with a court against the extension, and the procedure (including the period) for lodging the application

Payment of Deposit (if applicable)

The Requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s).

The notice will state:

- The amount of the deposit payable (if applicable)
- That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application

Please note

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

If no extension period or deposit is required, the requester will be notified, within 30 (thirty) days, of the decision on the request.

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If the request for access to a record is *successful*, the Requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any)
- An indication of the form in which the access will be granted
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is *not successful*, the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Grounds for Refusal below)
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application

11 Grounds for Refusal of Access to Records

The 30 (thirty) day period within which the Chief Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a Requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Chief Information Officer.

Subtech may legitimately refuse to grant access to a requested record on the following grounds as set out in the Act (Chapter 4, Sections 63 - 69 of the Act):

- Mandatory protection of the privacy of a third party (who is a natural person), including a deceased person, which would involve the unreasonable disclosure of personal information about that natural person
- Mandatory protection of commercial information of a third party or Subtech (for example: trade secrets; financial, commercial, scientific or technical information), the disclosure of which may harm the commercial or financial interest of the third party or Subtech
- Mandatory protection of certain confidential information of a third party, if the disclosure would constitute a breach of a duty of confidence owed to the third party in terms of an agreement.
- Mandatory protection of the safety of individuals and the protection of property, if the disclosure would endanger the life or physical safety of an individual or the safety of the public;
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived by the person entitled to the privilege;
 - Commercial Information of Subtech:
Disclosure of the record would put Subtech at a disadvantage in contractual or other negotiations or prejudice it in commercial competition
 - The record is a computer programed
- Mandatory protection of a record containing information about research being carried out or about to be carried out by or on behalf of a third party or Subtech, the disclosure of which would expose the third party, Subtech or the research subject matter to serious disadvantage.

12 Appeals against Decisions

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If a requester is aggrieved by the refusal of the Chief Information Officer to grant a request for a record, the requester may, within 30 (thirty) days of notification of the Chief Information Officer's decision, apply to a court for appropriate relief.

13 Attachments

Annexure 1: Prescribed Access Request Form

Annexure 2: Prescribed Fees Structure

Annexure 1 - Prescribed Access Request Form

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:

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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

- (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.
- (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.

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E. Fees

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

Reason for exemption from payment of fees:

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F. Form of access to record

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.

Disability:	Form in which record is required
Form in which record is required:	
Mark the appropriate box with an X.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (s tiffy 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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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.

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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
WHOSE BEHALF REQUEST IS MADE**

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Annexure 2 – Prescribed Fees Structure

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))
[Regulation 11 (3)]

Please Note That All Prices Listed Below Are Inclusive Of Value-Added Tax (Vat)

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is **R1.10** for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows: **R**

- | | |
|---|--------------|
| (a) For every photocopy of an A4-size page or part thereof | 1,10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form | 0,75 |
| (c) For a copy in a computer-readable form on - | |
| (i) Compact disc | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| (ii) For a copy of an audio record | 30,00 |

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is **R50,00**.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows: **R**

- | | |
|---|--------------|
| (1)(a) For every photocopy of an A4-size page or part thereof | 1,10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form | 0,75 |
| (c) For a copy in a computer-readable form on - | |
| (i) Stiffy disc | 7,50 |
| (ii) Compact disc | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| (ii) For a copy of an audio record | 30,00 |

(f) To search for and prepare the record for disclosure, **R30,00** for each hour or part of an hour reasonably required for such search and preparation.

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- (2) For purposes of section 54(2) of the Act, the following applies:
- (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) One third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

**SECTION B) PROTECTION OF PERSONAL INFORMATION IN TERMS OF THE
PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013**

Prepared
For

SUBTECH GROUP HOLDINGS (PTY) LTD

a private company incorporated with limited liability according to the company laws of the
Republic of South Africa with registration number 2009/011634/07

In accordance with

THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

A copy of the manual will be available for inspection at The Subtech Group Holdings Head
Office, at all its subsidiaries and is available on the company website at
www.subtech.co.za

Created on 16 November 2015

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1 Introduction

The Subtech Group, in operation since 1995, specialises in the provision of world-class marine services throughout Sub-Saharan Africa. We are based in Durban, with operational bases in Walvis Bay, Cape Town, Maputo, Beira, Nacala, Pemba, Dar es Salaam and Mauritius.

The Subtech Group is obligated to comply with the Protection of Personal Information Act 4 of 20013.

The Protection of Personal Information Act requires that the Subtech Group inform their personnel, clients, vendors and service providers how their personal information is used, disclosed, stored and destroyed.

The Subtech Group guarantees its commitment to protecting their personnel, clients, vendors and service provider's privacy and ensuring their Personal Information is used appropriately, transparently, securely and in accordance with applicable laws.

This Policy sets out how the Subtech Group deals with Personal Information in addition for what purpose said information is used for.

This Policy is made available on our company website www.subtech.co.za and by request from our head office.

2 Definition of Personal Information

According to the Protection of Personal Information Act "Personal Information" means information relating to an identifiable, living, natural person, and where it is applicable, an identifiable, existing juristic person.

3 Personal Information Collected

Section 9 of the Protection of Personal Information Act states that "Personal Information may only be processed if given the purpose for which it is processed, it is adequate, relevant and not excessive."

The Subtech Group collects and processes the following Personal Information, but is not limited to:

Clients

- Historic Transactions
- Contact details including address
- Tender Documents
- Contract Documents
- Project Details

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Personnel

- General HR Info (Passports, ID Documents, Banking Details, Medical History, Criminal Records, address etc)
- Payroll records
- CV's
- Applications for employment
- Performance Reviews
- IR Records
- Emails
- Web Browsing History

Service Providers and Vendors

- Pricing Structure
- Product and Service Brochures
- Banking details for payments
- BEE Status
- Contact Details including address
- Vat Registration
- Company Registration
- Tax Clearance Certificate
- SHEQ Documents for auditing purposes

4 How Personal Information Is Used

The obtained personal information will only be used for the purpose for which it was collected and agreed.

This may include:

- Providing products or services to clients and to carry out the transactions requested
- For underwriting purposes
- Assessing and processing claims
- Assessing and processing payments or salaries
- Conducting credit reference searches or verification
- Confirming, verifying and updating contact details
- For purposes of claims history
- For the detection and prevention of fraud, crime, money laundering or other malpractice
- Conducting market or customer satisfaction research
- For audit and record keeping purposes
- In connection with legal proceedings
- Providing our services to clients to carry out the services requested and to maintain and constantly improve the relationship
- Providing communications in respect of The Subtech Group and regulatory matters that may affect clients, service providers, vendors and / or personnel
- In connection with and to comply with legal and regulatory requirements or when it is otherwise allowed by law
- To assist with business development
- To carry out our obligations arising from any contracts entered into between you and us
- To notify you about changes to our service
- To respond to your queries or comments

5 Disclosure of Personal Information

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Unless otherwise specified, we may disclose Personal Information to any of our group companies or subsidiaries, joint venture companies and or approved product or third party service providers whose services or products clients elect to use. We have agreements in place to ensure that they comply with confidentiality and privacy conditions.

We may also disclose information where we have a duty or a right to disclose in terms of applicable legislation, the law or where it may be necessary to protect our rights.

6 Safeguarding Information

It is a requirement of the Protection of Personal Information Act to adequately protect the personal information we hold and to avoid unauthorised access and use of personal information. We will continuously review our security controls and processes to ensure that all personal information is secure.

The following procedures are in place in order to protect your personal information:

- The Subtech Group Chief Information Officer is responsible for the compliance with the conditions of the lawful processing of personal information and other provisions of Protection of Personal Information Act
- This policy has been put in place throughout the Subtech Group and training on this policy and the Protection of Personal Information Act have already taken place and will continue to be refreshed on a yearly basis
- Each new employee will be required to sign an employment contract containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of the Protection of Personal Information Act
- Every employee currently employed within the Subtech Group will be required to sign an addendum to their employment contracts containing relevant consent clauses for the use and storage of employee information, or any other action so required, in terms of the Protection of Personal Information Act
- Our archived client information is stored on site on a secure server, which is also governed by the Protection of Personal Information Act
- Our product suppliers, insurers and other third party service providers will be required to sign a service level agreement guaranteeing their commitment to the protection of personal information
- Individual departments are responsible for the security of hard copy files. These are stored securely on site for a minimum of 3 years. All archived documents are stored at an offsite storage facility
- The group IT Division backs up all electronic files or data. They are also responsible for system security, which protects third party access and physical threats. The Group IT division is responsible for electronic information security

7 Access and Correction of Personal Information

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Personnel, clients, vendors and service providers have the right to access the Personal Information we hold about them. They also have the right to ask us to update, correct or delete their Personal Information on reasonable grounds.

Once personnel, clients, vendors and / or service providers object to the processing of their Personal Information, The Subtech Group may no longer process said Personal Information.

SECTION C) POLICY ON THE RETENTION AND CONFIDENTIALITY OF DOCUMENTS, INFORMATION AND ELECTRONIC TRANSACTIONS

Prepared
For

SUBTECH GROUP HOLDINGS (PTY) LTD

a private company incorporated with limited liability according to the company laws of the Republic of South Africa with registration number 2009/011634/07

A copy of the manual will be available for inspection at The Subtech Group Holdings Head Office, at all its subsidiaries and is available on the company website at www.subtech.co.za

Created on 16 November 2015

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1 Purpose

To exercise effective control over the retention of documents and electronic transactions:

- As prescribed by legislation
- As dictated by business practice

Documents need to be retained in order to prove the existence of facts and to exercise rights the Company may have. They are also necessary for defending legal action. For establishing what was said or done in relation to business of the Company and to minimize the Company's reputational risks.

To ensure that the Company's interests are protected and that the Company's and clients and personnel rights to privacy and confidentiality are not breached.

Queries may be referred to the Chief Information Officer.

2 Scope

The scope of this policy includes all documents and electronic transactions generated within and/or received by the Company.

3 Definitions

Clients

Includes, but are not limited to, shareholders, debtors, creditors as well as the affected personnel and/or departments related to a service division of the Company.

Confidential Information

Means all information or data disclosed to or obtained by the Company by any means whatsoever and shall include, but not be limited to:

- Financial information and records
- All other information including information relating to the structure, operations, processes, intentions, product information, know-how, trade secrets, market opportunities, customers and business affairs

Constitution

Constitution of the Republic of South Africa Act, 108 of 1996

Data

Means electronic representations of information in any form

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Documents

Includes books, records, security or accounts and any information that has been stored or recorded electronically, photographically, magnetically, mechanically, electro-mechanically or optically, or in any other form

ECTA

Electronic Communications and Transactions Act, 25 of 2002

Electronic communication

Means a communication by means of data messages

Electronic signature

Means data attached to, incorporated in, or logically associated with other data and which is intended by the user to serve as a signature

Electronic transactions

Includes e-mails sent and received

PAIA

Promotion of Access to Information Act, 2 of 2000

POPI

Protection of Personal Information Act, 4 of 2013

4 Access To Documents

All Company and client information must be dealt with in the strictest confidence and may only be disclosed, without fear of redress, in the following circumstances:

- Where disclosure is under compulsion of law
- Where there is a duty to the public to disclose
- Where the interests of the Company require disclosure
- Where disclosure is made with the express or implied consent of the client

4.1 Disclosure to 3rd parties

All employees have a duty of confidentiality in relation to the Company and clients. In addition to the provisions listed above, the following are also applicable:

- ***Information on clients***
Our clients' right to confidentiality are protected in the Constitution and in terms of ECTA. Information may be given to a 3rd party if the client has consented in writing to that person receiving the information.
- ***Requests for company information***
 - These are dealt with in terms of PAIA, which gives effect to the constitutional right of access to information held by the State or any person (natural and juristic) that is required for the exercise or protection of rights. Private bodies, like the Company, must however refuse access to records if disclosure would constitute an action for breach of the duty of secrecy owed to a third party

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- In terms hereof, requests must be made in writing on the prescribed form to the Chief Information Officer in terms of PAIA. The requesting party has to state the reason for wanting the information and has to pay a prescribed fee
- The Company's manual in terms of PAIA, which contains the prescribed forms and details of prescribed fees, is available on the intranet, the Intergrated Management Sever and the Subtech website
- Confidential company and/or business information may not be disclosed to third parties, as this could constitute industrial espionage. The affairs of the Company must be kept strictly confidential at all times.

The Company views any contravention of this policy very seriously and personnel who are guilty of contravening the policy will be subject to disciplinary procedures, which may lead to the dismissal of any guilty party.

5 Retention of Documents and Records

5.1 Operational Documents

All Operational Documents and Records shall be retained for a minimum of 5 years. This is as per the Standard Operating Procedure KP – 004 – Control of Records Procedure.

5.2 Companies Act, No 71 of 2008

With regard to the Companies Act, No 71 of 2008 and the Companies Amendment Act No 3 of 2011, hardcopies of the documents mentioned below must be retained for 7 years:

- Any documents, accounts, books, writing, records or other information that a company is required to keep in terms of the Act
- Notice and minutes of all shareholders meeting, including resolutions adopted and documents made available to holders of securities
- Copies of reports presented at the annual general meeting of the company
- Copies of annual financial statements required by the Act
- Copies of accounting records as required by the Act
- Record of directors and past directors, after the director has retired from the company
- Written communication to holders of securities
- Minutes and resolutions of directors' meetings, audit committee and directors' committees

Copies of the documents mentioned below must be retained indefinitely:

- Registration certificate
- Memorandum of Incorporation and alterations and amendments
- Rules
- Securities register and uncertified securities register
- Register of company secretary and auditors
- Regulated companies (companies to which chapter 5, part B, C and Takeover Regulations apply) – Register of disclosure of person who holds beneficial interest equal to or in excess of 5% of the securities of that class issued.

5.3 Consumer Protection Act, No 68 of 2008

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The Consumer Protection Act seeks to promote fair, accessible and sustainable marketplace and therefore requires a retention period of 3 years for information provided to a consumer by an intermediary such as:

- Full names, physical address, postal address and contact details
- ID number and registration number
- Contact details of public officer in case of a juristic person
- Service rendered
- Intermediary fee
- Cost to be recovered from the consumer
- Frequency of accounting to the consumer
- Amounts, sums, values, charges, fees, remuneration specified in monetary terms
- Disclosure in writing of a conflict of interest by the intermediary in relevance to goods or service to be provided
- Record of advice furnished to the consumer reflecting the basis on which the advice was given
- Written instruction sent by the intermediary to the consumer
- Conducting a promotional competition refer to Section 36(11)(b) and Regulation 11 of Promotional Competitions
- Documents Section 45 and Regulation 31 for Auctions

5.4 Compensation for Occupational Injuries and Diseases Act, No 130 of 1993

Section 81(1) and (2) of the Compensation for Occupational Injuries and Diseases Act requires a retention period of 4 years for the documents mentioned below:

- Register, record or reproduction of the earnings, time worked, payment for piece work and overtime and other prescribed particulars of all the employees

Section 20(2) documents with a required retention period of 3 years:

- Health and safety committee recommendations made to an employer in terms of issues affecting the health of employees and of any report made to an inspector in terms of the recommendation
- Records of incidents reported at work.

Asbestos Regulations, 2001, regulation 16(1) requires a retention period of minimum 40 years for the documents mentioned below:

- Records of assessment and air monitoring, and the asbestos inventory
- Medical surveillance records

Hazardous Biological Agents Regulations, 2001, Regulations 9(1) and (2):

- Records of risk assessments and air monitoring
- Medical surveillance records

Lead Regulations, 2001, Regulation 10:

- Records of assessments and air monitoring
- Medical surveillance records

Noise - induced Hearing Loss Regulations, 2003, Regulation 11:

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- All records of assessment and noise monitoring
- All medical surveillance records, including the baseline audiogram of every employee

Hazardous Chemical Substance Regulations, 1995, Regulation 9 requires a retention period of 30 years for the documents mentioned below:

- Records of assessments and air monitoring
- Medical surveillance records

5.5 Basic Conditions of Employment Act, No 75 of 1997

The Basic Conditions of Employment Act requires a retention period of 3 years for the documents mentioned below: Section 29(4):

- Written particulars of an employee after termination of employment

Section 31:

- Employee's name and occupation
- Time worked by each employee
- Remuneration paid to each employee
- Date of birth of any employee under the age of 18 years

5.6 Employment Equity Act, No 55 of 1998

Section 26 and the General Administrative Regulations, 2009, Regulation 3(2) requires a retention period of 3 years for the documents mentioned below:

- Records in respect of the company's workforce, employment equity plan and other records relevant to compliance with the Act

Section 21 and Regulations 4(10) and (11) require a retention period of 3 years for the report, which is sent to the Director General as indicated in the Act.

5.7 Labour Relations Act, No 66 of 1995

Sections 53(4), 98(4) and 99 require a retention period of 3 years for the documents mentioned below:

- The Bargaining Council must retain books of account, supporting vouchers, income and expenditure statements, balance sheets, auditor's reports and minutes of the meetings
- Registered Trade Unions and registered employer's organizations must retain books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheets, auditor's reports and minutes of the meetings

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- Registered Trade Unions and employer's organizations must retain the ballot papers
- Records to be retained by the employer are the collective agreements and arbitration awards

Sections 99, 205(3), Schedule 8 of Section 5 and Schedule 3 of Section 8(a) require an indefinite retention period for the documents mentioned below:

- Registered Trade Unions and registered employer's organizations must retain a list of its members
- An employer must retain prescribed details of any strike, lock-out or protest action involving its employees
- Records of each employee specifying the nature of any disciplinary transgressions, the actions taken by the employer and the reasons for the actions
- The Commission must retain books of accounts, records of income and expenditure, assets and liabilities

5.8 Unemployment Insurance Act, No 63 of 2002

The Unemployment Insurance Act applies to all employees and employers except:

- Workers working less than 24 hours per month
- Learner
- Public servants
- Foreigners working on a contract basis
- Workers who get a monthly State (old age) pension
- Workers who only earn commission

Section 56(2)(c) requires a retention period of 5 years, from the date of submission, for the documents mentioned below:

- Employers must retain personal records of each of their current employees in terms of their names, identification number, monthly remuneration and address where the employee is employed

5.9 Tax Administration Act, No 28 of 2011

Section 29 of the Tax Administration Act, states that records of documents must be retained to:

- Enable a person to observe the requirements of the Act;
- Are specifically required under a Tax Act by the Commissioner by the public notice
- Will enable the SARS to be satisfied that the person has observed these requirements

Section 29(3)(a) requires a retention period of 5 years, from the date of submission for taxpayers that have submitted a return and an indefinite retention period, until the return is submitted, then a 5 year period applies for taxpayers who were meant to submit a return, but have not.

Section 29(3)(b) requires a retention period of 5 years from the end of the relevant tax period for taxpayers who were not required to submit a return, but had capital

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gains/losses or engaged in any other activity that is subject to tax or would be subject to tax but for the application of a threshold or exemption.

Section 32(a) and (b) require a retention period of 5 years but records must be retained until the audit is concluded or the assessment or decision becomes final, for documents indicating that a person has been notified or is aware that the records are subject to an audit or investigation and the person who has lodged an objection or appeal against an assessment or decision under the Tax Administration Act.

5.10 Income Tax Act, No 58 of 1962

Schedule 4, paragraph 14(1)(a)-(d) of the Income Tax Act requires a retention period of 5 years from the date of submission for documents pertaining to each employee that the employer shall keep:

- Amount of remuneration paid or due by him to the employee
- The amount of employees tax deducted or withheld from the remuneration paid or due
- The income tax reference number of that employee
- Any further prescribed information
- Employer Reconciliation return

Schedule 6, paragraph 14(a)-(d) requires a retention period of 5 years from the date of submission or 5 years from the end of the relevant tax year, depending on the type of transaction for documents pertaining to:

- Amounts received by that registered micro business during a year of assessment
- Dividends declared by that registered micro business during a year of assessment
- Each asset as at the end of a year of assessment with cost price of more than R 10 000
- Each liability as at the end of a year of assessment that exceeded R 10 000

5.11 Value Added Tax Act, No 89 of 1991

Section 15(9), 16(2) and 55(1)(a) of the Value Added Tax Act and Interpretation Note 31, 30 March requires a retention period of 5 years from the date of submission of the return for the documents mentioned below:

- Where a vendor's basis of accounting is changed the vendor shall prepare lists of debtors and creditors showing the amounts owing to the creditors at the end of the tax period immediately preceding the changeover period
- Importation of goods, bill of entry, other documents prescribed by the Custom and Excise Act and proof that the VAT charge has been paid to SARS
- Vendors are obliged to retain records of all goods and services, rate of tax applicable to the supply, list of suppliers or agents, invoices and tax invoices, credit and debit notes, bank statements, deposit slips, stock lists and paid cheques
- Documentary proof substantiating the zero rating of supplies
- Where a tax invoice, credit or debit note, has been issued in relation to a supply by an agent or a bill of entry as described in the Customs and Excise Act, the agent shall maintain sufficient records to enable the name, address and VAT registration number of the principal to be ascertained

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