Fructuous Consulting

Partnering for Social Impact

PAIA MANUAL

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

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1. LIST OF ACRONYMS AND ABBREVIATIONS

2. PURPOSE OF PAIA MANUAL

This manual helps members of the public to:

2.1. Identify the types of records that Fructuous Consulting makes available without requiring a formal request.
2.2. Understand how to request access to records held by Fructuous Consulting, including the subjects on which records are kept.
2.3. Identify records that are available in terms of other applicable legislation.
2.4. Find the contact details of the Information Officer (and Deputy Information Officer, where appointed) responsible for handling requests for information.
2.5. Access the PAIA Guide published by the Information Regulator and understand how to obtain it.
2.6. Understand how Fructuous Consulting collects, uses and processes personal information.
2.7. Identify the categories of individuals whose personal information may be processed and the types of information that may be collected.
2.8. Understand who personal information may be shared with where this is lawful and necessary
2.9. Understand whether personal information may be transferred outside South Africa and, where applicable, the circumstances under which this may occur.
2.10. Understand the measures Fructuous Consulting has in place to protect the confidentiality, integrity and availability of personal information.

3. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION OF THE FRUCTUOUS CONSULTING

3.1. Chief Information Officer

Name:	Miriam Chikwanda
Tel:	+27835262896
Email:	miriam@fructuousconsulting.africa
Fax number:	n/a

3.2. Deputy Information Officer *(NB: if more than one Deputy Information Officer is designated, please provide the details* of *every Deputy Information Officer of the body designated in terms of section 17 (1) of PAIA.*

Name:	n/a
Tel:	n/a
Email:	n/a
Fax Number:	n/a

3.3 Access to information general contacts

Email:	miriam@fructuousconsulting.africa

3.4 **National or Head Office**

Postal Address:

n/a

Physical Address:	Wynberg, Capetown, RSA 7800
Email:	miriam@fructuousconsulting.africa
Website:	https://fructuousconsulting.africa/

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

4.1. The Information Regulator has published a Guide to assist members of the public in understanding their rights under the Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA). The Guide explains how to request access to records held by public and private bodies and how to exercise rights relating to personal information.

4.2. The Information Regulator has published the PAIA Guide, which is available in all official South African languages and in Braille.

4.3. The Guide includes information on:

4.3.1. the purpose and objectives of PAIA and POPIA;
4.3.2. the contact details of Information Officer and Deputy Information Officers;

4.3.2.1. the Information Officer in terms of section 17(1) of PAIA[1] and section 56 of POPIA[2];
4.3.3. how to request access to records held by public[3] and private bodies[4];
4.3.4. the assistance available from Information Officers and the Information Regulator;
4.3.5. the assistance available from the Regulator in terms of PAIA and POPIA;
4.3.6. the remedies available where access to information is refused;
4.3.7. the requirement for private bodies to compile PAIA manuals[6];
4.3.8. the voluntary disclosure[7] of records by public and private bodies;
4.3.9. the notices and fees[8] that may apply to requests for access to records; and
4.3.10. the regulations[9] issued under PAIA.

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

[2] *Section 56(a) of POPIA- Each public and private body must make provision, in the manner prescribed in section 17 of the Promotion of Access to Information Act, with the necessary changes, for the designation of such a number of persons, if any, as deputy information officers as is necessary to perform the duties and responsibilities as set out in section 55(1) of POPIA.*

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

[4] *Section 50(1) of PAIA- A requester must be given access to any record of a private body if-*
- *a) that record is required for the exercise or protection of any rights;*
- *b) that person complies with the procedural requirements in PAIA relating to a request for access to that record; and*
- *c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

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

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

[7] *Section 52(1) of PAIA- The head of a private body may, on a voluntary basis, make available in the prescribed manner a description of the categories of records of the private body that are automatically available without a person having to request access*

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

[9] *Section 92(1) of PAIA provides that –"The Minister may, by notice in the Gazette, make regulations regarding-*
- *(a) any matter which is required or permitted by this Act to be prescribed;*
- *(b) any matter relating to the fees contemplated in sections 22 and 54;*
- *(c) any notice required by this Act;*
- *(d) uniform criteria to be applied by the information officer of a public body when deciding which categories of records are to be made available in terms of section 15; and*
- *(e) any administrative or procedural matter necessary to give effect to the provisions of this Act*

4.4. A copy of the Guide may be obtained from the Information Officer of Fructuous Consulting upon request.

4.5. The Guide can also be obtained from the website of the Regulator - via https://inforegulator.org.za/

4.6 Fructuous Consulting's PAIA Manual is available in English. The official PAIA Guide published by the Information Regulator may be obtained in other official languages and in Braille directly from the Information Regulator.

5. CATEGORIES OF RECORDS OF FRUCTUOUS CONSULTING WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

Category of records	**Types of the Record**	Available on Website	Available upon request
Company Information	Company profile, overview of services, areas of expertise, contact details		X
PAIA and POPIA Documents	PAIA Manual, Privacy Notice (where applicable)		X
Marketing and Communication Material	Capability statements, brochures, service information and published articles		X
Published Reports and Resources	Reports, case studies or knowledge products that have been approved for public release		X
Career Opportunities	Vacancy notices and collaboration opportunities (when applicable)		X

6. DESCRIPTION OF THE RECORDS OF FRUCTUOUS CONSULTING WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

Category of Records	**Applicable Legislation**
Memorandum of incorporation	Companies Act 71 of 2008
PAIA Manual	Promotion of Access to Information Act 2 of 2000
Records relating to the processing of personal information (including privacy notices and consent records, where applicable)	Protection of Personal Information Act 4 of 2013
Tax registration records, tax returns and supporting financial records	Income Tax Act 58 of 1962 and Tax Administration Act 28 of 2011

VAT records (where applicable)	Value-Added Tax Act 89 of 1991
Financial and accounting records	Companies Act 71 of 2008 and Tax Administration Act 28 of 2011
Electronic business records and communications	Electronic business records and communications
Employment records (where applicable)	Basic Conditions of Employment Act 75 of 1997; Labour Relations Act 66 of 1995; Unemployment Insurance Act 63 of 2001

7. DESCRIPTION OF THE SUBJECTS ON WHICH THE BODY HOLDS RECORDS AND CATEGORIES OF RECORDS HELD ON EACH SUBJECT BY FRUCTUOUS CONSULTING

Subjects on which Fructuous Consulting Holds Records	Categories of Records
Corporate Governance	Company registration documents, Memorandum of Incorporation, statutory records, governance documents, PAIA Manual and related compliance records.
Business Development and Marketing	Company profile, capability statements, service brochures, expressions of interest, proposals, presentations, marketing materials and website content.
Client and Project Management	Client contracts, project plans, inception reports, correspondence, meeting notes, project deliverables and reports.
Research, Monitoring, Evaluation and Learning	Evaluation frameworks, methodologies, research tools, interview guides, survey instruments, anonymised datasets, analysis files, validation workshop records and final reports.
Finance and Administration	Invoices, quotations, purchase records, accounting records, tax records, banking records and financial statements.
Consultants and Service Providers	Consultant agreements, CVs, procurement records, invoices, correspondence and payment records.
Information and Records Management	PAIA requests and responses, POPIA records, privacy notices, consent forms (where applicable), records of personal information processing and document retention records.
Information Technology	Electronic records, email correspondence, cloud-based business records, system access records and data backups.

8. PROCESSING OF PERSONAL INFORMATION

8.1 Purpose of Processing Personal Information

Fructuous Consulting processes personal information only where it is necessary, lawful and relevant to the services it provides. Depending on the nature of the engagement, personal information may be processed for one or more of the following purposes:

8.1.1. To respond to enquiries and communicate with prospective and existing clients.
8.1.2. To prepare proposals, quotations, contracts and service agreements.
8.1.3. To plan, implement and manage research, monitoring, evaluation and learning (MERL) assignments.
8.1.4. To recruit, contract and manage consultants and other service providers.

8.1.5. To conduct interviews, surveys, focus group discussions and other research activities, with appropriate consent where required.
8.1.6. To analyse, report and communicate research and evaluation findings, while protecting the privacy and confidentiality of participants.
8.1.7. To administer projects, including stakeholder engagement, scheduling and project coordination.
8.1.8. To manage financial administration, including invoicing, payments, accounting and tax compliance.
8.1.9. To comply with legal, regulatory and contractual obligations.
8.1.10. To maintain business records, safeguard information and manage risks.
8.1.11. To improve the quality of Fructuous Consulting's services and internal operations.

Fructuous Consulting is committed to collecting only the personal information that is necessary for the relevant purpose and to processing such information in accordance with the Protection of Personal Information Act, 2013 (POPIA).

8.2 Description of the categories of Data Subjects and of the information or categories of information relating thereto

Categories of Data Subjects	Personal Information that may be Processed
Clients and Prospective Clients	Names, organisation, job title, contact details, business address, correspondence, contract information and billing details.
Consultants and Service Providers	Names, contact details, CVs, qualifications, professional experience, identity or company registration details (where required), banking details, tax information and contracts.
Research Participants	Names and contact details (where required), demographic information, interview or survey responses, consent records and other information voluntarily provided as part of research or evaluation activities. Personal information collected varies depending on the nature of the assignment and is limited to what is necessary for the project.
Suppliers	Names, company information, contact details, registration details, banking details, tax information and correspondence.
Website Users	Contact details and any information voluntarily submitted through website enquiry forms or other communication channels.
Employees (where applicable)	Personal details, contact information, qualifications, employment records, payroll and statutory information.

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

Category of Personal Information	Recipients or Categories of Recipients to whom the Personal Information may be Supplied
Client and contract information	Authorised representatives of clients, funders or contracting organisations, where necessary for the delivery of services.
Consultant and service provider information	Financial institutions, accounting service providers, tax authorities and other parties where required for contracting, payment or legal compliance.
Research participant information	Authorised members of the project team, approved consultants and, where applicable, project clients. Personal information is shared only where necessary, and research findings are anonymised or aggregated wherever possible.

Financial and tax information	South African Revenue Service (SARS), financial institutions, auditors and accounting service providers, where required by law or for financial administration.
Electronic records and business information	Approved cloud service providers, email providers and IT service providers that support Fructuous Consulting's business operations and are required to maintain appropriate security and confidentiality measures.
Personal information required by law	Government departments, regulatory authorities, courts or law enforcement agencies where disclosure is required by applicable legislation or a lawful request.

8.4 Planned transborder flows of personal information

Categories of Personal Information	Recipient / Country
Client, consultant and supplier contact information, business correspondence, project documents and other electronic business records	Fructuous Consulting uses reputable cloud-based service (Microsoft 365 / Outlook / OneDrive/ Google Workspace / Google Drive/ Dropbox/ Box)providers and business applications that may store or process personal information on servers located outside South Africa. The location of these servers depends on the service provider and may include countries where the provider operates data centres.
Research and evaluation records (where applicable)	Personal information may be securely shared with authorised consultants or project partners located outside South Africa where required for the delivery of international projects, subject to contractual confidentiality obligations and the requirements of POPIA. Appropriate safeguards are implemented to protect personal information during such transfers.

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

Fructuous Consulting is committed to protecting the confidentiality, integrity and availability of the personal information it processes. Appropriate technical and organizational measures are implemented to safeguard personal information against unauthorized access, loss, misuse, alteration or disclosure. These measures include, where appropriate:

8.5.1. Restricting access to personal information to authorised persons who require it to perform their duties or fulfil contractual obligations.
8.5.2. Using password-protected computers, mobile devices and business accounts.
8.5.3. Storing electronic records using secure cloud-based platforms and business systems with appropriate access controls.
8.5.4. Maintaining anti-virus, anti-malware and device security software on business devices.
8.5.5. Using secure internet connections and encrypted communication channels where appropriate.
8.5.6. Regularly updating software and operating systems to address security vulnerabilities.
8.5.7. Securing paper records containing personal information and limiting access to authorised persons.
8.5.8. Requiring consultants and service providers with access to personal information to comply with confidentiality obligations and applicable data protection requirements.
8.5.9. Limiting the collection and retention of personal information to what is necessary for legitimate business and project purposes.
8.5.10Securely deleting or disposing of personal information when it is no longer required, in accordance with legal, contractual and business requirements.
8.5.11. Reviewing information security practices periodically and implementing improvements where necessary

9. AVAILABILITY OF THE MANUAL

9.1 A copy of the Manual is available
- 9.1.1 to the Information Regulator upon request;
- 9.1.2 on the Fructuous Consulting website once published;
- 9.1.3 from the Information Officer upon request.

9.2 An electronic copy of this Manual will be provided free of charge upon request.

Where a printed copy is requested, Fructuous Consulting may charge the prescribed fee for photocopying in accordance with the Regulations issued under the Promotion of Access to Information Act.

10. UPDATING OF THE MANUAL

The Information Officer of Fructuous Consulting is responsible for ensuring that this Manual is reviewed and updated periodically to reflect changes in applicable legislation, business operations, record-keeping practices or the processing of personal information.

The Manual will be updated whenever material changes occur and the latest version will be made available upon request and, where applicable, on the Fructuous Consulting website.

Issued by

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Miriam Chikwanda

Managing Director