

The Promotion of Access to Information Act (PAIA) Manual

Special note

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

IN-M-001

Effective: 01/07/2026

Revision 1.0



Document Control

Document Title		The Promotion of Access to Information Act (PAIA) Manual				
Document No.		IN-M-001	Revision	1.0	Date	07/07/2026
Approved by		Managing Director	Johannes Coetzee		07/07/2026	
Revision	Date	Details			Author	
1.0	07/07/2026	Initial issue			J Coetzee	

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1. Abbreviations and Definitions

CEO	Chief Executive Officer
DIO	Deputy Information Officer
IO	Information Officer
Minister	Minister of Justice and Correctional Services
PAIA	Promotion of Access to Information Act Nr 2 of 2000(as Amended);
POPIA	Protection of Personal Information Act No 4 of 2013;
Regulator	Information Regulator
Republic	Republic of South Africa

2. Purpose of the PAIA Manual

This PAIA Manual is useful for the public to:

- 2.1 check the categories of records held by a body which are available without a person having to submit a formal PAIA request;
- 2.2 have a sufficient understanding of how to request access to a record of the body by providing a description of the subjects on which the body holds records and the categories of records held on each subject;
- 2.3 know the description of the records of the body which are available in accordance with any other legislation;
- 2.4 access all the relevant contact details of the Information Officer and Deputy Information Officer who will assist the public with the records they intend to access;
- 2.5 know the description of the guide on how to use PAIA, as updated by the Regulator and how to obtain access to it;
- 2.6 know if the body will process personal information, the purpose of the processing of personal information and the description of the categories of data subjects and the information or categories of information relating thereto;
- 2.7 know the description of the categories of data subjects and the information or categories of information relating thereto;
- 2.8 know the recipients or categories of recipients to whom the personal information may be supplied;
- 2.9 know if the body has planned to transfer or process personal information outside the Republic of South Africa and the recipients or categories of recipients to whom the personal information may be supplied; and
- 2.10 know whether the body has appropriate security measures to ensure the confidentiality, integrity and availability of the personal information which is to be processed.

3. Key contact details for access to information about Martec Academy

3.1 Information Officer | Martec Academy (Pty) Ltd

Name: Johannes Coetzee
 Tel: +27 82 414 9191
 Email: info@martecacademy.com

4. Guide on how to use PAIA and how to obtain access to the guide

- 4.1 The Regulator has, in terms of section 10(1) of PAIA, as amended, updated and made available the revised Guide (<https://infoeregulator.org.za/paia-guidelines/>) on how to use PAIA ("Guide"), in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.
- 4.2 The Guide is available in each official language and braille: <https://infoeregulator.org.za/>.
- 4.3 The aforesaid Guide contains the description of-
- 4.3.1 the objects of PAIA and POPIA;
- 4.3.2 the postal and street address, phone and fax number and, if available, electronic mail address of-
- a) the Information Officer of every public body, and
- b) every Deputy Information Officer of every public and private body designated in terms of section 17 (1) of PAIA and section 56 of POPIA;
- 4.3.3 the manner and form of a request for-
- a) access to a record of public body contemplated in section 11; and
- b) access to record of a private body in section 50;
- 4.3.4 the assistance available from the IO of a public body in terms of PAIA and POPIA;
- 4.3.5 the assistance available from the Regulator in terms of PAIA and POPIA;
- 4.3.6 all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging-
- a) an internal appeal;
- b) a complaint to the Regulator; and
- c) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Regulator or a decision of the head of a private body;
- 4.3.7 the provisions of sections 14 and 51 require a public body and private body, respectively, to compile a manual and how to obtain access to a manual;
- 4.3.8 the provisions of sections 15 and 52 provide for the voluntary disclosure of categories of records by a public body and private body, respectively;
- 4.3.9 the notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and
- 4.3.10 the regulations made in terms of section 92.

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.

¹ 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.

¹ 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.

¹ 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;

that person complies with 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.

- 4.4 Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Regulator, during normal working hours.
- 4.5 The Guide can also be obtained-
- 4.5.1 upon request to the Information Officer;
- 4.5.2 from the website of the Regulator (<https://infoeregulator.org.za/>.)
- 4.6 A copy of the Guide is also available in the following two official languages for public inspection during normal office hours-
- 4.6.1 English and Afrikaans
5. **Description of the records of Martec Academy, 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
Privacy Notices	Protect of Personal information Act 4 of 2013

6. **Description of the subjects on which the body holds records and categories of records held on each subject by Martec Academy**

Subjects on which the body holds records	Categories of records
Strategic documents, plans, proposals	Annual reports, strategic plan, annual performance plan.
Human resources	<ul style="list-style-type: none"> • HR policies and procedures • Advertised posts. • Employees records • Accounting and payroll records • BBBEE statistics • Personal information • Leave records • Performance management records • Disciplinary records • Health and safety records • Credit checks
Academy	<ul style="list-style-type: none"> • Personal information of students • Student records • Recorded virtual training sessions. • Qualification and validation checks • Training material • Training records and statistics • Training agreements
Finance and administration	<ul style="list-style-type: none"> • Accounting records • Invoices and statements • Management records • Corporate travel and other reimbursable benefit records

Subjects on which the body holds records	Categories of records
Marketing and communications	<ul style="list-style-type: none"> • Marketing strategies • Marketing brochures and materials • Newsletter subscription information • Personal information of website users
Business operations	<ul style="list-style-type: none"> • Access control records • Agreements • General correspondence • Insurance documentation • Service level agreements • Meeting minutes • Fraud and corruption records • Website cookies information • Equipment registers. • Information policies and procedures • Legal compliance records

7. Processing of personal information

7.1 Purpose of processing personal information

Categories of data subjects	Purpose of processing personal information
Clients	<ul style="list-style-type: none"> • To meet contractual obligations and to comply with applicable legislation. • We may perform a credit check with the data subject's permission. • When data subjects contact us, we use their contact information and the content of their message to respond appropriately and manage our relationship. • Sometimes the law requires that we share your personal information, for instance, to comply with tax and employment laws.
Vendors	<ul style="list-style-type: none"> • To meet contractual obligations with vendors. • When vendors register, we collect information to select the best service provider for the job. • We collect information to respond appropriately to correspondence and manage relationships. • To comply with health and safety regulations.
Employees	<ul style="list-style-type: none"> • To manage our relationship. For instance, we may use data subjects' personal information to pay their remuneration, make statutory payments on their behalf, and manage corporate travel and other reimbursable benefits. • We also process their personal information when they use the following internal apps: <ul style="list-style-type: none"> • ERP system for your timesheets; • HSSE Logger for all health and safety information; and • Admin Logger for all IT and Academy assistance. • We may also collect personal information about data subjects from third parties, for instance, from external training providers. • We need certain information to comply with legislation; for instance, we need race to comply with employee equity and BBBEE requirements.

	<ul style="list-style-type: none"> We may generate records about data subjects, such as performance reviews and disciplinary records.
Categories of data subjects	Purpose of processing personal information
Job Applicants	<ul style="list-style-type: none"> We may collect the data subject's personal information: <ul style="list-style-type: none"> when it is necessary to comply with the law; from third parties when we contact their references, use external recruiters, or conduct credit or criminal checks, qualification checks to confirm their identity, and in some instances, fraud checks. We may require data subjects to carry out psychometric, competency, skills, technical assessments, or all of them. We may generate records about data subjects, such as interview notes and results of job-related assessments.
Website users	<ul style="list-style-type: none"> We collect data subjects' personal information when they report fraud or corruption, but the information is voluntary. When data subjects subscribe to our newsletter, we only use their email address to send the newsletter. When data subjects register as vendors, we process their personal information to register them on our system and contact them when their services meet our requirements for future projects. We collect cookies to make websites work, or to make websites work more efficiently, and to provide information to site owners.
Academy Learners	<ul style="list-style-type: none"> To provide data subjects with our services and to maintain our relationship with them. We will only collect their personal information for validation purposes, to help us decide whether they qualify for our courses, to deliver our services, and to comply with our legal obligations. We record virtual training sessions to make them available to learners. Recordings are stored for three months. We may also receive personal information from the data subject's employer. Sometimes the law requires that we share personal information, for instance, to comply with tax and employment laws.

7.2 Description of the categories of Data Subjects and the information or categories for information relating thereto

Categories of data subjects	Personal Information that may be processed
Clients	<ul style="list-style-type: none"> Company registration details, VAT registration number, contact details, and tax clearance certificate. Credit check with permission from the data subject.
Vendors	<ul style="list-style-type: none"> Names and surname, Company name, registration number, vat numbers, address, trade secrets and bank details, contact details, list of services offered, address from where services are delivered, how many full-time employees work there, current company BBEE status, percentage black ownership and black women ownership, sectors worked or have experience in, any documentation attached. HSSE Logger information if you're a contractor.

Categories of data subjects	Personal Information that may be processed
Employees	Marital status, date of birth, ID, full names and surname, maiden name if applicable, language, personal email address, postal address, banking details, physical address, qualifications, gender, race, medical dependants, next of kin and their details for beneficiary forms, disability status, health information, nationality, tax number, monthly contributions, contact details, photographs and other visual images of you, building access times, web browsing history, including all DNS lookups, commands and applications run on computers, all file access on computers, local servers and cloud services, email information including sender recipient and subject, telephone numbers dialled, duration of calls, a record of all online meetings subject duration and attendees, your beneficiaries and emergency contact
Job applicants	Full name and surname, identity and passport number, gender, educational background, work history, LinkedIn details, references, contact details, driver's license status, citizenship, race, criminal record, and disability status.
Website users	<ul style="list-style-type: none"> • Email address • Name (optional), surname (optional), • Submission to report fraud or corruption, • LinkedIn credentials, contact details, citizenship, ID number, name and surname, company name, contact details, list of services offered, address from where services are delivered, how many full-time employees work there, current company BBBEE status, sectors worked or have experience in, any documentation attached, cookies.
Academy Learner	Full name and surname, citizenship, ID or passport number, date of birth, gender, ethnicity, contact details, educational background, disability, immigrant status, personal information from your employer, and recording of virtual training sessions.

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

Category of personal information	Recipients or categories of recipients to whom the personal information may be supplied
Identity number and full name for criminal checks	South African Police Services
Qualifications, for qualification verifications	South African Qualifications Authority
Credit and payment history for credit information	Credit Bureaus
Qualifications, for qualifications verification	Sector Education and Training Authority (SETA)
Qualifications, for qualifications validation	Quality Council for Trades and Occupations (QCTO)
Tax and VAT information of clients, employees and vendors	South African Revenue Service (SARS)
Race to comply with employee equity and BBBEE requirements	Companies and Intellectual Property Commission (CIPC)
Employee information	Department of Labour

7.4 Planned transborder flows of personal information

Category of personal information	Country in which personal information will be stored
Virtual Classroom Recordings: Learner's name, surname (possibly voice and video)	Netherlands Germany

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

7.5.1 Martec Academy (Pty) Ltd has implemented appropriate technical and organisational IT security measures such as access controls, firewalls, and secure data backups to protect personal information.

8. Availability of the manual

8.1 A copy of the Manual is available:

8.1.1 office of Martec Academy for public inspection during normal business hours;

8.1.2 to any person upon request and upon the payment of a reasonable prescribed fee; and

8.1.3 to the Information Regulator upon request.

9. Updating the manual

The head the POPIA/GDPR steering committee will regularly ensure to update this manual.