



**MIDCITY UTILITIES (PTY) LTD**  
(Registration Number: 2014/115245/07)

## **PAIA MANUAL**

Published in terms of section 51 of the  
Promotion of Access to Information Act 2 of 2000.



Policy Name: PAIA Manual  
Policy Reference: MU-POPI-001  
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# 1 INTRODUCTION

MidCity Utilities (Pty) Ltd (Registration Number: 2014/115245/07) is a private company registered in terms of the company laws of the Republic of South Africa and specialises in the provision and delivery of a comprehensive range of smart utility management products and solutions to the property industry ("MidCity Utilities").

This manual is published in terms of section 51 of the Promotion of Access to Information Act 2 of 2000 (the "PAIA Act") [the "Manual"] and provides an outline of the type of records and personal information which MidCity Utilities holds. The Manual also explains how to submit requests for access to these records in terms of the PAIA Act. In addition to explaining how to access, or object to, personal information held by the MidCity Utilities, or request correction of the personal information, in terms of sections 23 and 24 of the Protection of Personal Information Act 4 of 2013 (the "POPI Act"), the Manual also explains how to submit requests for access to these records in terms of the PAIA Act.

The objective of the PAIA Act is to give effect to the constitutional right to access to information, which information is held by a public or private body and which information is required for the exercise or protection of any rights. The PAIA Act recognises the right entrenched in section 32 of the Constitution of the Republic of South Africa, 1996 and aims to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information.

Accordingly, requests for access to information held by MidCity Utilities shall be made in accordance with the prescribed procedures and at the rates provided. The prescribed forms and fee tariffs are dealt with in Chapter 1 of Part 3 of the PAIA Act, as well as in section 5 below.

## 1.1 Availability of this PAIA Manual

This PAIA Manual is published on the MidCity Utilities website at <http://www.midcityutilities.co.za/> or alternatively, a copy can be requested from the Information Officer or Deputy Information Officer (see contact details in paragraph 2 below).

## 1.2 Availability of guides to the PAIA and POPI Acts

Guides to the PAIA and POPI Acts can be obtained and queries directed to:

PAIA Act	POPI Act
<p><b>The South African Human Rights Commission:</b></p> <p><u>Physical Address:</u></p> <p>Braampark Forum 3 33 Hoofd Street Braamfontein Johannesburg Gauteng</p>	<p><b>The office of the Information Regulator:</b></p> <p><u>Physical Address:</u></p> <p>The Information Regulator (South Africa) Forum III 3<sup>rd</sup> Floor Braampark PO Box 31533 Braamfontein, Johannesburg, 2107 Mr. Marks Thibela Chief Executive Officer</p>
<p>Private Bag 2700, Houghton, 2041 Tel: +27 11 877 3600 Fax: +27 11 403 0625 Website: <a href="http://www.sahrc.org.za">www.sahrc.org.za</a> E-mail: <a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a></p>	<p>Tel No: +27 010 023 5207 Cell No: 082 746 4173 E-mail: <a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a></p>

## 2 MIDCITY UTILITIES CONTACT DETAILS

### **Contact details in terms of section 51 of PAIA:**

MidCity Utilities (Pty) Ltd (Reg. No: 2014/115245/07)  
P.O. Box 4945 Pretoria 0001

Physical Address:  
MidCity Corner, 500 Jorissen Street,  
Sunnyside, Pretoria  
Website: <http://www.midcityutilities.co.za/>

### **Duly authorised persons:**

Information Officer:
Name: Marius Alberts Tel: 012 426 3400 E-mail: <a href="mailto:compliance@midcity.co.za">compliance@midcity.co.za</a>

**Applicable Legislation:**

The following legislation, amongst others which may become applicable from time to time, is applicable to and observed by MidCity Utilities pursuant to undertaking its day-to-day operations:

<b>Item No:</b>	<b>Legislative Reference:</b>	<b>Act:</b>
1	No. 71 of 2008	The Companies Act
2	No. 75 of 1997	The Basic Conditions of Employment Act
3	No. 55 of 1998	The Employment Equity Act
4	No. 58 of 1962	The Income Tax Act
5	No. 66 of 1995	The Labour Relations Act
6	No. 89 of 1991	The Value Added Tax Act
7	No. 37 of 2002	The Financial Advisory and Intermediary Services Act
8	No. 25 of 2002	The Electronic Communications and Transactions Act
9	No. 2 of 2000	The Promotion of Access to Information Act
10	No. 4 of 2013	The Protection of Personal Information Act
11	No. 63 of 2001	The Unemployment Insurance Act
12	No. 53 of 2003	The Broad-Based Black Economic Empowerment Act

### 3 COMPANY RECORDS

#### 3.1 Availability of MidCity Utilities Records

<b>Departmental Records</b>	<b>Subject</b>	<b>Classification No.</b>
Health & Safety Division	Health and Safety Records (Employees, Contractors)	5 & 6
Human Resources Division	Employee Records	5 & 6
	Employment Contracts	5 & 6
	Personnel Guidelines, Policies and Procedures	10 & 12
	Employee Medical Records	5 & 6
	Employee Disability Insurance Records	5 & 6
	Employee Pension and Provident Fund Records	5 & 6
	Payroll Records	5 & 6
	Recruitment Records	5 & 6 & 12
Financial /Procurement Division	Audited Financial Statements	12
	Tax Records (MidCity Utilities & Employees)	12
	Asset Register	12
	Supplier Records	12
	Management Accounts	12
	MidCity Utilities Insurance Records	12
Legal Services and Corporate Governance Division	General Contract Documentation	10 & 12
	Company Guidelines, Policies and Procedures	10 & 12
	Intellectual Property Records	12
	Employee, Member and Supplier Information	5 & 6 & 12
	Immovable Property Records	12
	Statutory Records	10 & 12
Sales and Marketing Division	Product / Service Brochures	1
	User Guides	1
	Customer Information and Database	5 & 6
	Third Party Agreements and Documents	10 & 12
	Homeowners Information	5 & 6
	Body Corporate Information	5 & 6



### 3.2 MidCity Utilities record classification key

Classification No.	Access	Classification [PAIA section]
1	May be Disclosed	Public Access Document
2	May not be Disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May be Disclosed	Subject to copyright
4	Limited Disclosure	Personal Information of natural persons that belongs to the requester of that information, or personal information of juristic persons represented by the requestor of that information [s61]
5	May not be Disclosed	Unreasonable disclosure of personal information or of natural person [s63]
6	May not be Disclosed	Likely to harm the commercial or financial interests of a third party [s64(1)(a) and (b)]
7	May not be Disclosed	Likely to harm the Company or third party in contract or other negotiations [s64(1)(c)]
8	May not be Disclosed	Would breach a duty of confidence owed to a third party in terms of an Agreement [s65]
9	May not be Disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be Disclosed	Legally privileged document [s67]
11	May not be Refused	Environmental testing / investigation which reveals public safety / environmental risks [s64(2); s68(2)]
12	May not be Disclosed	Commercial information of Private Body [s68]
13	May not be Disclosed	Likely to prejudice research and development information of the Company or a third party [s69]
14	May not be Refused	Disclosure in public interest [s70]



## 4 PROCESSING OF PERSONAL INFORMATION

Pursuant to promoting responsible information processing practices within its organisation, as well as in its capacity as responsible party contemplated in terms of the provisions of the POPI Act, MidCity Utilities takes any activities relating to the protection and processing of personal information (as defined in terms of the provisions of section 1 of the POPI Act) very seriously. To promote the constitutional right to privacy, as well as to play its part in promoting the rights protected in terms of the POPI Act, MidCity Utilities undertakes to, in so far as is required of it, observe the requirements and conditions for the lawful processing of personal information.

### 4.1 The purposes for which MidCity Utilities processes personal information

MidCity Utilities may process personal information for a variety of purposes, which may include, but is not limited to, the following purposes:

- to provide or manage any information, products and/or services requested by data subjects in general and our customers;
- to help us identify data subjects when they contact us or we contact them;
- to facilitate the delivery of products and/or services to our customers
- to maintain customer records;
- to maintain supplier records;
- for recruitment purposes;
- for employment purposes;
- for apprenticeship purposes;
- for general administration, financial and tax purposes;
- for legal or contractual purposes;
- for health and safety purposes;
- to retain the records of our consultants and/or contractors;
- to monitor access, secure and manage any of our office premises and facilities we manage, regardless of location in South Africa;
- to transact with our suppliers and business partners, group companies including homeowners associations, body corporates and/or managed facilities;
- to help us improve the quality of our products and services;
- to analyse the personal information collected for research and statistical purposes;
- to help us recover debts;
- to transfer personal information to third parties, including, but not limited to our suppliers, contractors, customers and/or group companies;
- to carry out analysis and customer profiling; and
- to identify other products and services which might be of interest to our customers and data subjects in general, as well as to inform them of our products and services.





## 4.2 Categories of data subjects and personal information processed by MidCity Utilities

The categories of data subjects and personal information processed by MidCity Utilities may include, but is not limited to, the following:

Customer and Potential Customers	Customer personal and special personal information
	Customer insurance information
	Customer financial information
	Customer biometric information
	Customer dependent personal and special personal information
	Homeowners association and body corporate member personal information
Homeowners Associations and Body Corporates	Homeowners association and body corporate personal information and personal information of their representatives (trustees)
	Personal information relating to managed facilities
	Personal information of service providers, insurers and contractors
Suppliers	Supplier personal information
	Personal information of supplier representatives
Employees	Employee personal information
	Employee special personal information

## 4.3 Recipients or categories of recipients with whom personal information is shared

Subject to any relevant terms and conditions of use which may be applicable when a data subject engages with MidCity Utilities, we may share the personal information of any data subject we process for any of the purposes outlined in section 4.1 above, with the following third parties, whether such third parties qualify as “responsible parties” in terms of section 1 of the POPI Act or not:

- any associated or group company of MidCity Utilities ;
- any relevant service providers and insurers;
- any relevant regulatory authorities who may govern MidCity Utilities in undertaking its operations;
- any approved service provider, contractor or supplier with whom MidCity Utilities has an agreement;
- any approved business partners who provide products and services to MidCity Utilities; and



- any approved service providers or authorised agents who perform services on MidCity Utilities' behalf.

MidCity Utilities processes personal information in order to facilitate and enhance the delivery of products and services to its customers, foster a legally compliant workplace environment, as well as safeguard the personal information relating to any data subjects which it in fact holds. We undertake to process any personal information in a manner which promotes the constitutional right to privacy, retains accountability and data subject participation.

#### **4.4 Information security measures to protect personal information**

We have, and continue to, implement reasonable, technical and organisational measures for the protection of personal information processed by MidCity Utilities. We at all times take reasonable and appropriate security measures to secure the integrity and confidentiality of personal information in our possession in order to guard against:

- the loss of, damage to or unauthorised destruction of personal information;
- the unlawful access or processing of personal information; or
- the wilful manipulation of personal information.

We will take steps to ensure that any third-party process operators (as defined in terms of section 1 of the POPI Act) who process personal information on behalf of MidCity Utilities apply adequate safeguards as outlined above.

#### **4.5 Trans-border flows of personal information**

MidCity Utilities will only transfer personal information across South African borders if the relevant business transactions or situation requires trans-border processing, and will do so only in accordance with South African legislative requirements or if the relevant data subject consents to the transfer of their personal information to third parties in any foreign jurisdictions.

We will take reasonable steps to ensure that any third-party process operators are bound by laws, binding corporate rules or binding agreements that provide an adequate level of protection and uphold the principles for reasonable and lawful processing of personal information as contemplated in terms of the POPI Act.

#### **4.6 Personal information received from third parties**

When MidCity Utilities receives personal information from any third party on behalf of a data subject, we require confirmation that such a third party has written consent from the data subject, that they are aware of the contents of this PAIA Manual and the MidCity Utilities Privacy Policy, and do not have any objection to our processing their personal information accordingly.



## 5 PRESCRIBED REQUEST FORMS AND FEES

### 5.1 How to gain access to records not automatically disclosed

Information which is automatically available, without having to complete the prescribed Form A and paying the requester's fee, will be made available at the offices of MidCity Utilities (the particulars of which appear in section 2 above) or in the manner requested, should this be reasonable and possible. The manner of access will include:

- Perusal with copying of material if needed and at the prescribed fee for copies;
- Access to visual, audio visual material with a transcription, dubbing, copying or both, if required.

To facilitate the processing of any request by a requester, kindly follow the procedure set forth herein below:

- i. Use the prescribed Form A attached hereto as **Annexure A**, alternatively found on MidCity Utilities 's website – <http://www.midcityutilities.co.za/>
- ii. Address your request to the [compliance@midcity.co.za](mailto:compliance@midcity.co.za).
- iii. Provide sufficient detail to enable MidCity Utilities or any authorised person dealing with a request to identify:
  - a. The record(s) requested;
  - b. The requestor (and, if an agent is lodging the request or behalf of someone, proof of capacity and authorisation);
  - c. The South African postal address, email address or fax number of the requestor;
  - d. The form of access required;
  - e. If the requester wishes to be informed of the decision in any manner (in addition to being informed in writing) the manner and particulars thereof;
  - f. The right which the requestor is seeking to exercise or protect with an explanation of the reason the record is required in order to exercise or protect the right.

### 5.2 Prescribed fees

The following applies to requests (other than personal requests):

- i. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed.
- ii. If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted).



- iii. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- iv. Records may be withheld until the fees have been paid.

The detailed Fee Structure as prescribed in terms of section 54 of the PAIA Act is attached hereto as [Annexure B](#) and is also available on MidCity Utilities' website – <http://www.midcityutilities.co.za/>

### **5.3 Access to prescribed forms and fees**

Prescribed forms and fees are published on MidCity Utilities' website or, alternatively, copies can be requested from the Information Officer or Deputy Information Officer (see contact details in section 2). Prescribed forms and fees can be found on MidCity Utilities' website as follows:

[Annexure A – Form A: Form of Request](#)

[Annexure B – Prescribed Fee Tariff](#)

## **6 REMEDIES**

MidCity Utilities does not have an internal appeal procedure regarding the PAIA and POPI Act requests for access to information. As such, the decision made by the duly authorised persons whose particulars appear in section 2, is final.

If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator (once established), for relief.