



KPMG

Promotion of Access to
Information Manual

Section 51
Promotion of Access to Information (PAIA) Manual
Updated: 2021

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1 The Manual

1.1 Introduction

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), as amended, seeks to advance the values of transparency and accountability. The Act came into effect on 9 March 2001.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights;
- That requester complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

1.2 Scope

This Manual has been prepared and published in accordance with the requirements of section 51 of the Act. Its purpose is to facilitate access to records held by KPMG (for a list of entities that fall under this description see Annexure 1).

Specifically the Manual provides information on:

- The contact details of the Information Officer, who will deal with requests in terms of the Act;
- The structure and functions of KPMG;
- The subjects and categories of records that are held by KPMG;
- Records that are available in terms of any other legislation; and
- The procedure that needs to be followed to obtain access to a record.

1.3 Availability of the Manual

This Manual is available in both printed and a PDF (Portable Document Format) version.

The printed version of the Manual is also available for consultation or removal, free of charge, from:

The Information Officer: Jan Vliegenthart

KPMG



85 Empire Road

Parktown

Tel: (011) 647 7111

Fax: (011) 647 8000

e-mail: jan.vliegenthart@kpmg.co.za

The Manual is accessible in PDF format from our website www.kpmg.co.za

1.4 Policy with regard to confidentiality and Access to Information

KPMG will hold any information provided to it by individuals or others on a confidential basis, subject to KPMG's obligations under law, including this Act.



2 Entry point for requests

The Managing Partner of KPMG has delegated his powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on his behalf. All requests can be referred to:

The Information Officer: Jan Vliegenthart

KPMG

Street Address: 85 Empire Road

Parktown

Postal Address: Private Bag 9

Parkview

2122

Tel: (011) 647 7111

Fax: (011) 647 8000

e-mail: jan.vliegenthart@kpmg.co.za

3 Who may request access to information

The Act provides that a person may only request information in terms of the Act, if the information is required for the exercise or protection of a right. Only requests for access, where the requester can furnish the Information Officer with sufficient particulars as to the right the requester is seeking to exercise or protect, will be considered.

A requester can request access to information in different capacities; the category will influence the amount to be charged when a request has been lodged. Requesters can be classified in different categories:

- A personal requester, that is a person who requests information about him / herself;
- An agent requester, that is a person requesting information on behalf of someone else;
- A third party requester, that is a person requesting information about someone else; or
- A public body, requests information in the public interest.

4 Guidance to requesters

The South African Human Rights Commission is required by law to compile a guide that will include the following:

- A description of the objects of the Act;
- The relevant information of every private body as applicable;
- The manner and form in which requests must be lodged;
- The remedies available to requesters should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access; and
- A reference to any regulations passed.

The guide or any additional information may be requested from the South African Human Rights Commission at:

Postal Address: **Private Bag 2700**

Houghton

2041

Telephone Number: **+27-11-877 3600**

Fax: **+27-11-403 0625**

Website: **www.sahrc.org.za**

5 Records available in terms of other legislation

5.1 Unlimited requesters

Certain legislation mandates KPMG to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of the Companies Act 71 of 2008 any person may have access to specified financial information.

5.2 Limited requesters

Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the requester has a right of access to a record other than in terms of the procedure set out in the Act includes but is not limited to:

- Basic Conditions of Employment Act 75 of 1997;
- Broad-Based Black Economic Empowerment Act 53 of 2003;
- Companies Act 71 of 2008;
- Compensation of Occupational Injuries and Diseases Act 130 of 1993;
- Competition Act 89 of 1998;
- Consumer Protection Act 68 of 2008;
- Criminal Procedure Act, Act 51 of 1977;
- Debt Collectors Act 114 of 1998;
- Electronic Communications and Transactions Act 2 of 2000;
- Employment Equity Act 55 of 1998;
- Financial Markets Act 19 of 2012;
- Firearms Control Act 60 of 2000;
- Income Tax Act 58 of 1962;
- Insolvency Act 24 of 1936;
- Regulation of Interception of Communications and Provision of Communication-related Information Act 70 of 2002;
- Labour Relations Act 66 of 1995;
- Magistrates Court Act 32 of 1944;
- National Credit Act 34 of 2005;
- Occupational Health and Safety Act 85 of 1993;

- Prevention and Combating of Corrupt Activities Act 12 of 2004;
- Prevention of Organised Crime Act 121 of 1998;
- Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000;
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004;
- Skills Development Act 97 of 1997;
- Skills Development Levies Act 9 of 1999;
- Supreme Court Act 59 of 1959;
- Unemployment Insurance Act 30 of 1966;
- Value Added Tax Act 89 of 1991.

Although we have used our best endeavours to supply you with a complete list of applicable legislation, it is possible that the above list may be incomplete. Wherever it comes to our attention that existing or new legislation allows a requester access on a basis other than that set out in the Act we shall immediately update the list.

If a requester believes that a right to access to a record exists in terms of the legislation listed above, or any other legislation, the requester is required to indicate what legislative right the request is based on, to allow the Information Officer the opportunity of considering the request in light thereof.

6 Procedure

6.1 Prescribed access form

In order for us to facilitate your access to a record you need to complete the attached prescribed access form in Annexure 2. Please take note that the prescribed access form must be completed in full, failure to do so will result in the process being delayed until such additional information is provided.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requester. Therefore in addition to the access form, requesters will be required to supply a certified copy of the identification document or any other legal means of identification.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requesters are advised that four (4) types of fees are provided for in terms of the Act.

- **Reproduction fee:** this fee is payable with respect to all records that are automatically available;
- **Request fee:** this fee is an administration fee that must be paid by all requesters, except personal requesters (a personal requester is a requester seeking access to a record containing information about the requester him / herself), before the request is considered and is not refundable;
- **Access fee:** which is payable once access to a record is granted, this fee is intended to re-imburse KPMG for the costs involved in searching and preparing the record for delivery;
- **Deposit:** which is payable if KPMG receives a request for access to information held on a person other than the requester himself / herself and the preparation for the record will take more than six (6) hours.

6.3.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
■ For every photocopy of an A4-size page or part thereof	1.10
■ For every printed of an A4-size page or part thereof held on a computer or in electronic form	0.75
■ For a copy in a computer readable form:	
Stiffy:	7.50
Compact disc:	70.00
■ A transcription of visual images, for an A4-size page or part thereof	40.00
■ For a copy of visual images	60.00
■ A transcription of an audio record, for an A4-size page or part thereof	20.00
■ For a copy of an audio record	30.00

6.3.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requester him / herself.

6.3.3 Access fees

The applicable fees (excluding VAT) which will be payable are:

	Rand
■ For every photocopy of an A4-size page or part thereof	1.10
■ For every printed of an A4-size page or part thereof held on a computer or in electronic form	0.75
■ For a copy in a computer readable form:	
Stiffy:	7.50
Compact disc:	70.00
■ A transcription of visual images, for an A4-size page or part thereof	40.00
■ For a copy of visual images	60.00



- A transcription of an audio record, for an A4-size page or part thereof 20.00
- For a copy of an audio record 30.00
- To search a record that must be disclosed, per hour of part of the hour 30.00
- Where a copy of the record needs to be posted the actual postal fee is payable

6.3.4 Deposit

Where KPMG receives a request for access to information held on a person other than the requester himself / herself and the Information Officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee is payable.

7 Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in line with the time limits as set out in the Act.

Requesters should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person
- Mandatory protection of commercial information of a third party
- Mandatory protection of certain confidential information of a third party
- Mandatory protection of safety of individuals, and protection of property
- Mandatory protection of records privileged from production in legal proceedings
- Commercial information of the private body
- Mandatory protection of research information of a third party and of the private body

Requesters will be informed within thirty (30) days of the decision by the Information Officer. Please take note that in terms of the Act this 30 day period may be extended for a further 30 day period should more time be required to gather the requested information. The requester will however be notified if the initial 30 day notice period will be extended for a further 30 days.

8 Application to Court

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

9 Structure and classes of records of KPMG

9.1 Scope

The Information contained in this chapter is intended to identify the main classes of records held within KPMG and their organisational structure to help the requester to gain a better understanding of the main business activities of KPMG.

Further assistance in identifying records held by KPMG is obtainable from the Information Officer.

9.2 Structure

KPMG comprises a number of functions, each representing a key area of KPMG's work. Each function is divided into a Business Unit, which is typically overseen by a Director.

9.3 Categories and subjects of records

9.3.1 Human Resources / Payroll

9.3.1.1 *Applicant details*

This would include CV, interview notes, results of any testing done and exam results.

9.3.1.2 *Personnel records*

- Full name
- Biographic (Marital status, birth date, identity number, nationality, addresses, next of kin)
- Letter of appointment
- Effective start and end date with KPMG
- Position (History)
- Race & Gender

- General
 - Current studies (exam progress)
 - Qualifications
 - Training contracts details
 - Disability
 - Disciplinary details
 - Leave Entitlement information

- Annual Cost to Company
- Package structuring
- Promotions
- Annual declarations
- Bank Details
- Tax Number
- RSC Codes

9.3.1.3 Ex-employees

This would effectively be the same as personnel records plus possible exit interview and forwarding address.

9.3.1.4 Pension Fund Records

- Claims (Withdrawals, Retirements, Deaths and Disabilities)
- Member Data
- Transfers / Liquidations
- Pensioners Annuity / Traditional Funds
- Disability
- Accounting Records

9.3.1.5 Medical Aid Information

- Claims
- Member Data
- Accounting Records
- Rules and amendments thereto

9.3.2 Projects & Accounts Receivable

- Client Details – addresses; contact person
- All Projects opened with the following information - Lockup / Engagement Partner; Project Manager
- For each project the following details
 - All time and disbursements charged to each Project
 - All time and expense entries per person
 - All invoices billed to clients and their status Outstanding
 - Work in progress per Project

9.3.3 Accounts payable / Expense claims

- Vendor Details - Addresses, Bank details, Payment terms
- KPMG Bank details
- All vendor invoices / expense claims
- All payments to vendors

9.3.4 General Ledger

- All amounts from other subsystems interfaced into GL
- All financial information for KPMG for last 3 years - Financial Statements
- Detail per type of Account.

9.3.5 Cash Management

- All Bank details for KPMG
- Downloaded Bank statements from bank imported into Cash Management
- Account reconciliation



9.3.6 Fixed Assets

- All Fixed Asset information
- Most Serial numbers for computer equipment
- Asset Category
- Depreciation Methods per category
- Balances per Asset

9.4 Further information and assistance

Further information regarding the subjects and categories or records listed here are available from:

The Information Officer: Jan Vliegenthart

KPMG

85 Empire Road

Parktown

Tel: (011) 647 7111

Fax: (011) 647 8000

e-mail: jan.vliegenthart@kpmg.co.za

10 Useful references

10.1 Websites

The South African Human Rights Commission	http://www.sahrc.org.za/paia.htm
The Promotion of Access to Information Act	http://www.gov.za/gazette/acts/2000/a2-00.pdf
Company Internet site	www.kpmg.co.za



11 Annexure 1 List of companies subject to the Manual

- KPMG Inc.;
- KPMG Services (Pty) Ltd.

The above list is subject to change from time to time, for further assistance please contact the Information Officer.

12 Annexure 2 Prescribed forms for access to a record of KPMG

A. Particulars of private body

Contact Details:	
Head (as defined in the Act)	
Information Officer	
Postal Address	
Physical Address	
Phone Number	
Fax Number	

B. Particulars of person requesting access to the record

<p>(a) <i>The particulars of the person who requests access to the record must be recorded below.</i></p> <p>(b) <i>Furnish an address and/or fax number in the Republic to which information must be sent.</i></p> <p>(c) <i>Proof of identity is required from both the requester and any person or any party acting on behalf of the requester. The original identity document or such other proof satisfactory to the head or Information Officer will need to be presented with this request by the requester or the requester's representative before the request will be processed.</i></p> <p>(d) <i>If the request is made on behalf of another person, proof of the capacity in which the request is made also be presented with this request.</i></p>
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DETAILS OF REQUESTER

Surname	
Full names	

Identity Number	
Postal Address	
Telephone Number	
Fax Number	
Email address	

If a request is made on behalf of another person the requester is obliged to identify him/herself and to provide proof of the mandate under which the request is made, to the satisfaction of the Information Officer.

C. Particulars of person on whose behalf request is made

Surname	
Name	
Identity Number	

D. Particulars of record

<p>(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.</p> <p>(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.</p> <p>(c) The requester's attention is drawn to the grounds on which the private body must or may refuse access to a record (in certain instances this may be mandatory and in others it may be discretionary):</p> <ul style="list-style-type: none"> • Mandatory protection of the privacy of a third party who is a natural person (human being); • Mandatory protection of commercial information of third party; • Mandatory protection of certain confidential information of a third party;
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- *Mandatory protection of the safety of individuals, and the protection of property;*
- *Mandatory protection of records privileged from production in legal proceedings;*
- *Commercial information of a private body;*
- *Mandatory protection of research information of a third party and a private body.*

Description of record or relevant part of the record:

Category	Description 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 (currently R50.00) has been paid.*

- (b) *If the prescribed request fee is amended 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 therefore.*

The requester qualifies for an exemption in payment of fees. (mark the appropriate box)		<u>Yes</u>	<u>No</u>
Reason			

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:
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Mark the appropriate box with an "X".

NOTES:

- (a) *Your indication as to the required form of access depends on the form in which the record is available.*
- (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.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

1. If the record is in written or printed form -			
	copy of record*		inspection of record
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	view the images		copy of the images*
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound -			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form -			
	printed copy of record*		printed copy of information derived from the record*
			copy in computer readable form* (stiffy 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? A postal fee is payable.			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.***

1. Indicate which right is to be exercised or protected

--

2. Explain why the requested record is required for the exercising 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 thereof 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 of 20____.

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE