



PAIA MANUAL

Access to Information Manual of ASOCapital prepared in accordance with section 51 of the Promotion of Access to Information Act 2 of 2000 (as amended)

Compiled: February 2022 / Updated: August 2023

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1. DEFINITIONS

ASOCapital	ASOCapital Advisory (Pty) Ltd, 2021/931114/07 (“ ASOCapital Advisory ”) a private company registered in terms of the Companies Act No. 61 of 2008 (as amended) and including entities associated with or related to ASOCapital Advisory as detailed per attached Annexure A
Guide	Published by the SAHRC and updated by the Regulator
IO	Information Officer duly appointed by ASOCapital, to whom requests for access to information must be made in terms of PAIA and in terms of POPIA
Manual	This document together with all its annexures, as amended from time to time
PAIA	Promotion of Access to Information Act No. 2 of 2000 (as amended)
POPIA	Protection of Personal Information Act No. 4 of 2013 (as amended) and the Regulations relating to the Protection of Personal Information, 2017
Regulator	Information Regulator
SAHRC	South African Human Rights Commission

2. INTRODUCTION

ASOCapital was established in 2021 and provides entities or businesses facing material challenge or change, with flexible funding and investment solutions to facilitate the holistic restructuring and turnaround of such businesses to facilitate their future viability and sustainability.

ASOCapital has an office in Cape Town.

3. PURPOSE OF THE MANUAL

The Manual is published pursuant to sections 14 and 51 of PAIA with the purpose to facilitate requests for access to records of ASOCapital as provided for in PAIA, and to inform data subjects on the types of information ASOCapital collects and processes, and how a data subject may request access to this information.

The Manual also explains how to access, or object to, or request correction or deletion of, personal information held by ASOCapital in terms of sections 23, 24 and 25 of POPIA.

4. KEY CONTACT DETAILS AT ASOCAPITAL

Information Officer	
Name	Richard Alexander Ferguson
Cell	082 573 9835
E-mail	richard.ferguson@asocapital.com
General contact	

E-mail	info@asocapital.com
Head Office	
Postal Address	P O Box 268, Cape Town, 8000
Physical Address	Unit 2, 1st Floor, Constantia House, 3 Silverwood Close, Steenberg Office Park, Westlake, Cape Town, 7945
Website	www.asocapital.com

Mr RA Ferguson has been duly appointed as IO of ASOCapital and is the person to whom requests for access to information must be made in terms of PAIA and in terms of POPIA.

5. GUIDE ON HOW TO USE PAIA

The SAHRC published a Guide, as prescribed by section 10 of PAIA, on how to use PAIA. From 1 July 2021, the Regulator assumed the functions of the SAHRC. The Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised Guide, designed to be a guiding, user-friendly and accessible tool for any person who wishes to exercise any right contemplated in PAIA and POPIA.

The aforesaid Guide contains the description of the objects of PAIA and POPIA.

The Guide is accessible from the Regulator's website.

Please direct any queries regarding the Guide, PAIA or POPIA to the Regulator:

Information Regulator	
Telephone No.	(010) 023 5200
E-mail	info@justice.gov.za
Postal Address	P O Box 31533, Braamfontein, Johannesburg, 2017
Physical Address	JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
Website	www.justice.gov.za/info

6. CATEGORIES OF RECORDS OF ASOCAPITAL WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS

The records that are located on ASOCapital's website are automatically available and freely accessible to any person requesting this information. It is therefore not necessary to apply for access thereto in terms of PAIA.

7. RECORDS OF ASOCAPITAL WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

ASOCapital is required in accordance with legislation to retain certain records. ASOCapital holds records for the purposes of PAIA in accordance with the following legislation, among others:

- Basic Conditions of Employment Act 75 of 1997;
- Broad-Based Black Economic Empowerment Act 53 of 2003;
- Companies Act 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Financial Intelligence Centre Act 38 of 2001;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Promotion of Access to Information Act 2 of 2000;
- Protection of Personal Information Act 4 of 2013;
- Unemployment Insurance Act 63 of 2001;
- Value Added Tax Act 89 of 1991.

8. SUBJECTS AND CATEGORIES OF RECORDS OF INFORMATION HELD

The table below contains a description of the subjects and the categories of records ASOCapital holds and the records held on each subject. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects will be made available under PAIA. Certain grounds of refusal set out in PAIA may be applicable to a request for such records.

Subject/Category	Description of record
Statutory	<ul style="list-style-type: none"> • Company incorporation documents • Share register • Memorandum of Incorporation • Minutes of meetings of the board of directors and that of Shareholders • Records relating to directors, auditors and other officers • All or any statutory compliance not listed above • Partnership agreements • Minutes of partnership meetings • Recordings of meetings
Income Tax and Value Added Tax	<ul style="list-style-type: none"> • Pay-as-you-earn (PAYE) records • Documents issued to employees for income tax purposes • Records of payments made to the South Africa Revenue Services on behalf of employees • All or any statutory compliance • Value Added Tax transactions • Skills development levies • Unemployment Insurance Fund
Labour Relations Records	<ul style="list-style-type: none"> • Employee handbook • Disciplinary records • Disciplinary code and/or procedures • Employment contracts

	<ul style="list-style-type: none"> • Contractor service agreements • Personnel documents and records • Salary records • Leave records • Training records
Finance	<ul style="list-style-type: none"> • Annual financial statements • Accounting records • Receipts and payments transactions • Bank statements • Banking details and bank accounts • List of debtors and creditors and related supporting vouchers • Budgets • Management accounts • Asset registers • Related correspondence
Risk and Compliance	<ul style="list-style-type: none"> • Contracts • Policies and procedures • Risk assessment documents and mitigations • Compliance records
Intellectual Property	<ul style="list-style-type: none"> • Trademarks • Records relating to domain names
Insurance	<ul style="list-style-type: none"> • Insurance policies taken out for the benefit of ASOCapital and its human resources, including: <ul style="list-style-type: none"> ○ Insurance in respect of movable and immovable property ○ Professional indemnity insurance ○ Keyman insurance
Information Technology	<ul style="list-style-type: none"> • Computer software – operating systems and other applications • Support and maintenance agreements • Documentation pertaining to computer software and hardware
Website	<ul style="list-style-type: none"> • Information contained on website, including: <ul style="list-style-type: none"> ○ Business overview ○ Team member details ○ Portfolio investments ○ Contact details
Investor Records (records received from client, records provided to third parties, records generated by ASOCapital)	<ul style="list-style-type: none"> • Agreements with clients • Documentation and other information received from clients / third parties • Documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2021 • Correspondence from clients • Correspondence with third parties • Research conducted on behalf of clients • Information prepared by ASOCapital and its employees for clients, including reports • Financial records

	<ul style="list-style-type: none"> • Statutory records • Records pertaining to legal proceedings with clients • Other information relating to, or held on behalf of, clients
Client Records (records received from client, records provided by and to third parties, records generated by ASOCapital)	<ul style="list-style-type: none"> • Agreements with clients • Documentation and other information received from clients / third parties • Documentary information required in compliance with the Financial Intelligence Centre Act 38 of 2021 • Correspondence from clients • Correspondence with third parties • Research conducted on behalf of clients • Information prepared by ASOCapital and its employees for clients, including reports • Financial records • Statutory records • Records pertaining to legal proceedings with clients • Other information relating to, or held on behalf of, clients

9. PROCESSING OF PERSONAL INFORMATION

ASOCapital processes personal information of both natural and juristic persons in accordance with POPIA and in terms of its privacy policy, available on ASOCapital's website: www.asocapital.com.

9.1. Purpose of Processing Personal Information by ASOCapital

ASOCapital processes information in the ordinary course of its business and will use such information only for the purpose for which it was originally or primarily collected. Such information will only be used for a secondary purpose if such purpose constitutes a legitimate interest and is closely aligned with the primary purpose for which the information was collected.

ASOCapital processes information for a number of reasons, including, but not limited to:

- analysis, evaluation, review and collation of information in order to provide services requested;
- managing the commercial relationship with clients and investors;
- creating and managing supplier relationships;
- managing contracts, orders, deliveries, invoices and accounting;
- human resource and finance functions including those obligations imposed by legislation;
- recruitment;
- procurement processes.

9.2. Categories of data subjects

Category of data subjects	Types of information processed
---------------------------	--------------------------------

Natural and Juristic Persons (Clients and Potential Clients, including investee companies)	Name, surname, South African identity number or passport number, nationality, date of birth, entity name, registration numbers, contact details for representatives, telephone numbers, email addresses, physical and postal addresses, income tax and VAT numbers, financial information, banking information including account numbers, FICA documentation
Employees and contractors, potential employees and contractors, new recruitments	Name, surname, South African identity number or passport number, nationality, date of birth, race, disability, telephone numbers, email addresses, physical and postal addresses, income tax number, banking details, employment history, criminal background checks, CVs, education history, remuneration and benefit information, health information, details related to employee performance, disciplinary procedure information, employment contracts, remuneration records, leave records, training records, biometric data
Service providers, including outsourced services, auditors, etc	Company registration details, identity numbers, contact details, telephone numbers, email addresses, physical and postal addresses, income tax and VAT numbers, tax clearance, BEE certificates, banking information, invoices, contractual agreements

9.3. Disclosure of personal information to third parties

ASOCapital may disclose personal information to third parties for legitimate business purposes, in accordance with applicable law and subject to the applicable professional and regulatory requirements regarding confidentiality.

Third parties are obliged to use the personal information disclosed for the reasons and purposes the information was disclosed for. ASOCapital has agreements in place with relevant third parties to ensure that an adequate level of security and confidentiality is adopted by the third parties to which personal information is being transferred to.

9.4. Cross border transfer of Personal Information

ASOCapital may transfer personal information to recipients outside of the Republic of South Africa, subject to the conditions for the transborder flow of personal information as provided by section 72 of POPIA.

9.5. Information Security Measures

ASOCapital takes reasonable, appropriate and adequate technical and organisational measures to ensure that personal information is kept secure and is protected against unauthorised or unlawful processing, accidental loss, destruction, damage, alteration, disclosure or unauthorised access. ASOCapital contractually mandate any third parties to which personal information is transferred to do the same.

ASOCapital will regularly review its security controls and related processes to ensure that personal information is secure.

ASOCapital will notify the Regulator and the data subject (unless impeding on a criminal investigation) in the event there are reasonable grounds to believe that personal information has been accessed or acquired by any unauthorised person.

10. HOW TO REQUEST ACCESS TO A RECORD

To request a record in terms of PAIA, the requestor must complete the prescribed Form 2 attached to this Manual as Annexure B. This request must be sent to the IO at the addresses provided in item 4 to this Manual.

For POPIA-related requests to object to the processing of personal information, correct or delete personal information, the requests must be made in writing on the applicable prescribed Form 1 (objection) as Annexure C or Form 2 (correction or deletion) as Annexure D, attached to this Manual.

The requester must provide sufficient detail to enable the IO to identify the record(s) requested and the requester. The requester must indicate which form of access is required, identify the right that he/she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If the request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the IO.

PAIA makes provision for certain grounds upon which a request for access to information must be refused. On this basis, the IO will decide whether or not to grant a request for access to information.

11. PAYMENT OF FEES

PAIA provides for two types of fees, namely -

- a request fee, which will be a standard non-refundable administration fee, payable prior to the request being considered; and
- an access fee, payable when access is granted which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

Subsequent to a request being made, the IO, shall by notice require the requester, excluding personal requester, to pay the prescribed request fee (if any), before further processing of the request.

If the search for and preparation for disclosure of the record has been made, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the IO will request the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The IO may withhold a record until the requester has paid the fees as indicated in Annexure E.

A requester whose request has been granted must pay the applicable access fee for reproduction, search, preparation and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

In terms of POPIA, a data subject has the right to request the IO to confirm, free of charge, whether ASOCapital holds personal information about the data subject and request from the IO the record or a description of the personal information held, including information about the identity of all third parties, or categories of third parties, who have, or have had, access to the information.

POPIA further provides that where the data subject is required to pay a fee for services provided to them, the IO must provide the data subject with a written estimate of the payable amount before providing the service and may require that the requestor pay a deposit for all or part of the fee.

12. APPLICABLE TIME-PERIODS

The IO will inform the requester within 30 days after receipt of the request of its decision whether to grant the request.

The 30-day period may be extended by a further period of not more than 30 days if the request is for many records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of ASOCapital or the records are not located at ASOCapital's offices.

13. OUTCOME OF THE REQUEST (GRANTING OR REFUSING)

Should the request be refused, the notice will state adequate reasons for the refusal, including the provisions of the PAIA relied upon; and that the requester may lodge an application with a Court against the refusal of the request.

14. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

In terms of Section 62 to 69 of PAIA access granted to a record may be refused on one or more of the following grounds -

- protection of privacy to a third party who is a natural person;
- protection of the commercial information of a third party;
- protection of certain confidential information of a third person;
- protection of the safety of individuals and the protection of property;
- protection of records privileged from production and legal proceedings;
- the commercial information and activities of ASOCapital;
- the protection of research information of a third party; and
- any other ground legally available on which to refuse access to the information requested.

Despite any provisions of PAIA, a request must be granted if the disclosure of the record would reveal evidence of substantial contravention of, or failure to comply with, the law or imminent and serious public safety or environment risk, and the public interest in the disclosure of the record clearly outweighs the harm contemplated in terms of section 70 of PAIA.

15. REMEDIES FOR REFUSAL

Should the requester be dissatisfied with the IO's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.

16. AVAILABILITY OF THE MANUAL

The Manual is available in English:

- electronically on ASOCapital's website, www.asocapital.com;
- in hard copy for inspection at its Cape Town office (free of charge);
- to the Regulator upon request.

17. UPDATING OF MANUAL

This Manual will be reviewed and updated, if necessary, on a periodic basis.

18. ANNEXURE A

ASOCAPITAL ADVISORY (PTY) LTD AND RELATED ENTITIES (Updated: August 2023)

Name	Registration Number
ASOC Investments (Pty) Ltd	2015/349577/07
ASOCapital Advisory Africa (Pty) Ltd	2022/766121/07
ASOCapital Advisory (Pty) Ltd	2021/931114/07
Coalition Trading 393 (Pty) Ltd	2014/286382/07

Disclaimer:

This Manual applies to each of the above entities, but whilst each entity may constitute a related party of ASOCapital Advisory (Pty) Ltd, each of these entities is not necessarily a member of the ASOC group of companies as defined for, e.g. statutory reporting purposes.

19. ANNEXURE B

FORM2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an **"X"**

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS
(Mark the applicable box with an "X")

Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.

Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester I person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: <i>(State Rank, Name And Surname of Information Officer)</i>	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer

20. ANNEXURE C

FORM 1

OBJECTION TO THE PROCESSING OF PERSONAL INFORMATION IN TERMS OF SECTION 11(3) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 2(1)]

Note:

1. *Affidavits or other documentary evidence in support of the objection must be attached.*
2. *If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.*

Reference Number....

A	DETAILS OF DATA SUBJECT	
Name and surname of data subject:		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		
B	DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural):		
Residential, postal or business address:		
	Code ()	
Contact number(s):		
Fax number:		
E-mail address:		

Name of public or private body (if the responsible party is not a natural person):	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR OBJECTION <i>(Please provide detailed reasons for the objection)</i>

Signed at this day of20.....

Signature of data subject (applicant)

21. ANNEXURE D

FORM2

REQUEST FOR CORRECTION OR DELETION OF PERSONAL INFORMATION OR DESTROYING OR DELETION OF RECORD OF PERSONAL INFORMATION IN TERMS OF SECTION 24(1) OF THE PROTECTION OF PERSONAL INFORMATION ACT, 2013 (ACT NO. 4 OF 2013)

REGULATIONS RELATING TO THE PROTECTION OF PERSONAL INFORMATION, 2017
[Regulation 3(2)]

Note:

1. Affidavits or other documentary evidence in support of the request must be attached.
2. If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

Reference Number....

Mark the appropriate box with an "x".

Request for:

Correction or deletion of the personal information about the data subject which is in possession or under the control of the responsible party.

Destroying or deletion of a record of personal information about the data subject which is in possession or under the control of the responsible party and who is no longer authorised to retain the record of information.

A		DETAILS OF THE DATA SUBJECT	
Surname:			
Full names:			
Identity number:			
Residential, postal or business address:			
			Code ()
Contact number(s):			
Fax number:			
E-mail address:			
B		DETAILS OF RESPONSIBLE PARTY	
Name and surname of responsible party (if the responsible party is a natural person):			
Residential, postal or business address:			
			Code ()
Contact number(s):			
Fax number:			
E-mail address:			

Name of public or private body <i>(if the responsible party is not a natural person):</i>	
Business address:	
	Code ()
Contact number(s):	
Fax number:	
E-mail address:	
C	REASONS FOR *CORRECTION OR DELETION OF THE PERSONAL INFORMATION ABOUT THE DATA SUBJECT/*DESTRUCTION OR DELETION OF A RECORD OF PERSONAL INFORMATION ABOUT THE DATA SUBJECT WHICH IS IN POSSESSION OR UNDER THE CONTROL OF THE RESPONSIBLE PARTY. <i>(Please provide detailed reasons for the request)</i>

* *Delete whichever is not applicable*

Signed at this day of20.....

Signature of Data subject

22. ANNEXURE E

FEES PAYABLE IN RESPECT OF RECORDS REQUESTED FROM ASOCAPITAL

ITEM	RANDS
The fee for requesting records The following persons are exempted from paying the request fee: <ul style="list-style-type: none"> • Person requesting access to their personal information • Person earning less than R14,712 per annum (if single) • Person earning less than R27,192 per annum (if married or have a life partner) 	R50
Access fees referred to in section 22(6) of PAIA (unless the requester is exempted under section 22(8) are as follows -	
For every photocopy of an A4-size page or part thereof	R1.10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer-readable form: <ul style="list-style-type: none"> • Flash drive (to be provided by requester) • Compact disc 	R40
For a transcription of visual images, for an A4-size page or part thereof	R40
For a copy of visual images	R60
For a transcription of an audio record, for an A4-size page or part thereof	R20
For a copy of an audio record	R30
The request fee payable by a requester	R50
To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably required for such search and preparation	R30
For purposes of section 54(2) of PAIA, the following applies - <ul style="list-style-type: none"> • Deposit payable if search exceeds 6 hours • One-third of the access fee is payable as a deposit by the requester The actual postage is payable when a copy of a record must be posted to a requester	
Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors	