

INFORMATION PAIA MANUAL

AS REQUIRED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, NO. 2 OF 2000

FOR

CRUZ LOG (PTY) LTD T/A

CRUZLOG

1. INTERPRETATION

1.1. In this Manual unless the context otherwise requires: –

- 1.1.1. the singular shall import and include the plural and vice versa;
- 1.1.2. words indicating one gender shall import and include other genders;
- 1.1.3. words indicating natural persons shall import and include artificial persons;
- 1.1.4. the headnotes to this Manual are used for the sake of convenience only and shall not govern the interpretation of the clauses to which they relate.

1.2. Unless such meaning is inconsistent with the context, the following terms shall throughout this Manual have the meanings respectively ascribed to them, namely:

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- 1.2.1. “**Act**” means the Promotion of Access to Information Act No. 2 of 2000, together with all relevant regulations promulgated therein, as amended from time to time;
- 1.2.2. “**Affiliate**” means with respect to a company, any person, partnership, joint venture, corporation or other form of enterprise, domestic or foreign, including but not limited to subsidiaries and associates that directly or indirectly, control, are controlled by, or are under common control with that company. For purposes of this Manual, the term “subsidiaries” shall have the meaning ascribed thereto in the Companies Act 71 of 2008, as amended;
- 1.2.3. “**Company**” mean Cruz Log (Pty) Ltd with Registration Number: 2020/862643/07 trading as CruzLog, a private company duly incorporated in accordance with the laws of the Republic of South Africa, and any of its subsidiaries, sister, related or associated companies; together with its successors-in-title and all subsidiaries, affiliates and assigns;

- 1.2.4. **"Fees Payable"** means the fees payable for a Request as prescribed by the SAHRC;
 - 1.2.5. **"Information Officer"** means the head of the private body as contemplated in section 1 of the Act;
 - 1.2.6. **"Manual"** means this Information Manual prepared in accordance with Section 51 of the Act together with all of its annexures, as amended from time to time;
 - 1.2.7. **"Request"** means a request for access to a record in terms of section 53 of the Act;
 - 1.2.8. **"Requester"** means any natural or juristic person making a request for access to a record, as defined in terms of section 53 of the Act;
 - 1.2.9. **"Request Form"** means the form annexed hereto which is to be completed by a Requester whom seeks to make a Request in terms of Section 53 of the Act;
 - 1.2.10. **"SAHRC"** means the South African Human Rights Commission referred to in Section 181(1)(b) of the Constitution of the Republic of South Africa, 1996.
- 1.3. Certain terms or phrases applicable to this Manual have been defined throughout.
 - 1.4. The headings of the clauses in this Manual are for the purpose of convenience and reference only and shall not be used in the interpretation of nor modify nor amplify the terms of this Manual nor any clause hereof.
 - 1.5. If any provision in a definition is a substantive provision conferring any right or imposing any obligation on any party, then notwithstanding that it is only in the interpretation clause, effect shall be given to it as if it were a substantive provision in this Manual.
 - 1.6. The eiusdem generis rule shall not apply and accordingly, whenever a provision is followed by the word/s "including" or "includes" or "in particular" or "inter alia" (but to mention a few) and specific examples, such examples shall not be construed so as to limit the ambit of the provision concerned.

- 1.7. Any reference to legislation is to that legislation as at the date of issuance of this Manual, as amended or replaced from time to time, and includes all regulations and schedules to such legislation.
- 1.8. This Manual, and any dispute of whatsoever relating to or arising out of this Manual, whether directly or indirectly is governed by South African law, without giving effect to any principle of conflict of laws.
- 1.9. Unless specifically otherwise provided, any number of days prescribed will be determined by excluding the first day and including the last day or, where the last day falls on a day that is not a business day, the next succeeding business day.
- 1.10. No provision herein will be construed against or interpreted to the disadvantage of a party by reason of such party having or being deemed to have structured, drafted or introduced such provision.
- 1.11. The Company's failure to exercise or enforce any right or provision of this Manual shall not constitute a waiver of such a right or provision.
- 1.12. In the event that any of the provisions of this Manual are found to be invalid, unlawful or unenforceable, such terms shall be severable from the remaining terms, which shall continue to be valid and enforceable.
- 1.13. Insofar as there is a conflict in the interpretation of or application of this Manual and the Act, the Act shall prevail.
- 1.14. This Manual does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A Requester is advised to familiarise his/her/itself with the provisions of the Act before lodging any request with the Company.

2. NATURE OF BUSINESS AND CONTACT DETAILS

2.1. Nature of Business:

CruzLog has established a mobile application aimed at the cruising industry. The mobile application provides passengers with a simplified and user-friendly platform to review the various elements of their cruising experience, and to create and maintain a cruise log / diary that enables them to record events or notes

about a particular element of their cruise. The mobile application will offer a value-added service where cruise and/or cruise related services will be advertised to or accessible through third-party links by the user.

The metadata generated from the reviews will be supplied to various role players within the cruising industry in the aim of providing feedback on the service or on other elements of any particular cruise. This information can be utilised by cruise companies to improve their services or other elements of the particular cruise, and can be utilised by agents and customers to compare cruises.

The mobile application's functionality will broaden over time in line with market and consumer feedback.

2.2. **Contact Details (Section 51(1)(a)):**

Name of the Body:	Cruz Log (Pty) Ltd t/a CruzLog
Head of the Body:	Andre van der Rheede
Information Officer:	Andre van der Rheede
Deputy Information Officer(s)	N/A
Physical Address:	857 Greenstone Ridge Emerald Boulevard Greenstone Hill Johannesburg Gauteng 1609
Postal Address:	Same as above
Telephone Number:	
Facsimile Number:	
Email Address:	info@cruzlog.com
Website Address:	cruzlog.com

2.3. The Information officer may appoint, where it is deemed necessary, Deputy Information Officers as allowed in terms of Section 17 of the Act as well as Section 56 of the Protection of Personal Information Act 4 of 2013. This is in order to render the Company as accessible as reasonably possible for requesters of its records and to ensure fulfilment of its obligations and responsibilities as prescribed.

3. OVERVIEW OF THIS MANUAL

- 3.1. The aim of this Manual is to facilitate requests for access to records of the Company, as envisaged in the Act.
- 3.2. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right. The Company supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act.
- 3.3. Section 9 of the Act recognises the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - 3.3.1. Limitations aimed at reasonable protection of privacy;
 - 3.3.2. Commercial confidentiality; and
 - 3.3.3. Effective, efficient and good governance.
- 3.4. This Manual complies with Section 10 of the Act and recognises that upon commencement of the Protection of Personal Information Act 4 of 2013, that the appointed Information Regulator will be responsible for regulating compliance with the Act and its Regulations by the Company.

4. GUIDE BY THE SAHRC (SECTION 51(1)(b))

- 4.1. The SAHRC has compiled a guide in terms of Section 10 of the Act, which contains such information, in an easily comprehensible form and manner, as may be reasonably be required by a person who wishes to exercise any right in terms of the Act.
- 4.2. The guide is available for inspection at the physical address of the Company, as well as at/from the SAHRC. The contact details of the SAHRC are as follows:-

Braampark Forum 3
33 Hoofd Street
Braampark
Johannesburg
2017

Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300
Fax: +27 11 484 0582
Website: www.sahrc.org.za

Furthermore, the guide is available at the following link:

<https://www.sahrc.org.za/home/21/files/Section%2010%20guide%202014.pdf>

5. CATEGORIES OF INFORMATION HELD BY THE COMPANY

5.1. Records automatically available (Section 51(1)(c))

- 5.1.1. No notice has been published in accordance with Section 52(2) of the Act regarding the categories of records freely available without a person having to request access in terms of the Act.
- 5.1.2. The following categories of records are however freely available without a person having to request access in terms of the Act: -
 - 5.1.2.1. Marketing and promotional material published by the Company;
 - 5.1.2.2. Public communications by the Company;
 - 5.1.2.3. Information as published on the website of the Company.
- 5.1.3. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 6 below –

- 5.1.3.1. personnel records are available to the employee whose file it is;
- 5.1.3.2. records of disciplinary hearings and related matters are available to the employee concerned;
- 5.1.3.3. the Company's policies and procedures manual.

5.2. **Records Available in Terms of other Legislation (Section 51 (1)(d))**

Where applicable to the business of the Company, records are kept in accordance with the following legislation:

- 5.2.1. Basic Conditions of Employment Act 57 of 1997;
- 5.2.2. Companies Act 71 of 2008;
- 5.2.3. Consumer Protection Act 68 of 2008;
- 5.2.4. Currencies and Exchanges Act 9 of 1993;
- 5.2.5. Electronic Communications and Transactions Act 25 of 2002.
- 5.2.6. Employment Equity Act 55 of 1998;
- 5.2.7. Income Tax Act 58 of 1962;
- 5.2.8. Inspection of Financial Institutions Act 80 of 1998;
- 5.2.9. Labour Relations Act 66 of 1995;
- 5.2.10. Occupational Health and Safety Act 85 of 1993;
- 5.2.11. Promotion of Access to Information Act 2 of 2000;
- 5.2.12. Protection of Personal Information Act 4 of 2013;
- 5.2.13. Skills Development Act 97 of 1998;

- 5.2.14. Skills Development Levy Act 9 of 1999;
- 5.2.15. Trade Marks Act 194 of 1993;
- 5.2.16. Unemployment Insurance Act 30 of 1966;
- 5.2.17. Unemployment Insurance Contributions Act 4 of 2002;
- 5.2.18. Value Added Tax Act No. 89 of 1991.

5.3. **Other types of records held by the Company (Section 51(1)(e))**

5.3.1. The Company maintains records on the following categories and subject matters. However, please note that by recording a category or subject matter in this Manual does not imply that a request for access to such records will be honoured.

5.3.2. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

5.3.3. These records include and are **not automatically available** without a request in terms of the Act:

5.3.3.1. Company Records -

5.3.3.1.1. Secretarial Records;

5.3.3.1.2. Shareholder Personal Information;

5.3.3.1.3. Incorporation Information;

5.3.3.1.4. Director information;

5.3.3.2. Financial Records -

5.3.3.2.1. Financial Statements/Records;

5.3.3.2.2. Documents relating to taxation;

- 5.3.3.2.3. Financial Agreements;
- 5.3.3.2.4. Banking and transactional details;
- 5.3.3.2.5. Fixed assets register;
- 5.3.3.2.6. A list of the Company's creditors and debtors;
- 5.3.3.3. Insurance Records (including insurance policies)
- 5.3.3.4. Operational Records
- 5.3.3.5. Intellectual Property
- 5.3.3.6. Marketing Records
- 5.3.3.7. Service Records
- 5.3.3.8. Employee Records
- 5.3.3.9. Policies and Directives
- 5.3.3.10. Customer Information (including potential and previous customers) -

Please be aware that the Company protects the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act. Customer information includes the following: -

- 5.3.3.10.1. Any records a customer has provided to the Company or a third party acting for or on behalf of the Company;
- 5.3.3.10.2. Confidential, privileged, contractual and quasi legal records of customers;

5.3.3.10.3. Records generated by or within the Company pertaining to customers, including transactional records.

5.3.3.11. Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. Such records kept include; representative personal information, contracts, banking and transactional details, and so forth. In addition, such other parties may possess records, which can be said to belong to the Company. The following records fall under this category:

5.3.3.11.1. Personnel, customer or the Company's records which are held by another party as opposed to being held by the Company; and

5.3.3.11.2. Records held by the Company pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

5.3.4. A request in terms of this section is subject to Section 63(1) of the Act, which provides that the head of a Company must refuse a request for access to a record of the Company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

5.3.5. At the time of publication hereof, no notice/s has/have been published in terms of Section 52(2) of the Act on the categories of records that are automatically available without a person requesting access thereto in terms of the Act.

6. ACCESS TO RECORDS HELD BY THE COMPANY

- 6.1. Requests for access to records held by the Company must be made on the prescribed Request Form. A copy of the Request Form is annexed hereto and marked as "Annexure A". The form can also be accessed from the website of the SAHRC (www.sahrc.org.za) and the website of the Department of Justice and Constitutional Development at www.doj.gov.za (under "Regulations"). Not using this form could result in your request being refused (if enough information or otherwise is not provided) or delayed.
- 6.2. Please take note that requests need not be accompanied by payment but will only be processed upon payment of the prescribed fees. Paragraph 7 below deals with the Fees Payable.
- 6.3. The Request Form must:-
 - 6.3.1. provide sufficient particulars to enable the Information Officer to identify the record/s requested and to identify the Requester;
 - 6.3.2. indicate which form of access is required;
 - 6.3.3. specify a postal address, facsimile address and/or email address at which the reply to the Request must be addressed;
 - 6.3.4. identify the right that the Requester is seeking to exercise or protect;
 - 6.3.5. provide an explanation of why the requested record is required for the exercise or protection of that right;
 - 6.3.6. in the event that the request is made on behalf of another person, the Requester must provide proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of the Company.
- 6.4. The Request Form shall be submitted to the Information officer at the address, telephone number, telefax number or e-mail address set out at 2.2 above.

- 6.5. The Company will, within 30 (thirty) days of receipt of Request, make a decision whether to grant or decline the Request and give written notice with reasons (if required) to the Requester to that effect (in the manner indicated by the Requester).
- 6.6. If the Request for access is granted, the Company will advise the Requester in the manner stipulated in the Request of –
 - 6.6.1. The access fee to be paid for the information;
 - 6.6.2. The format in which access will be given; and
 - 6.6.3. The fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 6.7. After access is granted actual access to the record will be given as soon as reasonable possible.
- 6.8. The 30 (thirty) day period within which the Company has to decide whether to grant or refuse a Request may be extended for a further period of 30 (thirty) days, by written notice to the Requester (in the manner indicated by the Requester), should the Request:-
 - 6.8.1. be for a large quantity of information;
 - 6.8.2. require a search for information held at another place other than the physical address listed herein;
 - 6.8.3. be for information which cannot reasonably be obtained within the original 30-day period;
 - 6.8.4. the Requester consents to such an extension in in writing; and
 - 6.8.5. the parties agrees in any other manner to such an extension.
- 6.9. If the request to access is refused, the notice of refusal shall state: -

- 6.9.1. Adequate reasons for the refusal; and
 - 6.9.2. That the Requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such an appeal.
- 6.10. Should the Information officer fail to respond within 30 (thirty) days after a Request has been received, it is deemed, in terms of Section 58 read together with Section 56(1) of the Act, that the head of the Company has refused the request.
- 6.11. The Requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

7. FEES PAYABLE

- 7.1. The Fees Payable in respect of any Request are prescribed by the SAHRC, which can be found at the following link:
<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>
- 7.2. The Act makes provision for two (2) types of Fees Payable, these are request fees and access fees:
- 7.2.1. The request fee payable by a Requester in circumstances other than when the Requester makes a request for their own personal information is R50.00. Any Requester making a request for access to their own personal information is exempt from paying a request fee in terms of the Act.
 - 7.2.2. A Requester whose Request for access to a record has been granted, must pay an access fee for the reproduction, search and preparation of the record requested, 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 requested form.
- 7.3. Upon receipt of a Request by the Company, the Company will, by written notice advise the Requester (in the manner indicated by the Requester) to pay the prescribed Fees Payable (if any), prior to the processing of the Request.

- 7.4. In the event that the Information Officer is of the opinion that the prescribed hours (6 (six)) (as per the Regulations of the Act) will be exceeded to search, reproduce and/or prepare the information requested, the Company will notify the Requester (except in the case of a personal requester) to pay as a deposit (this being a prescribed portion of the Fees Payable). A deposit will be payable equal to one-third of an amount of R30.00 for each hour or part thereof, exceeding the 6 (six) hours.
- 7.5. The Company shall withhold a record until the Requester has paid the Fees Payable, as indicated.
- 7.6. If a deposit has been paid in respect of a Request, which has subsequently been refused, then the Company shall repay the deposit to the Requester.

8. GROUNDS FOR REFUSAL TO ACCESS OF RECORDS OF THE COMPANY

See Annexure B attached.

9. INFORMATION OR RECORDS NOT FOUND

- 9.1. If all reasonable steps have been taken to find a record, and such a record cannot be found or if the records do not exist, then the Information Officer shall notify the Requester, by way of an affidavit or affirmation, that it is not possible to give access to the requested record.
- 9.2. The affidavit or affirmation shall provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the Information Officer with every person who conducted the search.
- 9.3. The notice, as set out in 12.1, shall be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 9.4. If the record in question should later be found, the Requester shall be given access to the record in the manner stipulated by the Requester in the prescribed form unless access is refused by the Information Officer.
- 9.5. The Company may refuse, on certain specified grounds, to provide information to a Requester as provided for in Chapter 4 of Part 3 of the Act.

10. INFORMATION REQUESTED ABOUT A THIRD PARTY

- 10.1. Section 71 of the Act makes provision for a request for information or records about a third party. In considering such a request, the Company will adhere to the provisions of Sections 71 to 74 of the Act.
- 10.2. Chapter 5 of Part 3 of the Act, the Company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. Chapter 2 of Part 4 of the Act entitles third parties to dispute the decisions of the Information Officer by referring the matter to the High Court.

11. REMEDIES IN THE EVENT OF REFUSAL OF ACCESS

- 11.1. Save for direct Requests to the Information Officer, the Company does not offer any further internal appeal procedure. The outcome to a Request provided by the Company is final, however, Requesters are at will to exercise external remedies at their disposal where a Request is refused and the reasons provided therefore are unsatisfactory to the Requester.
- 11.2. A Requester who is dissatisfied with the Company's refusal to disclose the information sought may, within 30 (thirty) days of the notification of the decision, apply to a High Court of South Africa with the appropriate jurisdiction for relief.

12. UPDATING OF MANUAL

The Company will update this Manual at such intervals as may be necessary.

Annexure "A"

REQUEST FORM FOR ACCESS TO RECORD OF A PRIVATE BODY

in terms of Section 53(1) of the Promotion of Access to Information Act 2 of 2000

[Regulation 10]

1. PARTICULARS OF THE PRIVATE BODY

The name / head of the body:

2. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

(a) The particulars of the person who requests access to the record must be recorded below.

(b) The address and/or fax number in the Republic to which information must be sent.

(c) Proof of the capacity in which the request has been made, if applicable, must be attached.

Full names and surname: _____

Identity Number: _____

Postal Address: _____

Facsimile Number: _____

Telephone Number: _____

Email Address: _____

Capacity in which request is made when made on behalf of another person:

3. PARTICULARS OF PERSON ON WHOSE BEHALF THE REQUEST IS MADE

(This section must only be completed if a Request is made on behalf of another person)

Full names: _____

Identity Number: _____

4. PARTICULARS OF RECORD

(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.

(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.

Description / Particulars
of record:

Reference Number:
(if applicable) _____

5. FEES PAYABLE

- 5.1. A Request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- 5.2. You will be notified of the amount required to be paid as the Request fee.
- 5.3. 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.
- 5.4. If you qualify for an exemption of the payment of any fee, kindly state the reason for such exemption below:

6. FORM OF ACCESS TO RECORD

- 6.1. Please note that compliance with your Request in the specified form may depend on the form in which the record is available.
- 6.2. Access in the form requested may be refused in certain circumstances. In such instances, you will be informed if access will be granted in another form.
- 6.3. The Fees Payable for access to the record, if any, will be determined partly by the form in which access is required.
- 6.4. Kindly mark the appropriate box with an "X" down in the space provided down below:-

If you are prevented by disability to read, view of 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:		
1. If the record is in written or printed form:					
	Copy of record*			Inspection of record	
2. If the 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 the record consists of recorded words or information which can be reproduced in sound:					
	Listen to the soundtrack audio			Transcription of the soundtrack audio into a written or printed document*	
4. If the record is held on a computer or in an electronic or machine-readable format:					
	Printed copy of the record*		Printed copy of information derived from the record*		Copy in computer readable form*
*If you requested a copy of transcription of a record above, do you wish the copy or transcription to be posted to you? (Postage costs are payable)				YES	NO

7. 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.

7.1. Indicate which right is to be exercised or protected:

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

8. NOTICE OF DECISION REGARDING REQUEST FOR ACCESS

8.1. You will be notified in writing whether your Request has been approved or denied.

8.2. If you wish to be informed of the outcome of your Request in another manner, please specify the manner and provide the necessary particulars in order to enable compliance with your Request:

SIGNED AT _____ THIS _____ DAY OF
_____(MONTH) _____(YEAR)

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE "B"

GROUND'S FOR REFUSAL OF ACCESS TO RECORDS OF A PRIVATE BODY

The information contained in this section is a summary of the grounds upon which a private body is entitled to raise, as grounds for the refusal of access to its records. The information is intended to provide a Requester with clarity as to the reasons why a request may be refused by the private body (but does serve as a substitute for the grounds set out in the Act).

A. Section 63: Mandatory protection of privacy of a third party who is a natural person

The Information Officer must refuse a request for access to a record of that body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

However, a record may not be refused if it consists of information:

- a) About an individual who has consented, in writing, to the disclosure of the information;
- b) Already publicly available;
- c) Given to the private body by the individual to whom it relates, and that individual was informed by the private body before it is disclosed that the information belongs to a class of information that may already be publicly available;
- d) About an individual's physical or mental health, or well-being, who is under the care of the Requester, and who is under the age of 18 years or incapable of understanding the nature of the request, and further if the disclosure would be in the individual's best interests;
- e) About an individual who is deceased and the requester is the individual's next of kin, or is making the request with the written consent of the individual's next of kin;
- f) About an individual who is or was an official of a private body, and the information relates to the position or functions of the individual.

B. Section 64: Mandatory protection of commercial information of a third party

The Information Officer must refuse a request for access to a record of that private body if it contains:

- a) Trade secrets of a third party;

b) Financial, commercial, scientific or technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;

c) Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

However, a record may not be refused if it consists of information:

a) About a third party who has already consented in writing, to its disclosure to the requester;

b) About the results of any product or environmental testing or other investigation supplied by the private body or the results of any such testing or investigation carried out on by or on behalf of the private body and its disclosure would reveal a serious public safety or environmental risk.

C. Section 65: Mandatory protection of certain confidential information of a third party

The head of a private body must refuse a request for access to a record of that body, if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

D. Section 66: Mandatory protection of safety of individuals, and protection of property

a) The Information Officer must refuse a request for access to a record of that body, if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

b) The Information Officer may refuse a request for access to a record of that body if its disclosure would be likely to prejudice or impair:

i) The security of a building, structure, or system, including a computer or communication system; a means of transport or any other property;

ii) The methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme; the safety of the public or part of the public or the security of a building, structure, or system, including a computer or communication system, a means of transport or any other property.

E. Section 67: Mandatory protection of records privileged from production in Legal Proceedings

The Information Officer must refuse a request for access to a record of that body, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

F. Section 68: Commercial information of a private body

The Information Officer may refuse a request for access to a record of that body, if the record:

- a) Contains trade secrets of the private body;
- b) Contains financial, commercial, scientific or technical information, other than trade secrets of the private body, and the disclosure thereof would likely cause harm to the commercial or financial interests of that body;
- c) Contains information, the disclosure of which could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations; or prejudice the body in commercial competition;
- d) Is a computer programme as defined in the Copyright Act, No. 98 of 1978, which is owned by the private body, unless it is required to give access to a record in terms of the Act.

However, a record may not be refused if it consists of information:

About the results of any product or environmental testing or investigation (excluding the results of preliminary testing or investigations conducted for developing methods of testing), carried out by or for the public body, and the disclosure thereof would reveal a serious public safety or environmental risk.

G. Section 69: Mandatory protection of research information of a third party, and protection of research information of a private body

1) The Information Officer must refuse a request for access to a record of that body, if the record contains information about research being carried out or to be carried out, by or on behalf of a third party, and if this were to be disclosed, it would be likely to expose:

- a) the third party; or
 - b) the person carrying out the research or will be carrying out the research on behalf of the third party; or
 - c) the subject matter of the research;
- to a serious disadvantage.

2) The Information Officer may refuse a request for access to a record of that body, if the record contains information about research being carried out or about to be carried out, by or on behalf of the private body, and if this were to be disclosed, it would likely to expose:

a) the private body; or

b) the person carrying out the research or will be carrying out the research on behalf of the private body; or

c) the subject matter of the research;

to a serious disadvantage.

H. Section 70: Mandatory disclosure in the public interest

a) Despite the above listed grounds for refusal, the head of a private body must grant a request for access to a record of that body if, the disclosure thereof would reveal evidence of:

a) a substantial contravention of, or failure to comply with the law; or

b) an imminent and serious public safety or environmental risk; and

c) the public interest in the disclosure of the record, outweighs the harm contemplated under the ground for refusal.