

Duke Corporate Education RSA (Proprietary) Limited

[Registration number: 2007 / 024115 / 07]

MANUAL ISSUED IN TERMS OF:

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (PAIA)

READ WITH THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013 (POPIA)

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1. Introduction

Duke Corporate Education is the foremost global provider of custom corporate education services that help organizations to address their business challenges. Duke Corporate Education was created to provide intensively customized corporate education services focused on addressing business challenges. The company focuses education on what the client's people need to know, do and believe in order to address current or anticipated challenges and attain specific business objectives.

This manual has been compiled in accordance with the requirements of PAIA, read with the relevant sections of POPIA. Duke Corporate Education RSA (Proprietary) Limited is a private body as defined in PAIA, and this manual contains the information specified in section 51 of PAIA, which is applicable to such a private body.

A copy of the Manual will be made available, upon request, and will be published on the Company's website. The Manual will be updated on a regular basis in accordance with the requirements of section 51(2) of PAIA.

In this manual, the following words bear the meaning set out below:

“BEE”	means black economic empowerment;
“client”	means a natural or juristic person who or which receives services from the Company;
“the Company”	means Duke Corporate Education RSA (Proprietary) Limited;
“employee”	means any person who works for or provides services to or on behalf of the Company, and receives or is entitled to receive remuneration;
“Guide”	means the guide published by the SAHRC in terms of section 10 of PAIA;
“Information Regulator”	means the Information Regulator established in terms of section 39 of POPIA;
“requester”	means any person or entity requesting access to a record that is in the possession of, or under the control of, the Company;
“SAHRC”	means the South African Human Rights Commission;
“the Manual”	means this manual which is published in accordance with section 51 of PAIA read with

POPIA and “this manual” shall have the same meaning;

“the Minister”

means the Cabinet member responsible for the administration of justice, presently the Minister of Justice and Constitutional Development.

2. **Contact details**

The Chief Executive Officer of the Company, Thayanayagee Chetty, is the head of the Company for the purposes of PAIA and is the Company’s information officer for purposes of POPIA. The information officer’s contact details are as follows:

Information Officer:

Physical address:

Duke Corporate Education RSA (Proprietary) Limited
The Campus
Ground Floor Eden Gardens Building
57 Sloane Street
Bryanston
Gauteng 02191
Johannesburg, South Africa

Postal address:

Duke Corporate Education RSA (Proprietary) Limited
The Campus
Ground Floor Eden Gardens Building
57 Sloane Street
Bryanston
Gauteng 02191
Johannesburg, South Africa

Telephone: +27 (0) 11 5756241

Email: Popia@dukece.com

3. Guide on how to use PAIA

PAIA grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request for information from the Company, the public body must be acting in the public interest. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, at the rates provided.

The Information Regulator has, in terms of section 10(1) of PAIA, updated and made available the revised guide on how to use PAIA (the **Guide**), in an easily and comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in PAIA and POPIA.

The Guide is available in each of the official languages and in braille.

The Guide contains a description of –

- the objects of PAIA and POPIA;
- the postal and street address, phone and fax number and, if available, electronic mail address of (i) the information officer of every public body, and (ii) every deputy information officer of every public and private body designated in terms of section 17(1) of PAIA and section 56 of POPIA;
- the manner and form of a request for (i) access to a record of a public body contemplated in section 11 of PAIA; and (ii) access to a record of a private body contemplated in section 50 of PAIA;
- the assistance available from the information officer of a public body in terms of PAIA and POPIA;
- the assistance available from the Information Regulator in terms of PAIA and POPIA;
- all remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by PAIA and POPIA, including the manner of lodging: (i) an internal appeal; (ii) a complaint to the Information Regulator; and (iii) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision by the Information Regulator or a decision of the head of a private body;
- the provisions of sections 14 and 51 of PAIA requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;
- the provisions of sections 15 and 52 of PAIA providing for the voluntary disclosure of categories of records by a public body and private body, respectively;
- the notices issued in terms of sections 22 and 54 of PAIA regarding fees to be paid in relation to requests for access; and

- the regulations made in terms of section 92 of PAIA.

Members of the public can inspect or make copies of the Guide from the offices of the public and private bodies, including the office of the Information Regulator, during normal working hours.

The Guide can also be obtained: (i) upon request to the information officer of the Company or (ii) from the website of the Information Regulator (<https://www.justice.gov.za/inforeg/>). A copy of the Guide is also available in the following two official languages, for public inspection during normal office hours: English and isiZulu.

The contact details for the Information Regulator are (at present) as follows:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

Postal Address: P.O Box 31533, Braamfontein, Johannesburg, 2017

Telephone number: +27 (0)10 023-5200 / +27 (0)82 746-4173

Website: <https://www.justice.gov.za/inforeg/index.html>

E-mail: inforeg@justice.gov.za / complaints.IR@justice.gov.za

4. **Records available in terms of any other legislation**

Certain records held by the Company are available in terms of legislation. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation includes:

- Basic Conditions of Employment Act, Act No. 75 of 1997
- Companies Act, Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993
- Employment Equity Act, Act No. 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Immigration Act 13 of 2002
- Income Tax Act, Act No. 58 of 1962
- Labour Relations Act, Act No 66 of 1995
- Medical Schemes Act, Act No. 131 of 1998
- Occupational Health and Safety Act, Act No. 85 of 1993

- Pension Funds Act, Act No. 24 of 1956
- Skills Development Act, Act No. 97 of 1998
- Skills Development Levies Act, Act No. 9 of 1999
- Unemployment Insurance Act, Act No. 63 of 2001
- Unemployment Insurance Contributions Act, Act No. 4 of 2002
- Value Added Tax Act, Act No. 89 of 1991

5. **Record subjects and categories**

For purposes of facilitating a request in terms of PAIA, the information below includes a description of the subjects on which the Company holds records and the categories into which these fall. This information is not exhaustive and may be amended from time to time.

The procedure in terms of which such records may be requested from the Company is set out in Section 8 of this manual. The records listed below will not in all instances be provided to a requester who requests them in terms of PAIA. The requester has to show that s/he has the right in terms of PAIA to be given access to the records in question.

Subjects on which the body holds records

Category /description of records held

Administration

- Shareholder records
- Share register
- Minutes of meetings of directors
- Records relating to the incorporation of Duke Corporate Education RSA (Proprietary) Limited
- Minutes of meetings of committees and sub-committees

Management

- Minutes of meetings of Executive Committee
- Internal correspondence
- Resolutions of the directors of Duke Corporate Education RSA (Proprietary) Limited

Finance

- Accounting records
- Tax records
- Debtors' records
- Creditors' records
- Insurance records

- Auditors' reports
- Interim and annual financial statements
- Bank statements and other banking records for business and trust accounts
- Invoices issued in respect of debtors and billing information
- Records regarding Duke Corporate Education RSA (Proprietary) Limited's financial commitments

Human Resources

- List of employees
- Statistics regarding employees
- Employment contracts
- Conditions of employment
- Information relating to prospective employees
- Personnel records including personal details, disciplinary records, performance and internal evaluation records
- Employee tax information
- Records of Unemployment Insurance Fund contributions
- Records regarding group life assurance and disability income protection
- Provident fund records
- Payroll records
- Health and safety records
- Workplace skills plans
- Codes of conduct
- Disciplinary code and procedure
- Grievance procedure
- Appeal procedure
- Remuneration policy
- Internal policies and procedures regarding dismissals, performance appraisal, recruitment, selection, advertising of positions, appointments, retirement, promotions, leave, extended sick leave, study leave, salaries, overtime, bonuses, medical aid, health and safety, adoption leave and benefits, BEE procurement, loans, working parents, black economic empowerment, smoking, use of company resources including telephones, motor vehicles and computers, sexual harassment, HIV-Aids and *Pro Bono* policy.

- Training schedules and material
- Correspondence relating to personnel

Suppliers

- Supplier lists and details of suppliers
- Agreements with suppliers

Information Technology

- Computer software
- Support and maintenance agreements
- Records regarding computer systems and programmes

Property

- Asset registers
- Lease agreements in respect of immovable property
- Records regarding insurance in respect of movable property
- Records regarding insurance in respect of immovable property

Miscellaneous

- Internal correspondence
- Firm publications

6. **Categories of records which are available without request**

No notices relating to the Company have been published by the Minister in terms of section 52(2) of PAIA.

Certain records are available without having to be requested in terms of the request procedures set out in PAIA and detailed in Section 8 of this Manual. This includes information available on the Company's website, and other documents intended for public viewing regarding the Company's products and services, such as marketing brochures.

The information may be inspected, collected, purchased or copied (at the prescribed fee for reproduction) at the offices of the Company and, unless the records are available on the Company's website, an appointment to view the records will have to be made with the information officer.

7. Personal Information

For the purposes of facilitating a request for personal information, the information below includes details of the purpose of the processing of personal information by the Company, a description of the categories of data subjects and of the information or categories of information relating to data subjects held by the Company, the recipients or categories of recipients to whom personal information may be supplied, planned transborder flows of personal information, and a general description allowing a preliminary assessment of the suitability of the information security measures to be implemented by the Company to ensure the confidentiality, integrity and availability of the information which is to be processed.

In terms of POPIA, a requester to whom certain personal information relates may request the Company to confirm, free of charge, whether or not it holds personal information about that particular requester.

A requester may make a request that the Company provides the record or a description of the personal information about the requester which is held by it, including information about the identity of third parties, or categories of third parties, who have, or have had, access to the information. This request must be made within a reasonable time, in a reasonable manner, and format, at a fee, and in a form that is generally understandable.

Categories of data subjects and categories of personal information relating thereto:

Data subjects	Categories of information
Employees	Human resources information (see above)
Applicants for employment	Contact details Recruitment records
Alumni / previous employees	Contact details Human resources information, as required to be retained post-termination of employment (see above)
Clients	Company registration details Contact details Take-on information in terms of the Financial Intelligence Centre Act, 2001 Details of services provided and fees charged

	Demographic information
Contractors / suppliers	Company registration details Contact details and banking details Details of services rendered and fees paid Demographic information

Purposes of processing:

Data subject category	Broad description of purposes of processing
Applicants for employment;	To carry out actions for the consideration of an application for employment; To carry out actions necessary for the conclusion of an employment contract; To ensure compliance with an obligation imposed by law on the Company; To pursue the legitimate interests of the Company.
Employees	To carry out actions necessary for the performance of the employment contract; To ensure compliance with an obligation imposed by law on the Company; To pursue the legitimate interests of the Company or a third party to whom the information is supplied.
Alumni	To ensure compliance with an obligation imposed by law on the Company; To pursue the legitimate interests of the Company or a third party to whom the information is supplied.
Clients	To carry out actions necessary for the performance of the services contract; To ensure compliance with an obligation imposed by law on the Company; To pursue the legitimate interests of the Company or a third party to whom the information is supplied.
Contractors / service providers	To carry out actions necessary for the performance of the services contract;

	<p>To ensure compliance with an obligation imposed by law on the Company;</p> <p>To pursue the legitimate interests of the Company or a third party to whom the information is supplied.</p>
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Likely recipients:

Data subjects	Likely recipients (including external third parties)
<p>Applicants for employment;</p> <p>Employees;</p> <p>Alumni.</p>	<p>Human resources department</p> <p>Finance department</p> <p>Line management</p> <p>Exco</p>
<p>Clients</p>	<p>Marketing department</p> <p>Employees working on client mandates</p> <p>Exco</p> <p>Finance department</p> <p>Facilities management department</p>
<p>Contractors / Service providers</p>	<p>Marketing department</p> <p>Employees working on client mandates</p> <p>Exco</p> <p>Finance department</p> <p>Facilities management department</p>

Planned transborder flows of personal information:

Yes
<p>To other entities within the Duke CE group of companies situated in various jurisdictions, including for example: United States, United Kingdom, India, and Singapore.</p> <p>Duke CE exclusively leverages the Microsoft Office 365 platform to manage data. This physical infrastructure resides in Microsoft datacenters in Virginia, US. Given our</p>

small size and the nature of our services, Duke CE does not isolate data processing activities on a country by country basis. Duke CE has centralized data center services based in the United States that support the global firm.

General description of information security measures:

Technical measures	Organisational measures
Duke CE leverages strong security measures, including encryption of laptops, anti-viral software, extended passwords and password policy. Please see the Duke CE Data Security addendum for details.	Access to personal information is limited to relevant personnel, stored electronically and backed-up regularly. Please see the Duke CE Data Security addendum for details.

8. **The request procedure**

A request for access to records held by the Company in terms of section 53 of PAIA must be made on a form that corresponds substantially with Form 2 of Annexure A to the Regulations Relating to the Promotion of Access to Information, 2021. A copy of the form is attached as **Annexure A** to this manual. The request must be made to the information officer of the Company at the address, telefax number or email address, specified above.

A requester must provide sufficient detail on the prescribed form to enable the information officer of the Company to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details of the capacity in which the requester is making the request, which must be reasonably satisfactory the information officer. Proof of identity of the requester must be attached to the request if it is in their own name. If a request is made on behalf of another person or entity, the requester must attach proof of authorization to make the request.

The requester is also required to indicate what type of record s/he/it is requesting and what form of access to the relevant records is required. Additionally, the requester must provide her/his/its contact details in South Africa and indicate what manner of access is requested.

The requester must identify the right that he, she or it is seeking to exercise by accessing records held by the Company and must explain why the particular record or records requested is or are required for the exercise or protection of that right. For purposes of Form

2, the requester must comply with all the procedural requirements in PAIA relating to a request for access to the relevant records.

The Company may, and must in certain instances, refuse access to records on any of the grounds set out in Chapter 4 of Part 3 of PAIA. These grounds include: that access would result in the unreasonable disclosure of personal information about a third party, that it is necessary to protect the commercial information of a third party or of the Company itself, that it is necessary to protect the confidential information of a third party, that it is necessary to protect the safety of individuals or property, that a record constitutes privileged information for the purpose of legal proceedings, and that it is necessary to protect the research information of a third party or the Company itself.

If all reasonable steps have been taken to find a record that a requester has requested, and there are reasonable grounds for believing that the record is in the Company's possession but cannot be found, or it does not exist, then the information officer will, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to that record.

The Information Officer must, if a request for access to a record is granted or refused, inform a requester in writing of its decision in relation to a request and the fees payable. This must be done on a form that corresponds substantially with Form 3 of Annexure A to the Regulations. A request for a copy of the Guide may not be refused. If the requester wishes to be informed of the Company's decision in another manner as well, this must be set out in the request and the relevant details included in order to allow the Company to inform the requester in the preferred manner.

The Company will make a decision in relation to a request for records within 30 days of receiving it, unless a third party notification or intervention, as contemplated in Chapter 5 of PAIA, applies. This period may be extended in appropriate circumstances, in accordance with section 57 of PAIA.

9. **Fees payable**

The access fees for reproduction of information that is automatically available from the Company (a section 52 request), are as follows:

(a)	For every photocopy/printed black and white copy of an A4-size page or part thereof.	R2,00
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(b)	For every printed copy of an A4-size page or part thereof	R2,00
(c)	For copy in a computer-readable form on: (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00
(d)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced, will depend on quotation from service provider.
(e)	For a copy of visual images	Service to be outsourced, will depend on quotation from service provider.
(f)	For a transcription of an audio record, for an A4-size page	R24,00
(g)	Copy of an audio record, per A4-size page (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to be requestor	R40,00 R40,00 R60,00

The request fee and access fees for information which needs to be requested in terms of PAIA and/or POPIA (a section 53 request) are as follows:

(a)	Request fee payable by every requester	R140,00
(b)	For every photocopy/printed black and white copy of an A4-size page or part thereof	R2,00
(c)	For every printed copy of an A4-size page or part thereof	R2,00
(d)	For copy in a computer-readable form on: (i) flash drive (to be provided by requestor) (ii) compact disc - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00
(e)	For a transcription of visual images, for an A4-size page or part thereof	Service to be outsourced, will depend on quotation from service provider.
(f)	For a copy of visual images	Service to be outsourced, will depend on quotation from service provider.
(g)	For a transcription of an audio record, for an A4-size page	R24,00
(h)	For a copy of an audio record (i) Flash drive (to be provided by requestor) (ii) Compact disk - If provided by requestor - If provided to the requestor	R40,00 R40,00 R60,00

(i)	To search for and prepare the record for disclosure for each hour or part of an hour, excluding the first hour, reasonably. To not exceed a total cost of:	R145,00 R435,00
(j)	Deposit: if search exceeds 6 hours	One third of amount per request calculated in terms of items (b) to (h).
(k)	Postage, e-mail or any other electronic transfer	Actual expense, if any.

The request fee must be paid before the request will be considered.

Where a request for access to a record or records held by the Company is granted, the requester also has to pay an access fee for the reproduction of the record or records and for the search for and the preparation of the records for disclosure. The access fee amount depends on the form in which access is required and the reasonable time required to search for and prepare the record. The requester will be notified of the amount of the access fee. The Company is entitled to withhold a record until the required access fees have been paid.

The information officer may inform the requester to pay, as a deposit, a portion of the access fee (not exceeding one third of the amount payable) if the request is granted and if the search for the record and the preparation of the record for disclosure would in the information officer's opinion require more than six hours.

If a request is granted, the deposit (if any), is payable before the request will be processed and the requested record or portion thereof will only be released once proof of full payment is received.

9. **Other information as prescribed**

The amended Regulations published in terms of PAIA, under Government Notice R757 in *Government Gazette* 45057 of 27 August 2021, set out, among other things, the fees which

may be charged by private bodies for the reproduction of records (provided in the table above).

10. Availability of the Manual

This Manual is available at the offices of the Company at the address set out above, as well as on the Company's website www.dukece.com.

11. Acknowledgment

The Manual has been based on an original template supplied by the SAHRC and amended accordingly based on a template supplied by the Information Regulator.

ANNEXURE A

**FORM 2
REQUEST FOR ACCESS TO RECORD**

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[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</i>	

<i>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 of 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 of 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	
<i>(Mark if applicable box with an "X")</i>	
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 disk 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 *(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).*

Postal services to postal address.

Postal services to street address.

Courier service to street address.

Facsimile of information in written or printed format *(including transcriptions).*

E-mail of information *(including soundtracks if possible).*

Cloud share/file transfer.

Preferred language:

(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.

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:

FEES	
<p>a) <i>A request fee must be paid before the request will be considered.</i></p> <p>b) <i>You will be notified of the amount of the access fee to be paid.</i></p> <p>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></p> <p>d) <i>If you qualify for exemption of the payment of any fee, please state the reason for exemption.</i></p>	
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/person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by (<i>state rank, name and surname of information</i>).	
Date received:	
Access fees:	
Deposit (if any):	

Signature of information officer