



Cognition Holdings Limited

(formerly known as FoneWorx Holdings Limited)

Reg No. 1997/010640/06

Information Manual for Cognition Holdings Limited

Prepared in accordance with Section 51 of the Promotion of Access to
Information Act No. 2 of 2000

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Contents:	Page
1 INTRODUCTION	2
2 CONTACT DETAILS	2
3 HUMAN RIGHTS COMMISSION GUIDELINE	3
4 RECORDS OF COGNITION HOLDINGS LIMITED	3
5 REMEDY AVAILABLE WHEN COGNITION REFUSES A REQUEST FOR INFORMATION	5
6 PROCEDURES FOR OBTAINING ACCESS TO A RECORD	6
7 DECISION MAKING PROCESS	6
8 ACCESS TO RECORDS	7
9 PRESCRIBED FEES	8
10 AVAILABILITY OF THE MANUAL	9
Annexure A – Form C	10
Annexure B – Reproduction Fees	13

1 INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (“the Constitution”) provides:

(1) Everyone has the right of access to –

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise of protection of any rights.

(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), was enacted on 3 February 2002 to give effect to section 32 of the Constitution, that is giving effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise of protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such a request. The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

2 CONTACT DETAILS

(Information required under section 51(1)(a) of the Act):

a. **Name of the Body:** Cognition Holdings Limited (previously known as FoneWorx Holdings Limited)

b. **Information Officer of the Body:** Stefan Kleynhans

c. **Postal Address:** PO Box 3386 PINEGOWRIE 2123

d. **Street Address:** 1st Floor, Cnr Bram Fischer Drive & Will Scarlet Road RANDBURG 2194

e. **Telephone Number:** (011) 293 0000

f. **Fax Number:** 0866 101 000

g. **Web Address:** www.cognitionholdings.co.za

h. **Contact Details of Information Officer:**

i. email: skleynhans@cognitionholdings.co.za

ii. Phone: (011) 293 0144

iii. Fax: 0866 101 000

3 HUMAN RIGHTS COMMISSION GUIDELINE

A guide has been compiled in terms of section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all official languages.

The guide is available for inspection, inter alia, at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, Cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

4 RECORDS OF COGNITION HOLDINGS LIMITED

Cognition holds the following types of records.

The accessibility of the documents listed hereunder may be subject to the grounds of refusal set out hereinafter.

The information is grouped and classified according to the records relating to the following subjects and categories

4.1 Companies Act Records

- Documents of Incorporation
- Minutes of Board of Directors Meetings
- Share register and other statutory registers

4.2 Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Invoices

4.3 Personnel Records

- Personal records provided by personnel;

- Records a third party has provided about any personnel;
- Conditions of employment and other personnel related contractual and quasi legal records;
- Internal evaluation records;
- Disciplinary Code;
- Leave records; and
- Other internal records and correspondence.

4.2 Customer related records

A customer includes any entity who receives services from the private body. Customer related information includes the following:

- Records a customer has provided to a third party acting for or on behalf of Cognition;
- Records a third party has provided; and
- Records generated by or within the Cognition pertaining to the customer, including transactional records.

4.3 Private body records

This includes but is not limited to the following:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of the private body.

4.4 Other Parties

Cognition may possess records pertaining to other parties, including without limitation, contractors, suppliers, holding companies, and service providers. Alternatively, such other parties may possess records which can be said to belong to the private body.

The following records fall under this category:

- Personnel, customer or private body records which are held by another party as opposed to being held by Cognition; and

- Records held by Cognition pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

4.5 Records Available in terms of other Legislation

Records of Cognition which are available in accordance with other legislation include:

- Basic Conditions of Employment Act (75 of 1997)
- Companies Act (71 of 2008)
- Compensation for Occupational Injuries and Diseases Act (130 of 1993)
- Employment Equity Act (55 of 1998)
- Income Tax Act (58 of 1962)
- Labour Relations Act (66 of 1995)
- Post Office Act 44 of 1958
- Occupational Health and Safety Act (85 of 1993)
- Promotion of Equality and Prevention of Unfair Discrimination
- Telecommunication Act 103 of 1996
- Vat Act (89 of 1991)
- Unemployment Insurance Act 30 of 1966

The Information officer will take into considerations section 8 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.

5 REMEDY AVAILABLE WHEN COGNITION REFUSES A REQUEST FOR INFORMATION

A requestor that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- Confirming, amending or setting aside the information officer's decision;
- Requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- Granting an interdict, interim or special relief, declaratory order or compensation; or costs.

6 PROCEDURES FOR OBTAINING ACCESS TO A RECORD

6.1 In terms of section 53, a request for access to a record of Cognition must be made in the prescribed form to Cognition Holdings Limited at the address, fax number or electronic mail address provided in paragraph 2 above.

6.2 The requester must complete the prescribed form (Annexure 1) and submit the form together with the payment of a request fee and a deposit to the Information Officer.

6.3 The form requires the requester to provide enough information to at least enable the Information officer to identify

- the requestor;
- the record(s) requested;
- The form of access required;
- The requestor's postal address or fax number;

6.4 The requester must identify the nature of the right for which access to the requested records is required. According to the courts access to the records must be "necessary" for the exercise or protection of the rights stated.

6.5 The requester must inform Cognition the manner in which the requester wishes to be informed of the decision on the request, if such manner is in addition to written notification.

6.6 If the requester makes the request on behalf of a person, proof of the capacity in which the requester makes the request, to the satisfaction of the information officer, must be submitted.

7 DECISION MAKING PROCESS

7.1 The information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer will notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This will be regarded as a refusal of the request. If the record is later found, the requestor must be given access if the request would otherwise have been granted.

7.2 The information officer will within 30 days of receipt of a correctly completed request notify the requestor of the decision as to whether or not to grant the request. If the request is:

- Granted: the notification will state the application access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against payment of such fee, and the form in which access will be given.
- Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wish to apply to court against the decision.

7.3 The information officer may extend the period of 30 days by a further period not exceeding 30 days if:

- The request is for a large number of records or requires a search through a large number of records;
- Consultation with another private body is required; or
- The requestor consents to the extension.

7.4 The requestor will be notified within the initial 30 day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.

7.5 The information officer's failure to respond to the requestor within the 30 day period is regarded as a refusal of the request.

7.6 The information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

7.7 If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the information officer.

7.8 The requestor must pay the prescribed fee before any further processing can take place.

8 ACCESS TO RECORDS

8.1 Only once the requirements for access have been met may records held by Cognition be accessed.

8.2 A requester is any person making a request for access to a record. There are two types of requester:

8.2.1 Personal requester

8.2.1.1 A personal requester – who is a requester seeking access to a record containing personal information about the requester.

8.2.1.2 Cognition will, subject to the Act, provide the requested information or give access to any record in connection with the requester’s personal information.

8.2.2 Other requester

This is a requester who is entitled to request access to information on third parties. Cognition is not obliged to grant access. The request and access fee is payable.

9 PRESCRIBED FEES

9.1 Two types of fees are provided for by the Act:

9.1.1 Request fee: This is a standard non-refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered.

9.1.2 Access fee: This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.

9.2 If the Requestor is not a Personal Requestor

9.2.1 The information officer must give written notice to the requestor of the request fee and amount to be paid before the request may be further processed.

9.2.2 If, in the information officer’s opinion, the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the information officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to requestor.

9.2.3 The notice given by the information officer must advise the requestor that s/he has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

9.3 If the Requestor is a Personal Requestor

9.1.1 A personal requestor is not liable to pay a request fee, but is liable for payment of access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

Cognition may withhold a record until the request fee and the deposit (if applicable) have been paid. A schedule of the prescribed fees is attached as ANNEXURE B to the manual.

10 AVAILABILITY OF THE MANUAL

10.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

10.2 The manual of Cognition Holdings is available on www.cognitionholdings.co.za.

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)

[Regulation 10]

(a) A. Particulars of private body

The Head:

(b)

(c) B. Particulars of person requesting access to the record

- | | |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below. |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached. |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

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

(d) C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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Full names and surname:

Identity number:

D. Particulars of record

- | | |
|-----|--|
| (e) | 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. |
| (f) | If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios. |

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

(g) E. Fees

- | |
|--|
| (a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) You will be <i>notified of</i> the amount required to be paid as the request fee. |
| (c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption. |

Reason for exemption from payment of fees:

(h) F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO
--	-----	----

(i) G Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

(j) H. Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

FEES IN RESPECT OF PRIVATE BODIES

1 The fee for a copy of the manual as contemplated in regulation 9(2)(c) is **R1,10** for every photocopy of an A4size page or part thereof.

2 The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4size page or part thereof	1.10
(b) For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form	0.75
(c) For a copy in a computer readable form on	
(i) stiffy disc	7.50
(ii) compact disc	70.00
(d) (i) For a transcription of visual images, for an A4size page or part thereof	40.00
(ii) For a copy of visual images	60.00
(e) (i) For a transcription of an audio record, for an A4size page or part thereof	20.00
(ii) For a copy of an audio record	30.00

1 The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is **R50.00**.

2 The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4size page or part thereof	1.10
(b) For every printed copy of an A4size page or part thereof held on a computer or in electronic or machine readable form	0.75

- (c) For a copy in a computer readable form on
 - (i) floppy disc **7.50**
 - (ii) compact disc **70.00**
- (d) (i) For a transcription of visual images, for an A4size page
or part thereof **40.00**
- (ii) For a copy of visual images **60.00**
- (e) (i) For a transcription of an audio record, for an A4size page
or part thereof **20.00**
- (ii) For a copy of an audio record **30.00**
- (f) To search for and prepare the record for disclosure
(for each hour or part of an hour reasonably required for such search) **30.00**
- (2) For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) One third of the access fee is payable as a deposit by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.