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No. 24332

## MANUALS

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO  
INFORMATION ACT (NO. 2 OF 2000)

### PART 1 OF 4



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

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**MANUAL**

**of**

**A P BURGER BESIGHEIDS  
TRUST**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to A P BURGER BESIGHEIDS TRUST T/A BURGER PETROL EN DIESEL HERSTELWERKE a private body within the truck and motor vehicle repair industry, for whom this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: BAREND JOHANNES BURGER**

Postal address: P O Box 571, Worcester, 6849

Physical Address: 119 Sheard Street, Worcester, 6850

Tel: (023) 3472705

Fax: (023) 3472139

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: A P BURGER BESIGHEIDS TRUST T/A BURGER PETROL  
EN DIESEL HERSTELWERKE

2.2.2 Registration No: IT785/2001

2.2.3 Vat Registration No. 4890109814

2.2.4 Postal Address: P O Box 571, Worcester, 6849

2.2.5 Physical Address (or main place of business): 119 Sheard Street, Worcester, 6850

2.2.6 Telephone Number: (023) 3472705

2.2.7 Facsimile number: (023) 3472139

2.2.8 E-mail address: burger.p.d.@yebo.co.za

2.2.9 Website: N/A

**PART II****3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

### **PART III**

#### **3.1 RECORDS OF THE PRIVATE BODY**

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

#### **3.2 PRIVATE BODY DOCUMENTS AND RECORDS**

##### **3.2.1 INCORPORATION DOCUMENTS AND RECORDS**

3.2.1.1 Copies of documents of the incorporation

3.2.1.2 Copies of the Constitution of the Trust

3.2.1.3 Minutes of Trustees' meetings

3.2.1.4 Minutes of Management meetings

3.2.1.5 Minutes of staff meetings

3.2.1.6 Internal telephone directory

##### **3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Regional Services Council records

3.2.2.2 VAT records

3.2.2.3 Tax records

3.2.2.4 PAYE records

## OPERATIONAL DOCUMENTS AND RECORDS

3.2.2.5	UIF records
3.2.2.6	Stock records
3.2.2.7	Asset inventory
3.2.2.8	Asset register
3.2.2.9	Order form
3.2.2.10	Invoices
3.2.2.11	Statements
3.2.2.12	Delivery notes
3.2.2.13	Goods received vouchers
3.2.2.14	Goods returned vouchers
3.2.2.15	Debit notes
3.2.2.16	Credit notes
3.2.2.17	Cheque Account
3.2.2.18	Trust Account
3.2.2.19	Cash records
3.2.2.20	Annual Financial Statements
3.2.2.21	Financial documents
3.2.3	
3.2.3.1	Product manuals / service manuals
3.2.3.2	Database of customers
3.2.3.3	Payment/Credit agreements
3.2.3.4	Correspondence with customers

- 3.2.3.5 Customer account records
- 3.2.3.6 Proof of delivery forms
- 3.2.3.7 Receipts
- 3.2.3.8 Records with regards to scheduling and supply of goods / services
- 3.2.3.9 Job cards
- 3.2.3.10 Price lists
- 3.2.3.11 Records pertaining to customer complaints / assessments
- 3.2.3.12 Records with regards to quotations in respect of services rendered
- 3.2.3.13 Records with regards to research and development of services

These records include, but are not limited to, records which pertain to the Private Body's own affairs.

#### **3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications and Curriculum Vitae
- 3.2.4.4 Salary records
- 3.2.4.5 Leave records
- 3.2.4.6 Records relating to increases
- 3.2.4.7 Disciplinary records
- 3.2.4.8 Performance management records
- 3.2.4.9 Medical history records
- 3.2.4.10 Long service awards records
- 3.2.4.11 Training records

- 3.2.4.12 Company policies
- 3.2.4.13 Employment Equity Plan
- 3.2.4.14 Attendance register
- 3.2.4.15 Bargaining Council Records
- 3.2.4.16 Provident fund records
- 3.2.4.17 Pension fund records
- 3.2.4.18 Unemployment Insurance
- 3.2.4.19 Workman's Compensation records
- 3.2.4.20 Medical Aid records
- 3.2.4.21 Records relating to deductions

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, trustees, all permanent, temporary and part-time staff, as well as contract and/or seasonal workers.

### 3.2.5 SAFETY RECORDS

- 3.2.5.1 Recording relating to incidents
- 3.2.5.2 Records relating to corrective action

### 3.2.6 INFORMATION TECHNOLOGY RECORDS

- 3.2.6.1 Licences
- 3.2.6.2 Software programs
- 3.2.6.3 Software applications
- 3.2.6.4 Lotus notes
- 3.2.6.5 Internet connectivity reports
- 3.2.6.6 Bookkeeping and accounting package

### 3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

- 3.2.7.1.1 Criminal Procedures Act 51 of 1977
- 3.2.7.1.2 Labour Relations Act 66 of 1995
- 3.2.7.1.3 Employment Equity Act 55 of 1998
- 3.2.7.1.4 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.5 Formalities in respect of Leases of Land Act 18 of 1969
- 3.2.7.1.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.7 Constitution of SA Act 108 of 1996
- 3.2.7.1.8 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.9 Value Added Tax Act 89 of 1991
- 3.2.7.1.10 Income Tax Act 58 of 1962
- 3.2.7.1.11 Close Corporation Act

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;

- 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
- 6.3.1 The record or records requested;
- 6.3.2 The identity of the requester,
- 6.3.3 Which form of access is required, if the request is granted;
- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:
- 7.2.1 **PERSONAL REQUESTER**
- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2.2 OTHER REQUESTER

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8 FEES

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## **10 AVAILABILITY OF THE MANUAL**

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Particulars of person of whose behalf request is made:**

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

---

---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record: .

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

---

**F. Form of Access to the 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) Your indication as to the required form of access depends on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:	
Copy of record *	Inspection of record

2. If 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 cassette)
Transcription of soundtrack *	(written or printed document)

4. If the record is held on computer or in an electronic or machine-readable form:	
Printed copy of record	Printed copy of information derived from the record *
Copy in computer readable form * (stiffy or compact disc)	

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
---	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

• For a copy in a computer-readable form on	R
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**THE DEVONPORT ROAD**  
**LIGHTING CC**

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

**(Private Body)**

## 1 INTRODUCTION

1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to THE DEVONPORT ROAD LIGHTING CC a private body within the wholesale and retail of lighting and accessories industry for which this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: CHARMAINE ELSIE SEGAL**

Postal address: P O Box 50258, V & A Waterfront, Cape Town, 8002

Registered address: Frymer Bywater Mackay Davidson, P O Box 12091, Mill Street, 8010

Physical Address: 73 Buitengracht Street, Cape Town, 8001

Tel: (021) 424 7687

Fax: (021) 424 5211

Email address: Charmaine@devlight.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: THE DEVONPORT ROAD. LIGHTING CC

2.2.2 Head of Private Body: Gregory and Charmaine Segal

2.2.3 Registration No: CK NO 1994/02477/23

2.2.4 Vat Registration No. 4820141887

2.2.5 Postal Address: P O Box 50258, V & A Waterfront, 8002

2.2.6 Physical Address (or main place of business): 73 Buitengracht Street, Cape Town, 8001

2.2.7 Telephone Number: (021) 424 7687

2.2.8 Facsimile number: (021) 424 5211

2.2.9 E-mail address: Charmaine@devlight.co.za / Greg&devlight.co.za

2.2.10 Website: www.devlight.co.za

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Copies of documents of incorporation

3.2.1.2 Minutes of Members meetings

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

3.2.2.1 Regional Services Council records

3.2.2.2 Vat records

- 3.2.2.3 Tax records
- 3.2.2.4 PAYE records
- 3.2.2.5 UIF records
- 3.2.2.6 Stock records
- 3.2.2.7 Asset inventory
- 3.2.2.8 Asset register
- 3.2.2.9 Order forms
- 3.2.2.10 Invoices
- 3.2.2.11 Statements
- 3.2.2.12 Proof of delivery forms
- 3.2.2.13 Goods received vouchers
- 3.2.2.14 Goods returned vouchers
- 3.2.2.15 Debit notes
- 3.2.2.16 Credit notes
- 3.2.2.17 Cheque account
- 3.2.2.18 Current account
- 3.2.2.19 Cash records
- 3.2.2.20 Financial reporting
- 3.2.2.21 Financial documents
- 3.2.2.22 Management Accounts

**3.2.3****OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Product / Service manuals / charts of account

- 3.2.3.2 Database of customers
- 3.2.3.3 Credit Application forms
- 3.2.3.4 Correspondence with customers
- 3.2.3.5 Customer account records
- 3.2.3.6 Records with regards to sales
- 3.2.3.7 Records with regards to scheduling and supply of goods / services
- 3.2.3.8 Price lists
- 3.2.3.9 Customer complaints / assessments
- 3.2.3.10 Records pertaining to costing and quoting
- 3.2.3.11 Supply Agreements

These records include, but are not limited to, the records which pertain to the Private Body's own affairs.

#### **3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications
- 3.2.4.4 Salary records
- 3.2.4.5 Leave records
- 3.2.4.6 Records relating to increases
- 3.2.4.7 SETA records
- 3.2.4.8 Attendance register
- 3.2.4.9 Unemployment Insurance

3.2.4.10 Records of deductions

3.2.4.11 Identification records

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent, temporary and part-time staff, as well as any contract workers.

### 3.2.5 SAFETY RECORDS

3.2.5.1 Records relating to incidents

### 3.2.6 INFORMATION TECHNOLOGY RECORDS

3.2.6.1 Licences

3.2.6.2 Software programs

3.2.6.3 Software applications

3.2.6.4 Computer generated databases

3.2.6.5 Inter-company emails

3.2.6.6 Internet connectivity reports

### 3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

3.2.7.1.1 Short Term Insurance Act 53 of 1998

3.2.7.1.2 Credit Agreements Act 75 of 1980

3.2.7.1.3 Labour Relations Act 66 of 1995

3.2.7.1.4 Employment Equity Act 55 of 1998

3.2.7.1.5 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993

3.2.7.1.7 Unemployment Insurance Act 63 of 2001

3.2.7.1.8 Value Added Tax Act 89 of 1991

3.2.7.1.9 Skills Development Act 9 of 1999

3.2.7.1.10 Income Tax Act 58 of 1962

3.2.7.1.11 Close Corporation Act

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### **3.2.8 OTHER PARTY RECORDS**

3.2.8.1 Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;

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

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include -
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;

- 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
- 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;
  - 6.3.4 The postal address or fax number of the requester.

- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

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## B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

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## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

## 1. Description of the Record or relevant part of the record:

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2. Reference number, if available: 

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## 2. Any further particulars of the record:

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**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
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**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*
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**3. If the record consists of recorded words or information which can be reproduced in sound:**

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
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**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

## APPENDIX – 2

## REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

## Request fees:

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

## Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

**Note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

# **MANUAL**

**of**

# **LA RHONE FAMILIETRUST**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to LA RHONE FAMILIE TRUST a private body within the agricultural industry for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

#### 2.1 Information Officer: ANDRIES JACOBUS DU TOIT

Postal address: P O Box 68, Tulbagh, 6820

Physical Address: La Rhone, Tulbagh, 6820

Tel: (023) 230 0632

Fax: (023) 230 0836

#### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: LA RHONE FAMILIETRUST

2.2.2 Registration No: IT 768/92

2.2.3 Vat Registration No. 4190136012

2.2.4 Postal Address: P O Box 68, Tulbagh, 6820

2.2.5 Physical Address (or main place of business): La Rhone, Tulbagh, 6820

2.2.6 Telephone Number: (023) 230 0632

2.2.7 Facsimile number: (023) 230 0836

2.2.8 E-mail address: larhone@mbury.new.co.za

2.2.9 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PLAI@sahrc.org.za](mailto:PLAI@sahrc.org.za).*

### **PART III**

#### **3.1 RECORDS OF THE PRIVATE BODY**

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

#### **3.2 PRIVATE BODY DOCUMENTS AND RECORDS**

##### **3.2.1 INCORPORATION DOCUMENTS AND RECORDS**

3.2.1.1 Copies of documents of the incorporation

##### **3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 VAT records

3.2.2.2 UIF records

3.2.2.3 Asset register

3.2.2.4 Invoices

3.2.2.5 Annual Statements

3.2.2.6 Proof of delivery forms

3.2.2.7 Goods received vouchers

3.2.2.8 Debit notes

3.2.2.9 Credit notes

3.2.2.10 Cheque Account

3.2.2.11 Current Account

3.2.2.12 Financial Statements

3.2.2.13 Vat Invoices

Please note – above-mentioned records available from Auditors of Private Body

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1 Correspondence with customers

3.2.3.2 Customer account records

3.2.3.3 Records with regards to sales

3.2.3.4 Records with regards to production including summary of quantities

3.2.3.5 Records with regards to scheduling and supply of goods / services

3.2.3.6 Records relating to products

3.2.3.7 Europ Gap Compliance documentation

The above records include, but are not limited to, the records which pertain to the Private Body's own affairs.

### **3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and temporary) including but not limited to:

3.2.4.1 Employment contracts

3.2.4.2 Application forms

3.2.4.3 Qualifications

3.2.4.4 Salary records

3.2.4.5 Leave records

3.2.4.6 Medical history records

3.2.4.7 Attendance register

3.2.4.8 Records relating to deductions and savings plans

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, trustee, all permanent, temporary and part-time staff, as well as contract and/or seasonal workers.

### **3.2.5 SAFETY RECORDS**

3.2.5.1 Quality control test results

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

NOT APPLICABLE

### **3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

3.2.7.1.1 Labour Relations Act No. 66 of 1995

3.2.7.1.2 Employment Equity Act 55 of 1998

3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993

3.2.7.1.5 Unemployment Insurance Act 63 of 2001

3.2.7.1.6 Value Added Tax Act 89 of 1991

3.2.7.1.7 Occupational Health and Safety Act No. 85 of 1993

3.2.7.1.8 Skills Development Act 9 of 1999

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### **3.2.8 OTHER PARTY RECORDS**

3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. accountant, marketing agent), as opposed to the records held by the Private Body itself;

3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include -
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

### 5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION

## 5.1 INTERNAL REMEDIES

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

## 5.2 EXTERNAL REMEDIES

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## 6 REQUEST PROCEDURE

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;
  - 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## **9 DECISION**

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## **10 AVAILABILITY OF THE MANUAL**

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Particulars of person of whose behalf request is made:**

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record: .

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
--	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_  
\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

## APPENDIX - 2

## REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**CLAY INDUSTRY CC**

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

**(Private Body)**

# 1 INTRODUCTION

1.1

The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

1.2

## PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies. Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to CLAY INDUSTRY CC a private body within the clay brick manufacturing industry, for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

2.1 Information Officer: **CHARLES WILLIAM PRITCHARD**

Postal address: P O Box 2292, Durbanville, 7551

Registered address: 15 Greenwich Grove, Rondebosch

Physical Address: Farm Corobrik, Malmesbury Road, Phesantekraal

Tel: (021) 975 4065

Fax: (021) 975 4069

### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: CLAY INDUSTRY CC

2.2.2 Registration No: 1994/19530/23

2.2.3 Vat Registration No. 4290146838

2.2.4 Postal Address: P O Box 2292, Durbanville, 7551

2.2.5 Physical Address (or main place of business): Farm Corobrik, Malmesbury Road, Phesantekraal

2.2.6 Telephone Number: (021) 975 4065

2.2.7 Facsimile number: (021) 975 4069

2.2.8 E-mail address: patricko@clayindustry.co.za

2.2.9 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

### **PART III**

#### **3.1 RECORDS OF THE PRIVATE BODY**

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

#### **3.2 PRIVATE BODY DOCUMENTS AND RECORDS**

##### **3.2.1 INCORPORATION DOCUMENTS AND RECORDS**

- 3.2.1.1 Copies of documents of incorporation
- 3.2.1.2 Copies of the constitution of the private body
- 3.2.1.3 Copies of the Memorandum and Articles of Association
- 3.2.1.4 Copies of Association agreement
- 3.2.1.5 Minutes of Members Meetings

##### **3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

- 3.2.2.1 Regional Services Council records
- 3.2.2.2 Vat records
- 3.2.2.3 Tax records
- 3.2.2.4 PAYE records
- 3.2.2.5 UIF records

- 3.2.2.6 Stock records
- 3.2.2.7 Asset inventory
- 3.2.2.8 Asset register
- 3.2.2.9 Invoices
- 3.2.2.10 Annual Statements
- 3.2.2.11 Debit notes
- 3.2.2.12 Credit notes
- 3.2.2.13 Cheque Account
- 3.2.2.14 Current Account
- 3.2.2.15 Call Account
- 3.2.2.16 Cash records
- 3.2.2.17 Financial reporting relating to sales, lists of creditors / debtors
- 3.2.2.18 Financial documents

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Written product / service specifications
- 3.2.3.2 Product / service manuals
- 3.2.3.3 Correspondence with customers
- 3.2.3.4 Customer account records
- 3.2.3.5 Records with regards to sales
- 3.2.3.6 Records with regards to production (quantity and quality reports)
- 3.2.3.7 Price lists
- 3.2.3.8 Records pertaining to customer complaints / assessments

- 3.2.3.9 Supply Agreements
- 3.2.3.10 Distribution Agreements
- 3.2.3.11 Internal telephone directory

These records include, but are not limited to, the records which pertain to the Private Body's own affairs.

#### 3.2.4 PERSONNEL DOCUMENTS AND RECORDS

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications
- 3.2.4.4 Salary records
- 3.2.4.5 Leave records
- 3.2.4.6 Disciplinary records
- 3.2.4.7 Employment Equity Plan
- 3.2.4.8 Attendance register
- 3.2.4.9 Unemployment Insurance
- 3.2.4.10 Medical Aid
- 3.2.4.11 Records relating to loans and deductions
- 3.2.4.12 Records relating to Independent Contractors

"Personnel" refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent, temporary and part-time staff, as well as contract workers.

#### 3.2.5 SAFETY RECORDS

- 3.2.5.1 Records of incidents
- 3.2.5.2 Records relating to corrective action

- 3.2.5.3 Records and register relating to the Occupational Health & Safety Act
- 3.2.5.4 Records relating to the Compensation for Occupational Injuries and Diseases
- 3.2.5.5 Quality control test results

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 Licences
- 3.2.6.2 Software programs

### **3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

- 3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

- 3.2.7.1.1 Labour Relations Act 66 of 1995
- 3.2.7.1.2 Employment Equity Act 55 of 1998
- 3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.5 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.6 Value Added Tax Act 89 of 1991
- 3.2.7.1.7 Skills Development Act 9 of 1999
- 3.2.7.1.8 Income Tax Act 58 of 1962
- 3.2.7.1.9 Close Corporation Act

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided about contractors/suppliers.

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
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  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include -
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

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A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

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### **7.2.1 PERSONAL REQUESTER**

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

7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

8.1 The Act provides for two types of fees, namely:

8.1.1 A request fee, which will be a standard fee; and

8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.

8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.

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

8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.

8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.

8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## **9 DECISION**

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## **10 AVAILABILITY OF THE MANUAL**

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

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(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:


**B. Particulars of Person requesting access to the record**

(a) <i>The particulars of the person who requests access to the records must be recorded below.</i>
(b) <i>Furnish an address and/or fax number in the Republic to which information must be sent.</i>
(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i>

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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


**C. Particulars of person of whose behalf request is made:**

<i>This section must be completed only if a request for information is made on behalf of another person</i>
---

Full names and Surname: \_\_\_\_\_

--

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

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2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record: .

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**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
---	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

# **MANUAL**

**of**

## **BLOMPOT EIERS BOERDERY BK**

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

**(Private Body)**

## 1 INTRODUCTION

1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to BLOMPOT EIERS BOERDERY BK, a close corporation which operates in the farming industry, for which this manual is drafted.

Wherever reference is made to a *"document"* or *"record"*, it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: JACOBUS VAN DEN HEEVER**

Postal address: P O Box 22, Koelenhof

Physical Address: Bottelary Road, Koelenhof

Tel: (021) 8652808

Fax: (021) 8652409

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: BLOMPOT EIERS BOERDERY BK

2.2.2 Head of Private Body: Jacobus Van Den Heever

2.2.3 Registration No: CK 1998/06919

2.2.4 Vat Registration No. 4040171961

2.2.5 Postal Address: P O Box 22, Koelenhof

2.2.6 Physical Address (or main place of business): Bottelary Road, Koelenhof

2.2.7 Telephone Number: (021) 8652808

2.2.8 Facsimile number: (021) 8652409

2.2.9 E-mail address: N/A

2.2.10 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PLAI@sahrc.org.za](mailto:PLAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Copies of documents of incorporation

3.2.1.2 Copies of the Constitution of the business

3.2.1.3 Copies of Association agreement

**3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

- 3.2.2.1 Regional Services Council records
- 3.2.2.2 Vat records
- 3.2.2.3 Tax records
- 3.2.2.4 PAYE records
- 3.2.2.5 UIF records
- 3.2.2.6 Stock records
- 3.2.2.7 Asset inventory
- 3.2.2.8 Asset register
- 3.2.2.9 Order forms
- 3.2.2.10 Invoices
- 3.2.2.11 Proof of delivery forms
- 3.2.2.12 Cheque Account / Current Account and Mortgage bond records and statements
- 3.2.2.13 Cash records
- 3.2.2.14 Financial reporting
- 3.2.2.15 Financial documents including management reports, cash flow statements, income statements and balance sheets

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Supply and Distribution agreements
- 3.2.3.2 Licences
- 3.2.3.3 Customer account records
- 3.2.3.4 Records with regards to sales
- 3.2.3.5 Records with regards to production

These records include, but are not limited to records which pertain to the Private Body's own affairs.

### **3.2.4 HUMAN RESOURCES DOCUMENTS AND RECORDS**

Personal records provided by employees and other records including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications
- 3.2.4.4 Salary advice slips and remuneration details
- 3.2.4.5 Disciplinary codes, procedures and records
- 3.2.4.6 Attendance register
- 3.2.4.7 Unemployment Insurance
- 3.2.4.8 Medical Aid and disability
- 3.2.4.9 Records relating to deductions, statutory or otherwise

*"Employees"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent, limited duration staff, as well as contract and seasonal workers.

### **3.2.5 SAFETY RECORDS**

NOT APPLICABLE

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

NOT APPLICABLE

### **3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

- 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

- 3.2.7.1.1 Labour Relations Act 66 of 1995

- 3.2.7.1.2 Basic Conditions of Employment Act 75 of 1997

- 3.2.7.1.3 Formalities in respect of Leases of Land Act 18 of 1969
- 3.2.7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.5 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.6 Value Added Tax Act 89 of 1991
- 3.2.7.1.7 Skills Development Act 9 of 1999
- 3.2.7.1.8 Usury Act 79 of 1968
- 3.2.7.1.9 Pension Funds Act 24 of 1956
- 3.2.7.1.10 Income Tax Act 58 of 1962
- 3.2.7.1.11 Close Corporation Act

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (eg accountant), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer

at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.

6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –

6.3.1 The record or records requested;

6.3.2 The identity of the requester,

6.3.3 Which form of access is required, if the request is granted;

6.3.4 The postal address or fax number of the requester.

6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.

6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.

7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

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

7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2.2 OTHER REQUESTER

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8 FEES

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Particulars of person of whose behalf request is made:**

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

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---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record: .

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
A postal fee is payable.		

**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*

Indicate which right is to be exercised or protected: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

**APPENDIX - 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

**THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:**

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other that the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
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• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

**Note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**

**of**

**TURF-AG PRODUCTS (PTY)  
LTD**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to TURF-AG PRODUCTS (PTY) LTD including its branches in Gauteng, Port Elizabeth, Kwazulu Natal and Bloemfontein a Private body which operates as an importer, distributor and designer of irrigation products and systems for whom this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: RUTH MARTHA DU TOIT**

Postal address: P O Box 37226, Chempet, 7442

Registered address: 72 – 6<sup>th</sup> Street, Springs

Physical Address: 11 Marconi Road, Montague Gardens

Tel: (021) 551 0790

Fax: (021) 551 0769

Email address: ruth@turf-ag.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: TURF-AG PRODUCTS (PTY) LTD

2.2.2 Head of Private Body: Andries Willem Stefanus Du Toit

2.2.3 Registration No: 1992/000951/07

2.2.4 Vat Registration No. 4870106079

2.2.5 Postal Address: P O Box 37226, Chempet, 7442

2.2.6 Physical Address (or main place of business): 11 Marconi Road, Montague Gardens

2.2.7 Telephone Number: (021) 551 0790

2.2.8 Facsimile number: (021) 551 0769

2.2.9 E-mail address: willie@turf-ag.co.za

2.2.10 Website: www.turf-ag.co.za

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PLAI@sahrc.org.za](mailto:PLAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Copies of documents of incorporation

3.2.1.2 Copies of the constitution of the business

3.2.1.3 Copies of Memorandum and Articles of Association

3.2.1.4 Copies of Shareholder's agreements

3.2.1.5 Copies of Board of Directors meetings

3.2.1.6 Copies of Management meetings

**3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Regional Services Council records

3.2.2.2 Vat records

3.2.2.3 Tax records

3.2.2.4 PAYE records

3.2.2.5 UIF records

3.2.2.6 Stock records

3.2.2.7 Asset inventory

3.2.2.8 Asset register

3.2.2.9 Order forms

3.2.2.10 Invoices

3.2.2.11 Monthly statements

3.2.2.12 Proof of delivery forms

3.2.2.13 Goods received vouchers

3.2.2.14 Goods returned vouchers

3.2.2.15 Credit notes

3.2.2.16 Cheque Account

3.2.2.17 Current Account

3.2.2.18 Cash records

3.2.2.19 Annual financial reports and statements

3.2.2.20 General financial documents

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1 Promotional material

3.2.3.2 Marketing call reports

3.2.3.3 Registered designs, patents / trademarks

3.2.3.4 Written product specifications

3.2.3.5 Manuals

3.2.3.6 Database of customers

3.2.3.7 Credit Application forms

3.2.3.8 Correspondence with customers

3.2.3.9 Customer account records

3.2.3.10 Records with regards to sales

3.2.3.11 Mission statement

3.2.3.12 Price lists

3.2.3.13 Records regarding customer complaints

3.2.3.14 Records pertaining to quoting

3.2.3.15 Supply Agreements

These records include, but are not limited to records which pertain to the Private Body's own affairs.

**3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and limited duration employees) including but not limited to:

3.2.4.1 Employment contracts

- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications
- 3.2.4.4 Salary records
- 3.2.4.5 Leave records
- 3.2.4.6 Records relating to increases
- 3.2.4.7 Disciplinary records
- 3.2.4.8 Medical history
- 3.2.4.9 Company policies
- 3.2.4.10 SETA records
- 3.2.4.11 Provident Fund
- 3.2.4.12 Pension Fund
- 3.2.4.13 Unemployment Insurance
- 3.2.4.14 Medical Aid
- 3.2.4.15 Records relating to deductions
- 3.2.4.16 Records of staff meetings

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, directors and all permanent employees.

### **3.2.5 SAFETY RECORDS**

NOT APPLICABLE

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 Licences

### **3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

- 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

- 3.2.7.1.1 Credit Agreements Act 75 of 1980

- 3.2.7.1.2 Labour Relations Act 66 of 1995
- 3.2.7.1.3 Employment Equity Act 55 of 1998
- 3.2.7.1.4 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.5 Companies Act 61 of 1973
- 3.2.7.1.6 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.7 South African Reserve Bank Act 90 of 1989
- 3.2.7.1.8 Value Added Tax Act 89 of 1991
- 3.2.7.1.9 Skills Development Act 9 of 1999
- 3.2.7.1.10 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer

at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.

- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
- 6.3.1 The record or records requested;
- 6.3.2 The identity of the requester,
- 6.3.3 Which form of access is required, if the request is granted;
- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:
- 7.2.1 **PERSONAL REQUESTER**
- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2.2 OTHER REQUESTER

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8 FEES

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

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## B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

---



---



---

## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

**1. Description of the Record or relevant part of the record:**

---

---

---

**2. Reference number, if available:** 

---

**2. Any further particulars of the record:**

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

---

**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

<input type="checkbox"/>	Copy of record *	<input type="checkbox"/>	Inspection of record
--------------------------	------------------	--------------------------	----------------------

**2. If the 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*
--------------------------	-----------------	--------------------------	----------------------	--------------------------	------------------------------

**3. If the 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)
--------------------------	--	--------------------------	--

**4. If the 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)
--------------------------	------------------------	--------------------------	---	--------------------------	---

\* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

A postal fee is payable.

**G. Particulars of right to be exercised or protected:**

If the provided space is inadequate, please continue of a separate folio and attach it to this form

*The requester must sign all the additional folios*

Indicate which right is to be exercised or protected: \_\_\_\_\_

\_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_  
\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

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Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

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• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

**Note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**SOUTHERN OCEANICS**  
**(PTY) LTD**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to SOUTHERN OCEANICS (PTY) LTD a private body within the manufacturing of military and commercial diving equipment industry, for whom this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: JOSE MANUEL GOMES**

Postal address: P O Box 36541, Chempet, 7442

Registered address: Noland House, River Park Lane, Mowbray, 7700

Physical Address: 20 Esso Road, Montague Gardens

Tel: (021) 529 4240

Fax: (021) 551 2275

E-mail address: jose@oceaniconline.net

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: SOUTHERN OCEANICS (PTY) LTD

2.2.2 Registration No: 1982/000337/07

2.2.3 Vat Registration No. 4140109606

2.2.4 Postal Address: P O Box 36541, Chempet, 7442

2.2.5 Physical Address (or main place of business): 20 Esso Road, Montague Gardens

2.2.6 Telephone Number: (021) 529 4240

2.2.7 Facsimile number: (021) 551 2275

2.2.8 E-mail address: david@oceaniconline.net

2.2.9 Website: www.oceaniconline.net

**PART II****3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PLAI@sahrc.org.za](mailto:PLAI@sahrc.org.za).*

### **PART III**

#### **3.1 RECORDS OF THE PRIVATE BODY**

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

#### **3.2 PRIVATE BODY DOCUMENTS AND RECORDS**

##### **3.2.1 INCORPORATION DOCUMENTS AND RECORDS**

3.2.1.1 Copies of documents of incorporation

3.2.1.2 Copies of the Memorandum and Articles of Association

3.2.1.3 Copies of Shareholder's agreements

3.2.1.4 Minutes of Board of Directors Meetings

3.2.1.5 Minutes of Shareholders' Meetings

3.2.1.6 Minutes of staff meetings

##### **3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Regional Services Council records

3.2.2.2 Vat records

3.2.2.3 Tax records

3.2.2.4 PAYE records

3.2.2.5 UIF records

3.2.2.6	Stock records
3.2.2.7	Asset inventory
3.2.2.8	Asset register
3.2.2.9	Order forms
3.2.2.10	Invoices
3.2.2.11	Annual Financial Statements
3.2.2.12	Proof of delivery forms
3.2.2.13	Goods received vouchers
3.2.2.14	Goods returned vouchers
3.2.2.15	Debit notes
3.2.2.16	Credit notes
3.2.2.17	Cheque Account
3.2.2.18	Current Account
3.2.2.19	Cash records
3.2.2.20	Financial reporting relating to management accounts
3.2.2.21	Financial documents

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1	Promotional material
3.2.3.2	Marketing call reports
3.2.3.3	Registered designs, patents / trademarks
3.2.3.4	Written product / service specifications
3.2.3.5	Customs license

- 3.2.3.6 Product / service manuals
- 3.2.3.7 Work instruction manuals
- 3.2.3.8 Database of customers
- 3.2.3.9 Credit Application forms
- 3.2.3.10 Correspondence with customers
- 3.2.3.11 Customer account records
- 3.2.3.12 Records with regards to sales
- 3.2.3.13 Records with regards to delivery notes and invoices
- 3.2.3.14 Project files
- 3.2.3.15 Clearing folders for imports
- 3.2.3.16 Price lists
- 3.2.3.17 Records pertaining to customer complaints / assessments
- 3.2.3.18 Records pertaining to quotes
- 3.2.3.19 Records relating to products
- 3.2.3.20 Records relating to sales
- 3.2.3.21 Records relating to market research
- 3.2.3.22 Supply Agreements
- 3.2.3.23 Distribution Agreements
- 3.2.3.24 Internal telephone directory

These records include, but are not limited to, the records which pertain to the Private Body's own affairs.

#### **3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 3.2.4.1            Employment contracts
- 3.2.4.2            Application forms
- 3.2.4.3            Qualifications
- 3.2.4.4            Salary records
- 3.2.4.5            Leave records
- 3.2.4.6            Records relating to increases
- 3.2.4.7            Disciplinary records
- 3.2.4.8            Performance management records
- 3.2.4.9            Medical history records of employees
- 3.2.4.10           Long service awards
- 3.2.4.11           Training records
- 3.2.4.12           Training manuals
- 3.2.4.13           Written company policies
- 3.2.4.14           Attendance register
- 3.2.4.15           Pension Fund records
- 3.2.4.16           Unemployment Insurance
- 3.2.4.17           Records relating to deductions

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body.

### **3.2.5            SAFETY RECORDS**

- 3.2.5.1            Safety manual
- 3.2.5.2            Records of incidents
- 3.2.5.3            Records relating to corrective action
- 3.2.5.4            Records relating to the Occupational Health & Safety Act
- 3.2.5.5            Records relating to the Compensation for Occupational Injuries and Diseases

3.2.5.6 Quality control test results

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

3.2.6.1 Licences

3.2.6.2 Software programs

3.2.6.3 Software applications

3.2.6.4 Computer generated databases

**3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

3.2.7.1.1 Labour Relations Act 66 of 1995

3.2.7.1.2 Employment Equity Act 55 of 1998

3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993

3.2.7.1.5 Companies Act 61 of 1973

3.2.7.1.6 Unemployment Insurance Act 63 of 2001

3.2.7.1.7 South African Reserve Bank Act 90 of 1989

3.2.7.1.8 Stamp Duties Act 77 of 1968

3.2.7.1.9 Value Added Tax Act 89 of 1991

3.2.7.1.10 Skills Development Act 9 of 1999

3.2.7.1.11 Usury Act 79 of 1968

3.2.7.1.12 Pension Funds Act 24 of 1956

3.2.7.1.13 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### 3.2.8 OTHER PARTY RECORDS

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. auditors), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided about contractors/suppliers.

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include -
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;
  - 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
  - 8.1.1 A request fee, which will be a standard fee; and
  - 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.

8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.

8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

---

---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

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---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

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**F. Form of Access to the 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) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
---	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

**H. Notice of decision regarding request for access:**

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

# **MANUAL**

**of**

## **M P B MATTHEE**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to MPB MATTHEE a private body which operates in the farming industry, for whom this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: MR J J MATTHEE**

Postal address: P O Box 668, Bredasdorp, 7280

Physical Address: Klipbankskloof

Tel: (028) 452 1608

Fax: (028) 452 1608

Email address: N/A

**2.2 GENERAL INFORMATION**

**2.2.1 Name of Private Body: M P B MATTHEE**

**2.2.2 Head of Private Body: MPB Matthee**

**2.2.3 Vat Registration No. 4820109116**

**2.2.4 Postal Address: P O Box 668, Bredasdorp, 7280**

**2.2.5 Physical Address (or main place of business): Klipbankskloof**

**2.2.6 Tel: (028) 452 1608**

**2.2.7 Fax: (028) 452 1608**

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

NOT APPLICABLE

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

##### 3.2.2.1 Regional Services Council records

##### 3.2.2.2 Vat records

3.2.2.3	Tax records
3.2.2.4	UIF records
3.2.2.5	Asset inventory
3.2.2.6	Asset register
3.2.2.7	Proof of delivery forms
3.2.2.8	Goods received vouchers
3.2.2.9	Debit notes
3.2.2.10	Credit notes
3.2.2.11	Savings Account records
3.2.2.12	Cheque Account / Current Account records and statements
3.2.2.13	Call Account records
3.2.2.14	Financial reporting records
3.2.2.15	Financial documents including annual financial statements

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1	Europ Gap compliance documentation
3.2.3.2	Licences and documentation relating to export of goods
3.2.3.3	Supply Agreements
3.2.3.4	Permits and licences
3.2.3.5	Correspondence with customers
3.2.3.6	Customer account records
3.2.3.7	Records with regards to sales
3.2.3.8	Records with regards to production

**3.2.3.9 Co-operative statistics**

These records include, but are not limited to records which pertain to the Private Body's own affairs.

**3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel and other records including but not limited to:

**3.2.4.1 Employment contracts / Letters of appointment****3.2.4.2 Remuneration records / Salary advice slips****3.2.4.3 Disciplinary codes, procedures and records****3.2.4.4 Unemployment Insurance****3.2.4.5 Records relating to deductions including statutory or otherwise****3.2.4.6 Identification records**

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent and limited duration staff.

**3.2.5 SAFETY RECORDS****3.2.5.1 Quality control test results****3.2.6 INFORMATION TECHNOLOGY RECORDS****3.2.6.1 Software Licences****3.2.6.2 Software programmes****3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION****3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-****3.2.7.1.1 Labour Relations Act 66 of 1995****3.2.7.1.2 Employment Equity Act 55 of 1998****3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997****3.2.7.1.4 Firearms Control Act 60 of 2000**

- 3.2.7.1.5 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.6 Constitution of SA 108 of 1996
- 3.2.7.1.7 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.8 Value Added Tax Act 89 of 1991
- 3.2.7.1.9 Skills Development Act 9 of 1999
- 3.2.7.1.10 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (example auditors), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;

- 4.6 the commercial activities of the Private Body, which may include –
- 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
- 6.3.1 The record or records requested;

- 6.3.2 The identity of the requester,
- 6.3.3 Which form of access is required, if the request is granted;
- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:

- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## **9 DECISION**

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## **10 AVAILABILITY OF THE MANUAL**

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

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## B. Particulars of Person requesting access to the record

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

Full Name and Surname: 

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Identity Number: 

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Postal Address: 

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Telephone Number: 

---

 Fax Number: 

---

E-mail address: 

---

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

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## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: 

---

Identity Number: 

---

**D. 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*

1. Description of the Record or relevant part of the record:

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2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

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**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

<b>1. If the record is in written or printed form:</b>			
	Copy of record *		Inspection of record

<b>2. If the record consists of visual images:</b>			
(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the images		Copy of the images *
			Transcription of the images*

<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)

<b>4. If the record is held on computer or in an electronic or machine-readable form:</b>			
	Printed copy of record		Printed copy of information derived from the record *
			Copy in computer readable form * (stiffy or compact disc)

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
--	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

**H. Notice of decision regarding request for access:**

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

## APPENDIX – 2

## REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

## THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

## Request fees:

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

## Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**BREDAFLOR (PTY) LTD**

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

**(Private Body)**

## 1 INTRODUCTION

1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to BREDAFLOR (PTY) LTD a private body in the flower export and import industry for which this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: MR J M MARAIS**

Postal address: P O Box 225, Bredasdorp

Physical Address: 2<sup>nd</sup> Avenue, Bredasdorp

Tel: (028) 424 2005

Fax: (028) 424 1395

Email address: bredaflor@dorea.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: BREDAFLOR (PTY) LTD

2.2.2 Head of Private Body: Mr J M Marais

2.2.3 Registration No: 1980/00069/07

2.2.4 Vat Registration No. 4920109156

2.2.5 Postal Address: P O Box 225, Bredasdorp

2.2.6 Physical Address (or main place of business): 2<sup>nd</sup> Avenue, Bredasdorp

2.2.7 Telephone Number: (028) 424 2005

2.2.8 Facsimile number: (028) 424 1395

2.2.9 E-mail address: bredaflor@dorea.co.za

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Copies of the Constitution of the business

3.2.1.2 Copies of Shareholders' agreements

3.2.1.3 Minutes of Board of Directors meetings

3.2.1.4 Minutes of Shareholders' meetings

3.2.1.5 Minutes of Management meetings

**3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Regional Services Council records

3.2.2.2 Vat records

3.2.2.3 Tax records

3.2.2.4 PAYE records

3.2.2.5 UIF records

3.2.2.6 Stock records

3.2.2.7 Asset inventory

3.2.2.8 Asset register

3.2.2.9 Order forms

3.2.2.10 Invoices

3.2.2.11 Statements

3.2.2.12 Proof of delivery forms

3.2.2.13 Goods received vouchers

3.2.2.14 Goods returned vouchers

3.2.2.15 Debit notes

3.2.2.16 Credit notes

3.2.2.17 Cheque Account records and statements

3.2.2.18 Current Account records and statements

3.2.2.19 Call Account records

3.2.2.20 Cash records

3.2.2.21 Financial statements

3.2.2.22 Financial documents

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1 Supply agreements

3.2.3.2 Distribution agreements

3.2.3.3 Internal telephone directory

3.2.3.4 Environmental impact studies / reports / results

3.2.3.5 Promotional material

3.2.3.6 Marketing call reports

3.2.3.7 Records relating to business plan /activities

3.2.3.8 Licences relating to export and collection of dry flowers

3.2.3.9 Product / service manuals

3.2.3.10 Work instruction manuals

3.2.3.11 Database of customers

3.2.3.12 Correspondence with customers

3.2.3.13 Customer account records

3.2.3.14 Records with regards to sales, including exports

3.2.3.15 Records with regards to production

3.2.3.16 Records with regards to scheduling, supply and export and import of goods

3.2.3.17 Business plans

3.2.3.18 Strategy document

3.2.3.19 Vision statement

- 3.2.3.20 Mission statement
- 3.2.3.21 Action plans
- 3.2.3.22 Price lists
- 3.2.3.23 Records relating to customer complaints / assessments
- 3.2.3.24 Records pertaining to costing / quoting

These records include, but are not limited to records which pertain to the Private Body's own affairs.

#### **3.2.4 HUMAN RESOURCES DOCUMENTS AND RECORDS**

Personal records provided by employees (including permanent and limited duration employees) and other records including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications
- 3.2.4.4 Remuneration records
- 3.2.4.5 Leave records
- 3.2.4.6 Records relating to increases
- 3.2.4.7 Disciplinary codes, procedures and records
- 3.2.4.8 Performance management records
- 3.2.4.9 Medical history
- 3.2.4.10 Long service awards
- 3.2.4.11 Training records
- 3.2.4.12 Company policies
- 3.2.4.13 Employment Equity Plan
- 3.2.4.14 SETA records
- 3.2.4.15 Attendance register
- 3.2.4.16 Pension Fund

- 3.2.4.17 Unemployment Insurance
- 3.2.4.18 Minutes of staff meetings
- 3.2.4.19 Records relating to deductions, statutory or otherwise
- 3.2.4.20 Identification records

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, directors, all permanent, limited duration staff, as well as contract workers.

### 3.2.5 SAFETY RECORDS

- 3.2.5.1 Safety manual
- 3.2.5.2 Records relating to incidents
- 3.2.5.3 Records relating to corrective action
- 3.2.5.4 Records in terms of the Occupational Health and Safety Act
- 3.2.5.5 Quality control test results

### 3.2.6 INFORMATION TECHNOLOGY RECORDS

- 3.2.6.1 Licences
- 3.2.6.2 Software programs
- 3.2.6.3 Computer generated databases

### 3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-
  - 3.2.7.1.1 Labour Relations Act 66 of 1995
  - 3.2.7.1.2 Employment Equity Act 55 of 1998
  - 3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997
  - 3.2.7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
  - 3.2.7.1.5 Constitution of SA Act 108 of 1996

- 3.2.7.1.6 Companies Act 61 of 1973
- 3.2.7.1.7 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.8 Banks Act 94 of 1990
- 3.2.7.1.9 South African Reserve Bank Act 90 of 1989
- 3.2.7.1.10 Value Added Tax 89 of 1991
- 3.2.7.1.11 Skills Development Act 9 of 1999
- 3.2.7.1.12 Pension Funds Act 24 of 1956
- 3.2.7.1.13 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (eg auditor), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in Appendix 1, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer

at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.

- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;
  - 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:
  - 7.2.1 **PERSONAL REQUESTER**
    - 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
    - 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2.2 OTHER REQUESTER

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8 FEES

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

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**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

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**C. Particulars of person of whose behalf request is made:***This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

**1. Description of the Record or relevant part of the record:**

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**2. Reference number, if available:** 

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**2. Any further particulars of the record:**

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**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

\* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

A postal fee is payable.

**G. Particulars of right to be exercised or protected:**

If the provided space is inadequate, please continue of a separate folio and attach it to this form

*The requester must sign all the additional folios*

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_  
 \_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

**THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:**

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

R

- For a copy in a computer-readable form on
  - Stiffy disc 7,50
  - Compact disc 70,00
- A transcription of visual images, for an A4-size page or part thereof 40,00
- For a copy of visual images 60,00
- A transcription of an audio record, for an A4-size page or part thereof 20,00
- For a copy of an audio record 30,00
- To search for a record that must be disclosed 30,00  
(per hour or part of an hour reasonably required for such search)
- Where a copy of a record needs to be posted the actual postal fee is payable.

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

**Note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

# **MANUAL**

**of**

## **ALUMANATION MANUFACTURING CC**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to ALUMANATION MANUFACTURING CC, a close corporation which operates as a manufacturer in the waterproofing industry, for which this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: JOHN EDWARD MITCHELL**

Postal address: P O Box 491, Bergvliet, 7864

Registered address: 25 Estmil Road, Diep River

Physical Address: 25 Estmil Road, Diep River

Tel: (021) 7155740

Fax: (021) 7128052

Email address: [info@alumanation.com](mailto:info@alumanation.com)

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: ALUMANATION MANUFACTURING CC

2.2.2 Head of Private Body: John Edward Mitchell

2.2.3 Registration No: CK NO 1986/19847/23

2.2.4 Vat Registration No. 4110103779

2.2.5 Postal Address: P O Box 491, Bergvliet, 7864

2.2.6 Physical Address (or main place of business): 25 Estmil Road, Diep River

2.2.7 Telephone Number: (021) 715 5740

2.2.8 Facsimile number: (021) 712 8052

2.2.9 E-mail address: [info@alumanation.com](mailto:info@alumanation.com)

2.2.10 Website: [www.alumanation.com](http://www.alumanation.com)

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Close Corporation records and documents of incorporation

3.2.1.2 Copies of Association agreement

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

3.2.2.1 Vat records

- 3.2.2.2 Tax records
- 3.2.2.3 PAYE records
- 3.2.2.4 UIF records
- 3.2.2.5 Stock records
- 3.2.2.6 Asset inventory
- 3.2.2.7 Asset register
- 3.2.2.8 Invoices
- 3.2.2.9 Statements
- 3.2.2.10 Proof of delivery forms
- 3.2.2.11 Goods received vouchers
- 3.2.2.12 Goods returned vouchers
- 3.2.2.13 Debit notes
- 3.2.2.14 Credit notes
- 3.2.2.15 Cheque Account / Current Account
- 3.2.2.16 Cash records
- 3.2.2.17 Financial reporting records
- 3.2.2.18 Financial documents

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Written product / service specifications
- 3.2.3.2 Database of customers
- 3.2.3.3 Correspondence with customers
- 3.2.3.4 Customer account records

3.2.3.5 Records with regards to sales

3.2.3.6 Price lists

3.2.3.7 Internal telephone directory

These records include, but are not limited to records which pertain to the Private Body's own affairs.

#### 3.2.4 HUMAN RESOURCES DOCUMENTS AND RECORDS

Personal records provided by employees and other records including but not limited to:

3.2.4.1 Employment contracts

3.2.4.2 Application forms

3.2.4.3 Qualifications

3.2.4.4 Salary records

3.2.4.5 Leave records

3.2.4.6 Records relating to increases

3.2.4.7 Company policies

3.2.4.8 Employment Equity Plan

3.2.4.9 Workplace Skills Plan

3.2.4.10 SETA records

3.2.4.11 Provident Fund

3.2.4.12 Pension Fund

3.2.4.13 Unemployment Insurance

3.2.4.14 Medical Aid

3.2.4.15 Records relating to deductions

"Personnel" refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent, limited duration staff, as well as contract workers.

**3.2.5 SAFETY RECORDS**

NOT APPLICABLE

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

3.2.6.1 Licences

3.2.6.2 Software programs

3.2.6.3 Software applications

3.2.6.4 Computer generated databases

**3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

3.2.7.1.1 Labour Relations Act 66 of 1995

3.2.7.1.2 Employment Equity Act 55 of 1998

3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.4 Unemployment Insurance Act 63 of 2001

3.2.7.1.5 Value Added Tax Act 89 of 1991

3.2.7.1.6 Skills Development Act 9 of 1999

3.2.7.1.7 Pension Funds Act 24 of 1956

3.2.7.1.8 Income Tax Act 58 of 1962

3.2.7.1.9 Close Corporation Act

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

**3.2.8 OTHER PARTY RECORDS**

3.2.8.1 Personnel, customer or Private Body records which are held by another party (eg auditors), as opposed to the records held by the Private Body itself;

- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include -
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

### 5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION

## 5.1 INTERNAL REMEDIES

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

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Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

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- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
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  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;
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- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
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### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

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- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
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- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
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- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## **9 DECISION**

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

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## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

\_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

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2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

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**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

<input type="checkbox"/>	Copy of record *	<input type="checkbox"/>	Inspection of record
--------------------------	------------------	--------------------------	----------------------

**2. If the 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*
--------------------------	-----------------	--------------------------	----------------------	--------------------------	------------------------------

**3. If the 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)
--------------------------	--	--------------------------	--

**4. If the 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)
--------------------------	------------------------	--------------------------	---	--------------------------	---

\* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

A postal fee is payable.

**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*

Indicate which right is to be exercised or protected: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_  
\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

**THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:**

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

**Note:** In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**MODDERASVLEI**  
**BELEGGINGS TRUST**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to MODDERASVLEI BELEGGINGS TRUST a private body within the fruit farming industry, for which this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent incl.)

**PART I****2 CONTACT DETAILS****2.1 Information Officer: GERHARD MALAN**

Postal address: P O Box 48, Riebeeck Wes 7306

Physical Address: Modderasvlei, Riebeeck-Wes

Tel: (022) 461 2419

Fax: (022) 461 2787

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: MODDERASVLEI BELEGGINGS TRUST

2.2.2 Head of Private Body: Gerhard Malan

2.2.3 Registration No: IT 2146/97

2.2.4 Vat Registration No. 4190168478

2.2.5 Postal Address: P O Box 48, Riebeeck Wes, 7306

2.2.6 Physical Address (or main place of business): Modderasvlei, Riebeeck-Wes

2.2.7 Telephone Number: (022) 461 2419

2.2.8 Facsimile number: (022) 461 2787

2.2.9 E-mail address: mod@wcaccess.co.za

2.2.10 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIA1@sahrc.org.za](mailto:PIA1@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

NOT APPLICABLE

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

3.2.2.1 Regional Service Council records

3.2.2.2 VAT records

3.2.2.3	Tax records
3.2.2.4	PAYE records
3.2.2.5	UIF records
3.2.2.6	Asset Inventory
3.2.2.7	Asset Register
3.2.2.8	Statements
3.2.2.9	Cheque account
3.2.2.10	Current account
3.2.2.11	Cash records
3.2.2.12	Financial Statements
3.2.2.13	Financial documents

Please note – above-mentioned records available from Bookkeeper

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1	Registered designs, patents or trademarks
3.2.3.2	Licences / permits
3.2.3.3	Correspondence with customers
3.2.3.4	Customer account records
3.2.3.5	Records relating to sales
3.2.3.6	Records relating to production
3.2.3.7	Price lists
3.2.3.8	Records relating to costing / quoting
3.2.3.9	Supply Agreements

## 3.2.3.10 Europ Gap Compliance documentation

The above records include, but are not limited to records which pertain to the Private Body's own affairs.

**3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and temporary) including but not limited to:

## 3.2.4.1 Employment contracts

## 3.2.4.2 Application forms

## 3.2.4.3 Qualifications

## 3.2.4.4 Salary records

## 3.2.4.5 Disciplinary Codes and records

## 3.2.4.6 Attendance register

## 3.2.4.7 Pension Fund

## 3.2.4.8 Unemployment Insurance

## 3.2.4.9 Records relating to deductions

"Personnel" refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, trustees, all permanent, limited duration staff, as well as contract and/or seasonal workers.

**3.2.5 SAFETY RECORDS**

## 3.2.5.1 Safety manual

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

## 3.2.6.1 Internet connectivity reports

**3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

## 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

## 3.2.7.1.1 Labour Relations Act 66 of 1995

- 3.2.7.1.2 Employment Equity Act 55 of 1998
- 3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.4 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.5 Income Tax Act 58 of 1962
- 3.2.7.1.6 Value Added Tax Act 89 of 1991

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. accountant, marketing agent), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains --
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include --

- 4.6.1 trade secrets of the Private Body;
- 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
- 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
- 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,

- 6.3.3 Which form of access is required, if the request is granted;
- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and

- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Particulars of person of whose behalf request is made:**

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

---

---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

---

**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?	YES	NO
A postal fee is payable.		

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

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• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**C J GELDENHUYS & SON**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to C J GELDENHUYS & SON, a private body which operates in the farming industry, for whom this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: C J GELDENHUYS**

Postal address: P O Box 316, Malmesbury, 7299

Physical Address: Papkuilsfontein, Malmesbury, 7299

Tel: (022) 482 2093

Email address: N/A

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: C J GELDENHUYS & SON

2.2.2 Head of Private Body: C J Geldenhuys

2.2.3 Vat Registration No. 4520151053

2.2.4 Postal Address: P O Box 316, Malmesbury, 7299

2.2.5 Physical Address (or main place of business): Papkuilsfontein, Malmesbury, 7299

2.2.6 Tel: (022) 4822093

2.2.7 Email address: N/A

2.2.8 Website address : N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

NOT APPLICABLE

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

- 3.2.2.1 Vat records
- 3.2.2.2 Tax records
- 3.2.2.3 PAYE records
- 3.2.2.4 UIF records
- 3.2.2.5 Savings Account records
- 3.2.2.6 Cheque Account / Current Account records
- 3.2.2.7 Call Account records
- 3.2.2.8 Financial documents and reports
- 3.2.2.9 Bank statements

### 3.2.3 OPERATIONAL DOCUMENTS AND RECORDS

- 3.2.3.1 Records with regards to sales
- 3.2.3.2 Records with regards to production

These records include, but are not limited to records which pertain to the Private Body's own affairs.

### 3.2.4 HUMAN RESOURCES DOCUMENTS AND RECORDS

Personal records provided by employees and other records including but not limited to:

- 3.2.4.1 Employment contracts / Letters of appointment
- 3.2.4.2 Remuneration records / Salary advice slips
- 3.2.4.3 Records relating to deductions including statutory or otherwise

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent and limited duration staff.

### 3.2.5 SAFETY RECORDS

NOT APPLICABLE

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

3.2.6.1 Licences

**3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

3.2.7.1.1 Labour Relations Act 66 of 1995

3.2.7.1.2 Employment Equity Act 55 of 1998

3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.4 Unemployment Insurance Act 63 of 2001

3.2.7.1.5 Value Added Tax Act 89 of 1991

3.2.7.1.6 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

**3.2.8 OTHER PARTY RECORDS**

3.2.8.1 Personnel, customer or Private Body records which are held by another party (example auditors), as opposed to the records held by the Private Body itself;

3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

**PART IV****4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

4.2 mandatory protection of the commercial information of a third party, if the record contains -

4.2.1 trade secrets of that third party;

- 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
- 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## 6 REQUEST PROCEDURE

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;
  - 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## 7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:
  - 7.2.1 **PERSONAL REQUESTER**
    - 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.

- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2.2 OTHER REQUESTER

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8 FEES

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Particulars of person of whose behalf request is made:**

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

## 1. Description of the Record or relevant part of the record:

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## 2. Reference number, if available: \_\_\_\_\_

## 2. Any further particulars of the record:

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**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
--	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

**H. Notice of decision regarding request for access:**

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

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

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX-2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

**THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:**

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**

**of**

**DAVID DICEY FAMILY  
TRUST t/a BUCHULAND  
AND/OR  
STRATHBREDE FARM**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

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In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to DAVID DICEY FAMILY TRUST a private body within the fruit producing industry, for which this manual is drafted.

Wherever reference is made to a "document" or "record", it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: PHILIP CHRISTOPHER DICEY**

Postal address: P O Box 59, Wolseley, 6830

Physical Address: Strathbreede Farm, Wolseley

Tel: (023) 2310879

Fax: (023) 3162995

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: DAVID DICEY FAMILY TRUST

2.2.2 Head of Private Body: CHRISTOPHER DAVID DICEY

2.2.3 Registration No: T-2785-94

2.2.4 Vat Registration No. 4180146591

2.2.5 Postal Address: P O Box 59, Wolseley, 6830

2.2.6 Physical Address (or main place of business): Strathbreede Farm, Wolseley

2.2.7 Telephone Number: (023) 2310879

2.2.8 Facsimile number: (023) 2310880

2.2.9 E-mail address: diceyd@cybertrade.co.za

2.2.10 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

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*at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

##### 3.2.1.1 Trust deed and records

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

##### 3.2.2.1 Regional Services Council records

##### 3.2.2.2 VAT records

3.2.2.3	Tax records
3.2.2.4	PAYE records
3.2.2.5	UIF records
3.2.2.6	Stock records
3.2.2.7	Asset Inventory
3.2.2.8	Asset register
3.2.2.9	Invoices
3.2.2.10	Statements
3.2.2.11	Cheque account
3.2.2.12	Current account
3.2.2.13	Call account
3.2.2.14	Trust account
3.2.2.15	Annual unaudited financial statements
3.2.2.16	Financial documents

Please note – above-mentioned records may be available at accountant's offices

### 3.2.3 OPERATIONAL DOCUMENTS AND RECORDS

3.2.3.1	Records relating to sales
3.2.3.2	Records relating to production including orchard production
3.2.3.3	Records relating to customer complaints
3.2.3.4	Europ Gap Compliance documentation

The above records include, but are not limited to records which pertain to the Private Body's own affairs.

### 3.2.4 PERSONNEL DOCUMENTS AND RECORDS

Personal records provided by personnel (including permanent, temporary and seasonal employees) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Salary records
- 3.2.4.4 Leave records
- 3.2.4.5 Disciplinary codes and records
- 3.2.4.6 Long service awards
- 3.2.4.7 Training records
- 3.2.4.8 SETA records
- 3.2.4.9 Attendance register
- 3.2.4.10 Unemployment Insurance
- 3.2.4.11 Trade Union records
- 3.2.4.12 Records relating to Recognition agreements and wage agreements
- 3.2.4.13 Records relating to deductions
- 3.2.4.14 Records relating to contracts with Independent Contractors

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, trustees, all permanent, temporary and part-time staff, as well as contract and/or seasonal workers.

### 3.2.5 SAFETY RECORDS

NOT APPLICABLE

### 3.2.6 INFORMATION TECHNOLOGY RECORDS

NOT APPLICABLE

### 3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

- 3.2.7.1.1 Short term Insurance Act 53 of 1998
- 3.2.7.1.2 Labour Relations Act 66 of 1995
- 3.2.7.1.3 Employment Equity Act 55 of 1998
- 3.2.7.1.4 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.5 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.6 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.7 Value Added Tax Act 89 of 1991
- 3.2.7.1.8 Skills Development Act 9 of 1999
- 3.2.7.1.9 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### 3.2.8 OTHER PARTY RECORDS

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. accountant, marketing agent), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer

at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.

6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –

6.3.1 The record or records requested;

6.3.2 The identity of the requester,

6.3.3 Which form of access is required, if the request is granted;

6.3.4 The postal address or fax number of the requester.

6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.

6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.

7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

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

7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

## 7.2.2 OTHER REQUESTER

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## 8 FEES

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

--

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:


**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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


**C. Particulars of person of whose behalf request is made:**

<i>This section must be completed only if a request for information is made on behalf of another person</i>
---

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

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---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

---

**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

<input type="checkbox"/>	Copy of record *	<input type="checkbox"/>	Inspection of record
--------------------------	------------------	--------------------------	----------------------

**2. If the 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*
--------------------------	-----------------	--------------------------	----------------------	--------------------------	------------------------------

**3. If the 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)
--------------------------	--	--------------------------	--

**4. If the 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)
--------------------------	------------------------	--------------------------	---	--------------------------	---

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
---	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

## APPENDIX – 2

## REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

## Request fees:

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

## Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

# **MANUAL**

of

## **DONSTEEL & FORGINGS CC**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to DONSTEEL & FORGINGS CC a close corporation which operates in the steel industry for which this manual is drafted.

Wherever reference is made to a *"document"* or *"record"*, it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included),.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: JEANNE NELL STUMPF**

Postal address: P O Box 3474, Tygerpark, 7536

Registered address: P O Box 3474, Tygerpark, 7536

Physical Address: 12 Willow Road, Stikland

Tel: (021) 949 7550

Fax: (021) 949 7520

Email address: donsteel@isales.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: DONSTEEL & FORGINGS CC

2.2.2 Head of Private Body: Donald Michael Griessel

2.2.3 Registration No: 1989/002303/23

2.2.4 Vat Registration No. 4840102166

2.2.5 Postal Address: P O Box 3474, Tygerpark, 7536

2.2.6 Physical Address (or main place of business): 12 Willow Road, Stikland

2.2.7 Telephone Number: (021) 949 7550

2.2.8 Facsimile number: (021) 949 7520

2.2.9 E-mail address: donsteel@isales.co.za

2.2.10 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Copies of documents of incorporation

3.2.1.2 Copies of the Constitution of the business

3.2.1.3 Copies of the Association agreement

3.2.1.4 Copies of Shareholders' agreements

3.2.1.5 Minutes of Board of Directors meetings

3.2.1.6 Minutes of Shareholders' meetings

3.2.1.7 Minutes of Members meetings

3.2.1.8 Minutes of staff meetings

**3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Regional Services Council records

3.2.2.2 Vat records

3.2.2.3 Tax records

3.2.2.4 PAYE records

3.2.2.5 UIF records

3.2.2.6 Stock records

3.2.2.7 Order forms including stores orders

3.2.2.8 Invoices

3.2.2.9 Monthly statements and sales reports

3.2.2.10 Proof of delivery forms and delivery notes

3.2.2.11 Goods returned vouchers

3.2.2.12 Credit notes

3.2.2.13 Cheque account

3.2.2.14 Cash records

3.2.2.15 Financial reporting records

3.2.2.16 Financial documents

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Promotional material
- 3.2.3.2 Product / Service manuals / charts of account
- 3.2.3.3 Work instruction manuals
- 3.2.3.4 Database of customers
- 3.2.3.5 Credit Guarantee forms
- 3.2.3.6 Correspondence with customers
- 3.2.3.7 Customer account records
- 3.2.3.8 Records with regards to sales
- 3.2.3.9 Price lists
- 3.2.3.10 Customer complaints / assessments
- 3.2.3.11 Records pertaining to quoting

These records include, but are not limited to records which pertain to the Private Body's own affairs.

#### **3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and limited duration employees) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Application forms
- 3.2.4.3 Qualifications
- 3.2.4.4 Salary records
- 3.2.4.5 Leave records
- 3.2.4.6 Records relating to increases
- 3.2.4.7 Disciplinary records
- 3.2.4.8 Medical history

- 3.2.4.9 Training records
- 3.2.4.10 Training manuals
- 3.2.4.11 Written company policies
- 3.2.4.12 SETA records
- 3.2.4.13 Attendance register
- 3.2.4.14 Unemployment Insurance
- 3.2.4.15 Records of deductions

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, members, all permanent and limited duration employees, as well as contract workers (if applicable).

### 3.2.5 SAFETY RECORDS

- 3.2.5.1 Records relating to incidents
- 3.2.5.2 Records in terms of the Occupational Health and Safety Act

### 3.2.6 INFORMATION TECHNOLOGY RECORDS

- 3.2.6.1 Licences
- 3.2.6.2 Software programs
- 3.2.6.3 Software applications
- 3.2.6.4 Computer generated databases

### 3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

- 3.2.7.1.1 Short Term Insurance Act 53 of 1998
- 3.2.7.1.2 Long Term Insurance Act 52 of 1998
- 3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.4 Formalities in respect of Leases of Land Act 18 of 1969
- 3.2.7.1.5 Compensation for Occupational Injuries and Diseases Act 130 of 1993

- 3.2.7.1.6 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.7 Value Added Tax Act 89 of 1991
- 3.2.7.1.8 Skills Development Act 9 of 1999
- 3.2.7.1.9 Income Tax Act 58 of 1962
- 3.2.7.1.10 Close Corporation Act

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### **3.2.8 OTHER PARTY RECORDS**

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains -
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include -

- 4.6.1 trade secrets of the Private Body;
- 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
- 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
- 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,

- 6.3.3 Which form of access is required, if the request is granted;
- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
  - 8.1.1 A request fee, which will be a standard fee; and

- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 10 AVAILABILITY OF THE MANUAL

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

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

--

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:


**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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


**C. Particulars of person of whose behalf request is made:**

<i>This section must be completed only if a request for information is made on behalf of another person</i>
---

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

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2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

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**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

\* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

YES

NO

A postal fee is payable.

**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*

Indicate which right is to be exercised or protected: \_\_\_\_\_

\_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_  
\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

## APPENDIX – 2

## REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

## THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

## Request fees:

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

## Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

R

- For a copy in a computer-readable form on
  - Stiffy disc 7,50
  - Compact disc 70,00
- A transcription of visual images, for an A4-size page or part thereof 40,00
- For a copy of visual images 60,00
- A transcription of an audio record, for an A4-size page or part thereof 20,00
- For a copy of an audio record 30,00
- To search for a record that must be disclosed 30,00  
(per hour or part of an hour reasonably required for such search)
- Where a copy of a record needs to be posted the actual postal fee is payable.

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**PRETTY SAFE SECURITY**  
**(PTY) LTD T/A EINA IVY**

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

**(Private Body)**

## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to PRETTY SAFE SECURITY (PTY) LTD t/a EINA IVY a private body within the security manufacturing industry for whom this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: Terence Harlow**

Postal address: P O Box 252, Goodwood, 7459

Physical Address: 18 Jones Street, Parow

Tel: (021) 930 9300

Fax: (021) 930 5384

E-mail: mailin@eina-ivy.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: PRETTY SAFE SECURITY (PTY) LTD T/A EINA IVY

2.2.2 Registration No. 1999/24944/07

2.2.3 Postal Address: P O Box 252, Goodwood, 7459

2.2.4 Physical Address (or main place of business): 18 Jones Street, Parow, Cape Town

2.2.5 Telephone Number: (021) 930 9300

2.2.6 Facsimile number: (021) 930 5384

2.2.7 E-mail address: mailin@eina-ivy.co.za

2.2.8 Website: www.eina-ivy.co.za

**PART II****3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

### **PART III**

#### **3.1 RECORDS OF THE PRIVATE BODY**

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

#### **3.2 PRIVATE BODY DOCUMENTS AND RECORDS**

##### **3.2.1 INCORPORATION DOCUMENTS AND RECORDS**

3.2.1.1 Copies of documents of incorporation

3.2.1.2 Copies of the Memorandum and Articles of Association

3.2.1.3 Copies of Shareholder's agreements

##### **3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Auditing

3.2.2.2 Annual Financial Statements

3.2.2.3 Regional Services Council levy records

3.2.2.4 Vat records

3.2.2.5 Tax records

3.2.2.6 PAYE records

3.2.2.7 UIF records

3.2.2.8 Stock records

3.2.2.9 Asset inventory

3.2.2.10 Asset register

3.2.2.11 Order forms

3.2.2.12 Invoices

3.2.2.13 Delivery notes

3.2.2.14 Proof of delivery forms

3.2.2.15 Goods received vouchers

3.2.2.16 Debit notes

3.2.2.17 Credit notes

3.2.2.18 Cheque account

3.2.2.19 Cash records

3.2.2.20 Detailed Ledger

3.2.2.21 Income statements

3.2.2.22 Trial Balance Sheets

### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1 Promotional material

3.2.3.2 Marketing call reports

3.2.3.3 Written policies regarding business plan

3.2.3.4 Registered designs, patents / trademarks

3.2.3.5 Product / service specifications

3.2.3.6 Product / service manuals

3.2.3.7 Work instruction manuals

3.2.3.8 Database of customers

- 3.2.3.9 Correspondence with customers
- 3.2.3.10 Records with regards to sales and production
- 3.2.3.11 Records with regards to scheduling and supply of goods
- 3.2.3.12 Business plans
- 3.2.3.13 Strategy
- 3.2.3.14 Vision
- 3.2.3.15 Mission
- 3.2.3.16 Action plans
- 3.2.3.17 Price lists
- 3.2.3.18 Records pertaining to customer complaints / assessments
- 3.2.3.19 Records pertaining to costing
- 3.2.3.20 Records relating to products
- 3.2.3.21 Records relating to market research
- 3.2.3.22 Internal policies and procedures
- 3.2.3.23 Supply Agreements
- 3.2.3.24 Distribution Agreements

These records include, but are not limited to, the records which pertain to the Private Body's own affairs.

#### 3.2.4 PERSONNEL DOCUMENTS AND RECORDS

Personal records provided by personnel / employees (including permanent and temporary) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Identity documents
- 3.2.4.3 Application forms

- 3.2.4.4 Qualifications and Curriculum Vitae
- 3.2.4.5 Salary records
- 3.2.4.6 Leave records
- 3.2.4.7 Conditions of employment and other personnel-related records
- 3.2.4.8 Disciplinary records
- 3.2.4.9 Attendance register
- 3.2.4.10 Unemployment Insurance
- 3.2.4.11 Records of deductions
- 3.2.4.12 Workman's Compensation records
- 3.2.4.13 SETA Records

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, directors and all permanent staff.

### **3.2.5 SAFETY RECORDS**

- 3.2.5.1 Records relating to incidents

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

NOT APPLICABLE

### **3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

- 3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

- 3.2.7.1.1 Labour Relations Act 66 of 1995
- 3.2.7.1.2 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.3 Companies Act 61 of 1973
- 3.2.7.1.4 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.5 Value Added Tax Act 89 of 1991
- 3.2.7.1.6 Skills Development Act 9 of 1999

3.2.7.1.7 Income Tax Act 58 of 1962

### 3.2.8 OTHER PARTY RECORDS

3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. agents), as opposed to the records held by the Private Body itself;

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

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

4.2 mandatory protection of the commercial information of a third party, if the record contains -

4.2.1 trade secrets of that third party;

4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

4.4 mandatory protection of the safety of individuals and the protection of property;

4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;

4.6 the commercial activities of the Private Body, which may include -

4.6.1 trade secrets of the Private Body;

4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;

4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;

4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.

4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.

6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –

6.3.1 The record or records requested;

6.3.2 The identity of the requester,

6.3.3 Which form of access is required, if the request is granted;

6.3.4 The postal address or fax number of the requester.

6.4 The requester must state the he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.

6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.

- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.

- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## **9 DECISION**

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## **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 the Private Body may also be available on the website of the Private Body (if applicable).

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

**A. Particulars of Private Body**

The Head:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of Person requesting access to the record**

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Particulars of person of whose behalf request is made:**

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

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2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

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---

**E. Fees:**

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

Reason for exemption of payment of the fee:

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**F. Form of Access to the 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) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

Copy of record *	Inspection of record
------------------	----------------------

**2. If 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 cassette)	Transcription of soundtrack * (written or printed document)
--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

Printed copy of record	Printed copy of information derived from the record *	Copy in computer readable form * (stiffy or compact disc)
------------------------	---	---

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
---	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

**THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:**

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
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• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00 per
Hour or part of an hour reasonably required for such search.	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**  
**of**  
**GMP PROGRAPHICS**  
**AFRICA (PTY) LTD**

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

**(Private Body)**

## 1 INTRODUCTION

1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to GMP PROGRAPHICS AFRICA (PTY) LTD including its branches in Durban, Port Elizabeth and Midrand which operates as a manufacturer and wholesaler and for whom this manual is drafted.

Wherever reference is made to a *"document"* or *"record"* it shall include such documents or records that are stored on a computer or in any form of electronic format (precedent included).

**PART I****2 CONTACT DETAILS****2.1 Information Officer: Andrew Hoyle**

Postal address: P O Box 36712, Chempet, 7442

Physical Address: 3 Baker Street, Montague Gardens

Tel: (021) 551 1380

Fax: (021) 552 3645

E-mail: [andrew@gmpsa.co.za](mailto:andrew@gmpsa.co.za)

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: GMP PROGRAPHICS AFRICA (PTY) LTD

2.2.2 Registration No: 1993/004546/07

2.2.3 Postal Address: P O Box 36712, Chempet, 7442

2.2.4 Physical Address (or main place of business): 3 Baker Street, Montague Gardens

2.2.5 Telephone Number: (021) 551 1380

2.2.6 Facsimile number: (021) 552 3645

2.2.7 E-mail address: [andrew@gmpsa.co.za](mailto:andrew@gmpsa.co.za)

2.2.8 Website: N/A

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

## PART III

### 3.1 RECORDS OF THE PRIVATE BODY

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

The head of the private body may, in addition and on a voluntary basis, also publish notices in terms of Section 52(2) of the Act regarding categories of records which are available without a person having to request access in terms of the Act.

### 3.2 PRIVATE BODY DOCUMENTS AND RECORDS

#### 3.2.1 INCORPORATION DOCUMENTS AND RECORDS

3.2.1.1 Copies of documents of the incorporation

3.2.1.2 Copies of the Memorandum and Articles of Association

3.2.1.3 Copies of Shareholder's agreements

3.2.1.4 Minutes of Board of Directors' meetings

3.2.1.5 Minutes of Shareholders' meetings

3.2.1.6 Minutes of Management meetings

3.2.1.7 Minutes of Staff meetings

**3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Auditing

3.2.2.2 Annual Financial Statements

3.2.2.3 Regional Services Council levy records

3.2.2.4 Vat records

3.2.2.5 Tax records

3.2.2.6 PAYE records

3.2.2.7 UIF records

3.2.2.8 Stock records

3.2.2.9 Asset inventory

3.2.2.10 Asset register

3.2.2.11 Order forms

3.2.2.12 Invoices and statements

3.2.2.13 Annual statement

3.2.2.14 Auditor's reports

3.2.2.15 Debit notes

3.2.2.16 Credit notes

3.2.2.17 Cheque account

3.2.2.18 Call account

3.2.2.19 Cash records

3.2.2.20 Statements

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1 Promotional material

3.2.3.2 Marketing call reports

3.2.3.3 Product / service manuals

3.2.3.4 Work instruction manuals

3.2.3.5 Database of customers

3.2.3.6 Credit Application forms and records

3.2.3.7 Correspondence with customers

3.2.3.8 Delivery notes

3.2.3.9 Proof of delivery forms

3.2.3.10 Proof of delivery notes

3.2.3.11 Invoices

3.2.3.12 Goods received vouchers

3.2.3.13 Goods returned vouchers

3.2.3.14 Records with regards to sales and production

3.2.3.15 Business plans

3.2.3.16 Strategy

3.2.3.17 Vision

3.2.3.18 Mission statements

3.2.3.19 Action plans

- 3.2.3.20 Price lists
- 3.2.3.21 Records pertaining to costing
- 3.2.3.22 Internal policies and procedures

These records include, but are not limited to records which pertain to the Private Body's own affairs.

#### 3.2.4 PERSONNEL DOCUMENTS AND RECORDS

Personal records provided by personnel (including permanent and limited duration employees) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Identity documents
- 3.2.4.3 Application forms
- 3.2.4.4 Qualifications
- 3.2.4.5 Salary records
- 3.2.4.6 Leave records
- 3.2.4.7 Conditions of employment and other personnel-related records
- 3.2.4.8 Records relating to increases
- 3.2.4.9 Disciplinary records
- 3.2.4.10 Performance management records
- 3.2.4.11 Medical history records
- 3.2.4.12 Attendance register
- 3.2.4.13 Pension Fund records
- 3.2.4.14 Unemployment Insurance
- 3.2.4.15 Records of deductions
- 3.2.4.16 Identification records
- 3.2.4.17 Workman's Compensation records
- 3.2.4.18 Records relating to Independent Contractors

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, directors, all permanent, limited duration staff, as well as contract workers.

### **3.2.5 SAFETY RECORDS**

- 3.2.5.1 Records relating to Occupational Injuries and Diseases

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 Licences
- 3.2.6.2 Software programs
- 3.2.6.3 Computer generated databases and backups

### **3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION**

- 3.2.7.1 A list of certain legislation setting out a description of the records of the Private Body which are available in accordance with such legislation, is as follows:-

- 3.2.7.1.1 Deeds Registries Act, 47 of 1937
- 3.2.7.1.2 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.3 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.4 Companies Act 61 of 1973
- 3.2.7.1.5 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.6 South African Reserve Bank Act 90 of 1989
- 3.2.7.1.7 Value Added Tax Act 89 of 1991
- 3.2.7.1.8 Skills Development Act 9 of 1999
- 3.2.7.1.9 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation and all relevant sections within such legislation in terms of which the private body holds records.

### 3.2.8 OTHER PARTY RECORDS

- 3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. marketing agent), as opposed to the records held by the Private Body itself;
- 3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided;
- 3.2.8.3 Records relating to the Private Body's marketers / agents.

## PART IV

### 4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for the Private Body to refuse a request for information relates to the -

- 4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 4.2 mandatory protection of the commercial information of a third party, if the record contains –
  - 4.2.1 trade secrets of that third party;
  - 4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
  - 4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 4.4 mandatory protection of the safety of individuals and the protection of property;
- 4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;
- 4.6 the commercial activities of the Private Body, which may include –
  - 4.6.1 trade secrets of the Private Body;
  - 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
  - 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
  - 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;

- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
- 6.3.1 The record or records requested;
- 6.3.2 The identity of the requester,
- 6.3.3 Which form of access is required, if the request is granted;
- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.

- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and
- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**.

- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## **9 DECISION**

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## **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 the Private Body may also be available on the website of the Private Body (if applicable).

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

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## B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

---

---

---

## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

---

---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

---

**F. Form of Access to the 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) Your indication as to the required form of access depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? A postal fee is payable.	YES	NO
--	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_  
\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200 \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE

**APPENDIX – 2****REPRODUCTION FEES**

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

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• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
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- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
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**Request fees:**

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

**Access fees:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

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• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**MANUAL**

**of**

**HENRI NICOLAAS RADEMAN  
DU PLESSIS (SNR)**

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

**(Private Body)**

## 1 INTRODUCTION

1.1 The Promotion of Access to Information Act, No 2 of 2000 (*"the Act"*) was enacted on 3 February 2000, 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 or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, **except where the Act expressly provides that the information may or must not be released.** The Act sets out the requisite procedural issues attached to such request.

### 1.2 PURPOSE OF THE MANUAL:

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

Wherever reference is made to *"Private Body"* in this manual, it will refer to HENRI NICOLAAS RADEMAN DU PLESSIS (SNR) a sole proprietor and private body in the farming industry for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

#### 2.1 Information Officer: HENRI NICOLAAS RADEMAN DU PLESSIS (JNR)

Postal address: P O Box 8, Prince Alfreds Hamlet, 6840

Physical Address: Elandsrivier, Prince Alfreds Hamlet

Tel: (023) 313 3375

Fax: (023) 313 3375

E-mail: [hnrduplessis@lando.co.za](mailto:hnrduplessis@lando.co.za)

#### 2.2 GENERAL INFORMATION

##### 2.2.1 Name of Private Body: HENRI NICOLAAS RADEMAN DU PLESSIS (SNR)

##### 2.2.2 Postal Address: P O Box 8, Prince Alfreds Hamlet, 6840

##### 2.2.3 Physical Address (or main place of business): Elandsrivier, Prince Alfreds Hamlet

##### 2.2.4 Telephone Number: (023) 313 3375

##### 2.2.5 Facsimile number: (023) 313 3375

##### 2.2.6 E-mail address: [hnrduplessis@lando.co.za](mailto:hnrduplessis@lando.co.za)

## PART II

### 3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission has at the date of printing hereof not yet compiled the guide contemplated in Section 10 of the Act. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

*The South African HUMAN RIGHTS COMMISSION,*

*at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),*

*Private Bag X2700, HOUGHTON, 2041;*

*Telephone Number: (011) 484-8300;*

*Facsimile Number: (011) 484-1360;*

*Website: [www.sahrc.org.za](http://www.sahrc.org.za);*

*E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).*

### **PART III**

#### **3.1 RECORDS OF THE PRIVATE BODY**

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act.

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

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

#### **3.2 PRIVATE BODY DOCUMENTS AND RECORDS**

##### **3.2.1 INCORPORATION DOCUMENTS AND RECORDS**

3.2.1.1 Minutes of Staff meetings

##### **3.2.2 FINANCIAL DOCUMENTS AND RECORDS**

3.2.2.1 Vat records

3.2.2.2 Tax records

3.2.2.3 PAYE records

3.2.2.4 UIF records

3.2.2.5 Stock records

3.2.2.6 Asset inventory

3.2.2.7 Asset register

3.2.2.8 Cheque account

3.2.2.9 Current account

3.2.2.10 General financial Statements

3.2.2.11 Invoices

##### **3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1 Correspondence with customers

- 3.2.3.2 Invoices
- 3.2.3.3 Records with regards to sales and production
- 3.2.3.4 Records pertaining to costing
- 3.2.3.5 Europ Gap Compliance documentation
- 3.2.3.6 Internal policies and procedures
- 3.2.3.7 Supply Agreements
- 3.2.3.8 Distribution Agreements
- 3.2.3.9 Waste disposal manuals / policies

These records include, but are not limited to, the records which pertain to the Private Body's own affairs.

#### **3.2.4 PERSONNEL DOCUMENTS AND RECORDS**

Personal records provided by personnel (including permanent and temporary) including but not limited to:

- 3.2.4.1 Employment contracts
- 3.2.4.2 Personal details
- 3.2.4.3 Application forms and Curriculum Vitae
- 3.2.4.4 Qualifications
- 3.2.4.5 Salary records
- 3.2.4.6 Leave records
- 3.2.4.7 Conditions of employment and other personnel-related records
- 3.2.4.8 Records relating to increases
- 3.2.4.9 Disciplinary records
- 3.2.4.10 Medical history records
- 3.2.4.11 Training records
- 3.2.4.12 Policies and procedures

- 3.2.4.13 Employment Equity Plan
- 3.2.4.14 SETA records
- 3.2.4.15 Attendance register
- 3.2.4.16 Attendance register for training purposes
- 3.2.4.17 Provident Fund
- 3.2.4.18 Pension and Disability Fund records
- 3.2.4.19 Unemployment Insurance
- 3.2.4.20 Trade Union records and documentation
- 3.2.4.21 Collective Agreements
- 3.2.4.22 Records of salary deductions
- 3.2.4.23 Workman's Compensation records

*"Personnel"* refers to any person who works for, or provides services to or on behalf of the Private Body, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Private Body. This includes, without limitation, all permanent, temporary and part-time staff, as well as contract or seasonal workers.

### 3.2.5 SAFETY RECORDS

- 3.2.5.1 Records relating to quality control test results

### 3.2.6 INFORMATION TECHNOLOGY RECORDS

- 3.2.6.1 NOT APPLICABLE

### 3.2.7 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.7.1 A table of legislation setting out a description of the records of the Private Body which are available in accordance with certain legislation, is as follows:-

- 3.2.7.1.1 Labour Relations Act 66 of 1995
- 3.2.7.1.2 Employment Equity Act 55 of 1998
- 3.2.7.1.3 Basic Conditions of Employment Act 75 of 1997
- 3.2.7.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.5 Unemployment Insurance Act 63 of 2001

3.2.7.1.6 Value Added Tax Act 89 of 1991

3.2.7.1.7 Skills Development Act 9 of 1999

3.2.7.1.8 Income Tax Act 58 of 1962

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

### **3.2.8 OTHER PARTY RECORDS**

3.2.8.1 Personnel, customer or Private Body records which are held by another party (e.g. marketing agent), as opposed to the records held by the Private Body itself;

3.2.8.2 Records held by the Private Body pertaining to other parties, including without limitation, financial records, correspondence, contractual and transactional records, records provided by the other party, and records third parties have provided about contractors/suppliers;

3.2.8.3 Records relating to the Private Body's marketers / agents.

## **PART IV**

### **4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for the Private Body to refuse a request for information relates to the -

4.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

4.2 mandatory protection of the commercial information of a third party, if the record contains -

4.2.1 trade secrets of that third party;

4.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

4.2.3 information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;

4.3 mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

4.4 mandatory protection of the safety of individuals and the protection of property;

4.5 mandatory protection of records which would be regarded as privileged in legal proceedings;

4.6 the commercial activities of the Private Body, which may include -

4.6.1 trade secrets of the Private Body;

- 4.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of the Private Body;
- 4.6.3 information which, if disclosed could put the Private Body at a disadvantage in negotiations or commercial competition;
- 4.6.4 a computer program which is owned by the Private Body, and which is protected by copyright.
- 4.7 the research information of the Private Body or a third party, if its disclosure would disclose the identity of the Private Body, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 4.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

## **5 REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION**

### **5.1 INTERNAL REMEDIES**

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

### **5.2 EXTERNAL REMEDIES**

A requester that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a relevant Court for relief.

Likewise, a third party dissatisfied with an information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **6 REQUEST PROCEDURE**

- 6.1 The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 6.2 The requester must complete the prescribed form enclosed herewith in **Appendix 1**, and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 2.1 or 2.2 above.
- 6.3 The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify –
  - 6.3.1 The record or records requested;
  - 6.3.2 The identity of the requester,
  - 6.3.3 Which form of access is required, if the request is granted;

- 6.3.4 The postal address or fax number of the requester.
- 6.4 The requester must state that he/she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 6.5 The Private Body will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 6.6 The requester shall be informed whether access granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he/she must state the manner and the particulars so required.
- 6.7 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.
- 6.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 6.9 The requester must pay the prescribed fee, before any further processing can take place.

## **7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY**

- 7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.
- 7.2 A requester is any person making a request for access to a record of the Private Body. There are two types of requesters:

### **7.2.1 PERSONAL REQUESTER**

- 7.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- 7.2.1.2 The Private Body will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

### **7.2.2 OTHER REQUESTER**

- 7.2.2.1 This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Private Body is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

## **8 FEES**

- 8.1 The Act provides for two types of fees, namely:
- 8.1.1 A request fee, which will be a standard fee; and

- 8.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 8.2 When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before any further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and 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.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

## 9 DECISION

- 9.1 The Private Body will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 9.2 The 30 day period with which the Private Body has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the Private Body and the information cannot reasonably be obtained within the original 30 day period. The Private Body will notify the requester in writing should an extension be sought.

## 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 the Private Body may also be available on the website of the Private Body (if applicable).

## APPENDIX - 1

## PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

## FORM B

## REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

(Regulation 4)

## A. Particulars of Private Body

The Head:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## B. Particulars of Person requesting access to the record

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

Full Name and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

Postal Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

## C. Particulars of person of whose behalf request is made:

*This section must be completed only if a request for information is made on behalf of another person*

Full names and Surname: \_\_\_\_\_

Identity Number: \_\_\_\_\_

**D. 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*

1. Description of the Record or relevant part of the record:

---

---

---

---

2. Reference number, if available: \_\_\_\_\_

2. Any further particulars of the record:

---

---

**E. Fees:**

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

Reason for exemption of payment of the fee:

---

---

---

**F. Form of Access to the 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) *Your indication as to the required form of access depends on the form in which the record is available.*
- (b) *Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.*
- (c) *The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.*

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

	Copy of record *		Inspection of record
--	------------------	--	----------------------

**2. If 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 cassette)		Transcription of soundtrack * (written or printed document)
--	--	--	--

**4. If the record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record		Printed copy of information derived from the record *		Copy in computer readable form * (stiffy or compact disc)
--	------------------------	--	---	--	---

<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>A postal fee is payable.</p>	YES	NO
---	-----	----

**G. Particulars of right to be exercised or protected:**

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

Indicate which right is to be exercised or protected: \_\_\_\_\_

1. Explain why the requested record is required for the exercising or protection of the aforementioned right:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**H. Notice of decision regarding request for access:**

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

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

\_\_\_\_\_

\_\_\_\_\_

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
 SIGNATURE OF REQUESTER/PERSON  
 ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

## APPENDIX - 2

## REPRODUCTION FEES

Where requested document appear in the appendix 1 i.e. the Private Body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

## THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00

## Request fees:

Where a requester submits a request for access to information held by an Private Body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the Private Body will further process the request received.

## Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75

	R
• For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed	30,00
(per hour or part of an hour reasonably required for such search)	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where the Private Body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**PART 2 OF 4 STARTS ON PAGE 289**