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REPUBLIC OF SOUTH AFRICA  
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No. 24332

## MANUALS

IN ACCORDANCE WITH

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

### PART 2 OF 4



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

**MANUAL**  
**of**  
**PVC PIPEFIT  
ENGINEERING 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 PVC PIPEFIT ENGINEERING CC a private body within the manufacturing industry, for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

#### 2.1 Information Officer: Moira Anne Conradie

Postal address: P O Box 465, Brackenfell, 7561

Physical Address: 13 Wessel Geldenhuys Street, Brackenfell, 7560

Tel: (021) 981 0503 / 4 (W) or (021) 853 4676 (H)

Fax: (021) 981 4899

#### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: PVC PIPEFIT ENGINEERING CC

2.2.2 Registration No: CK89/35923/23

2.2.3 Postal Address: P O Box 465, Brackenfell, 7561

2.2.4 Physical Address (or main place of business): 13 Wessel Geldenhuys Street, Brackenfell, 7560

2.2.5 Telephone Number: (021) 981 0503 /4

2.2.6 Facsimile number: (021) 981 4899

2.2.7 E-mail address: N/A

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.

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

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

3.2.1.1 Copies of documents of incorporation

##### **3.2.2 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 Delivery notes
- 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 Cash records

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

- 3.2.3.1 Database of customers
- 3.2.3.2 Credit Application forms and records
- 3.2.3.3 Correspondence with customers
- 3.2.3.4 Proof of delivery forms
- 3.2.3.5 Proof of delivery notes
- 3.2.3.6 Invoices
- 3.2.3.7 Price lists
- 3.2.3.8 Records pertaining to customer complaints / assessments
- 3.2.3.9 Records pertaining to quotes
- 3.2.3.10 Internal policies and procedures

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 Conditions of employment
- 3.2.4.7 Records relating to increases
- 3.2.4.8 Disciplinary records
- 3.2.4.9 Employment Equity Plan
- 3.2.4.10 SETA records
- 3.2.4.11 Attendance register
- 3.2.4.12 Pension Fund records
- 3.2.4.13 Unemployment Insurance
- 3.2.4.14 Workman's Compensation records
- 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, temporary and part-time staff, as well as contract workers.

### **3.2.5 SAFETY RECORDS**

- 3.2.5.1 Records of corrective action
- 3.2.5.2 Records relating to the Occupational Health & Safety Act

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 Software programs
- 3.2.6.2 Software applications

### **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 Labour Relations Act 66 of 1995
- 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 Value Added Tax Act 89 of 1991
- 3.2.7.1.6 Skills Development Act 9 of 1999
- 3.2.7.1.7 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.8 Pension Funds Act 24 of 1956
- 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.

### **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 place 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	<b>REMEDIES AVAILABLE WHEN A PRIVATE BODY REFUSES A REQUEST FOR INFORMATION</b>
5.1	<b>INTERNAL REMEDIES</b>
5.2	<b>EXTERNAL REMEDIES</b>
6	<b>REQUEST PROCEDURE</b>
6.1	The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
	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.
	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.

- 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:

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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)
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**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 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**  
**Z A SAUNDERS T/A**  
**ANIMAL TRAVEL**  
**AGENCY**

**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 Z A SAUNDERS T/A ANIMAL TRAVEL AGENCY a private body, 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: ZOË ALEXANDRA SAUNDERS**

Postal address: P O Box 733, Chempet, 7442

Physical Address: Rietvlei Farm, Blouberg Road, Table View

Tel: (021) 557 6700

Fax: (021) 557 6661

**2.2 GENERAL INFORMATION**

**2.2.1 Name of Private Body: Z A SAUNDERS T/A ANIMAL TRAVEL AGENCY**

**2.2.2 Registration No: NOT APPLICABLE**

**2.2.3 Postal Address: P O Box 733, Chempet, 7442**

**2.2.4 Physical Address (or main place of business): Rietvlei Farm, Blouberg Road, Table View**

**2.2.5 Telephone Number: (021) 557 6700**

**2.2.6 Facsimile number: (021) 557 6661**

**2.2.7 E-mail address: zoeanimaltravel@mweb.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

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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 record 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

N/A

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

3.2.2.1 Tax records

3.2.2.2 PAYE records

- 3.2.2.3 UIF records
- 3.2.2.4 Invoices
- 3.2.2.5 Cheque Account
- 3.2.2.6 Cash records
- 3.2.2.7 Financial documents

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

- 3.2.3.1 Database of customers
- 3.2.3.2 Records relating to transport and safekeeping of animals
- 3.2.3.3 Application forms of customers
- 3.2.3.4 Correspondence with customers
- 3.2.3.5 Customer account records
- 3.2.3.6 Records relating to sales and production
- 3.2.3.7 Price lists
- 3.2.3.8 Customer complaints / assessments
- 3.2.3.9 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 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 contract
- 3.2.4.2 Disciplinary records
- 3.2.4.3 Unemployment Insurance
- 3.2.4.4 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, as well as contract 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 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 Unemployment Insurance Act 63 of 2001

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

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.

## **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 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?

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**

# **TILETORIA CAPE 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 TILLETORIA CAPE CC, a close corporation which operates as a wholesaler and retailer of ceramic tile and sanitaryware, 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: FREDERICK ALLAN DUCKWORTH**

Postal address: P O Box 580, Paarden Eiland, 7420

Registered address: 86 Bree Street, Cape Town

Physical Address: 43 Paarden Eiland Road, Paarden Eiland

Tel: (021) 511 3125

Fax: (021) 511 3119

Email address: aduckworth@tiletoria.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: TILETORIA CAPE CC

2.2.2 Head of Private Body: Patrick Michael Francis Thönissen

2.2.3 Registration No: CK NO 1995/004096/23

2.2.4 Vat Registration No. 4790148078

2.2.5 Postal Address: P O Box 580, Paarden Eiland

2.2.6 Physical Address (or main place of business): 43 Paarden Eiland Road, Paarden Eiland

2.2.7 Telephone Number: (021) 511 3125

2.2.8 Facsimile number: (021) 511 3119

2.2.9 E-mail address: pthonissen@tiletoria.co.za

2.2.10 Website: www.tiletoria.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.

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 Members Association Agreements

#### 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           PAYE records
- 3.2.2.4           UIF records
- 3.2.2.5           Stock records
- 3.2.2.6           Asset inventory
- 3.2.2.7           Order forms
- 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          Debit notes
- 3.2.2.13          Credit notes
- 3.2.2.14          Savings Account
- 3.2.2.15          Cheque Account
- 3.2.2.16          Current Account
- 3.2.2.17          Call Account
- 3.2.2.18          Cash records
- 3.2.2.19          Monthly management accounts
- 3.2.2.20          Financial documents

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

- 3.2.3.1           Database of customers
- 3.2.3.2           Credit Application forms

- 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
- 3.2.3.7 Price lists
- 3.2.3.8 Records pertaining to costing and quoting
- 3.2.3.9 Supply Agreements
- 3.2.3.10 Distribution 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 Company policies
- 3.2.4.9 Employment Equity Plan
- 3.2.4.10 Workplace Skills Plan
- 3.2.4.11 SETA records
- 3.2.4.12 Attendance register



- 3.2.4.13 Provident Fund
- 3.2.4.14 Unemployment Insurance
- 3.2.4.15 Medical Aid
- 3.2.4.16 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
- 3.2.6.5 Inter-company emails

### 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 Usury Act 79 of 1968

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, 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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- 6.3.1 The record or records requested;
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- 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.

- 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.
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- 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.
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- 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

	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**  
**SYNCHRON MARKINGS**  
**(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 SYNCHRON MARKINGS (PTY) LTD a private body within the retail industry including its branches, 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: PETRINA WAREHAM**

Postal address: P O Box 36921, Chempet, 7442

Registered address: 14 Railway Road, Montague Gardens, 7441

Physical Address: 14 Railway Road, Montague Gardens, 7441

Tel: (021) 5511790 / Fax: (021) 5525291

E-mail address: [petrina@synchron.co.za](mailto:petrina@synchron.co.za)

**2.2 Deputy Information Officer: DORIS GARROW**

Postal address: P O Box 36921, Chempet, 7442

Registered address: 14 Railway Road, Montague Gardens, 7441

Physical Address: 14 Railway Road, Montague Gardens, 7441

Tel: (021) 5511790 / Fax: (021) 5525291

E-mail address: [doris@synchron.co.za](mailto:doris@synchron.co.za)

**2.3 GENERAL INFORMATION**

2.3.1 Name of Private Body: SYNCHRON MARKINGS (PTY) LTD

2.3.2 Head of Private Body: Alan Chetwynd Gillett

2.3.3 Registration No: 1992/03295/07

2.3.4 Vat Registration No. 4030108916

2.3.5 Postal Address: P O Box 36921, Chempet, 7442

2.3.6 Physical Address (or main place of business): 14 Railway Road, Montague Gardens, 7441

2.3.7 Telephone Number: (021) 5511790

2.3.8 Facsimile number: (021) 5525291

2.3.9 E-mail address: [alan@synchron.co.za](mailto:alan@synchron.co.za)

2.3.10 Website: [www.synchron.co.za](http://www.synchron.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: [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 Copies of documents of incorporation

3.2.1.2 Copies of the Memorandum and Articles of Association

3.2.1.3 Minutes of Board of Directors meetings



3.2.1.4 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 including tax clearance certificates

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 Current Account records

3.2.2.17 Call Account records

3.2.2.18 Cash records

3.2.2.19 Financial reports records including annual financial statement

3.2.2.20 Financial documents in accordance with accounting practice

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Minutes of staff meetings
- 3.2.3.2 Promotional material
- 3.2.3.3 Marketing call reports
- 3.2.3.4 Registered designs, patents / trademarks
- 3.2.3.5 Written 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 Credit Application forms
- 3.2.3.10 Correspondence with customers
- 3.2.3.11 Customer account records
- 3.2.3.12 Records and reports with regards to sales
- 3.2.3.13 Records with regards to production and records of conversion
- 3.2.3.14 Records with regards to scheduling and supply of goods / services
- 3.2.3.15 Business plans
- 3.2.3.16 Exchange control records
- 3.2.3.17 Strategy document
- 3.2.3.18 Vision statement
- 3.2.3.19 Mission statement
- 3.2.3.20 Action plans
- 3.2.3.21 Price lists

- 3.2.3.22 Records pertaining to customer complaints / assessments
- 3.2.3.23 Records pertaining to costing and quotations
- 3.2.3.24 Records with regards to research and development of products
- 3.2.3.25 Records with regards to research and development of services
- 3.2.3.26 Records with regards to market research

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 codes and 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 Training manuals
- 3.2.4.13 Written company policies
- 3.2.4.14 Employment Equity Plan
- 3.2.4.15 Workplace Skills Plan
- 3.2.4.16 SETA records

- 3.2.4.17 Attendance register records
- 3.2.4.18 Provident Fund
- 3.2.4.19 Unemployment Insurance
- 3.2.4.20 Medical Aid
- 3.2.4.21 Records relating to deductions, 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, directors, all permanent, limited duration staff, as well as any contract workers from time to time.

### **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 Records in terms of 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
- 3.2.6.5 Inter-company e-mails
- 3.2.6.6 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 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 Value Added Tax 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, 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?

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**  
**DIAL-A-PC 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 DIAL-A-PC CC a private body within the computer industry, for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

2.1 Information Officer: JANICE MARY SARA VAN DER MERWE

Postal address: P O Box 1130, Oakdale, 7534

Physical Address: 206 Durban Road, Bellville, 7530

Tel: (021) 949 5600 (W)

Fax: (021) 949 5602

### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: DIAL-A-PC CC

2.2.2 Registration No: 1990/18941/23

2.2.3 Postal Address: P O Box 1130, Oakdale, 7534

2.2.4 Physical Address (or main place of business): 206 Durban Road, Bellville, 7530

2.2.5 Telephone Number: (021) 949 5600

2.2.6 Facsimile number: (021) 949 5602

2.2.7 E-mail address: janice@dialapc.com

2.2.8 Website: www.dialapc.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: [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 Minutes of Members meetings

3.2.1.4 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 register

3.2.2.8 Invoices

- 3.2.2.9 Monthly statements
- 3.2.2.10 Delivery notes
- 3.2.2.11 Goods returned vouchers
- 3.2.2.12 Debit notes
- 3.2.2.13 Credit notes
- 3.2.2.14 Savings Account
- 3.2.2.15 Cheque Account
- 3.2.2.16 Current Account
- 3.2.2.17 Cash records
- 3.2.2.18 Annual Financial Statements
- 3.2.2.19 Rental Agreements

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Promotional material
- 3.2.3.2 Written policies re business plan / activities
- 3.2.3.3 Software licences
- 3.2.3.4 Product manuals
- 3.2.3.5 Database of customers
- 3.2.3.6 Credit Application forms
- 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 Monthly rental and sales reports
- 3.2.3.13 Records with regards to scheduling and supply of goods/services
- 3.2.3.14 Price lists (current)
- 3.2.3.15 Control sheets
- 3.2.3.16 Records pertaining to customer complaints / assessments
- 3.2.3.17 Internal policies and procedures

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 Conditions of employment
- 3.2.4.7 Records relating to increases
- 3.2.4.8 Disciplinary records
- 3.2.4.9 Company policies
- 3.2.4.10 SETA records
- 3.2.4.11 Unemployment Insurance
- 3.2.4.12 Medical Aid
- 3.2.4.13 Workman's Compensation records

**3.2.4.14** 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, temporary and part-time staff, as well as contract workers.

**3.2.5** **SAFETY RECORDS****3.2.5.1** Records relating to the Occupational Health & 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** Customer database**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** Unemployment Insurance Act 63 of 2001**3.2.7.1.4** Value Added Tax Act 89 of 1991**3.2.7.1.5** Skills Development Act 9 of 1999**3.2.7.1.6** Income Tax Act 58 of 1962**3.2.7.1.7** 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.
- 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:**

<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? 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**

**RENNIE COOPER-KING  
TRAVEL CC t/a HARVEY  
WORLD TRAVEL FISH HOEK**

**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 RENNIE COOPER-KING TRAVEL CC T/A HARVEY WORLD TRAVEL FISH HOEK a close corporation which operates in the retail travel 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: SEAN PATRICK RENNIE**

Postal address: P O Box 22396, Fish Hoek, 7974

Physical Address: G 70 Longbeach Mall, Buller Louw Drive, Noordhoek

Registered Address: G 70 Longbeach Mall, Buller Louw Drive, Noordhoek

Tel: (021) 785 7555

Fax: (021) 785 7575

Email address: michael.rennie@harveyworld.co.za

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: RENNIE COOPER-KING TRAVEL CC T/A HARVEY  
WORLD TRAVEL FISH HOEK

2.2.2 Head of Private Body: William Michael Maheir Rennie

2.2.3 Registration No: CK NO 2000/016822/23

2.2.4 Vat Registration No. 4390188615

2.2.5 Postal Address: P O Box 22396, Fish Hoek, 7974

2.2.6 Physical Address (or main place of business): G 70 Longbeach Mall, Buller Louw Drive,  
Noordhoek

2.2.7 Telephone Number: (021)785 7555

2.2.8 Facsimile number: (021) 785 7575

2.2.9 E-mail address: michael.rennie@harveyworld.co.za

2.2.10 Website: [www.harveyworld.co.za](http://www.harveyworld.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

Close Corporation records and secretarial documentation

#### 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 Asset inventory

3.2.2.6 Asset register

3.2.2.7 Order forms

3.2.2.8 Invoices

3.2.2.9 Monthly statements

3.2.2.10 Credit notes

3.2.2.11 Cheque Account records

3.2.2.12 Call Account records

3.2.2.13 Cash records

3.2.2.14 Bank statements

3.2.2.15 Financial reports

3.2.2.16 Financial documents and statements

3.2.2.17 Foreign Exchange details and records

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

3.2.3.1 Promotional material

3.2.3.2 Registered designs, patents / trademarks

3.2.3.3 Licences including IAIA documents and accreditation records

3.2.3.4 Written product / service specifications

3.2.3.5 Product / service manuals

3.2.3.6 Customer account records

- 3.2.3.7 Customer and other records relating to passport and visa applications
- 3.2.3.8 Customer and other records relating to foreign exchange controls, regulations and applications
- 3.2.3.9 Records with regards to sales and service
- 3.2.3.10 Records pertaining to costing/quotations
- 3.2.3.11 Franchise agreements and documentation

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

#### **3.2.4 HR DOCUMENTS AND RECORDS**

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

- 3.2.4.1 Employment contracts
- 3.2.4.2 Salary advice slips
- 3.2.4.3 Remuneration records
- 3.2.4.4 Leave records
- 3.2.4.5 Records relating to increases
- 3.2.4.6 Disciplinary codes, procedures and records
- 3.2.4.7 Performance management records
- 3.2.4.8 Long service awards
- 3.2.4.9 Training records
- 3.2.4.10 Training manuals
- 3.2.4.11 Workplace Skills Plan
- 3.2.4.12 Attendance register for training purposes
- 3.2.4.13 Unemployment Insurance
- 3.2.4.14 Medical Aid
- 3.2.4.15 Records relating to deductions, 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 from time to time.

### **3.2.5 SAFETY RECORDS**

NOT APPLICABLE

### **3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 Licences
- 3.2.6.2 Software programmes
- 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 Income Tax Act 58 of 1962
- 3.2.7.1.7 Close Corporation Act
- 3.2.7.1.8 Banks Act 94 of 1990
- 3.2.7.1.9 South African Reserve Bank Act 90 of 1989

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**

- (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:

---

---

---

**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	
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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**  
**BEMLAB (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.

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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 BEMLAB (PTY) LTD a private body in the agricultural service 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: WILLEM ADRIAAN GYSBERT KOTZE**

Postal address: P O Box 12457, Die Boord, Stellenbosch, 7613

Physical Address: AECI Building W21, De Beers Street, Somerset West

Tel: (021) 851 6401

Fax: (021) 851 4379

E-mail address: akotze@adept.co.za

**2.2 GENERAL INFORMATION**

**2.2.1 Name of Private Body: BEMLAB (PTY) LTD**

**2.2.2 Head of Private Body: Willem Adriaan Gysbert Kotze**

**2.2.3 Registration No: 2002/017933/07**

**2.2.4 Vat Registration No. 4160185577**

**2.2.5 Postal Address: P O Box 12457, Die Boord, Stellenbosch, 7613**

**2.2.6 Physical Address (or main place of business): AEC1 Building W21, De Beers Street, Somerset West**

**2.2.7 Registered address: 170 Dorp Street, Stellenbosch, 7600**

**2.2.8 Telephone Number: (021) 851 6401**

**2.2.9 Facsimile number: (021) 851 4379**

**2.2.10 E-mail address: akotze@adept.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: [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 Incorporation and company secretarial documentation

3.2.1.2 Copies of Shareholders' agreements

**Please note – may be available at auditor's offices**

**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 Asset inventory
- 3.2.2.7 Asset register
- 3.2.2.8 Invoices
- 3.2.2.9 Statements
- 3.2.2.10 Credit notes
- 3.2.2.11 Cheque Account records
- 3.2.2.12 Bank statements
- 3.2.2.13 Cash records
- 3.2.2.14 Financial reports records including annual financial statement
- 3.2.2.15 Financial documents

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

- 3.2.3.1 Written policies regarding business plan activities
- 3.2.3.2 Written product / service specifications
- 3.2.3.3 Work instruction manuals
- 3.2.3.4 Database of customers
- 3.2.3.5 Correspondence with customers
- 3.2.3.6 Customer / client account records

3.2.3.7 Records and reports with regards to sales and provision of consulting services

3.2.3.8 Records with regards to scheduling and supply of services

3.2.3.9 Price lists

3.2.3.10 Records relating to customer complaints / assessments

3.2.3.11 Records pertaining to costing and quotations

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 / Letters of appointment

3.2.4.2 Application forms

3.2.4.3 Qualifications

3.2.4.4 Remuneration records / salary advice slips

3.2.4.5 Leave records

3.2.4.6 Records relating to increases

3.2.4.7 Records relating to staff meetings

3.2.4.8 Disciplinary codes, procedures and records

3.2.4.9 Written Workplace Skills Plan

3.2.4.10 SETA records

3.2.4.11 Pension Fund records

3.2.4.12 Medical Aid records

3.2.4.13 Records relating to deductions, 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, directors, all permanent, limited duration staff, as well as any contract workers from time to time.

**3.2.5 SAFETY RECORDS**

3.2.5.1 Quality control test results

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

3.2.6.1 Computer generated databases including supply of services and financial information.

**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 Compensation for Occupational Injuries and Diseases Act 130 of 1993

3.2.7.1.4 Insolvency Act, 24 of 1936

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 Value Added Tax 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 National Environmental Management Act 107 of 1995

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

- |   |
|---|
| (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? 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**

**PROMPT DEALS THIRTY TWO CC**  
**T/A A. L. ALUMINIUM**

**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 PROMPT DEALS THIRTY TWO CC, a close corporation which operates in the manufacturing and retail 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: WALLACE BOTHA AND/OR FELECIA VAN TONDER**

Postal address: Suite 152, Private Bag X3018, Strand, 7139

Registered address: 23 Smit Avenue, George Park, Strand

Physical Address: 23 Smit Avenue, George Park, Strand

Tel: (021) 854 3158

Fax: (021) 854 8990

Email address: N/A

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: PROMPT DEALS THIRTY TWO CC

2.2.2 Head of Private Body: Wallace Botha

2.2.3 Registration No: CK NO 2000/016765/23

2.2.4 Vat Registration No. 4610193890

2.2.5 Postal Address: Suite 152, Private Bag X3018, Strand, 7139

2.2.6 Physical Address (or main place of business): 23 Smit Avenue, George Park, Strand

2.2.7 Telephone Number: (021) 854 3158

2.2.8 Facsimile number: (021) 854 8990

2.2.9 E-mail 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 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 Close Corporation documents and records

#### 3.2.2 FINANCIAL DOCUMENTS AND RECORDS

##### 3.2.2.1 Order forms

##### 3.2.2.2 Invoices

- 3.2.2.3 Statements
- 3.2.2.4 Goods received vouchers
- 3.2.2.5 Goods returned vouchers
- 3.2.2.6 Debit notes
- 3.2.2.7 Credit notes
- 3.2.2.8 Cheque Account records and statements
- 3.2.2.9 Cash records
- 3.2.2.10 Financial statements
- 3.2.2.11 Financial documents
- 3.2.2.12 Financial records

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

- 3.2.3.1 Management meetings
- 3.2.3.2 Supply Agreements
- 3.2.3.3 Waste disposal manuals / policies
- 3.2.3.4 Internal telephone directory
- 3.2.3.5 Promotional material
- 3.2.3.6 Database of customers
- 3.2.3.7 Correspondence with customers
- 3.2.3.8 Customer account records
- 3.2.3.9 Records with regards to scheduling and supply of goods / services
- 3.2.3.10 Price lists
- 3.2.3.11 Records relating to customer complaints / assessments

3.2.3.12 Records pertaining to costing and 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 and other records (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 advice slips

3.2.4.5 Remuneration records

3.2.4.6 Leave records

3.2.4.7 Medical history

3.2.4.8 Disciplinary codes and records

3.2.4.9 Attendance register

3.2.4.10 Provident Fund

3.2.4.11 Unemployment Insurance

3.2.4.12 Records relating to deductions statutory and 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, limited duration staff, as well as contract workers.

**3.2.5 SAFETY RECORDS**

3.2.5.1 Records relating to incidents

3.2.5.2 Records in terms of the Compensation for Occupational Injuries and Diseases

**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 Debt Collector's Act 114 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 Home Loan and Mortgage Disclosure Act 63 of 2000

3.2.7.1.6 Inspection of Financial Institutions Act 18 of 1998

3.2.7.1.7 Compensation for Occupational Injuries and Diseases Act 130 of 1993

3.2.7.1.8 Insolvency Act 24 of 1936

3.2.7.1.9 Unemployment Insurance Act 63 of 2001

3.2.7.1.10 Value Added Tax Act 89 of 1991

3.2.7.1.11 Pension Funds Act 24 of 1956

3.2.7.1.12 Income Tax Act 58 of 1962

3.2.7.1.13 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 example accountants, 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:**

---

---

---

**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? 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 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**

## **CAWMAT ENGINEERING 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 CAWMAT ENGINEERING CC, a close corporation which operates in the manufacturing and engineering 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 JOHN EDWARD MULLON**

Postal Address: P O Box 3019, George Industria 6536

Physical Address: Corner Fabriek & Laing Street, George Industria

Tel: (044) 8744794

Fax: (044) 8747919

Email address: N/A

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: CAWMAT ENGINEERING CC

2.2.2 Head of Private Body: MR JOHN EDWARD MULLON

2.2.3 Registration No: CK NO 1989/14911/23

2.2.4 Vat Registration No. 4400101616

2.2.5 Postal Address: P O Box 3019, George Industria, 6536

2.2.6 Physical Address (or main place of business): Corner Fabriek & Laing Street, George Industria

2.2.7 Telephone Number: (044) 8744794

2.2.8 Facsimile number: (044) 8747919

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 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 Close Corporation 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 Invoices
- 3.2.2.7 Monthly statements
- 3.2.2.8 Proof of delivery forms
- 3.2.2.9 Credit notes
- 3.2.2.10 Current Account records and bank statements
- 3.2.2.11 Cash records
- 3.2.2.12 Financial reporting records including monthly income / expense reports and annual financial statements
- 3.2.2.13 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 Database of customers
- 3.2.3.4 Credit application forms
- 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 Price lists
- 3.2.3.9 Records pertaining to customer complaints / assessments
- 3.2.3.10 Records pertaining to costing and quotations



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:-

- 3.2.4.1 Employment contracts / Letters of appointment
- 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 Training records
- 3.2.4.9 Training manuals
- 3.2.4.10 Workplace Skills Plan
- 3.2.4.11 SETA records
- 3.2.4.12 Bargaining Council (MIBCO) records
- 3.2.4.13 Provident Fund records
- 3.2.4.14 Pension Fund records
- 3.2.4.15 Unemployment Insurance records
- 3.2.4.16 Records relating to deductions, statutory or otherwise
- 3.2.4.17 Records relating to Independent Contractors
- 3.2.4.18 Tax deduction records in respect of Independent Contractors
- 3.2.4.19 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 all members, permanent and limited duration employees as well as contract and/or seasonal workers.

**3.2.5 SAFETY RECORDS**

- 3.2.5.1 Records relating to incidents in the workplace
- 3.2.5.2 Records in terms of the Occupational Health and Safety Act
- 3.2.5.3 Records in terms of the Compensation for Occupational Injuries and Diseases

**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 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 Unemployment Insurance Act 63 of 2001
  - 3.2.7.1.5 Value Added Tax 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, 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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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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  - 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.
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- 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.
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7.1 Records held by the Private Body may be accessed by requests only once the prerequisite requirements for access have been met.

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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.

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
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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*
--	-----------------	--	----------------------	--	------------------------------

**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 (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**  
**VENTANA CC T/A HIRE**  
**CITY**

**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 VENTANA CC T/A HIRE CITY, a private body within the hiring of construction equipment industry, for whom this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: J J STREICHER AND E G STREICHER**

Postal address: P O Box 2718, Bellville

Registered address: 155 Durban Road, Bellville 7530

Physical Address: 155 Durban Road, Bellville, 7530

Tel: (021) 949 0208

Fax: (021) 9491 1270

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: VENTANA CC T/A HIRE CITY

2.2.2 Registration No: CK 1986/0834/23

2.2.3 Vat Registration No. 4390107300

2.2.4 Postal Address: P O Box 2718, Bellville, 7530

2.2.5 Physical Address (or main place of business): 155 Durban Road, Bellville, 7530

2.2.6 Telephone Number: (021) 949 0208

2.2.7 Facsimile number: (021) 949 1270

2.2.8 E-mail address: reicher@iafrica.com

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 business

3.2.1.3 Minutes of Management meetings

3.2.1.4 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



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3.2.2.8	Asset register
3.2.2.9	Order forms
3.2.2.10	Invoices
3.2.2.11	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 & Current Account
3.2.2.18	Call Account
3.2.2.19	Financial statements

**3.2.3 OPERATIONAL DOCUMENTS AND RECORDS**

3.2.3.1	Motor vehicle licenses
3.2.3.2	Work instruction manuals
3.2.3.3	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	Strategy
3.2.3.8	Vision
3.2.3.9	Action plans

## 3.2.3.10 Price lists

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 Medical history
- 3.2.4.8 Disciplinary records
- 3.2.4.9 SETA records
- 3.2.4.10 Attendance register
- 3.2.4.11 Medical Aid
- 3.2.4.12 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, temporary and part-time staff, as well as contract workers.

**3.2.5 SAFETY RECORDS**

- 3.2.5.1 Safety manual
- 3.2.5.2 Records of incidents

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 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 Debt Collector's Act 114 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 Constitution of SA Act 108 of 1996

3.2.7.1.7 Close Corporation Act 69 of 1984

3.2.7.1.8 Unemployment Insurance Act 63 of 2001

3.2.7.1.9 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, 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) <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:**

---

---

---

---

**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.*

<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)

<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**

# **TOLLA'S DAIRY 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 TOLLA'S DAIRY CC a private body within the dairy and agricultural industry, for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

2.1 Information Officer: JOHANNES CHRISTIAAN JAKOBUS TOLKEN

Postal address: P O Box 1677, Brackenfell, 7561

Physical Address: Saamstaan, Joostenbergvlakte

Tel: (021) 982 0495

Fax: (021) 982 0493

### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: TOLLA'S DAIRY CC

2.2.2 Registration No: 1999/068978/23

2.2.3 Vat Registration No. 4820187294

2.2.4 Postal Address: P O Box 1677, Brackenfell, 7561

2.2.5 Physical Address (or main place of business): Saamstaan, Joostenbergvlakte

2.2.6 Telephone Number: (021) 982 0495

2.2.7 Facsimile number: (021) 982 0493

2.2.8 E-mail address: N/A

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**

N/A

##### **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 Invoices
- 3.2.2.8 Statements
- 3.2.2.9 Delivery notes
- 3.2.2.10 Debit notes
- 3.2.2.11 Credit notes

3.2.2.12 Cheque Account

3.2.2.13 Trust Account

3.2.2.14 Cash records

3.2.2.15 Annual Financial Statements

3.2.2.16 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 Customer account records

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 Leave records

3.2.4.5 Disciplinary 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 contract workers.

### **3.2.5 SAFETY RECORDS**

3.2.5.1 Quality control test results

**3.2.6 INFORMATION TECHNOLOGY RECORDS**

- 3.2.6.1 Software programs
- 3.2.6.2 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 Labour Relations Act 66 of 1995
- 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 Insolvency Act 24 of 1936
- 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 (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.

**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? 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
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**Access fees:**

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• For a copy in a computer-readable form on	
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- Compact disc	70,00
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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**

# **J H VAN DER MERWE**

**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 J H VAN DER MERWE a private body within the agricultural industry, for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

2.1 Information Officer: J H VAN DER MERWE

Postal address: P O Box 47, Koue Bokkeveld, 6836

Physical Address: Kalifornie, Koue Bokkeveld

Tel: 023-317 0250

Fax: N/A

### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: J H VAN DER MERWE

2.2.2 Registration No: N/A

2.2.3 Vat Registration No. 4720113218

2.2.4 Postal Address: P O Box 47, Koue Bokkeveld, 6836

2.2.5 Physical Address (or main place of business): Kalifornie, Koue Bokkeveld

2.2.6 Telephone Number: 023-3170250

2.2.7 Facsimile number: N/A

2.2.8 E-mail address: N/A

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**

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 Order forms

3.2.2.6 Statements

3.2.2.7 Cheque account

3.2.2.8 Annual Financial Statements and budgets

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

3.2.3.1 Europ Gap Compliance documentation

3.2.3.2 Work instruction manuals

3.2.3.3 Customer account records

3.2.3.4 Records relating to sales

3.2.3.5 Records relating to production

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 Medical history records

3.2.4.8 Training records

3.2.4.9 Written Workplace Skills Plan

3.2.4.10 SETA records

3.2.4.11 Attendance register

3.2.4.12 Attendance register for training purposes

3.2.4.13 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, all permanent, temporary and part-time staff, as well as contract and/or seasonal workers.

#### 3.2.5 SAFETY RECORDS

3.2.5.1 Records relating to incidents in the work place

3.2.5.2 Records relating to the Occupational Health & Safety Act

### 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 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.3 Firearms Control Act 60 of 2000

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 89 of 1991

3.2.7.1.7 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. 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 may 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 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**

**DAVID NAUDE FAMILIE  
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 DAVID NAUDE FAMILIE TRUST a private body within the farming industry, for whom this manual is drafted.

## PART I

### 2 CONTACT DETAILS

#### 2.1 Information Officer: DAVID J NAUDE

Postal address: P O Box 365, Worcester, 6849

Physical Address: Excelsior Overhex, Worcester, 6850

Tel: (023) 342 1260

Fax: (023) 347 1434

#### 2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: DAVID NAUDE FAMILIE TRUST

2.2.2 Registration No: IT332/97

2.2.3 Vat Registration No. 4480163924

2.2.4 Postal Address: P O Box 365, Worcester, 6849

2.2.5 Physical Address (or main place of business): Excelsior, Overhex, Worcester, 6850

2.2.6 Telephone Number: (023) 342 1260

2.2.7 Facsimile number: (023) 347 1434

2.2.8 E-mail address: djnaude@mweb.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**

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 PAYE records

3.2.2.5 UIF 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 Savings Account

3.2.2.11 Cheque Account

3.2.2.12 Current Account

3.2.2.13 Annual Financial Statements

Please note – above-mentioned records available from Accounts Officer

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

3.2.3.1 License in respect of water irrigation

3.2.3.2 Europ Gap Compliance documentation

3.2.3.3 Records relating to production

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 Records relating to increases

3.2.4.7 Disciplinary records

3.2.4.8 Medical history records

3.2.4.9 SETA records

3.2.4.10 Attendance register

3.2.4.11 Provident fund records

3.2.4.12 Trade Union records

3.2.4.13 Collective Agreement

**3.2.4.14** 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, 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** Recording relating to incidents**3.2.5.2** Records relating to the Occupational Health and Safety Act**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** 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** Unemployment Insurance Act 63 of 2001**3.2.7.1.5** Value Added Tax Act 89 of 1991

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

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

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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.

## AANHANGSEL - 1

## VOORGESKREWE VORM TER VOLTOOIING DEUR DIE AANVRAER

## VORM B

## VERSOEK VIR TOEGANG TOT REKORDS VAN PRIVATE INSTANSIE

(Artikel 53(1) van die *Wet op die Bevordering van Toegang tot Inligting*, 2 of 2000)

(Regulasie 4)

## A. Besonderhede van die private instansie

Die Hoof:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## B. Besonderhede van die persoon wat die versoek rig tot insae in die rekord

- (a) *Die besonderhede van die persoon wat toegang tot die rekords versoek moet hieronder aangeteken word.*
- (b) *Verskaf 'n adres en/of 'n faks nommer in die Republiek waarna die inligting gestuur moet word.*
- (c) *Bewys van die kapasiteit waarin die versoek gerig word, indien van toepassing, moet aangeheg word.*

Volle Name en Van: \_\_\_\_\_

Identiteits Nommer: \_\_\_\_\_

Posadres: \_\_\_\_\_

Telefoonnommer: \_\_\_\_\_ Faks nommer: \_\_\_\_\_

E-pos adres: \_\_\_\_\_

Kapasiteit waarin die versoek gerig word, wanneer versoek word namens 'n ander persoon:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## C. Besonderhede van die persoon namens wie die versoek gerig word:

*Hierdie gedeelte moet slegs voltooi word indien inligting versoek word namens 'n ander persoon*

Volle Name en Van: \_\_\_\_\_

Identiteits Nommer: \_\_\_\_\_



**D. Besonderhede van die rekord:**

- (a) *Verskaf volle besonderhede van die rekord waartoe toegang versoek word, insluitend die Pverwysingsnommer indien bekend aan u, ten einde in staat te wees om die rekord te allokeer.*
- (b) *Sou die spasie voorsien nie voldoende wees nie, gaan voort op 'n aparte folio en heg aan tot hierdie vorm. Die aanvrager moet al die addisionele folios onderteken.*

1. **Beskrywing van die rekord of relevante gedeelte daarvan:**


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2. **Verwysings nommer, indien beskikbaar:** \_\_\_\_\_2. **Enige verdere besonderhede van die rekord:**


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**E. Fooie:**

- (a) *'n Versoek tot toegang tot 'n rekord, anders as 'n rekord wat persoonlike inligting bevat aangaande uself, sal slegs verwerk word nadat 'n versoekfooie betaal is.*
- (b) *U sal in kennis gestel word aangaande die bedrag van die versoekfooie.*
- (c) *Die fooie betaalbaar vir toegang tot 'n rekord sal afhang van die vorm waarin die toegang tot die inligting versoek word sowel as die redelike tyd vereis in die soektog en voorbereiding van die rekord.*
- (d) *Sou u kwytskelding geniet ten aansien van die betaling van enige fooie, dui die rede daarvoor aan hieronder.*

Rede vir die kwytskelding van die betaling van 'n fooie:

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**F. Vorm van die toegang tot die rekord:**

*Indien u verhoed word deur gebrek om die rekord te lees, te sien of te luister na in die vorm waarin toegang verleen is soos voorsien in 1 tot 4 hieronder, dui u gebrek aan sowel as die vorm waarin die rekord vereis word.*

Gebrek:	Vorm waarin die rekord vereis word:

Merk die toepaslike blok met 'n "X"

**NOTAS:**

- (a) *U aanduiding van die vereiste vorm van toegang tot die rekord is afhanklik van die vorm waarin die rekord beskikbaar is.*
- (b) *Toegang in die vorm soos vereis mag in sekere gevalle geweier word. In diesulke gevalle sal u in kennis gestel word indien toegang toegestaan sal word in 'n ander vorm.*
- (c) *Die fooi betaalbaar vir toegang tot die rekord, indien enige, sal gedeeltelik afhanklik wees van die vorm waarin toegang tot die rekord vereis word.*

**1. Indien die rekord in geskrewe of gedrukte vorm is:**

	Kopieë van die rekord *		Inspeksie van die rekord
--	-------------------------	--	--------------------------

**2. Indien die rekord saamgestel is uit visuele beeldmateriaal:**

(Hierdie sluit in foto's, skyfies, video opnames, rekenaar voorgebronge beelde, sketse, ens.)

	Besigtiging van die beeldmateriaal		Kopieë van die beeldmateriaal*		Transkripsie van die beeldmateriaal*
--	------------------------------------	--	--------------------------------	--	--------------------------------------

**3. Indien die rekord saamgestel is uit aangetekende woorde of inligting wat gereproduseer kan word in klank:**

	Luister na die klankbaan (audio kassette)		Transkripsie van die klankbaan * (geskrewe of gedrukte dokument)
--	--	--	---

**4. Indien die rekord gehou word op 'n rekenaar of in 'n elektroniese of masjien leesbare vorm:**

	Gedrukte kopie van die rekord		Gedrukte kopie van die inligting verky vanuit die rekord*		Kopie in 'n rekenaar leesbare vorm * (kompakskyf of "stiffy")
--	-------------------------------	--	---	--	--

* Indien u 'n kopie of 'n transkripsie van 'n rekord (hierbo) verkies het, wil u sodanige kopie of transkripsie aan u geïskryf hê?	Ja	Nee
'n Versendingsfooi is betaalbaar		

**G. Besonderhede van die reg wat uitgeoefen of beskerm word :**

*Sou die spasio voorsien nie voldoende wees nie, gaan voort op 'n aparte folio en heg aan tot hierdie vorm.  
Die aanvraker moet al die addisionele folios onderteken.*

Dui aan watter reg uitgeoefen en/of beskerm word: \_\_\_\_\_

1. Beskryf waarom die aangevraagde rekord vereis word om bogenoemde reg uit te oefen en/of te beskerm:

**H. Kennis van besluit aangaande die versoek tot toegang:**

U sal per skrif in kennis gestel word hetsy u versoek toegestaan of geweier is. Indien u verkies om op enige ander wyse van hierdie besluit in kennis gestel te word, spesifiseer die verkose wyse en verskaf die nodige besonderhede ter uitvoering hiervan.

Hoe sal u verkies om ingelig te word aangaande die besluit of u toegang tot die inligting verkry het of toegang geweier is?

\_\_\_\_\_

Geteken te: \_\_\_\_\_ op hierdie \_\_\_\_\_ dag van \_\_\_\_\_ 200\_\_\_\_\_

\_\_\_\_\_  
HANDTEKENING VAN DIE AANVRAER /  
PERSOON NAMENS AANVRAER

\_\_\_\_\_

## AANHANGSEL – 2

## REPRODUKSIE FOOIE

Waar die aangevraagde dokumente in Aanhangsel 1 verskyn i.e waar die instansie vrywilliglik die Minister verskaf het met 'n lys van die kategorieë rekords, wat automaties beskikbaar sal wees aan enige persoon wat toegang daartoe versoek, sal die enigste fooie wat gehef sal kan word daarop, die koste vir die reproduksie daarvan wees.

## DIE TOEPASLIKE FOOIE VIR REPRODUKSIE SO HIERBO GENOEM :

	R
• Vir elke kopie van 'n A4-grootte bladsy of gedeelte daarvan	1,10
• Vir elke kopie van 'n A4-grootte bladsy of gedeelte daarvan soos gehou op 'n rekenaar of elektroniese-, masjien leesbare vorm	0,75
• Vir 'n kopie op rekenaar leesbare vorm op	
- "Stiffy" skyf	7,50
- Kompakskyf	70,00
• 'n Transkripsie van visuele beeldmateriaal, vir 'n A4-grootte bladsy of gedeelte daarvan	40,00
• Vir 'n kopie van visuele beeldmateriaal	60,00
• 'n Transkripsie vanaf 'n klankbaan, vir 'n A4-grootte bladsy of gedeelte daarvan	20,00
• Vir 'n kopie van 'n klankbaan	30,00

## Versoek fooie:

Waar die aanvrager toegang tot insae in inligting aanvra soos gehou deur 'n instansie of 'n persoon anders As die aanvrager hom-/haarself, sal 'n versoekfooie gehef word in die bedrag van R 50.00 wat voor-af betaalbaar sal wees en waarsonder die instansie nie die versoek verder sal verwerk nie.

## Toegangsfooie:

Hierdie fooi is betaalbaar in alle gevalle waar die versoek tot insae in die inligting toegestaan word, behalwe waar die betaling van 'n toegangsfooie spesifiek uitgeluit word in terme van die Wet of soos bepaal deur die Minister in terme van artikel 54(8).

## Die toepaslike fooie soos hierbo genoem:

	R
• Vir elke kopie van 'n A4-grootte bladsy of gedeelte daarvan	1,10
• Vir elke kopie van 'n A4-grootte bladsy of gedeelte daarvan soos gehou op 'n rekenaar of elektroniese-, masjien leesbare vorm	0,75
• Vir 'n kopie op rekenaar leesbare vorm op	

- |  |           |
|--|-----------|
| - "Stiffy" skyf  | 7,50      |
| - Kompaktskyf  | 70,00     |
| • 'n Transkripsie van visuele beeldmateriaal, vir 'n A4-grootte bladsy of gedeelte daarvan | 40,00     |
| • Vir 'n kopie van visuele beeldmateriaal  | 60,00     |
| • 'n Transkripsie vanaf 'n klankbaan, vir 'n A4-grootte bladsy of gedeelte daarvan         | 20,00     |
| • Vir 'n kopie van 'n klankbaan  | 30,00     |
| • Vir die soektog na 'n rekord wat openbaar moet word                                      | 30,00 per |
| uur of gedeelte daarvan soos redelikerwys vereis kan word vir so 'n soektog                |           |
| • Waar 'n kopie van die rekord per pos gestuur moet word, die werklike versendingskoste.   |           |

#### Deposito's:

Waar die instansie 'n versoek ontvang vir toegang tot inligting van inligting anders as die aanvrer hom-/haarself en die data beampste is by ontvangs van die versoek van oordeel dat die voorbereiding van die vereiste rekord vir openbaarmaking langer as ses (6) ure sal neem, sal hy 'n deposito vanaf die aanvrer versoek.

Die bedrag van die deposito is gelykstaande aan 1/3 (een derde) van die bedrag van die toepaslike toegangsfooi.

Neem kennis: In terme van Regulasie 8, moet Belasting op Toegevoegde Waarde (BTW) bygevoeg word vir alle fooie voorgeskryf in terme van die Regulasies.

**MANUAL**

**of**

**DJ BOSMAN TRANSPORT  
(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 DJ BOSMAN TRANSPORT (PTY) LTD a private body within the transport 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 COENRAAD LODEWYK BESTER**

Postal address: P O Box 90, Grabouw, 7160

Registered address: Industrial Road, Grabouw

Physical Address: Industrial Road, Grabouw

Tel: (021) 859 2608

Fax: (021) 859 4785

Email address: [djbosma1@mweb.co.za](mailto:djbosma1@mweb.co.za)

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: DJ BOSMAN TRANSPORT (PTY) LTD

2.2.2 Head of Private Body: Mr Hermanus Abram Bosman

2.2.3 Registration No: 1980/009748/07

2.2.4 Vat Registration No. 4260108073

2.2.5 Postal Address: P O Box 90, Grabouw, 7160

2.2.6 Physical Address (or main place of business): Industrial Road, Grabouw

2.2.7 Telephone Number: (021) 859 2608

2.2.8 Facsimile number: (021) 859 4785

2.2.9 E-mail address: [djbosma1@mweb.co.za](mailto:djbosma1@mweb.co.za)



**PART I****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 documents of Incorporation

3.2.1.2 Copies of the Constitution of the business

3.2.1.3 Copies of the Memorandum and Articles of Association

3.2.1.4 Minutes of Board of Directors meetings

3.2.1.5 Minutes of Shareholders' 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 (debtors and creditors)

3.2.2.11 Statements (debtors and creditors)

3.2.2.12 Proof of delivery forms

3.2.2.13 Proof of payment records including cheques

3.2.2.14 Goods returned vouchers agreements

3.2.2.15 Debit notes

3.2.2.16 Credit notes

3.2.2.17 Cheque Account / Current Account

3.2.2.18 Call Account

3.2.2.19 Investment account

3.2.2.20 Cheque vouchers

- 3.2.2.21            Loan accounts
- 3.2.2.22            Cash records
- 3.2.2.23            Instalment sale agreements
- 3.2.2.24            Bank statements
- 3.2.2.25            Financial statements including budgets and management accounts.

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

- 3.2.3.1            Promotional material
- 3.2.3.2            Licences including vehicles and transport
- 3.2.3.3            Internal telephone directory
- 3.2.3.4            Database of customers
- 3.2.3.5            Correspondence with customers
- 3.2.3.6            Customer account records
- 3.2.3.7            Records with regards to sales including analysis
- 3.2.3.8            Records with regards to scheduling and supply of goods / services
- 3.2.3.9            Price lists
- 3.2.3.10           Records relating to customer complaints / assessments
- 3.2.3.11           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            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 Disciplinary codes and records
- 3.2.4.7 Medical history
- 3.2.4.8 Employment Equity Plan
- 3.2.4.9 Work Skills Plan
- 3.2.4.10 SETA records
- 3.2.4.11 Attendance register
- 3.2.4.12 Bargaining Council records including exemption
- 3.2.4.13 Trade Union records
- 3.2.4.14 Provident Fund
- 3.2.4.15 Unemployment Insurance
- 3.2.4.16 Medical Aid
- 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. This includes, without limitation, directors, all permanent, limited duration staff, as well as any contract workers from time to time.

### **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 inspection
- 3.2.5.4 Records in terms of the Occupational Health and Safety Act
- 3.2.5.5 Records in terms of the Commission for 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 Software applications
- 3.2.6.4 Computer generated databases
- 3.2.6.5 Outlook Express
- 3.2.6.6 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 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.7.1.5 Insolvency Act 24 of 1936
- 3.2.7.1.6 Constitution of SA Act 108 of 1996
- 3.2.7.1.7 Companies Act 61 of 1973
- 3.2.7.1.8 Unemployment Insurance Act 63 of 2001
- 3.2.7.1.9 Value Added Tax 89 of 1991
- 3.2.7.1.10 Skills Development Act 9 of 1999
- 3.2.7.1.11 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:

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

**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?

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**

## **DURO SKRYNWERKERS CC t/a HENRY'S POOLTABLE**

**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 DURO SKRYNWERKERS CC T/A HENRY'S POOLTABLE a close corporation which operates as a manufacturer 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: CORNELIUS DURING**

Postal address: P O Box 292, Parow

Registered address: 9 Jones Street, Parow East, Parow

Physical Address: 9 Jones Street, Parow East, Parow

Tel: (021) 939 2147

Fax: (021) 939 2147

Email address: henrypool@mweb.co.za

**2.2 Deputy Information Officer: ANN-MARIE DURING**

Postal address: P O Box 292, Parow

Registered address: 9 Jones Street, Parow East, Parow

Physical Address: 9 Jones Street, Parow East, Parow

Tel: (021) 939 2147

Fax: (021) 939 2147

Email address: henrypool@mweb.co.za

**2.3 GENERAL INFORMATION**

2.3.1 Name of Private Body: DURO SKRYNWERKERS CC T/A HENRY'S POOLTABLE

2.3.2 Head of Private Body: Cornelius During

2.3.3 Registration No: CK NO 1997/09494/23

2.3.4 Vat Registration No. 4030132239

2.3.5 Postal Address: P O Box 292, Parow

2.3.6 Physical Address (or main place of business): 9 Jones Street, Parow East, Parow

2.3.7 Telephone Number: (021) 939 2147

2.3.8 Facsimile number: (021) 939 2147

2.3.9 E-mail address: henrypool@mweb.co.za

2.3.10 Website: NOT APPLICABLE

## 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

Copies of Members Association Agreements

#### 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	Goods received vouchers
3.2.2.13	Goods returned vouchers
3.2.2.14	Debit notes
3.2.2.15	Credit notes
3.2.2.16	Cheque Account
3.2.2.17	Cash records
3.2.2.18	Financial reporting
3.2.2.19	Financial documents

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

3.2.3.1	Customer account records
3.2.3.2	Records with regards to sales
3.2.3.3	Price lists

**3.2.3.4** Records pertaining to costing and 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 Attendance register
- 3.2.4.9 Bargaining Council records
- 3.2.4.10 Provident Fund
- 3.2.4.11 Unemployment Insurance
- 3.2.4.12 Medical Aid
- 3.2.4.13 Trade Union details and records
- 3.2.4.14 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 and 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 Software programs
- 3.2.6.2 Inter-company emails
- 3.2.6.3 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 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 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

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**

- (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:

---

---

---

**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:

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• For every photocopy of an A4-size page or part thereof	1,10
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• 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 (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**

# **NAUDE BROERS**

**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 NAUDE BROERS a partnership and private body in the agricultural industry for whom this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: PAUL JACQUES NAUDE**

Postal address: P O Box 127, Worcester, 6849

Physical Address: Esperance, Overhex

Tel: (023) 342 1417

Fax: (023) 3472523

E-mail: [esperance@lando.co.za](mailto:esperance@lando.co.za)

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: NAUDE BROERS

2.2.2 Postal Address: P O Box 127, Worcester, 6849

2.2.3 Registered address: P O Box 801, Worcester, 6849

2.2.4 Physical Address (or main place of business): Esperance, Overhex

2.2.5 Telephone Number: (023) 342 1417

2.2.6 Facsimile number: (023) 347 2523

2.2.7 E-mail address: [esperance@lando.co.za](mailto:esperance@lando.co.za)

2.2.8 Vat registration No. 4790102372

**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**

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 UIF records

3.2.2.4 Asset inventory

3.2.2.5 Asset register

3.2.2.6 Invoices

3.2.2.7 Statements

3.2.2.8 Proof of delivery forms

3.2.2.9 Goods received vouchers

3.2.2.10 Goods returned vouchers

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 Cash records
- 3.2.2.16 Financial statements
- 3.2.2.17 Financial documents

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

- 3.2.3.1 Licences in respect of grape crushing, export of fruit, selling of milk
- 3.2.3.2 Records with regards to production
- 3.2.3.3 Records with regards to scheduling and supply of goods / services
- 3.2.3.4 Europ Gap Compliance documentation
- 3.2.3.5 Price lists

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 Minutes of staff meetings
- 3.2.4.2 Employment contracts
- 3.2.4.3 Personal details
- 3.2.4.4 Application forms and Curriculum Vitae
- 3.2.4.5 Qualifications
- 3.2.4.6 Salary records
- 3.2.4.7 Leave records

- 3.2.4.8 Conditions of employment and other personnel-related records
- 3.2.4.9 Records relating to increases
- 3.2.4.10 Disciplinary records
- 3.2.4.11 Medical history records
- 3.2.4.12 Training records
- 3.2.4.13 Policies and procedures
- 3.2.4.14 Employment Equity Plan
- 3.2.4.15 SETA records
- 3.2.4.16 Attendance register
- 3.2.4.17 Provident Fund
- 3.2.4.18 Pension Fund
- 3.2.4.19 Unemployment Insurance
- 3.2.4.20 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, 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 incidents
- 3.2.5.2 Records relating to the Occupational Health and Safety Act
- 3.2.5.3 Records relating to 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 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.2 Unemployment Insurance Act 63 of 2001

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:

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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? 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.

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• For every photocopy of an A4-size page or part thereof	1,10
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- 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**

**C BOTHA PROTEA  
HEIGHTS (PTY) LTD T/A  
BASTION PHARMACY**

**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 BOTHA PROTEA HEIGHTS (PTY) LTD t/a BASTION PHARMACY a private body within the retail pharmaceutical industry, for which this manual is drafted.

**PART I****2 CONTACT DETAILS****2.1 Information Officer: CHRISTOFFEL VAN DER MERWE BOTHA**

Postal address: 23 Protea Road, Protea Heights, Brackenfell, 7560

Registered address: 23 Protea Road, Protea Heights, Brackenfell, 7560

Physical Address: 23 Protea Road, Protea Heights, Brackenfell, 7560

Tel: (021) 982 6086

Fax: (021) 982 6837

E-mail address: bothacr@iafrica.com

**2.2 GENERAL INFORMATION**

2.2.1 Name of Private Body: C BOTHA PROTEA HEIGHTS (PTY) LTD T/A BASTION PHARMACY

2.2.2 Head of Private Body: Christoffel Van Der Merwe Botha

2.2.3 Registration No: NOT APPLICABLE

2.2.4 Postal Address: 23 Protea Road, Protea Heights, Brackenfell, 7560

2.2.5 Physical Address (or main place of business): 23 Protea Road, Protea Heights, Brackenfell, 7560

2.2.6 Telephone Number: (021) 982 6086

2.2.7 Facsimile number: (021) 982 6837

2.2.8 E-mail address: bothacr@iafrica.com

2.2.9 Website: NOT APPLICABLE

**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
- 3.2.1.4 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 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	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	Credit notes
3.2.2.16	Cheque Account
3.2.2.17	Current Account
3.2.2.18	Cash records
3.2.2.19	Financial reports relating to management accounts
3.2.2.20	Financial documents

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

3.2.3.1	Distribution Agreements
3.2.3.2	Internal telephone directory
3.2.3.3	Promotional material
3.2.3.4	Written policies regarding business plan /activities

- 3.2.3.5 Registered designs, patents / trademarks
- 3.2.3.6 Licences
- 3.2.3.7 Database of customers
- 3.2.3.8 Credit Application forms
- 3.2.3.9 Correspondence with customers
- 3.2.3.10 Customer account records
- 3.2.3.11 Records with regards to sales
- 3.2.3.12 Records with regards to scheduling and supply of goods /services
- 3.2.3.13 Business Plan
- 3.2.3.14 Strategy
- 3.2.3.15 Vision
- 3.2.3.16 Action plan
- 3.2.3.17 Price lists
- 3.2.3.18 Records pertaining to customer complaints / assessments

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 SETA records
- 3.2.4.8 Attendance register
- 3.2.4.9 Unemployment Insurance
- 3.2.4.10 Retirement Annuity Policies
- 3.2.4.11 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 Records of 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 Computer generated databases including Quick Book and Unisolv
- 3.2.6.4 Inter-company emails
- 3.2.6.5 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 Deeds Registries Act 47 of 1937
- 3.2.7.1.2 Short Term Insurance Act 53 of 1998
- 3.2.7.1.3 Long Term Insurance Act 52 of 1998
- 3.2.7.1.4 Labour Relations Act 66 of 1995
- 3.2.7.1.5 Employment Equity Act 55 of 1998
- 3.2.7.1.6 Basic Conditions of Employment Act 75 of 1997

3.2.7.1.7	Insider Trading Act 135 of 1998
3.2.7.1.8	Compensation for Occupational Injuries and Diseases Act 130 of 1993
3.2.7.1.9	Competition Act 89 of 1998
3.2.7.1.10	Constitution of SA Act 108 of 1996
3.2.7.1.11	Companies Act 61 of 1973
3.2.7.1.12	Unemployment Insurance Act 63 of 2001
3.2.7.1.13	Value Added Tax 89 of 1991
3.2.7.1.14	Skills Development Act 9 of 1999
3.2.7.1.15	Pension Funds Act 24 of 1956
3.2.7.1.16	Income Tax Act 58 of 1962
3.2.7.1.17	Medical, Dental and Pharmacy Act 13 of 1928
3.2.7.1.18	Health Professions Act 56 of 1974
3.2.7.1.19	Medical Schemes Act 131 of 1998
3.2.7.1.20	Medicines and Related Substances Control Act 101 of 1965
3.2.7.1.21	Pharmacy Act 53 of 1974

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:

---

---

**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.

## 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 3 OF 4 STARTS ON PAGE 577**