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MANUAL

IN ACCORDANCE WITH

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



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INDEX

Company Name	Gazette No.	Date	Page No.
Modern Butchery	24407	18-2-2003	3

**MANUAL PREPARED IN ACCORDANCE WITH
SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT NO 2 OF 2000
["THE ACT"]**

for

MODERN BUTCHERY

MANUAL

1 **COMPANY OVERVIEW**

Modern Butchery is a wholesale and retail butchery business, a private body in terms of the Act, dealing with the sale of fresh meat and related products. The business was established in 1986.

2 **GENERAL**

2.1 **Part I - Section 51(1)(a) of the Act**

Name of Body	: Modern Butchery
Physical Address	: 22 Union Road, Kliptown, 1812
Postal Address	: P O Box 196, Kliptown, 1812
Information Officer	: Ms R Fok
Telephone No	: +27 11 945-2212
Facsimile Transmission	: +27 11 945-6180
Email	: rosef@icon.co.za

2.2 **Part II Section 51(1)(b) of the Act**

A guide on how to use the Act is to be compiled by the Human Rights Commission in terms of **Section 10** of the Act by no later than August 2003. Any queries should be addressed to:

The South African Human Rights Commissioner:
PAIA Unit, The Research and Documentation Department

Postal address	: Private Bag 2700 Houghton 2070
Telephone	: +27 484-8300
Facsimile Transmission	: +27 484-0482
Website	: www.sahrc.org.za
Email	: PAIA@sahrc.org.za

2.3 **Part III - Section 51(1)(c) of the Act**

Currently not applicable.

2.4 **Part IV - Sections 51(1)(d) and (e) of the Act**

For the purposes of this manual and the Act, the records held by MODERN

BUTCHERY are categorised by the nature of the content thereof as follows:

- 2.4.1 Records kept in accordance with other statutory legislation, including but not limited to:
- 2.4.1.1 Basic Conditions of Employment Act 75 of 1997;
 - 2.4.1.2 Companies Act 61 of 1973;
 - 2.4.1.3 Copyright Act 98 of 1978;
 - 2.4.1.4 Customs and Excise Act 91 of 1964;
 - 2.4.1.5 Employment Equity Act 55 of 1998;
 - 2.4.1.6 Income Tax Act 58 of 1962;
 - 2.4.1.7 Labour Relations Act 66 of 1995;
 - 2.4.1.8 Medical Schemes Act 131 of 1998;
 - 2.4.1.9 Pension Funds Act 24 of 1956;
 - 2.4.1.10 Promotion of Access to Information Act 2 of 2002;
 - 2.4.1.11 Regional Services Councils Act 109 of 1985;
 - 2.4.1.12 Skills Development Act 97 of 1998;
 - 2.4.1.13 Skills Development Levy Act 9 of 1999;
 - 2.4.1.14 Unemployment Insurance Act 63 of 2001;
 - 2.4.1.15 Value Added Tax Act 89 of 1991;
 - 2.4.1.16 Workmens Compensation Act 30 of 2001;

The above records which are of a public nature are available automatically without a person having to request access thereto in terms of the Act, as envisaged in **Section 52** of the Act.

- 2.5 The Information Officer will take into consideration the appropriate section of this manual to decide whether or not access to any of the information stated above should be given to the requester of such information ["the requester"].

2.6 **Part V - Section 51(1)(f) of the Act**

The Minister of Justice and Constitutional Development has not made any regulation in this regard.

2.7 **Part VI - Section 51(3) of the Act**

An unabridged version of this manual is available for inspection by the general public upon request, during office hours and free of charge at the office of MODERN BUTCHERY. Copies may also be requested from the South African Human Rights Commission at the address in 2.2.

2.8 **Part VII - Prescribed form and fee structure in respect of Modern Butchery**

The forms and fee structure prescribed under the Act are available at the websites of the Department of Justice and Constitutional Development (www.doj.gov.za) under the "regulations" section and the South African Human Rights Commissioner (www.sahrc.org.za).

3 **THE REQUEST PROCEDURE**

3.1 **Form of Request**

3.1.1 The requester must complete the prescribed form being **Schedule I** hereto to make the request for access to a record. This must be made to the Information Officer and to the address, fax number or electronic mail address of MODERN BUTCHERY.

3.1.2 The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and specify a postal address or facsimile number in the Republic. The requester should also indicate if, in addition to a written reply, any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

3.1.3 The requester must identify the details of the right that is sought to be exercised or protected and provide an explanation why the requested record is required for the exercise or protection of the right.

3.1.4 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer.

3.2 **Fees**

A requester who seeks access to a record containing personal information about this requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- 3.2.1 The Information Officer must by notice require the requester [other than a personal requester] to pay the prescribed request fee [if any] before further processing the request.
- 3.2.2 The fee that the requester must pay is R50.00. The requester may lodge an application to the court against the tender or payment of the request fee.
- 3.2.3 After the Information Officer has decided whether or not to grant the request, the requester must be notified in the required form.
- 3.2.4 If the request is granted then a further access fee must be paid for reproduction and for search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record and disclosure as set out in **Schedule II**.

4 PROCEDURE OF DECISION MAKING PROCESS

- 4.1 In terms of **Section 55** of the Act the Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requester by way of Affidavit or Affirmation that it is not possible to give access to the record which is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the request would otherwise have been granted.
- 4.2 **Section 56** of the Act provides that the Information Officer must within 30 [THIRTY] days of receipt of a correctly completed request notify the requester of his decision as to whether or not to grant the request. If the request is:
- 4.2.1 **Granted:** the notification must state the application access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
- 4.2.2 **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.

4.3 The information officer may extend the period of 30 [THIRTY] days by a further period not exceeding 30 [THIRTY] days if:

4.3.1 the request is for a large number of records or requires a search through a large number of records;

4.3.2 consultation with another private body is required; or

4.3.3 the requester consents to the extension.

4.4 The requester must be notified within the initial 30 [THIRTY] day period in writing of the extension required, together with reasons therefore, and the procedure involved should the requester wish to apply to court opposing the extension. The Information Officer's failure to respond to the requester within the 30 [THIRTY] day period constitutes a deemed refusal of the request.

4.5

4.5.1 If a request for access is made to a record of MODERN BUTCHERY which contains information which may or must be refused, such information may be severed from the record and the balance of such information may be made available to the requester.

4.5.2 If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference as to form, in a form reasonably determined by the Information Officer.

5 THIRD PARTIES

5.1 If the request is for a record pertaining to a third party in relation to **Sections 63(1), 64(1), 65 and 69(1)** of the Act, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 21 [TWENTY ONE] days of receipt of the request.

5.2 The manner in which this is done must be by the fastest means reasonably possible. If the form of notification used is oral the Information Officer must thereafter give the third party written confirmation of the oral notification.

5.3 The third party may within 21 [TWENTY ONE] days thereafter either make

representation to MODERN BUTCHERY as to why the request should be refused, alternatively grant written consent to the disclosure of the record.

- 5.4 The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 [THIRTY] days after the notice.

6 GROUND FOR REFUSAL OF A REQUEST

Notwithstanding compliance with **Section 50** of the Act, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, *inter alia* namely:

- 6.1 **Section 63** of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to a requester.
- 6.2 **Section 64** of the Act states that a request must be refused if it relates to records containing third party information pertaining to:
- 6.2.1 trade secrets;
- 6.2.2 financial, commercial, scientific or technical information of a third party where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
- 6.2.3 information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- 6.3 **Section 65** of the Act prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 6.4 In terms of **Section 66** of the Act, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:

- 6.4.1 endanger the life or physical safety of an individual;
- 6.4.2 prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;
- 6.4.3 MODERN BUTCHERY may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public;
- 6.5 **Section 67** of the Act mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 6.6 **Section 68** of the Act pertains to records containing information about the private body itself and unlike the other provisions pertaining to the request being declined, is not mandatory, but rather discretionary. MODERN BUTCHERY may refuse access to a record if the record:
 - 6.6.1 contains trade secrets of MODERN BUTCHERY;
 - 6.6.2 contains financial, commercial, scientific or technical information of MODERN BUTCHERY, the disclosure of which would be likely to cause harm to the commercial or financial interests of MODERN BUTCHERY;
 - 6.6.3 contains information which, if disclosed could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice MODERN BUTCHERY in commercial competition; or
 - 6.6.4 consists of a computer program owned by MODERN BUTCHERY.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 6.6.5 **Section 69** of the Act prohibits the disclosure of information to any requester about research where disclosure is likely to expose the person conducting the research or the subject matter of the research to serious disadvantage.

Notwithstanding any of the above-mentioned provisions, **Section 70** of the Act provides that a record must be disclosed if its disclosure would:

- 6.6.5.1 reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- 6.6.5.2 if the public interest in the disclosure clearly outweighs the harm.

7 RIGHTS OF APPEAL

- 7.1 If a requester is dissatisfied with the Information Officer's refusal to grant access to any information the requester may, within 30 [THIRTY] days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 [THIRTY] days of notification of the decision, apply to court for relief.
- 7.2 It should be noted that notwithstanding any provision of this Act, the court may examine the record[s] in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record[s].
- 7.3 The court is empowered to grant any order that is just and equitable, including:
 - 7.3.1 confirming, amending or setting aside the Information Officer's decision;
 - 7.3.2 requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specific period;
 - 7.3.3 granting an interdict, interim or specific relief, declaratory order or compensation; or as to costs.

Schedule I

**REQUEST FOR ACCESS TO A RECORD OF
MODERN BUTCHERY**

[SECTION 53(1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT No. 2 OF 2000
[REGULATION 10]

A. Particulars of Modern Butchery**Modern Butchery**

22 Union Road, Kliptown, 1812.

P O Box 196, Kliptown, 1812

Telephone No : + 27 11 945-2212

Facsimile No : + 27 11 945-6180

Email : rosef@icon.co.zaThe Information Officer: **Ms R Fok****B. Particulars of person requesting access to the record**

1. *The particulars of the person who requests access to the record must be given below.*
2. *Furnish an address and/or fax number in the Republic to which information must be sent.*
3. *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and
surname : _____

Identity
number : _____

Postal address : _____

Facsimile no. : _____

Contact telephone
number : _____

E-mail address : _____

Capacity in which request is made, when made on behalf of another person:
(attach proof of capacity, eg power of attorney, resolution)

C. Particulars of person on whose behalf request is made

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

Full names and
surname : _____

Identity
number : _____

Postal address : _____

Facsimile no. : _____

Contact telephone
number : _____

E-mail address : _____

D. Particulars of record

1. *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.*
2. *If the space provided is insufficient to complete this section, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.*

1 Description of record and all relevant parts of the record

2 Reference number,
if available : _____

3 Any further particulars of record

E. Fees

1. *A request for access to the record will only be processed after a request fee has been paid, unless you are exempted from paying such fee.*
2. *You will be notified of the amount required to be paid as the request fee.*
3. *The fee payable for access to the record depends on the form in which access is required and the reasonable time required to search for and prepare a record.*
4. *If you believe that you qualify for exemption of the payment of the prescribed fee, please state the reason for your belief.*

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability _____ Form in which record is required _____

Mark the appropriate box with an "X".

NOTES:

1. *Your indication as to the required form of access depends on the form in which the record is available.*
2. *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.*
3. *The fee payable for access to the record, if any, will partly be determined by the form in which access is requested.*

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

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images - (this includes photographs, slides, video recordings, computer generated images, sketches, etc)

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

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form -					
	printed copy of record *		printed copy of information derived from the record *		copy in computer readable form * (stiffy or compact disc)

Mark your choice below. REMEMBER: If you require a record to be posted to you, you will have to pay a postal fee.

*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
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G. Particulars of right to be exercised or protected

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

- 1 Indicate which right is to be exercised or protected.

- 2 Explain why the 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. 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 _____ on this ____ day of _____ 20__

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

Schedule II

**FEES IN RESPECT OF PRIVATE BODIES
MODERN BUTCHERY**

- 1 The fee for a copy of the manual as contemplated in Regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.
- 2 The fees for reproduction referred to in Regulation 11(1) are as follows:

		R
2.1	For every photocopy of an A4-size page or part thereof	1.10
2.2	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
2.3	For a copy in a computer-readable form on - [i] stiffy disc [ii] compact disc	7.50 70.00
2.4	[i] For a transcription of visual images, for an A4-size page or part thereof [ii] For a copy of visual images	40.00 60.00
2.5	[i] For a transcription of an audio record, for an A4-size page or part thereof [ii] For a copy of an audio record	20.00 30.00

- 3 The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50.00.

- 4 The access fees payable by a requester, referred to in Regulation 11(3) are as follows:

		R
4.6	For every photocopy of an A4-size page or part thereof	1.10
4.7	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
4.8	For a copy in a computer-readable form on - [i] stiffy disc [ii] compact disc	7.50 70.00
4.9	[i] For a transcription of visual images, for an A4-size page or part thereof [ii] For a copy of visual images	40.00 60.00
4.10	[i] For a transcription of an audio record, for an A4-size page or part thereof [ii] For a copy of an audio record	20.00 30.00

- 4.11 To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.
- 4.12 For the purposes of **Section 54(2)** of the Act, the following applies:
- 4.12.1 six hours as the hours to be exceeded before a deposit is payable; and
- 4.12.2 one third of the access fee is payable as a deposit by the requester.
- 4.13 The actual postage is payable when a copy of the record must be posted to a requester.