

Subject: PAIA Section 51 Manual

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SECTION 51 MANUAL

In terms of the Promotion to Access to Information Act no 2 of 2000

Yneldo Electronics

Organisation Registered Name

CK 1970/009367/07

Organisation Registration Number

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PREAMBLE

The Promotion of Access to Information Act no 2 of 2000 must give 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; and to provide for matters connected therewith.

OBJECTIVES OF THE ACT

1. *The objectives of this Act are-*

1.1. *To give effect to the constitutional right of access to-*

1.1.1. *Any information held by the State; and*

1.1.2. *Any information that is held by another person and that is required for the exercise or protection of any rights;*

1.2. *To give effect to that right-*

1.2.1. *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*

1.2.2. *In a manner which balances that right with any other rights, including the rights in the Bill of Rights in Chapter 2 of the Constitution;*

1.3. *To give effect to the constitutional obligations of the State of promoting a human rights culture and social justice, by including public bodies in the definition of requester, allowing them, amongst others, to access information from private bodies upon compliance with the four requirements in this Act, including an additional obligation for certain public bodies in certain instances to act in the public interest;*

1.4. *To establish voluntary and mandatory mechanisms or procedures to give effect to that right in a manner which enables persons to obtain access to records of public and private bodies as swiftly, inexpensively and effortlessly as reasonably possible; and*

1.5. *Generally, to promote transparency, accountability and effective governance of all public and private bodies by, including, but not limited to, empowering and educating everyone-*

1.5.1. *To understand their rights in terms of this Act in order to exercise their rights in relation to public and private bodies;*

1.5.2. *To understand the functions and operation of public bodies; and*

1.5.3. *To effectively scrutinise, and participate in, decision-making by public bodies that affects their rights.*

2. BRIEF OVERVIEW OF THE ORGANISATION

2.1. The Company is a private company incorporated in terms of the company laws of the Republic of South Africa.

2.2. The shares of the Company are held as:

2.2.1. 100 % by Charlotte Reinten

2.2.2. % by

2.2.3. % by

2.2.4. % by

2.2.5. % by

2.2.6. % by

2.2.7. % by

2.3. The Company has the following subsidiaries:

2.3.1. share capital

2.3.2. share capital

2.3.3. share capital

2.3.4. share capital

2.3.5. share capital

2.3.6. share capital

2.4. The main business of The Company is:

Service, installation and manufacture of standby diesel generators and emergency power systems. Manufacture of electric panels for emergency power systems.

2.5. Contact Details

2.5. The Chief Information Officer shall ensure that the requirements of the Act are administered in a fair, objective and unbiased manner:

2.5.1. First name(s): Charlotte

2.5.2. Surname name(s): Reinten

2.5.3. Contact telephone number: 0117637053

2.5.4. Contact fax number: 0117634212

2.5.5. Contact e-mail address: charlotte@yneldo.com

3. COMPANY INFORMATION

- 3.1. Company Registered Name: Ynelo Electronics (PTY) LTD
- 3.2. Company Trade Name: Industrial Generator Services
- 3.3. Company Registration Number: CK 1970/009367/07
- 3.4. PAYE Number: 7380723678
- 3.5. SDL Number: L380723678
- 3.6. UIF Number: U380723678
- 3.7. VAT Number: 4580144527
- 3.8. Tax Number: 9980723678
- 3.9. Seta Sic Code: /
- 3.10. Total number of:
- 3.10.1. Permanent Employees: ~~X~~ 7
- 3.10.2. Contract Employees: 0
- 3.10.3. Temporary Employees: 0
- 3.11. Financial Year: March to February
- 3.12. Annual Turnover: 25000
- 3.13. Industry Number:
- 3.14. Postal Address: Mr ~~Louis Claasens~~
P.O.Box 1205
Roodepoort
- Postal Address Code: 1725
- 3.16. Physical Address: 102 Main Reef Road
Technikon, Roodepoort
- 3.17. Website Address: www.yneldo.com
- 3.18. Email Address: yneldo@yneldo.com
- 3.19. Telephone Number: (011) 7637053
- 3.20. Fax Number: (011) 7634212
- 3.21. Cell Number: 0834412141

4. THE SECTION 10 GUIDE ON HOW TO USE THE ACT [SECTION 51(1)(B)]

In terms of the Act Section 51. (1) Within six months after the commencement of this section or the coming into existence of the private body concerned, the head of a private body must compile a manual containing-

- (a) The postal and street address, phone and fax number and, if available, electronic mail address of the head of the body;*
 - (b) A description of the guide referred to in section 10, if available, and how to obtain access to it;*
 - (c) The latest notice in terms of section 52(2), if any, regarding the categories of record of the body which are available without a person having to request access in terms of this Act;*
 - (d) A description of the records of the body which are available in accordance with any other legislation;*
 - (e) Sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject; and*
 - (f) Such other information as may be prescribed.*
- (2) The head of a private body must on a regular basis update the manual referred to in subsection (1).*
- (3) Each manual must be made available as prescribed.*
- (4) For security, administrative or financial reasons, the Minister may, on request or of his or her own accord, by notice in the Gazette, exempt any private body or category of private bodies from any provision of this section for such period as the Minister thinks fit.*

In terms of the Act Section 10 (1). The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

- (2) The guide must, without limiting the generality of subsection (1), include a description of-*
- (a) The objects of this Act;*
 - (b) The postal and street address, phone and fax number and, if available, electronic mail address of-*
 - (i) The information officer of every public body; and*
 - (ii) Every deputy information officer of every public body appointed in terms of section 17(1);*
 - (c) Such particulars of every private body as are practicable;*
 - (d) The manner and form of a request for-*
 - (i) Access to a record of a public body contemplated in section 11; and*
 - (ii) Access to a record of a private body contemplated in section 50;*
 - (e) The assistance available from the information officer of a public body in terms of this Act;*
 - (f) The assistance available from the Human Rights Commission in terms of this Act;*
 - (g) All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging*

- (i) An internal appeal; and*
 - (ii) An application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision of the head of a private body;*
 - (h) The provisions of sections 14 and 51 requiring a public body and private body, respectively, to compile a manual, and how to obtain access to a manual;*
 - (i) The provisions of sections 15 and 52 providing for the voluntary disclosure of categories of records by a public body and private body, respectively;*
 - (j) The notices issued in terms of sections 22 and 54 regarding fees to be paid in relation to requests for access; and*
 - (k) The regulations made in terms of section 92.*
- (3) The Human Rights Commission must, if necessary, update and publish the guide at intervals of not more than two years.*
- (4) The guide must be made available as prescribed.*

5. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY

GROUNDINGS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF THE ACT SECTION 62 TO 70.

The Company may refuse a request in terms of the following

62. Provision of this Chapter in terms of which a request for access to a record must or may or may not be refused, must not be construed as

- (a) Limited in its application in any way by any other provision of this Chapter in terms of which a request for access to a record must or may or may not be refused; and*
- (b) Not applying to a particular record by reason that another provision of this Chapter in terms of which a request for access to a record must or may or may not be refused, also applies to that record.*

Mandatory protection of privacy of third party who is natural person

63. (1) Subject to subsection (2), the head of a private body must refuse a request for access to a record of the body if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

- (2) A record may not be refused in terms of subsection (1) insofar as it consists of information*
 - (a) About an individual who has consented in terms of section 72 or otherwise in writing to its disclosure to the requester concerned;*
 - (b) Already publicly available;*
 - (c) That was given to the private body by the individual to whom it relates and the individual was informed by or on behalf of the private body, before it is given, that the information belongs to a class of information that would or might be made available to the public;*
 - (d) About an individual's physical or mental health, or well-being, who is under the care of the requester and who is-*
 - (i) Under the age of 18 years; or*
 - (ii) Incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;*
 - (e) About an individual who is deceased and the requester is*
 - (i) The individual's next of kin; or*
 - (ii) Making the request with the written consent of the individual's next of kin; or*
 - (f) About an individual who is or was an official of a private body and which relates to the position or functions of the individual, including, but not limited to*
 - (i) The fact that the individual is or was an official of that private body;*
 - (ii) The title, work address, work phone number and other similar particulars of the individual;*
 - (iii) The classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual; and*

- (iv) *The name of the individual on a record prepared by the individual in the course of employment.*

Mandatory protection of commercial information of third party

64. (1) *Subject to subsection (2), the head of a private body must refuse a request for access to a record of the body if the record contains*
- (a) *Trade secrets of a third party;*
 - (b) *Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or*
 - (c) *Information supplied in confidence by a third party, the disclosure of which could reasonably be expected*
 - (i) *To put that third party at a disadvantage in contractual or other negotiations; or*
 - (ii) *To prejudice that third party in commercial competition.*
- (2) *A record may not be refused in terms of subsection (1) insofar as it consists of information about-*
- (a) *A third party who has consented in terms of section 72 or otherwise in writing to its disclosure to the requester concerned;*
 - (b) *The results of any product or environmental testing or other investigation supplied by, carried out by or on behalf of a third party and its disclosure would reveal a serious public safety or environmental risk.*
- (3) *For the purposes of subsection (2)(b), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.*

Mandatory protection of certain confidential information of third party

65. *The head of a private body must refuse a request for access to a record of the body if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.*

Mandatory protection of safety of individuals, and protection of property

66. *The head of a private body-*
- (a) *Must refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual; or*
 - (b) *May refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair*
 - (i) *The security of*
 - (aa) *A building, structure or system, including, but not limited to, a computer or communication system;*
 - (bb) *A means of transport; or*

- (cc) Any other property; or
- (ii) Methods, systems, plans or procedures for the protection of
 - (aa) An individual in accordance with a witness protection scheme;
 - (bb) The safety of the public, or any part of the public; or
 - (cc) The security of property contemplated in subparagraph (i)(aa), (bb) or (cc).

Mandatory protection of records privileged from production in legal proceedings

67. *The head of a private body must refuse a request for access to a record of the body if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived the privilege.*

Commercial information of private body

68. (1) *Subject to subsection (2), the head of a private body may refuse a request for access to a record of the body if the record-*
- (a) *Contains trade secrets of the private body;*
 - (b) *Contains financial, commercial, scientific or technical information, other than trade secrets, of the private body, the disclosure of which would be likely to cause harm to the commercial or financial interests of the body;*
 - (c) *Contains information, the disclosure of which could reasonably be expected*
 - (i) *To put the private body at a disadvantage in contractual or other negotiations; or*
 - (ii) *To prejudice the body in commercial competition; or*
 - (d) *Is a computer program, as defined in section 1(1) of the Copyright Act, 1978 (Act No. 98 of 1978), owned by the private body, except insofar as it is required to give access to a record to which access is granted in terms of this Act.*
- (2) *A record may not be refused in terms of subsection (1) insofar as it consists of information about the results of any product or environmental testing or other investigation supplied by, carried out by or on behalf of the private body and its disclosure would reveal a serious public safety or environmental risk.*
- (3) *For the purposes of subsection (2), the results of any product or environmental testing or other investigation do not include the results of preliminary testing or other investigation conducted for the purpose of developing methods of testing or other investigation.*

Mandatory protection of research information of third party, and protection of research information of private body

69. (1) *The head of a private body must refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of a third party, the disclosure of which would be likely to expose*

- (a) The third party;*
- (b) A person that is or will be carrying out the research on behalf of the third party; or*
- (c) The subject matter of the research, to serious disadvantage.*

(2) The head of a private body may refuse a request for access to a record of the body if the record contains information about research being or to be carried out by or on behalf of the private body, the disclosure of which would be likely to expose

- (a) The private body;*
- (b) A person that is or will be carrying out the research on behalf of the private body; or*
- (c) The subject matter of the research, to serious disadvantage.*

Mandatory disclosure in public interest

70. Despite any other provision of this Chapter, the head of a private body must grant a request for access to a record of the body contemplated in section 63(1), 64(1), 65, 66(a) or (b), 67, 68(1) or 69(1) or (2) if

- (a) The disclosure of the record would reveal evidence of
 - (i) A substantial contravention of, or failure to comply with, the law; or*
 - (ii) Imminent and serious public safety or environmental risk; and**
- (b) The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.*

ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION [SECTIONS 51(1) (C) AND 51(1) (E)]

5.1. Records Automatically Available-[Section 51(1)(c)]

5.1.1. The following information is available without special request. Records that are automatically available to the public are all records of the Company lodged in terms of government requirements with various statutory bodies, including the Registrar of Companies, and the Registrar of Deeds, all records in the marketing and advertising material published by the Company and all records available on the Companys website.

5.2. Records available in terms of any other legislation [Section 51(1) (d)]

5.3. The following Acts apply to the Company.

5.3.1. Administration of Estates Act, No. 66 of 1965.

To consolidate and amend the Law relating to the liquidation and distribution of the estates of deceased persons, the administration of the property of minors and persons under curatorship, and of derelict estates; to regulate the rights of beneficiaries under mutual wills made by any two or more persons; to amend the Mental Disorders Act, 1916; and to provide for incidental matters.

5.3.2. Arbitration Act No. 42 of 1965

5.3.3. Basic Conditions of Employment Act No. 75 of 1997

To give effect to the right to fair labour practices referred to in section 23(1) of the Constitution by establishing and making provision for the regulation of basic conditions of employment; and thereby to comply with the obligations of the Republic as a member state of the International Labour Organization; and to provide for matters connected therewith.

5.3.4. Closed Corporations Act No. 69 of 1984

To provide for the formation, registration, incorporation, management and control and liquidation close corporations; and for matters connected therewith.

5.3.5. Companies Act No. 61 of 1973,

To consolidate and amend the Law relating to companies; and to provide for matters incidental thereto.

5.3.6. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993,

To provide for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the course of their employment, or for death resulting from such injuries or diseases; and to provide for matters connected therewith.

5.3.7. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988,

To provide for the prohibition or control of certain business practices; and for matters connected therewith.

5.3.8. Copyright Act No. 98 of 1978

5.3.9. Credit Agreements Act No. 75 of 1980

5.3.10. Currency and Exchanges Act No. 9 of 1933,

To amend the Law relating to legal tender, currency, exchanges and banking.

5.3.11. Debtor Collectors Act No. 114 of 1998,

To provide for the establishment of the Council for Debt Collectors; to provide for the exercise of control over the occupation of debt collector; to amend the Magistrates' Court Act, 1944, so as to legislate the recovery of fees or remuneration by registered debt collectors; and to provide for matters connected therewith.

5.3.12. Employment Equity Act No. 55 of 1998,

To provide for employment equity; and to provide for matters incidental thereto.

5.3.13. Financial Services Board Act No. 97 of 1990,

To provide for the establishment of a board to supervise compliance with laws regulating financial institutions and the provision of financial services; and for matters connected therewith.

5.3.14. Financial Relations Act No. 65 of 1976,

5.3.15. Harmful Business Practices Act No. 23 of 1999,

To amend the Harmful Business Practices Act, 1988, so as to harmonise the Act with Provincial Legislation; to amend and insert certain definitions; to reconstitute and rename the Business Practices Committee; to provide for an executive committee; to authorize an investigating officer to enter any premises with a search

warrant; to provide for appeals against decisions of competent authorities in the Provinces; to phase out the existing special courts and to replace them with a permanent special court; to provide for the staying of civil proceedings; to extend the application of the Act throughout the republic; and to provide for matters concerned therewith.

5.3.16. Income Tax Act No. 95 of 1967,

NOTE: Further amendments promulgated, relevant provisions refer to certain entities and provide for the payment of a portion of the normal tax payable by certain companies into provincial revenue funds; to provide for the basis of calculation of any tax levied by a Provincial Council on the incomes of persons other than companies; to provide for the repayment to the taxpayers concerned of certain portions of the normal tax paid by the taxpayers; to amend the Income Tax Act, 1962. so as to increase the rate of non-resident shareholders tax, to impose a non-residents tax on interest and to amend the Law relating to income Tax; to amend Section 2 of the Income Tax Act, 1966, so as to provide that certain sums shall not be payable into provincial revenue funds.

5.3.17. Insolvency Act No. 24 of 1936,

To consolidate and amend the Law relating to insolvent persons and to their estates.

5.3.18. Insurance Act No 27 of 1943,

To consolidate and amend the Law relating to Insurance.

5.3.19. Intellectual Property Laws Amendments Act No. 38 of 1997,

To consolidate and amend the Law relating to Merchandise Marks Act, 1941, the Performer's Protection Act, 1967, the Patents Act, 1978, the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS Agreement); the Trade Marks Act, 1993, the Designs Act, 1993 and to provide for matters connected therewith.

5.3.20. Labour Relations Act No. 66 of 1995,

To amend and repeal certain laws relating to labour relations; and to provide for incidental matters.

5.3.21. Long Term Insurance Act No. 52 of 1998,

To provide for the registration of long- term insurers; for the control of certain activities of long-term insurers and intermediaries; and for matters connected therewith.

5.3.22. Medical Schemes Act No. 131 of 1998,

To consolidate the Laws relating to registered medical schemes, to provide for the establishment of the Council for medical schemes as a juristic person; to provide for the appointment of the Registrar of Medical Schemes; to make provision for the registration and control of certain activities of medical schemes; to protect the interests of members of the medical schemes; to provide for measures for the co-ordination of medical schemes; and to provide for incidental matters.

5.3.23. Occupational Health & Safety Act No. 85 of 1993,

To provide for the health and safety of persons at work and for the health and safety of persons in connection with the use of plant and machinery; the protection of persons other than persons at work against hazards to health and safety arising out or in connection with the activities of persons at work; to establish an advisory council for occupational health and safety; and to provide for matters connected therewith.

5.3.24. Pension Funds Act No. 24 of 1956,

To provide for the registration, incorporation, regulation and dissolution of pension funds and for matters incidental thereto.

5.3.25. Post Office Act No. 44 of 1958,

5.3.26. Regional Services Councils Act No. 109 of 1985,

NOTE: Act repealed in so far as it applies to KZN:

To provide for the joint exercise and carrying out of powers and duties in relation to certain functions in certain areas by local bodies within such areas; and to that end to provide for the delimitation of regions; the establishment of regional services councils; and the constitution, functioning, functions, powers, duties, assets, rights, employees and financing of such councils; and to provide for matters connected therewith.

5.3.27. SA Reserve Bank Act No. 90 of 1989,

To consolidate the Laws relating the South African Reserve Bank and the monetary system of the Republic: and to provide for matters connected therewith.

5.3.28. Short Term Insurance Act No. 53 of 1998,

To provide for the registration of short-term insurers; for the control of certain activities of short-term insurers and intermediaries; and for matters connected therewith.

5.3.29. Skills Development Levies Act No. 9 of 1999,

To provide for the imposition of a 1% skills development levy: and for matters connected therewith.

5.3.30. Skills Development Act No. 97 of 1998,

To provide an institutional framework to devise and implement national, sector and workplace strategies to develop and improve the skills of the South African workforce; to integrate those strategies within the National Qualifications Framework contemplated in the South African Qualifications Authority Act 1995; to provide for learnerships that lead to recognized occupational qualifications; to provide for the financing of skills development by means of a levy-financing scheme and a National Skills Fund; to provide for and regulate employment services; and to provide for matters concerned therewith.

5.3.31. Stamp Duties Act No. 77 of 1968,

To consolidate and amend the Law relating to stamp duties; and to amend the Marketable Securities Tax Act, 1948.

5.3.32. Stock Exchange Control Act No. 1 of 1985,

To consolidate the Laws relating to the regulation and control of stock exchanges and of the business of stock-brokers and of certain lenders of money against the security of securities; and to provide for matters connected therewith.

5.3.33. Tax on Retirement Funds Act No. 38 of 1996,

To provide for the taxation of interest and rental income of retirement funds and untaxed policyholder funds of insurers; and to provide for matters connected therewith.

5.3.34. Trade Marks Act No. 194 of 1993,

To provide for the registration of trade marks, certification trade marks and collective trade marks; and to provide for incidental matters.

5.3.35. Unemployment Contributions Act No. 4 of 2002,

To provide for the imposition and collection of contributions for the benefit of the Unemployment Insurance Fund, and to provide for matters connected therewith.

5.3.36. Unemployment Insurance Act No. 63 of 2001,

To establish the Unemployment Insurance Fund; to provide for the payment from the Fund of unemployment benefits to certain employees, and for the payment of illness, maternity, adoption and dependant's benefits related to the unemployment of such employees; to provide for the establishment of the unemployment Insurance Board, the functions of the Board and the designation of the Unemployment Insurance Commissioner, and to provide for matters concerned therewith

5.3.37. Usury Act No 73 of 1968,

To provide for the limitation and disclosure of finance charges levied in respect of money lending transactions, credit transactions and leasing transactions and for matters incidental thereto; and to repeal the Usury Act, 1926

5.3.38. Value Added Tax Act No. 89 of 1991

To provide for taxation in respect of the supply of goods and services and the importation of goods; to amend the Transfer Duty Act, 1949, so as to provide for an exemption; to amend the Stamp Duties Act, 1968, so as to provide for an exemption from stamp duty and to discontinue the levying of certain stamp duties; to repeal the Sales Tax Act, 1978; and to provide for matters connected therewith.

5.4. Records Available by Special Request-[Section 51(1) (e)].

5.4.1. The following information is available by special request, Sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject;

5.4.2. A Description of the Subjects of the Records Held by The Company and the Categories in which these Subjects are Classed -[Section 51(1)(e)] The Company holds the following records and information which is categorised in the following categories

5.4.3. Secretarial Records

5.4.3.1. Memorandum and Articles of Association

5.4.3.2. Minutes of Shareholders Meetings

5.4.3.3. Statutory Returns

5.4.3.4. Share Certificates

5.4.4. Movable and Immovable Property

5.4.4.1. Title deeds

5.4.4.2. Stock Records

5.4.4.3. Assets Registry

5.4.5. Intellectual Property

5.4.5.1. Designs

5.4.5.2. Know-how

5.4.6. Insurance

5.4.6.1. Policies

5.4.6.2. Unemployment Fund

5.4.6.3. Provident Fund

5.4.7. Human Resources

5.4.7.1. Employee information

5.4.7.2. Forms and applications

5.4.7.3. Standard letters and notices

5.4.7.4. Employee benefits arrangements rules and records

5.4.7.5. Grievance Procedure and Disciplinary Code

5.4.7.6. Educational history

5.4.7.7. Employee Qualifications

5.4.7.8. Attendance records

5.4.8. Finance

- 5.4.8.1. Audited annual financial statements
- 5.4.8.2. Management accounts
- 5.4.8.3. Banking details and bank accounts
- 5.4.8.4. Debtors/Creditors statements and invoices
- 5.4.8.5. Price lists
- 5.4.8.6. Employee payment records
- 5.4.8.7. Credit end debit notes

5.4.9. Procurement

- 5.4.9.1. Reports and Supporting documentation
- 5.4.9.2. Tender documentation
- 5.4.9.3. Delivery records
- 5.4.9.4. Goods received

5.4.10. Operations

- 5.4.10.1. Telecommunications traffic

5.4.11. Legal

- 5.4.11.1. Contracts
- 5.4.11.2. Any agreements related to the operations of The Company.
- 5.4.11.3. Contractors agreements
- 5.4.11.4. Standard Terms and Conditions for supply of Services Products and Software

5.4.12. Regulatory

- 5.4.12.1. Permits
- 5.4.12.2. Licences
- 5.4.12.3. Registrations

5.4.13. Information technology

- 5.4.13.1. System documentation and manuals
- 5.4.13.2. Licences
- 5.4.13.3. Software
- 5.4.13.4. Contracts

5.4.14. Administration

- 5.4.14.1. Correspondence with internal and external parties.

5.4.15. Risk Management

5.4.15.1. Safety Manuals

5.4.15.2. Records and safety

5.4.15.3. Accident books and records

5.4.16. Products & Services

5.4.16.1. Products

5.4.16.2. Product Designs

5.4.16.3. Product Specifications

5.4.16.4. Product Manuals

5.4.16.5. Service specifications

5.4.16.6. Service manuals

5.4.16.7. Instruction manual

5.5. Other party records

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

5.5.2. Records held by 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;

5.5.3. Records relating to the Private Bodys marketers/agents

6. FORM OF REQUEST

In terms of the Act, Section 53.

(1) A request for access to a record of a private body must be made in the prescribed form to the private body concerned at its address, fax number or electronic mail address.

(2) The form for a request for access prescribed for the purposes of subsection (1) must at least require the requester concerned,

(a) to provide sufficient particulars to enable the head of the private body concerned to identify,

(i) the record or records requested; and

(ii) the requester;

(b) to indicate which form of access is required;

(c) to specify a postal address or fax number of the requester in the Republic;

(d) to identify the right the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right;

(e) if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be so informed; and

(f) if the request is made on behalf of a person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.

6.1. THE PROCESSES AND PROCEDURES FOR REQUESTING INFORMATION OR RECORDS -[SECTION 51(1)(E)]

6.1. The request must be made as set out in the Act.

6.2. The request must be made to the Information Officer at the provided contact details. The requester must complete all the relevant fields of the attached Request Form A.

6.3. The Information Officer shall notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

6.4. In the event of refusal, the requester may lodge an application with a court of law to order the Company to give the requester access to the requested records. In such case the requester will be liable for all cost incurred by the Company.

REQUEST FORM A
REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2000)
(Act. No. 2 of 2000)
[Regulation 10]

A. 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 record must be given below.

(b) The address and/or fax number in the Republic to which the information is to be sent must be given.

(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: _____

Identity number: _____

Postal Address: _____

Postal Code: _____

Fax Number: (____) _____

Telephone number: (____) _____

E-mail Address: _____@_____

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

C. Particulars of person on whose behalf request is made.

This section must be completed ONLY if requests 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) In the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

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

2. Reference number, if available:

3. Any further particulars of record:

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 required to be paid as the request fee.

(c) The fee payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.

(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

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 indicate I which form the record is required.

Disability:

Form in which record is required:

Please indicate the appropriate choice.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such 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, slide, 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?

G. Particulars of right to be exercised or protected

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

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

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

Signed at _____ this _____ day of _____

SIGNATURE OF REQUESTER / PERSON

7. FEES

In terms of the Act Section 54. (1) The head of a private body to whom a request for access is made must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request.

(2) If

(a) the search for a record of a private body in respect of which a request for access by a requester, other than a personal requester, has been made; and

(b) the preparation of the record for disclosure (including any arrangements contemplated in section 29(2)(a) and (b)(i) and (ii)

(aa)), would, in the opinion of the head of the private body concerned, require more than the hours prescribed for this purpose for requesters, the head must by notice require the requester, other than a personal requester, to pay as a deposit the prescribed portion (being not more than one third) of the access fee which would be payable if the request is granted.

(3) The notice referred to in subsection (1) or (2) must state

(a) the amount of the deposit payable in terms of subsection (2), if applicable;

(b) that the requester may lodge an application with a court against the tender or payment of the request fee in terms of subsection (1), or the tender or payment of a deposit in terms of subsection (2), as the case may be; and

(c) the procedure (including the period) for lodging the application.

(4) If a deposit has been paid in respect of a request for access which is refused, the head of the private body concerned must repay the deposit to the requester.

(5) The head of a private body may withhold a record until the requester concerned has paid the applicable fees (if any).

(6) A requester whose request for access to a record of a private body has been granted must pay an access fee for reproduction and for search and preparation contemplated in subsection (7)(a) and (b), respectively, for any time reasonably required in excess of the prescribed hours to search for and prepare (including making any arrangements contemplated in section 29(2)(a) and (b)(i) and (ii)(aa)) the record for disclosure.

(7) Access fees prescribed for the purposes of subsection (6) must provide for a reasonable access fee for

(a) the cost of making a copy of a record, or of a transcription of the content of a record, as contemplated in section 29(2)(a) and (b)(i), (ii)(bb), (iii) and (v) and, if applicable, the postal fee; and

(b) the time reasonably required to search for the record and prepare (including making any arrangements contemplated in section 29(2)(a) and (b)(i) and (ii)(aa)) the record for disclosure to the

requester.

(8) *The Minister may, by notice in the Gazette*

- (a) *exempt any person or category of persons from paying any fee referred to in this section;*
- (b) *determine that any fee referred to in this section is not to exceed a certain maximum amount;*
- (c) *determine the manner in which any fee referred to in this section is to be calculated;*
- (d) *determine that any fee referred to in this section does not apply to a category of records;*
- (e) *exempt any person or record or category of persons or records for a stipulated period from any fee referred to in subsection (6); and*
- (f) *determine that where the cost of collecting any fee referred to in this section exceeds the amount charged, such fee does not apply.*

In terms of the Government Gazette no 23119 of 15 February 2002 the requestor fees shall be:

7.1. FEES IN RESPECT OF PRIVATE BODIES

R

1. *The fee for a copy of the manual as contemplated in regulation 9(2)(c) for every photocopy of an A4-size page or part thereof. 1,10*
2. *The fees for reproduction referred to in regulation 11(1) are as follows: R*
 - (a) *For every photocopy of an A4-size page or part thereof 1.10*
 - (b) *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*
 - (c) *For a copy in a computer-readable form on -*
 - (i) *stiffy disc 7.50*
 - (ii) *compact disc 70.00*
 - (d) (i) *For a transcription of visual images, for an A4-size page or part thereof 40.00*
(ii) *For a copy of visual images 60.00*
 - (e) (i) *For a transcription of an audio record, for an A4-size page or part thereof 20.00*
(ii) *For a copy of an audio record 30.00*
3. *The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is 50.00*
4. *The access fees payable by a requester referred to in regulation 11(3) are as follows: R*
 - (a) *For every photocopy of an A4-size page or part thereof 1,10*
 - (b) *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*
 - (c) *For a copy in a computer-readable form on -*
 - (i) *stiffy disc 7,50*
 - (ii) *compact disc 70,00*
 - (d) (i) *For a transcription of visual images, for an A4-size page or part thereof 40.00*
(ii) *For a copy of visual images 60.00*
 - (e) (i) *For a transcription of an audio record, for an A4-size page or part thereof 20.00*

(ii) For a copy of an audio record 30.00

(f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation. 30.00

(2) For purposes of section 54(2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

8. OTHER INFORMATION AS MAY BE PRESCRIBED [SECTION 51(1)(F)]

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

9. DISSEMINATION AND AVAILABILITY OF THE MANUAL

- 9.1. Copies of the manual will be distributed in terms of Section 51(3) and Regulation 187 of 15 February 2002 to:
 - 9.1.1. The South African Human Rights Commission.
Postal Address: Private Bag 2700, Houghton 2041
Or deliver to: Address: 29 Princess of Wales Terrace, Parktown, Johannesburg
And Submissions can be made electronically to: paia@sahrc.org.za
 - 9.1.2. The controlling body of which the private body is a member if applicable.
- 9.2. The manual will be available for public inspection during office hours and upon request at the said business address.
- 9.3. The manual will be available for public inspection on the website (if available)

10. DECLARATION

We the undersigned herewith declare that the information contained in this manual is correct and that we are authorised to sign this manual on behalf of the Company. Thus done and signed on the 01 day of May in the year 2006.



For and on behalf of
The Company
The Managing Director



As Witness hereto



For and on behalf of
The Company
The Information Officer