



Government Gazette

REPUBLIC OF SOUTH AFRICA

Vol. 450 Pretoria 6 December 2003 **No. 24130**

M A N U A L S

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO

INFORMATION ACT (NO. 2 OF 2000)



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

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Ripple Effect 4 (Pty) Ltd. Manual**Ripple
Effect****(Pty) Limited****Act 2 of 2000,
The Promotion of Access to Information**

This Manual was prepared in accordance with Section 51 of the
Promotion of Access to Information Act No. 2 of 2000

Effective Date: 1st December 2002**1. Information required under section 51(1)(a) of the Act:**

- a. Name of the Body
Ripple Effect 4 (Pty) Ltd.
- b. Head of the Body (Information Officer)
Mr. Todd Kaplan
- c. Postal Address
PO Box 1955
Witkoppen
2068
- d. Street Address
Unit 68, Studio Park
5 Concourse Crescent
Lonehill
- e. Telephone Number
(011) 456 - 2209

- f. Fax Number
(011) 465 - 2215
- g. Web address
www.re4.co.za
- h. Contact Details of Information Officer
 - i. e-mail: info@wildlifecampus.com
 - ii. Phone: (011) 465 - 2209
 - iii. Fax: (011) 465 - 22015

2. Information required under section 51(1)(b) of the Act:

Section 51 (1) (b) of the Act calls for a description of the guide referred to in section 10 of the Act, if available, and how to obtain access to it. The guide referred to in section 10 is a guide that must be compiled by the Human Rights Commission containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The regulations regarding the Promotion of Access to Information published under Government Notice No. R187 of 15 February 2002 set forth how the Human Rights Commission should make the guide available

3. Information required in terms of section 51 (1)(c) of the Act:

No section 52 (2) notice has yet been published by the Minister.

4. Information required under section 51(1)(d) of the Act:

The company keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act:

| | |
|--|--|
| Companies Act 61 of 1973: | sections: 93(1), 105(1), 140A(8), 204(1), 215(1), 240(1), 242(1), 245(2), 284(1) |
| Income Tax Act 58 of 1962: | section 74 |
| Value-Added Tax Act, 89 of 1991: | section 55 |
| Labour Relations Act 66 of 1995: | section 205 |
| Basic Conditions of Employment Act 75 of 1997: | section 31 |
| Employment Equity Act 55 of 1998: | section 26 |
| Skills Development Levies Act 97 of 1998: | section 13 |
| Occupational Health and Safety Act 85 of 1993: | section 8 |
| Compensation for Occupational Injuries and Diseases Act, 130 of 1993: | section 81 |
| Unemployed Insurance Act, 30 of 1966: | sections 32 & 33 |
| Customs & Excise Act 91 of 1964: | sections 101(1) |

5. Information required under section 51(1)(e) of the Act:

The following are the subjects and categories of records held:

5.1. Web page:

The Ripple Effect 4 Website consists of the following categories:

1. Company Profile
2. Contact Us
3. Terms and Conditions of Usage
4. Access to Information Act:- Promotion of Access to Information Act - Manual

5.2. Other Records:

- Documents of Incorporation , the Constitution of the Company, Registers & Minute Books:
Company documents including the Memorandum of Association and the Articles of Association and any amendments thereto, various registers, minute books and internal resolutions.
- Accounting:
Books of account, vouchers, invoices, fixed asset registers, inventories.
- Taxation:
Records pertaining to VAT, Company Tax, STC, PAYE and Capital Gains.
- Intellectual Property:
Records relating to trade marks, patents, designs, licenses and licensing agreements.
- Insurance:
Records relating to insurance arrangements, policies and claims.
- Moveable and Immovable Property:
Title deeds, lease agreements, mortgage bonds, liens, notarial bonds, hire purchase agreements and security interests on property.
- Agreements
Agreements in respect of technical aid, licences, agents, distributors, suppliers, customers, banking, loans, indemnities & guarantees, acquisitions & disposals of assets & with service providers.
- Human Resources
Employee records, conditions of employment, payrolls, arrangements with service providers, dealings with Unions, labour related matters and benefit funds.
- Operational:
Technical, procurement, production and marketing information, customer related records, management records, data bases, correspondence, policies & procedures, banking records & legal proceedings.
- Computer and Communication Information:
Procurement, maintenance and data communication arrangements.

6) Refusal of Access and Protection of Information:

In terms of chapter 4 of the Act, Grounds for Refusal of Access to Records, there is provision for mandatory protection of the following information, save in the special circumstances provided for in the Act:

- Information for the protection of the privacy of individuals (s63)
- Information for the protection of commercial information and confidential information of third parties. (s 64 & 65)
- Information for the protection of the safety of individuals and the protection of property. (s 66)
- Information privileged from production in legal proceedings (s67)
- Commercial information of the company (s68)
- Research information (s69)

7. Availability of the manual:

The manual is also available for inspection at the offices of the company free of charge; and copies are available in the Gazette and on the company's website.

SEAL CENTRE (PTY) LTD

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 SEAL CENTRE (PTY) LTD which operates as a dealer in oil seals and for whom this manual is drafted.

PART I

2 CONTACT DETAILS

2.1 Information Officer: MR ANDRIES JOHAN GREEFF

Postal address: P O BOX 48985, HERCULES, 0030

Physical Address: 800 HELEN STREET, HERMANSTAD, PRETORIA

Tel: (012) 379-1658

Fax: (012) 377-2597

E-mail: n/a

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: SEAL CENTRE (PTY) LTD

2.2.2 Registration No: 82/01669/07 Vat Registration No. 4480106675

2.2.3 Postal Address: P O BOX 48985, HERCULES, 0030

2.2.4 Physical Address (or main place of business): 800 HELEN STREET, HERMANSTAD, PRETORIA

2.2.5 Telephone Number: (012) 379-1658

2.2.6 Facsimile number: (012) 377-2597

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;
E-mail Address: 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 FINANCIAL DOCUMENTS AND RECORDS

- 3.2.1.1 Incorporation documents and records
- 3.2.1.2 Regional Services Council records
- 3.2.1.3 Vat records
- 3.2.1.4 Tax records
- 3.2.1.5 PAYE records
- 3.2.1.6 UIF records
- 3.2.1.7 Stock records

3.2.1.8 Invoices and statements

3.2.1.9 Monthly statements

3.2.1.10 Auditor's reports

3.2.1.11 Credit notes

3.2.1.12 Cheque account

3.2.1.13 Bank records

3.2.1.14 Cash records

3.2.2 OPERATIONAL DOCUMENTS AND RECORDS

3.2.2.1 Database of customers

3.2.2.2 Credit Application forms and records

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

3.2.3 PERSONNEL DOCUMENTS AND RECORDS

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

3.2.3.1 Pension Fund records

3.2.3.2 Unemployment Insurance

3.2.3.3 Medical Aid records

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

3.2.4 INFORMATION TECHNOLOGY RECORDS

3.2.4.1 Licences

3.2.5 RECORDS REQUIRED IN TERMS OF LEGISLATION

3.2.5.1 A table of legislation setting out a description of the records of the Private Body is available in accordance with certain legislation. We list the legislation as follows:-

- 3.2.5.1.1 The Criminal Procedures Act 51 of 1977
- 3.2.5.1.2 The Labour Relations Act 66 of 1995
- 3.2.5.1.3 The Basic Conditions of Employment Act 75 of 1997
- 3.2.5.1.4 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.5.1.5 Insolvency Act 24 of 1936
- 3.2.5.1.6 Constitution of SA Act 108 of 1996
- 3.2.5.1.7 Companies Act 61 of 1973
- 3.2.5.1.8 Unemployment Insurance Act 63 of 2001
- 3.2.5.1.9 Value Added Tax Act 89 of 1991
- 3.2.5.1.10 Skills Development Levies Act 9 of 1999
- 3.2.5.1.11 Pension Funds Act 24 of 1956
- 3.2.5.1.12 Income Tax Act 58 of 1962

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

3.2.6 OTHER PARTY RECORDS

- 3.2.6.1 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;
- 3.2.6.2 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;
- 3.2.6.3 Records relating to the Private Body's marketers / agents.

PART IV

4 GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

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

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

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

5.1 INTERNAL REMEDIES

The Private Body does not have an internal appeal procedure. As such, the decision made by the information officer is final, and requesters will have to exercise such external remedies at

their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the information officer.

5.2 EXTERNAL REMEDIES

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

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

6 REQUEST PROCEDURE

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

7 ACCESS TO RECORDS HELD BY THE PRIVATE BODY

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

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

7.2.1 PERSONAL REQUESTER

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

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

7.2.2 OTHER REQUESTER

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

8 FEES

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

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

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

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

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

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

8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.

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

9 DECISION

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

10 AVAILABILITY OF THE MANUAL

- 10.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 10.2 The manual of the Private Body may also be available on the website of the Private Body (if applicable).

APPENDIX - 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

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

(Regulation 4)

A. Particulars of Private Body

The Head:

B. Particulars of Person requesting access to the record

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

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

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

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

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

Full names and Surname: _____

Identity Number: _____

D. Particulars of Record:

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios*

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

2. Reference number, if available: _____

2. Any further particulars of the record:

E. Fees:

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

Reason for exemption of payment of the fee:

F. Form of Access to the Record:

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

| | |
|-------------|-----------------------------------|
| Disability: | Form in which record is required: |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Mark the appropriate box with an "X"

NOTES:

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

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

| | | | |
|--------------------------|------------------|--------------------------|----------------------|
| <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 |

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

Deposits:

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

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

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

P J VERSFELD

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 P J Versfeld a private body within the fruit producing, packaging and export industry, for whom this manual is drafted.

PART I

2 CONTACT DETAILS

2.1 Information Officer: Steven David Versfeld

Postal address: P O Box 219, Ceres, 6835

Physical Address: Achtertuin Farm, Ceres

Tel: (082) 890 1593

Fax: (023) 3161 803

E-mail: peter@lando.co.za

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: P J Versfeld

2.2.2 Postal Address: P O Box 219, Ceres, 6835;

2.2.3 Physical Address (or main place of business): Achtertuin Farm, Ceres;

2.2.4 Telephone Number: (023) 3122 567;

2.2.5 Facsimile number: (023) 3161 803;

2.2.6 E-mail: peter@lando.co.za;

2.2.7 Website: N/A;

2.2.8 E-mail Address: peter@lando.co.za.

PART II

3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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

The South African HUMAN RIGHTS COMMISSION,

at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),

Private Bag X2700, HOUGHTON, 2041;

Telephone Number: (011) 484-8300;

Facsimile Number: (011) 484-1360;

Website: www.sahrc.org.za;

E-mail Address: 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 RECORDS

3.2.1 Financial Records

- 3.2.1.1 Auditing
- 3.2.1.2 Annual Financial Statements
- 3.2.1.3 Regional Services Council levy records
- 3.2.1.4 Vat records
- 3.2.1.5 Tax records
- 3.2.1.6 PAYE records
- 3.2.1.7 UIF records
- 3.2.1.8 Stock records
- 3.2.1.9 Asset inventory
- 3.2.1.10 Asset register
- 3.2.1.11 Order forms
- 3.2.1.12 Consignment notes

| | |
|----------|--|
| 3.2.1.13 | Invoices |
| 3.2.1.14 | Proof of delivery forms |
| 3.2.1.15 | Goods returned vouchers |
| 3.2.1.16 | Credit and debit notes |
| 3.2.1.17 | Current account details |
| 3.2.1.18 | Call account details |
| 3.2.1.19 | Cash records |
| 3.2.1.20 | Records held by auditors / accountants of the Private Body |

3.2.2 PERSONNEL RECORDS

Personal records provided by personnel (including permanent and temporary) including but not limited to employment contracts, identity documents, application forms, qualifications and salary.

| | |
|----------|--|
| 3.2.2.1 | Conditions of employment and other personnel-related records |
| 3.2.2.2 | Attendance register |
| 3.2.2.3 | Training records |
| 3.2.2.4 | Leave records |
| 3.2.2.5 | Records relating to increases |
| 3.2.2.6 | Records relating to deductions |
| 3.2.2.7 | Disciplinary records |
| 3.2.2.8 | Medical assistance records |
| 3.2.2.9 | Medical history |
| 3.2.2.10 | Employment policies & practices |
| 3.2.2.11 | Schemes, funds and policies |
| 3.2.2.12 | Unemployment Insurance |
| 3.2.2.13 | Death policies |
| 3.2.2.14 | Workman's Compensation |

3.2.2.15 SETA Records – Primary Agriculture

"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, seasonal and part-time staff, as well as contract workers.

3.2.3 SAFETY RECORDS**3.2.3.1 Safety procedures****3.2.4 INFORMATION TECHNOLOGY****3.2.4.1 Licences****3.2.4.2 Software programs****3.2.4.3 Software applications****3.2.4.4 Computer generated databases of employees****3.2.5 OPERATIONAL RECORDS****3.2.5.1 Mission and value statements****3.2.5.2 Environmental policies****3.2.5.3 Product / service specifications****3.2.5.4 Europ Gap Compliance documentation****3.2.5.5 Quality control test results****3.2.5.6 Internal policies and procedures**

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

3.2.6 RECORDS REQUIRED IN TERMS OF LEGISLATION**3.2.6.1 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:-****3.2.6.1.1 Deeds Registries Act, 47 of 1937****3.2.6.1.2 Short term Insurance Act 53 of 1998**

- 3.2.6.1.3 Labour Relations Act 66 of 1995
- 3.2.6.1.4 Employment Equity Act 55 of 1998
- 3.2.6.1.5 Basic Conditions of Employment Act 75 of 1997
- 3.2.6.1.6 Firearms Control Act 60 of 2000
- 3.2.6.1.7 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.6.1.8 Unemployment Insurance Act 63 of 2001
- 3.2.6.1.9 Value Added Tax Act 89 of 1991
- 3.2.6.1.10 Skills Development Act 9 of 1999
- 3.2.6.1.11 Income Tax Act 58 of 1962

3.2.7 OTHER PARTY RECORDS

- 3.2.7.1 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;
- 3.2.7.2 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;
- 3.2.7.3 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 internal appeal procedures. 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 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 further processing of the request.
- 8.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the information officer shall notify the requester to pay as a deposit the prescribed portion of the Access fee which would be payable if the request is granted.
- 8.4 The information officer shall withhold a record until the requester has paid the fees as indicated in Appendix 2.
- 8.5 A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 8.6 If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

9 DECISION

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

10 AVAILABILITY OF THE MANUAL

- 10.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 10.2 The manual of the Private Body may also be available on the website of the Private Body (if applicable).

APPENDIX - 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

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

(Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access to the record

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

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

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

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

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

Full names and Surname: _____

Identity Number: _____

D. Particulars of Record:

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios*

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

2. Reference number, if available: _____

2. Any further particulars of the record:

E. Fees:

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

Reason for exemption of payment of the fee:

F. Form of Access to the Record:

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

| | |
|-------------|-----------------------------------|
| Disability: | Form in which record is required: |
| | |
| | |
| | |

Mark the appropriate box with an "X"

NOTES:

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

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

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

2. If the record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

| | | | | | |
|--|-----------------|--|----------------------|--|------------------------------|
| | View the images | | Copy of the images * | | Transcription of the images* |
|--|-----------------|--|----------------------|--|------------------------------|

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

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

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

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

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

G. Particulars of right to be exercised or protected:

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

Indicate which right is to be exercised or protected: _____

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

H. Notice of decision regarding request for access:

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

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

Signed at _____ this _____ day of _____ 200_____

 SIGNATURE OF REQUESTER/PERSON
 ON WHOSE BEHALF REQUEST IS MADE

APPENDIX -- 2

REPRODUCTION FEES

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

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

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

Request fees:

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

Access fees:

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

The applicable access fees which will be payable are:

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

| | |
|---|-----------|
| • For a copy in a computer-readable form on | R |
| - Stiffy disc | 7,50 |
| - Compact disc | 70,00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40,00 |
| • For a copy of visual images | 60,00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| • For a copy of an audio record | 30,00 |
| • To search for a record that must be disclosed | 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.

PETER BRESLER & ASSOCIATES CC t/a MAGNADOR

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 Peter Bresler & Associates CC t/a Magnador a private body within the manufacturing industry, for whom this manual is drafted.

PART I

2 CONTACT DETAILS

2.1 Information Officer: P Bresler (Snr)

Postal address: P O Box 21110, Parow, 7499

Physical Address: 26 Christiaan Beyers Street, Parow North, 7500

Tel: (021) 931 0150

Fax: (021) 931 0160

E-mail: magnador@mweb.co.za

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: Peter Bresler & Associates CC t/a Magnador (including its subsidiaries);

2.2.2 Postal Address: P O Box 21110, Parow, 7499;

2.2.3 Physical Address (or main place of business): 26 Christiaan Beyers Street, Parow North;

2.2.4 Telephone Number: (021) 931 0150;

2.2.5 Facsimile number: (021) 931 0160;

2.2.6 E-mail: magnador@mweb.co.za;

2.2.7 Website: www.magnador.co.za;

2.2.8 E-mail Address: magnador@mweb.co.za.

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3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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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;

E-mail Address: 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.

3.1.1 PERSONNEL RECORDS

- 3.1.1.1 Personal records provided by personnel including but not limited to employment contracts, identity documents, curriculum vitae, application forms and qualifications;
- 3.1.1.2 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 3.1.1.3 Training schedules and manuals;
- 3.1.1.4 Employment policies & practices;
- 3.1.1.5 Schemes, funds and policies;
- 3.1.1.6 Correspondence relating to personnel;
- 3.1.1.7 Records provided by a third party relating to personnel;
- 3.1.1.8 SETA Records – Metal and Engineering;
- 3.1.1.9 Bargaining Council Records – Iron, Steel, Engineering and Metallurgical Industry;

“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.

3.1.2 CUSTOMER RELATED RECORDS

- 3.1.2.1 Records provided by customers to the Private Body including contact details;
- 3.1.2.2 Records provided by any third party;

- 3.1.2.3 Records generated by the Private Body within the manufacturing industry relating and pertaining to its customers, including transactional records, contacts, invoices, acceptances, order books, installation details, delivery notes, log books, way bills, sales records etc;

A "customer" refers to any natural or juristic entity that receives services from the Private Body.

3.1.3 GENERAL PRIVATE BODY RECORDS

- 3.1.3.1 Financial records;
- 3.1.3.2 Operational records including ISO9000 records;
- 3.1.3.3 Databases;
- 3.1.3.4 Information Technology;
- 3.1.3.5 Marketing records;
- 3.1.3.6 Internal correspondence;
- 3.1.3.7 Product records;
- 3.1.3.8 Statutory records;
- 3.1.3.9 Internal Policies and Procedures;
- 3.1.3.10 Records held by officials of the Private Body;
- 3.1.3.11 Records held by Tygerberg Chamber of Commerce and Industry and Department of Trade and Industry.

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

3.1.4 OTHER PARTY RECORDS

- 3.1.4.1 Personnel, customer or private body records which are held by another party, as opposed to the records held by the Private Body itself;
- 3.1.4.2 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 and customers;
- 3.1.4.3 Records relating to the Private Body's agencies.

The Private Body may possess records pertaining to other parties, including without limitation contractors, suppliers, agencies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the Private Body.

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 vexation, or which involve an unreasonable diversion of resources shall be refused.

5 REMEDIES AVAILABLE WHEN AN INSTITUTION REFUSES A REQUEST FOR INFORMATION

5.1 INTERNAL REMEDIES

The Private Body does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their

disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer.

5.2 EXTERNAL REMEDIES

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

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

6 REQUEST PROCEDURE

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

- 10.1 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:-

The Credit Agreements Act 75 of 1980
Designs Act No. 195 of 1993
The Trade Marks Act 1993
The Labour Relations Act 66 of 1995
Employment Equity Act No. 55 of 1998
The Basic Conditions of Employment Act 75 of 1997
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Close Corporations Act 69 of 1984
Unemployment Insurance Act 63 of 2001
Value Added Tax Act 89 of 1991
Skills Development Levies Act 9 of 1999
Pension Funds Act 24 of 1956
Income Tax Act 58 of 1962

11 AVAILABILITY OF THE MANUAL

- 11.1 This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.
- 11.2 The manual of the Private Body may also be available on the website of the Private Body (if applicable).

APPENDIX - 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

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

(Regulation 4)

A. Particulars of private body

The Head:

B. Particulars of Person requesting access to the record

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

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

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

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

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

Full names and Surname: _____

Identity Number: _____

D. Particulars of Record:

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios*

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

2. Reference number, if available: _____

2. Any further particulars of the record:

E. Fees:

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

Reason for exemption of payment of the fee:

F. Form of Access to the Record:

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

| | |
|-------------|-----------------------------------|
| Disability: | Form in which record is required: |
| | |
| | |
| | |

Mark the appropriate box with an "X"

NOTES:

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

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

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

2. If the record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

| | | | | | |
|--|-----------------|--|----------------------|--|------------------------------|
| | View the images | | Copy of the images * | | Transcription of the images* |
|--|-----------------|--|----------------------|--|------------------------------|

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

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

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

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

| | | |
|--|-----|----|
| * 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 |

| | |
|---|-----------|
| • For a copy in a computer-readable form on | R |
| - Stiffy disc | 7,50 |
| - Compact disc | 70,00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40,00 |
| • For a copy of visual images | 60,00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| • For a copy of an audio record | 30,00 |
| • To search for a record that must be disclosed | 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.

B HULSMAN CUPBOARDS CC

trading as

CUPBOARD MASTERS

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 B HULSMAN CUPBOARD CC a private body, a supplier of cupboards and cabinets for whom this manual is drafted.

PART I

2 CONTACT DETAILS

2.1 Information Officer: BART HULSMAN

Postal address: P O BOX 59779, KARENPARK, 0118

Physical Address: 14 IRIS DRIVE, HEATHERDALE, PRETORIA, 0118

Tel: (012) 542-2095 (W)

Fax: (012) 542-5136

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: B HULSMAN CUPBOARDS CC

2.2.2 Registration No: 1999/16912/23

2.2.3 Vat No. 4720106675

2.2.4 Postal Address: P O Box 59779, Karenpark, 0118

2.2.5 Physical Address (or main place of business): 14 IRIS DRIVE, HEATHERDALE, PRETORIA

2.2.6 Telephone Number: (012) 542-2095

2.2.7 Facsimile number: (012) 542-5136

2.2.8 E-mail address: hulsman@worldonline.co.za

2.2.9 Website: n/a

PART II

3 GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

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

The South African HUMAN RIGHTS COMMISSION,
at PALA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),
Private Bag X2700, HOUGHTON, 2041;
Telephone Number: (011) 484-8300;
Facsimile Number: (011) 484-1360;
Website: www.sahrc.org.za;
E-mail Address: 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 Invoices
- 3.2.2.7 Monthly statements
- 3.2.2.8 Debit notes
- 3.2.2.9 Credit notes
- 3.2.2.10 Cheque Account
- 3.2.2.11 Annual Financial Statements

3.2.3 OPERATIONAL DOCUMENTS AND RECORDS

- 3.2.3.1 Database of customers
- 3.2.3.2 Invoices
- 3.2.3.3 Price lists (current)
- 3.2.3.4 Quotations (max 3 months)

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 Salary records
- 3.2.4.3 Leave records
- 3.2.4.4 Conditions of employment
- 3.2.4.5 Records relating to increases
- 3.2.4.6 Disciplinary records
- 3.2.4.7 Daily attendance register

3.2.4.8 Disability Insurance

3.2.4.9 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 accidents at the workplace

3.2.6 INFORMATION TECHNOLOGY RECORDS

3.2.6.1 Licences

3.2.6.2 Software programs

3.2.6.3 Internet deduction records

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 is available in accordance with certain legislation. We list the legislation as follows:-

3.2.7.1.1 The Criminal Procedures Act No. 51 of 1977

3.2.7.1.2 The Labour Relations Act 66 of 1995

3.2.7.1.3 Employment Equity Act No. 55 of 1998

3.2.7.1.4 The Basic Conditions of Employment Act 75 of 1997

3.2.7.1.5 Competition Act 89 of 1998

3.2.7.1.6 Insolvency Act 24 of 1936

3.2.7.1.7 Constitution of SA Act No. 108 of 1996

3.2.7.1.8 Companies Act No. 61 of 1973

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 Income Tax Act 58 of 1962

3.2.7.1.12 Closed Corporation Act of 1983

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

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APPENDIX - 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

FORM B

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

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

(Regulation 4)

A. Particulars of Private Body

The Head:

B. Particulars of Person requesting access to the record

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

Full Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail address: _____

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

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

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

Full names and Surname: _____

Identity Number: _____

D. Particulars of Record:

- (a) *Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the provided space is inadequate please continue on a separate folio and attach it to this form. The requester must sign all the additional folios*

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

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 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:

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

Deposits:

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

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

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

BOUBART EIENDOMS ONTWIKKELAAR CC

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 BOUBART EIENDOMS ONTWIKKELAAR CC a private body within the building industry, for whom this manual is drafted.

PART I

2 CONTACT DETAILS

2.1 Information Officer: BART HULSMAN

Postal address: P O BOX 59779, KARENPARK, 0118

Physical Address: 14/1 IRIS DRIVE, HEATHERDALE, PRETORIA, 118

Tel: (012) 542-2095 (W)

Fax: (012) 542-5136

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: BOUBART EIENDOMS ONTWIKKELAARS CC

2.2.2 Registration No: CK 983956323 Vat Registration No. 4940149307

2.2.3 Postal Address: P O BOX 59779, KARENPARK, 0118

2.2.4 Physical Address (or main place of business): 14/1 IRIS DRIVE, HEATHERDALE, 0118

2.2.5 Telephone Number: (012) 542-2095

2.2.6 Facsimile number: (012) 542-5136

2.2.7 E-mail address: hulsman@worldonline.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 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;
E-mail Address: 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 Vat records

3.2.2.2 Tax records

3.2.2.3 UIF records

3.2.2.4 Invoices

3.2.2.5 Monthly statements

3.2.2.6 Debit notes

- 3.2.2.7 Credit notes
- 3.2.2.8 Cheque Account
- 3.2.2.9 Annual Financial Statements

3.2.3 OPERATIONAL DOCUMENTS AND RECORDS

- 3.2.3.1 Credit Application forms
- 3.2.3.2 Invoices

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 Salary records
- 3.2.4.3 Leave records
- 3.2.4.4 Conditions of employment
- 3.2.4.5 Records relating to increases
- 3.2.4.6 Disability Insurance

"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 INFORMATION TECHNOLOGY RECORDS

- 3.2.5.1 Software programs

3.2.6 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.6.1 A table of legislation setting out a description of the records of the Private Body is available in accordance with certain legislation. We list the legislation as follows:-

- 3.2.6.1.1 Deeds Registries Act 47 of 1937.

- 3.2.6.1.2 The Criminal Procedures Act 51 of 1977
- 3.2.6.1.3 The Labour Relations Act 66 of 1995
- 3.2.6.1.4 The Basic Conditions of Employment Act 75 of 1997
- 3.2.6.1.5 Formalities in respect of Leases of Land Act 18 of 1969
- 3.2.6.1.6 The Home Loan and Mortgage Disclosure Act 63 of 2000
- 3.2.6.1.7 Insolvency Act 24 of 1936
- 3.2.6.1.8 Constitution of SA Act 108 of 1996
- 3.2.6.1.9 Companies Act 61 of 1973
- 3.2.6.1.10 Value Added Tax Act 89 of 1991
- 3.2.6.1.11 Closed Corporation Act of 1983

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

3.2.7 OTHER PARTY RECORDS

- 3.2.7.1 Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself;
- 3.2.7.2 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:

| | | | |
|--|------------------|--|----------------------|
| | 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.

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| - Stiffy disc | 7,50 |
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- | | |
|---|-------|
| • For a copy in a computer-readable form on | R |
| - Stiffy disc | 7,50 |
| - Compact disc | 70,00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40,00 |
| • For a copy of visual images | 60,00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| • For a copy of an audio record | 30,00 |
| • To search for a record that must be disclosed | 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.

MEDICAL & HOSPITAL SUPPLIES CC

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 MEDICAL & HOSPITAL SUPPLIES CC a private body within the pharmaceutical industry, for whom this manual is drafted.

PART I**2 CONTACT DETAILS****2.1 Information Officer: STANLEY HAGART DU PREEZ**

Postal address: POSTNET SUITE 1, P/BAG X06, QUAGGA, 0058

Physical Address: 260 VOM HAGEN STREET, PRETORIA-WEST

Tel: (012) 327-6701 (W)

Fax: (012) 327-6715

2.2 GENERAL INFORMATION

2.2.1 Name of Private Body: MEDICAL AND HOSPITAL SUPPLIES CC

2.2.2 Registration No: 1987/09034/23

2.2.3 VAT Registration No. 4050106691

2.2.4 Postal Address: POSTNET SUITE 1, P/BAG X06, QUAGGA, 0058

2.2.5 Physical Address (or main place of business): 260 VOM HAGEN STREET, PRETORIA-WEST

2.2.6 Telephone Number: (012) 327 6701

2.2.7 Facsimile number: (012) 327-6715

2.2.8 E-mail address: medhosp@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 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;
E-mail Address: 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 Documents of Incorporation

3.2.1.2 Records relating to Pharmacy Council.

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 Invoices
- 3.2.2.8 Monthly statements
- 3.2.2.9 Delivery notes
- 3.2.2.10 Debit notes
- 3.2.2.11 Credit notes
- 3.2.2.12 Banking records
- 3.2.2.13 Cash records
- 3.2.2.14 Annual Financial Statements

3.2.3 OPERATIONAL DOCUMENTS AND RECORDS

- 3.2.3.1 Database of customers
- 3.2.3.2 Invoices
- 3.2.3.3 Monthly sales reports
- 3.2.3.4 Price lists (current)

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 Salary records
- 3.2.4.3 Leave records
- 3.2.4.4 Conditions of employment
- 3.2.4.5 Disciplinary records
- 3.2.4.6 SETA records

- 3.2.4.7 Attendance Register
- 3.2.4.8 Registration documents of Bargaining Council
- 3.2.4.9 Disability Insurance

"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 INFORMATION TECHNOLOGY RECORDS

- 3.2.5.1 Software programs
- 3.2.5.2 Customer database
- 3.2.5.3 Debtors database

3.2.6 RECORDS REQUIRED IN TERMS OF LEGISLATION

- 3.2.6.1 A table of legislation setting out a description of the records of the Private Body is available in accordance with certain legislation. We list the legislation as follows:-

- 3.2.6.1.1 Deeds Registries Act 47 of 1937
- 3.2.6.1.2 The Credit Agreements Act 75 of 1980
- 3.2.6.1.3 The Criminal Procedures Act 51 of 1977
- 3.2.6.1.4 The Labour Relations Act 66 of 1995
- 3.2.6.1.5 The Basic Conditions of Employment Act 75 of 1997
- 3.2.6.1.6 The Home Loan and Mortgage Disclosure Act 63 of 2000.
- 3.2.6.1.7 Compensation for Occupational Injuries and Diseases Act 130 of 1993
- 3.2.6.1.8 Competition Act 89 of 1998
- 3.2.6.1.9 Insolvency Act 24 of 1936
- 3.2.6.1.10 Constitution of SA Act 108 of 1996
- 3.2.6.1.11 Companies Act 61 of 1973
- 3.2.6.1.12 Unemployment Insurance Act 63 of 2001

- | | |
|------------|--|
| 3.2.6.1.13 | Value Added Tax Act 89 of 1991 |
| 3.2.6.1.14 | Skills Development Levies Act 9 of 1999 |
| 3.2.6.1.15 | Income Tax Act 58 of 1962 |
| 3.2.6.1.16 | Closed Corporations Act of 1983 |
| 3.2.6.1.17 | Medicines and Related substances Control Act 101 of 1965 |
| 3.2.6.1.18 | Medicines and Medical Devices Regulatory Authority Act 132 of 1998 |
| 3.2.6.1.19 | Pharmacy Act 53 of 1974 |

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

3.2.7 OTHER PARTY RECORDS

- | | |
|---------|---|
| 3.2.7.1 | Personnel, customer or Private Body records which are held by another party, as opposed to the records held by the Private Body itself; |
| 3.2.7.2 | 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:

| | | | |
|--|------------------|--|----------------------|
| | 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 |

| | |
|---|-------|
| • For a copy in a computer-readable form on | R |
| - Stiffy disc | 7,50 |
| - Compact disc | 70,00 |
| • A transcription of visual images, for an A4-size page or part thereof | 40,00 |
| • For a copy of visual images | 60,00 |
| • A transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| • For a copy of an audio record | 30,00 |
| • To search for a record that must be disclosed | 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.

PIONEER FOOD GROUP LIMITED

(Registration number: 1996/017676/06)

and various of its subsidiaries

("PIONEER FOODS")

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO.
2 OF 2000 ("THE ACT")**

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1. INTRODUCTION

The manual is to assist potential requestors as to the procedure to be followed when requesting access to information / documents from Pioneer Foods as contemplated in terms of the Act.

The manual may be amended from time to time and as soon as any amendments have been finalised the latest version of the manual will be made public.

Any requestor is advised to contact Petrus Jacobus Stofberg should he / she require any assistance in respect of the utilisation of this manual and/or the requesting of documents / information from Pioneer Foods.

The following words will bear the following meaning in this manual :-

| | |
|-------------------|---|
| "the Act" | shall mean the Promotion of Access to Information Act, No. 2 of 2000, together with all relevant regulations published; |
| "the/this manual" | shall mean this manual together with all annexures thereto as available at the offices of Pioneer Foods from time to time; |
| "Pioneer Foods" | shall mean Pioneer Food Group Limited, and several of its subsidiaries as set out in part 9, page 10 and further of this manual |
| "SAHRC" | shall mean the South African Human Rights Commission. |

2. CONTACT DETAILS (Section 51(1)(a) of the Act)

| | |
|---|---------------------------------|
| Name of body: | Pioneer Food Group Limited |
| Chief Executive Officer: | Wouter André Hanekom |
| The appointed information officer: | Petrus Jacobus Stofberg |
| Address: | 32 Market Street Paarl, 7646 |
| Postal address: | P.O. Box 20 HUGUENOT 7645 |
| Telephone: | +27 21 807 5100 |
| Fax: | +27 21 807 5280 |
| E-mail: | pstofber@pnr.co.za |

3. **GUIDE IN TERMS OF SECTION 10 OF THE ACT** (Section 51(1)(b) of the Act)

In terms of section 10 of the Act a guide will be compiled by the SAHRC containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available by the SAHRC by no later than August 2003.

Contact details of the South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Private Bag 2700

HOUGHTON

2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

4. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT (Section 51(1)(c) of the Act)

At this stage no notice(s) has / have been published.

**5. INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH
OTHER LEGISLATION (Section 51(1)(d) of the Act)**

Pioneer Foods keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list) :-

- Companies Act, Act No. 61 of 1973
- Income Tax Act, Act No. 58 of 1962 (Section 75)
- Value-Added Tax Act, Act No. 89 of 1991 (Section 65)
- Customs and Excise Act, Act No. 91 of 1964 (Section 101)
- Unemployment Insurance Act, Act No. 30 of 1966 (Section 32)
- Basic Conditions of Employment Act, Act No. 75 of 1997 (Section 31)
- Employment Equity Act, Act No. 55 of 1998 (Section 26)
- Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993 (Section 97)
- Insolvency Act, Act No. 24 of 1936 (Sections 134)
- Occupational Health and Safety Act, Act No. 85 of 1993
- Foodstuffs, Cosmetics and Disinfectants Act, Act no 54 of 1972

6. DOCUMENTS / INFORMATION HELD BY PIONEER FOODS IN TERMS OF THE ACT (Section 51(1)(e) of the Act)

Documents

The documents / information listed hereinbelow pertain to the day-to-day management of the business of Pioneer Foods :-

- Standard Employment Contracts
- Employment Equity Plan & Report
- Human Resources Policies and Procedures
- List of trademarks and pending applications
- Insurance Policies
- Rules and regulations relating to Pension and Provident funds
- Documentation with regard to share option schemes
- Other commercial contracts

It is recorded that any and all documents / information requested pertaining to the aforesaid shall always only be made available to a requestor subject to the provisions of the Act.

7. OTHER INFORMATION (Section 51(1)(f) of the Act)

The Minister of Justice and Constitutional Development has to date not published any regulations in terms of this section.

8. **AVAILABILITY OF THE MANUAL** (Section 51(3) of the Act)

- 8.1 This manual is available for inspection at the offices of Pioneer Foods, free of charge.
- 8.2 Copies of the manual may be obtained, subject to the prescribed fees, at the offices of Pioneer Foods.
- 8.3 The manual can also be accessed on the websites of the SAHRC (www.sahrc.org.za) and will be published in the *Government Gazette*. However, it should be noted that the manual accessible on the website of SAHRC and in the *Government Gazette*, does not include the request forms or fee structure (set out on pages 11 and further of this manual). The request forms and fee structure can be obtained on the SAHRC website (www.sahrc.org.za) or the website of the Department of Justice and Constitutional Development (www.doj.gov.za) (under "regulations").

9. VARIOUS SUBSIDIARIES OF PIONEER FOODS

| Name | Number |
|---|----------------|
| ▪ Pioneer Food Group Limited | 1996/017676/06 |
| ▪ Pioneer Foods (Pty) Limited | 1957/00634/07 |
| ▪ Pioneer Foods Holdings Limited | 1956/001280/06 |
| ▪ SAD Holdings Limited | 1998/014855/06 |
| ▪ Sugarbird (Pty) Limited | 1973/007385/07 |
| ▪ Sasko Pasta (Pty) Limited | 1996/002247/07 |
| ▪ Ulundi Bakery Limited | 1982/005023/06 |
| ▪ Craft Box Corrugated (Pty) Limited | 1993/003155/07 |
| ▪ Credin Bakery Supplies (Pty) Limited | 1997/017494/07 |
| ▪ Lohmann Breeding SA (Pty) Limited | 2001/004636/07 |
| ▪ Ceres Fruit Juices Investment Holdings (Pty) Limited | 1970/000721/07 |

NOTE : This list excludes all dormant companies under the control of Pioneer Foods.



Description of structure and functions

Umgeni Water is a water utility established by Proclamation No 114 of 1974 (Government Gazette No 4300, 14 June 1974). It supplies water for urban, industrial and agricultural purposes, and to local authorities within its area of supply. It operates eleven large storage dams, ten major and five small waterworks and two large wastewater works. It also operates rural reticulation schemes. The head office is situated in Pietermaritzburg, with regional offices at Mkondeni, New Germany, Umhlali and Park Rynie, all in KwaZulu-Natal. Its functions are as follows:

Supply of

- Raw and potable water in bulk and retail
- Wastewater and sanitation services
- Water resource management
- Catchment management
- Pollution prevention services
- Water sector training services
- Laboratory and analytical services
- Engineering and project management consultancy

Information officers

The information officer is Umgeni Water's chief executive officer, Mrs. Gugu Moloi. Contact details are as follows:

| | |
|-------------|---|
| Name | Gugu Moloi |
| Designation | Chief Executive Officer |
| Address | 310 Burger Street, Pietermaritzburg, 3201 or Private Bag 9, Pietermaritzburg, 3200 |
| Telephone | 033 – 3411111 |
| Facsimile | 033 – 342 8895 |
| Email | gugu.moloi@umgeni.co.za |

Deputy information officers are as follows:

| | |
|-------------|---|
| Name | Patricia Stabbins |
| Designation | Information Resources Manager |
| Address | 310 Burger Street, Pietermaritzburg, 3201 or Private Bag 9, Pietermaritzburg, 3200 |
| Telephone | 033-3411111 |
| Facsimile | 033-3411084 |
| Email | patricia.stabbins@umgeni.co.za |



Name Grace Nyovane
Designation Library Services Manager
Address 310 Burger Street, Pietermaritzburg, 3201 or
Private Bag 9, Pietermaritzburg, 3200
Telephone 033-3411111
Facsimile 033-3411084
Email grace.nyovane@umgeni.co.za

Guide to use of Act

The guide relating to the use of the Promotion of Access to Information Act has not yet been compiled by the Human Rights Commission.

Records held by Umgeni Water

Records at Umgeni Water are managed by means of decentralised classification schemes with centralised control. Files no longer required by the users are transferred to the corporate archives. Records which have reached their disposal date are destroyed according to a retention schedule. Records of lasting legal, social, historical or research value are retained permanently.

Each recordkeeping system has a series of files dealing with internal administrative support matters. These series are referred to as **support series**, and are generic in nature. Support series and the categories of records contained in them are as follows:

Legislation

drafting and amendment of local and national legislation relevant to the utility

Planning and Management

policy
minutes of meetings – board
minutes of meetings – management
minutes of meetings – operational
strategic planning
operational planning
liaison with external organisations

Staff

policy
structure and job descriptions
administration of benefits
training
grievances and disciplinary action
occupational health
unions



Finance

- policy
- capital budget
- operating budget
- tariffs
- audits
- petty cash

Office Administration

- policy
- domestic services
- material and equipment
- accommodation

Legal Matters

- policy
- agreements and contracts
- permits and licenses
- appointment of contractors and consultants
- servitudes
- litigation
- insurance

Public Relations

- policy
- media contact
- speeches and presentations
- public relations
- notices to staff
- social events

In addition to these support series, each individual system has what are referred to as **line functions**, which comprise the key activities of the division/section. A description of the categories of records for each of Umgeni Water's line functions follows:

Chief Executive

(this record keeping system contains records relating to broad decision and policy-making issues at senior management level)

- Strategic planning
- regional planning
- water resource planning
- rural planning
- organisational transformation
- liaison with external organisations
- take-overs and hand-overs
- external business
- personal files for senior management and board members
- senior management meetings
- board meetings
- presentations and addresses
- sponsorship



Corporate Services

(the function of Corporate Services is to provide planning information to enable the organisation to make correct long term engineering and strategic decisions)

- liaison with external organisations
- strategic planning
- environmental scanning
- water resource planning
- infrastructure planning
- river systems analysis
- drought and water conservation
- tariffing and pricing surveys
- costing of dams and works
- total water management
- water demand and supply forecasting
- planning of water systems supply
- hydrological planning
- groundwater planning
- wastewater planning
- planning of rural reticulation schemes
- appropriate technology for rural areas

Finance and Administration

(this system contains records relating to the financial management and administrative/facilities management of the organisation)

- financial forecasts
- budget planning – capital expenditure
- budget planning – operating expenditure
- movable asset management (inventory control)
- reconciliations
- journal vouchers
- receipts
- financial statements
- setting of tariffs
- financial reports
- debtors accounts
- sundry debtors
- customer queries
- creditors payments
- creditors statements
- payrolls and amendments
- administration of payroll deductions
- procurement (of goods and services)
- contract administration
- servitude administration
- micro-business development
- inventory control
- property administration
- corporate insurances
- individual insurance claims
- communication and stationery services
- office, building and garden services
- fleet management services
- legal records (agreements, contracts)
- legal risk management



Geographic Information Systems

(this small system acts to support the GIS function at Umgeni Water)

- GIS standards and policy
- GIS data management
- GIS system design
- GIS systems maintenance
- individual GIS projects

Human Resources

(the HR system contains staff files and other documentation relating to the recruitment and remuneration of staff, as well as to staff relations)

- succession planning
- recruitment
- exit interviews
- organograms
- job descriptions
- training
- performance management
- affirmative action plans
- remuneration and benefits
- occupational health
- staff circulars
- employee counselling
- grievances and disciplinary matters
- CCMA referrals
- union relations

Information Services

(these records relate to IT systems establishment and support as well as to the administration of the various communication technologies and the management of information at Umgeni Water)

- IT project implementation
- library administration
- records management administration
- technology support
- business systems implementation
- internet site
- intranet site
- licenses

Internal Audit

(this system contains standard internal audit documentation)

- corporate policies and procedures
- internal audit charter
- audit procedure manual
- audit programmes
- audit investigations



New Works

(this system was designed to support the engineers responsible for the contract management of both large and small engineering projects, e.g. construction of reservoirs, pipelines, dams, reticulation schemes etc.).

- engineering project management
 - Contract documentation
 - Meetings
 - Progress reports
 - Contract administration
 - Cost monitoring
 - Quality assurance
- engineering surveys
- engineering design

Operations

(Umgeni Water has record keeping systems at each of the works it operates, as well as at the regional offices in Umhlali, New Germany, Park Rynie, Midmar, and Mkondeni. However, similar categories are kept in each system, and relevant documentation and reports are sent to the Head Office in Pietermaritzburg. Listed below are the categories of records held by Head Office.)

- operational meetings
- take-overs and hand-overs
- droughts and floods
- agreements
- security services
- consumer suspensions and warnings
- water transportation and storage
- water purification
- works operation
- wastewater treatment
- loss control and metering
- NOSA files (safety services)
- weather and dam level data
- water schedules
- monitoring centre records
- emergency plans and procedures

Public Relations

(this system contains material relating to the way Umgeni relates to its staff and the community it serves)

- sponsorships
- videos and publications
- internal newsletters
- media liaison
- arrangement of conferences and functions
- press releases
- design of stationery and signage



Scientific Services

(records in this system relate to the laboratory's analysis of water samples to assure quality, and to the development of new processes to deal with water and wastewater, as well as the optimisation of existing processes)

- water quality samples
- laboratory analyses
- external customer analyses
- pollution measurement and control
- catchment management
- environmental management
- investigation into treatment processes
- water education services

Works

- water balances
- water schedules
- meter readings
- plant trials
- water standards
- works operation
- sludge treatment and disposal
- loss control

External Business Development

(this is a relatively new system, which support's Umgeni's drive to obtain business in the rest of Africa)

- exhibitions
- trade fairs
- environmental surveys
- heads of agreement
- contracts
- marketing

Categories of documents available without recourse to the Act

Umgeni Water has a web site at www.umgeni.co.za. Available on the site are the following:

- Annual reports 1995/6-1998/9
- Environmental reports 1996-1999
- Technical and scientific reports 1995/6-1998/9
- Infrastructure Masterplan
- Flood warning and management principles (for public comment)



Services available to members of the public

The following services are provided by Umgeni Water:

- Water services
- Wastewater services
- Process testing services
- Laboratory sample testing services
- Training services
- Records management services
- Consultancy services in various fields

In order to obtain more information regarding services, the public may write to PO Box 9, Pietermaritzburg, 3200, or to 310 Burger St, Pietermaritzburg, 3201, or telephone (033) 3411111, or access our enquiry site via the internet at info@umgeni.co.za

Influence on the formulation of policy

The Board of Umgeni Water, which consists of fifteen non-executive members, accepts final responsibility for the organisation and ensures that delegated responsibilities are properly executed by management. Members of the Board are nominated by the public, to ensure that the interests of the community are represented. Board members may be nominated from a wide range of civic bodies, such as water committees, regional services councils, unions, universities, NGO's etc. and it is at the nomination stage that the public may, by its choice of candidate, have an influence on the direction of Umgeni Water. Since the Board also has influence on the selection of top management, Board members have a direct say in the constitution of Umgeni Water's executive.

Remedies available to the public

Should Umgeni Water, or any of its officials, seem to be derelict in their duty, or fail to fulfil their mandate, the public has recourse, in the first instance, to the Director of the Division concerned. Failure to obtain satisfaction would result in a direct appeal to the Chief Executive. If the problem is still not resolved, it should be taken to the Board of Umgeni Water. Should this not have the desired effect, the final resort would be to the Minister of Water Affairs and Forestry.



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**United Congregational Church
of Southern Africa
Pension Fund
("the Fund")**

**MANUAL PREPARED IN TERMS OF SECTION 51
OF THE PROMOTION OF ACCESS TO INFORMATION ACT
2/2000("the Act") FOR ASSISTANCE IN REQUESTING
INFORMATION FROM THE FUND**

The **United Congregational Church of Southern Africa Pension Fund** is a pension fund defined in the Pension Funds Act 24 of 1956. It is a private body as defined by the Act.

A. CONTACT DETAILS

| | | |
|----|--|---|
| 1. | Principal Officer of the Fund: | Mr BG Mullin |
| 2. | The Financial Services Board PF Number of the Fund is: | 12/8/9137/2 |
| 3. | The registered address of the Fund is: | 2 nd Floor The Joseph Wing Congregational Centre, 150 Caroline Street, Brixton, 2092. |
| 4. | The postal address of the Fund is: | PO Box 1528, Plettenberg Bay, 6600 |
| 5. | The contact telephone number for the Fund is: | Tel: 044 533 6400 |
| 6. | The contact facsimile number for the Fund is: | Fax: 044 533 6401 |
| 7. | The e-mail address of the Principal Officer of the Fund is: | bmullin@netactive.co.za |
| | | |

B. SOUTH AFRICAN HUMAN RIGHTS COMMISSION GUIDE

In terms of section 10 of the Act, the Human Rights Commission is required to compile a guide to the Act to assist people to exercise their rights under the Act. This guide will be available by no later than August 2003. Please direct any queries to:

The South African Human Rights Commission**PAIA UNIT****The Research and Development Department**

Address: Private Bag 2700, Houghton 2041

Telephone: (011) 484-8300

Facsimile: (011) 484-0582

E-mail: Paia@sahrc.org.za

Website: <http://www.sahrc.org.za>

C. RECORDS AVAILABLE IN TERMS OF THE PENSION FUNDS ACT 24 of 1956

- (a) The following records of the Fund are available on demand by a member of the Fund:
- (i) the registered rules of the Fund (including amendments);
 - (ii) the last revenue account and the last balance sheet prepared in terms of section 15(1) of the Pension Funds Act, 1956.
- (b) The following records are available for inspection at the registered address of the Fund (see A3) above:
- (i) the documents referred to in C(a) above;
 - (ii) the last report (if any) by a valuator prepared in terms of section 16 of the Pension funds Act, 1956;
 - (iii) the last statement (if any) and report thereon prepared in terms of section 17 of the Pension Funds Act, 1956;
 - (iv) any scheme which is being carried out by the Fund in accordance with the provisions of section 18 of the Pension Funds Act, 1956.
- (c) Note – in terms of section 22 of the Pension Funds Act, any person (upon payment of prescribed fees) may inspect at the office of the Registrar of Pension Funds any record referred to in (a) and (b) above and make a copy thereof or take extracts therefrom, or obtain from the Registrar of Pension Funds a copy thereof or extract therefrom. The Registrar of Pension Funds may be contacted at:

Address: **466 Rigel Avenue, Pretoria**

Telephone: **(012) 428-8000**

Facsimile: **(012) 347-0221**

Website: <http://www.fsb.co.za>

D. DESCRIPTION OF RECORDS HELD BY FUND**GENERAL RECORDS**

- Rules and Rule amendments
- FSB Certificate of Registration
- SARS Certificate of Approval
- Trustee Register
- Minute Book and agenda packs for meetings of Trustees
- Fidelity and Indemnity Certificate
- Fund booklets and brochures
- Member Newsletters and communication
- Pension Fund Adjudicator Complaints lodged against the Fund
- Participating Employer details
- Valuation Certificate

MEMBER RECORDS

- Membership details
- Contribution records
- Member Benefit Statements
- Data relating to calculations of members' fund values
- Tax applications, directives and certificates (where applicable)
- S14 Transfers including all applicable documentation such as S14 applications, certificates, calculations and option forms, where applicable.
- Housing loan records
Claims records, including notification forms, statements of value, payment instructions, copies of cheque /EFT payment references, in relation to all withdrawals (exits, retirements, deaths and disabilities)
- Trustees' Resolutions relating to disposal of death benefits with supporting documentation
- Disability claimant records and supporting documentation

CONTRACTS

- Insurance Policy documents relating to death and disability benefits.
- Investment contracts and policies of insurance regarding investments
- Contracts with Service Providers such as administrators, consultants and auditors.
- Contracts for outsourcing of pensioner liabilities.

FINANCIAL RECORDS

- Cashbooks and reconciliations to Bank
- General ledgers
- Trial balances
- Annual Financial Statements
- Bank Statements of Fund bank accounts
- Statutory Valuation Reports

| |
|---|
| E. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION |
|---|

Not applicable

| |
|--|
| F. OTHER INFORMATION AS MAY BE PRESCRIBED |
|--|

Not applicable

G. AVAILABILITY OF THE MANUAL

In terms of section 9(1) of the PAIA, the Principal Officer must, immediately after the manual has been compiled make available a copy of the manual to-

- (i) the Human Rights Commission;
- (ii) the controlling body of which the private body is a member (FSB);
- (iii) publish the manual in a Gazette
- (iv) make available the manual on the website, if any, of the private body.

The Principal Officer -

- (i) must, during office hours and upon request, make available for public inspection a copy of the manual;
- (ii) may not charge a fee for a public inspection;

UCCSA Pension Fund

ASAKENI CONSTRUCTION

1. CONTACT PARTICULARS

Head of Company: M.B. Skosana

P O Box 982
SIYABUSWA
0427

Tel (013) 941-0237

Fax: (013) 941-0237

2. GUIDE IN TERMS OF SECTION 10 OF THE ACT

Any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000, may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission, Tel (011) 484-8300, fax (011) 484-7149

The Guide will be printed in each official language in the *Government Gazette* and will be available for inspection by the public at the offices of the Human Rights Commission by no later than August 2003.

3. FACILITATION OF A REQUEST FOR ACCESS TO INFORMATION, SUBJECTS ON WHICH ASAKENI CONSTRUCTION HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD

Information, which is not readily available, as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of the Act.

Copies of the prescribed forms to be completed for submitting a request are available from Asakeni Construction.

4. INFORMATION HELD

The following records are available in accordance with the following legislation:

- 4.1 LABOUR RELATIONS ACT 66 OF 1995 (as amended)
- 4.2 BASIC CONDITION OF EMPLOYMENT ACT 75 OF 1997
- 4.3 EMPLOYMENT EQUITY ACT 55 OF 1998
- 4.4 UNEMPLOYMENT INSURANCE ACT 30 OF 1966

- 5 The subjects on which the company holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed to these records and that access to them may be refused in accordance with Section 62 to 69 of the Act.

5.1 OPERATIONAL / MANUFACTURING RECORDS:

- 5.1.1 Production statistics. See Section 68(1)(b)
- 5.1.2 Costs analyses
- 5.1.3 Productivity

5.2 MACHINERY & EQUIPMENT RECORDS:

- 5.2.1 Assets registers
- 5.2.2 Leases

5.3 DISTRIBUTION RECORDS:

- 5.3.1 Orders
- 5.3.2 Invoices

5.4 HUMAN RESOURCES:

- 5.4.1 Disciplinary records
- 5.4.2 Payroll records
- 5.4.3 Leave, sick leave, maternity and special leave records
- 5.4.4 Returns to UIF
- 5.4.5 OHASA records

5.5 FINANCIAL RECORDS:

- 5.5.1 Annual Financial reports
- 5.5.2 VAT returns
- 5.5.3 Income tax returns and assessments
- 5.5.4 Financial systems and control
- 5.5.5 Short term insurance

5.6 MARKETING MATERIAL:

- 5.6.1 Newsletters
- 5.6.2 Annual reports

6 REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request form that is available at the offices of Asakeni Construction.

The completed request form must be sent to the address or fax number provided in this manual, and marked for the attention of the Information Officer / Managing Director / Senior partner / Member of Close Corporation.

The Information Officer will process the request and inform the requestor of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalized. A copy of the fee structure applicable to private bodies is available at the office of Asakeni Construction on request.

NOTE: Access to certain records may be or must be denied on the grounds set out in the Act.

Mandatory grounds for refusal include but are not limited to:

- Information for the protection of the privacy of individuals
- Information for the protection of commercial information and confidential information of third parties
- Information privileged from production in legal proceedings
- Commercial information of the company
- Research information

7 AVAILABILITY OF THE MANUAL

Copies of this manual is available for inspection, free of charge, at the offices of Asakeni Construction; copies are also available from the South African Human Rights Commission; from the Government printer.

MSUTHU BUILDING CONSTRUCTION

1. CONTACT PARTICULARS

Head of Company: C.A. Mahlangu

P O Box 908
BRONKHORSTSPRUIT
1020

Tel (013) 932-0698

Fax: (013) 932-0698

2. GUIDE IN TERMS OF SECTION 10 OF THE ACT

Any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000, may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission, Tel (011) 484-8300, fax (011) 484-7149

The Guide will be printed in each official language in the *Government Gazette* and will be available for inspection by the public at the offices of the Human Rights Commission by no later than August 2003.

3. FACILITAION OF A REQUEST FOR ACCESS TO INFROMATION, SUBJECTS ON WHICH MSUTHU BUILDING CONSTRUCTION HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD

Information, which is not readily available, as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of the Act.

5.3 DISTRIBUTION RECORDS:

- 5.3.1 Orders
- 5.3.2 Invoices

5.4 HUMAN RESOURCES:

- 5.4.1 Disciplinary records
- 5.4.2 Payroll records
- 5.4.3 Leave, sick leave, maternity and special leave records
- 5.4.4 Returns to UIF
- 5.4.5 OHASA records

5.5 FINANCIAL RECORDS:

- 5.5.1 Annual Financial reports
- 5.5.2 VAT returns
- 5.5.3 Income tax returns and assessments
- 5.5.4 Financial systems and control
- 5.5.5 Short term insurance

5.6 MARKETING MATERIAL:

- 5.6.1 Newsletters
- 5.6.2 Annual reports

6 REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request form that is available at the offices of Msuthu Building Construction.

The completed request form must be sent to the address or fax number provided in this manual, and marked for the attention of the Information Officer / Managing Director / Senior partner / Member of Close Corporation.

The Information Officer will process the request and inform the requestor of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalized. A

Copies of the prescribed forms to be completed for submitting a request are available from Msuthu Building Construction.

4. INFORMATION HELD

The following records are available in accordance with the following legislation:

- 4.1 COMPANIES ACT 61 OF 1973 (as amended)
- 4.2 LABOUR RELATIONS ACT 66 OF 1995 (as amended)
- 4.3 BASIC CONDITION OF EMPLOYMENT ACT 75 OF 1997
- 4.4 EMPLOYMENT EQUITY ACT 55 OF 1998
- 4.5 UNEMPLOYMENT INSURANCE ACT 30 OF 1966

- 5 The subjects on which the company holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed to these records and that access to them may be refused in accordance with Section 62 to 69 of the Act.

5.1 OPERATIONAL / MANUFACTURING RECORDS:

- 5.1.1 Production statistics. See Section 68(1)(b)
- 5.1.2 Costs analyses
- 5.1.3 Productivity

5.2 MACHINERY & EQUIPMENT RECORDS:

- 5.2.1 Assets registers
- 5.2.2 Leases

copy of the fee structure applicable to private bodies is available at the office of Mouth Building Construction on request.

NOTE: Access to certain records may be or must be denied on the grounds set out in the Act.

Mandatory grounds for refusal include but are not limited to:

- Information for the protection of the privacy of individuals
- Information for the protection of commercial information and confidential information of third parties
- Information privileged from production in legal proceedings
- Commercial information of the company
- Research information

7 AVAILABILITY OF THE MANUAL

Copies of this manual is available for inspection, free of charge, at the offices of Msuthu Building Construction; copies are also available from the South African Human Rights Commission; from the Government printer.

MALEA CONSTRUCTION CC

1. CONTACT PARTICULARS

Head of Company: M.J. Mtsweni

P O Box 908
E MPUMALANGA
0458

Tel (013) 986-0628

Fax: (013) 986-0355

2. GUIDE IN TERMS OF SECTION 10 OF THE ACT

Any person who wishes to exercise any right contemplated in the Promotion of Access to Information Act, 2000, may obtain a copy of the information guide issued by the Human Rights Commission in all official languages, from the Human Rights Commission, Tel (011) 484-8300, fax (011) 484-7149

The Guide will be printed in each official language in the *Government Gazette* and will be available for inspection by the public at the offices of the Human Rights Commission by no later than August 2003.

3. FACILITAION OF A REQUEST FOR ACCESS TO INFROMATION, SUBJECTS ON WHICH MALEA CONSTRUCTION CC HOLDS RECORDS AND THE CATEGORIES OF RECORDS HELD

Information that is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of the Act.

Copies of the prescribed forms to be completed for submitting a request are available from Malea Construction cc.

4. INFORMATION HELD

The following records are available in accordance with the following legislation:

- 4.1 CLOSED CORPORATION ACT 69 OF 1984 (as amended)
- 4.2 LABOUR RELATIONS ACT 66 OF 1995 (as amended)
- 4.3 BASIC CONDITION OF EMPLOYMENT ACT 75 OF 1997
- 4.4 EMPLOYMENT EQUITY ACT 55 OF 1998
- 4.5 UNEMPLOYMENT INSURANCE ACT 30 OF 1966

- 5 The subjects on which the company holds records and the categories on each subject are as listed below. Please note that a requestor is not automatically allowed to these records and that access to them may be refused in accordance with Section 62 to 69 of the Act.

5.1 OPERATIONAL / MANUFACTURING RECORDS:

- 5.1.1 Production statistics. See Section 68(1)(b)
- 5.1.2 Costs analyses
- 5.1.3 Productivity

5.2 MACHINERY & EQUIPMENT RECORDS:

- 5.2.1 Assets registers
- 5.2.2 Leases

5.3 DISTRIBUTION RECORDS:

- 5.3.1 Orders
- 5.3.2 Invoices

5.4 HUMAN RESOURCES:

- 5.4.1 Disciplinary records
- 5.4.2 Payroll records
- 5.4.3 Leave, sick leave, maternity and special leave records
- 5.4.4 Returns to UIF
- 5.4.5 OHASA records

5.5 FINANCIAL RECORDS:

- 5.5.1 Annual Financial reports
- 5.5.2 VAT returns
- 5.5.3 Income tax returns and assessments
- 5.5.4 Financial systems and control
- 5.5.5 Short term insurance

5.6 MARKETING MATERIAL:

- 5.6.1 Newsletters
- 5.6.2 Annual reports

6 REQUESTING PROCEDURES

A person who wants access to the records must complete the necessary request form that is available at the offices of Malea Construction cc.

The completed request form must be sent to the address or fax number provided in this manual, and marked for the attention of the Information Officer / Managing Director / Senior partner / Member of Close Corporation.

The Information Officer will process the request and inform the requestor of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalized. A

copy of the fee structure applicable to private bodies is available at the office of Malea Construction cc on request.

NOTE: Access to certain records may be or must be denied on the grounds set out in the Act.

Mandatory grounds for refusal include but are not limited to:

- Information for the protection of the privacy of individuals
- Information for the protection of commercial information and confidential information of third parties
- Information privileged from production in legal proceedings
- Commercial information of the company
- Research information

7 AVAILABILITY OF THE MANUAL

Copies of this manual is available for inspection, free of charge, at the offices of Malea Construction cc; copies are also available from the South African Human Rights Commission; from the Government printer.

SOUTH AFRICAN SOCIETY OF ARCHIVISTS

SUID-AFRIKAANSE VERENIGING VAN ARGIVARISSE



CONFERENCE AND WORKSHOP ON PRESERVING LIBRARY AND ARCHIVAL MATERIALS IN AFRICA

Organisers: The KwaZulu Natal Branch of the Society of South African Archivists and the Information Studies Programme, School of Human and Social Studies, University of Natal (Pietermaritzburg), South Africa.

Venue: University of Natal (Pietermaritzburg), Collin Web Hall.

Dates: 10-13 December 2002.

PRELIMINARY CONFERENCE AND WORKSHOP PROGRAMME

Monday

7:30-16:00: Registration of Conference delegates

Tuesday 10 December 2003

7:30-8:30: Registration for Conference and Workshop

Chairperson: Mr Sibusiso J. Ngcoya, KwaZulu-Natal Provincial Archives Services, South Africa

8:30-8:35: Opening Remarks, **Mr Patrick Ngulube**, Chairman, KwaZulu Natal Branch of the Society of South African Archivists

8:35- 8:55 Welcome address by His Worship the Mayor of Pietermaritzburg (to be confirmed)

8:45-9:00: Messages of solidarity from the library and archival fraternity (Society of South African Archivists; Eastern and Southern African Branch on International Archives (ESABIRCA), International Council on Archives (ICA), etc.)

9:00- 9:30 Official opening of the Conference and Workshop, **Prof. Ndabandaba**

MEC of Education, KwaZuluNatal (to be confirmed).

9:30-10:00 Refreshments

SESSION I: Challenges to the preservation of documentary materials- setting the scene

Chairperson: **Professor Christine Stilwell**, Information Studies Programme, School of Human and Social Studies, University of Natal (Pietermaritzburg), South Africa

10:00-10:45 Keynote address: Challenges to preserving archives and documentary materials in Africa with special reference to East and West Africa: an assessment and analysis, **Mr Jonathan Rhys-Lewis**, Consultant in Preservation & Collections Management, United Kingdom.

10:45-11:15 Challenges to preservation with special reference to digital materials, **Dr Dale Peters**, University of Natal.

11:15-11:45 Africa in the digital age: the preservation of library and archival materials, **Veronica Isabel Maele**, Malawi National Library Services.

11:45-12:45 **Plenary session**

12:45-14:00 Lunch

SESSION II Preservation: media and ethical challenges

Chairperson (to be advised)

14:00-14:45 The nature of documentary materials and the challenges of preserving them, **Mr Alexio Motsi**, National Archives of South Africa.

14:45-15:30 Ethical issues in preserving documents and making them accessible, **Mr Munyaradzi Murove** (Unilever Ethics Centre) and **Mr Patrick Ngulube** (Information Studies Department), University of Natal (PMB).

15:30-16:00 Refreshments

16:00-16:30 **Plenary session**

19:00- **Opening ceremony**

Wednesday 11 December 2003

SESSION III: The role of security and disaster management in the preservation of documentary materials

Chairperson (to be advised)

7:30-8:30 Registration for one-day attendance

8:30-9:45 Keynote address: Security management and disaster preparedness: an important component of the preservation-access equation, **Mr Gregor Trinkaus-Randall**, Massachusetts Board of Library Commissioners, Boston, USA.

10:00-10:30 Refreshments

SESSION IV: Caring for collections

10:30-11:00 Caring for a South African treasure: preserving the Bleek and Lloyd Collection at UCT Libraries, **Mrs Lesley Hart**, Manuscripts and Archives Department, University of Cape Town Libraries.

11:00-11:30 Collections care at the National Archives of Zimbabwe, **Mrs Judith Mavodza**, National Archives of Zimbabwe.

11:30- 12:00 Costing and budgeting for preservation and conservation in the ESARBICA Region, **Ms Masegonyana Segomotso Keakopa**, Department of Library and Information Studies, University of Botswana

12:00-12:30 **Plenary session**

12:30-14:00 Lunch

14:00-15:30 Workshops facilitated by international speakers (issues to be advised)

15:00-15:30 Poster and slide presentations: **Ms Patricia Stabbins**, Umgeni Water, South Africa.

15:30-16:00 Refreshments

19:00 **Cultural evening** (Cash bar)

Thursday 12 December 2003

SESSION V: Case studies on preserving documentary materials and other record formats

Chairperson (to be advised)

8:30-9:00 Keynote address: Archiving cultural and indigenous materials in the world with special reference to the Barbados, **Ms Elizabeth Watson**, The University of the West Indies, Cave Hill Campus, Barbados

9:00-9:30 The National Archives of Uganda: a co-operative programme to increase access and ensure preservation, **Mr Jonathan Rhys-Lewis**, Consultant in Preservation & Collections Management, United Kingdom.

9:30-10:00 Preservation and conservation of library and archival materials: Lessons from Thomas Mofolo, **Ms Celina K. M. Qobo**, The National University of Lesotho

10:00-10:30 Refreshments

10:30-11:00 New wine in old bottles: the application of the principles of disaster preparedness to the management of digital objects, **Mr Gregor Trinkaus-Randall**, Massachusetts Board of Library Commissioners, Boston, USA. (The preservation of newspapers in Eastern and Southern Africa, **Mr Patrick Ngulube**, University of Natal (PMB))

11:00-11:30 Structural considerations in the conservation (re)formatting of pamphlets and other mass-produced multi-sectioned monographs. **Ms Mary Minicka**, Parliament, Conservation Laboratory, Cape Town, South Africa.

11:30- 12:30 Presentation of preservation challenges by conference participants (open forum)

12:30-14:00 Lunch

SESSION VI: Preservation of audiovisual materials and oral sources

14:00-14:30 Preservation of audiovisual materials, **Ms Ilse Assmann**, SABC Sound Archives & Audio Library, South Africa

14:30-15:30 Preservation of oral sources: an analysis of the methods employed by the Sinomlando Project, University of Natal. **Mr James Worthington**, School of Theology, University of Natal

15:30-16:00 Refreshments

19:00 Cocktail and reception (Details to be advised)

Friday 13 December 2003

SESSION VII: Concluding session

Chairperson (to be advised)

8:30-9:00 Reflections on the two-day proceedings, **Mr Jonathan Rhys-Lewis**, Consultant in Preservation & Collections Management, United Kingdom.

9:00 -9:45 Resolutions and recommendations

9:45-10:00 Evaluation of the conference

10:00-10:30 Refreshments

SESSION VII: South African Society of Archivists KZN Annual General Meeting

10:30-14:00 Reports and future plans

14:00-14:30 Lunch

**CONFERENCE AND WORKSHOP ON PRESERVING LIBRARY AND
ARCHIVAL MATERIALS IN AFRICA**

REGISTRATION FORM

Name:
Organisation:
Postal Address:
City/zip:
Country:
Phone:
Fax:
E-mail:
Diet restrictions

Cheques payable:

Please be advised that our banking details have changed and they are as follows:

Society of South Africa Archivists

INSTITUTION: Standard Bank

TYPE : Savings

BRANCH : Pietermaritzburg

Branch Code : 7525

Acc. Number : 058 199 780

Please fax your deposit slip to 0332605092 (Att: P Ngulube) once you deposit your registration fee. The deadline for payment of the registration fee is 7 November 2002.

Society of South African Archivists.

The fee is R 390.00, which includes workshop handouts, copy of the proceedings, lunches, refreshments and a cocktail. Accommodation, traveling and subsistence are the responsibility of the participants.

Please fax or post registrations and deposit slips to: Patrick Ngulube, University of Natal,
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Scottsville, 3209, Pietermaritzburg, South Africa. Telephone +27(0)332605972. Fax
+27(0)332605092. E-mail: ngulubep@nu.ac.za by 7 November 2002.