



Government Gazette

REPUBLIC OF SOUTH AFRICA

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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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**ELGIN BROWN & HAMER (PROPRIETARY) LIMITED
AND ITS SUBSIDIARY COMPANIES AS FOLLOWS.**

JAMES BROWN & HAMER (PROPRIETARY) LIMITED	(100%)
PORT MARINE CONTRACTORS (PROPRIETARY) LIMITED	(100%)
PORT SCAFF (PROPRIETARY) LIMITED	(100%)
ELGIN DOCK (PROPRIETARY) LIMITED	(100%)
PORTLEC (PROPRIETARY) LIMITED T/A ELECTRO MARINE	(100%)
DIESEL AND TURBO SERVICE CENTRE (PROPRIETARY) LIMITED	(100%)
STABLEARC (PROPRIETARY) LIMITED T/A MARINE AND HYDRAULIC SERV	(70%)
EAST LONDON SHIPYARD (PROPRIETARY) LIMITED	(50%)
AIS TECHNOLOGIES (PROPRIETARY) LIMITED	(50%)

A Guide to

**ACCESSING OUR
INFORMATION**

**Our Manual in terms of Section 51 of the
Promotion of Access to Information Act**

Preamble

The Promotion of Access to Information Act No. 2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this private body

Our main activities are marine engineering and providing a comprehensive ship repair service.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

Section A – Our details

Full Name : Elgin Brown & Hamer (Proprietary) Limited

Registration Number : 1994/003761/07

Registered Address : KPMG Services (Pty) Limited
20 Kingsmead Boulevard
Kingsmead Office Park
Durban 4001

Postal Address : PO Box 29079
Maydon Wharf 4057

Telephone Number : (031) 205 6391

Fax Number : (031) 205 4648

Head/CEO : Anthony Charles Bennett

Designated Information Officer : Joseph Bullough

Email Address of Information Officer: jbullough@ebh.co.za

Section B – The official guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Section C – Information available in terms of the Act

1. Categories of Information

We hold the following categories of information:

(a) STATUTORY COMPANY INFORMATION

- (i) Certificate of Incorporation;
- (ii) Certificate of Change of Name (if any);
- (iii) Memorandum and Articles of Association;
- (iv) Certificate to Commence Business;
- (v) Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meetings;
- (vi) Proxy Forms
- (vii) Register of Members;
- (viii) Register of Directors and Certain Officers;
- (ix) Directors' Attendance Register;
- (x) Annual Financial Statements including:
 - (a) Annual accounts;
 - (b) Directors' reports;
 - (c) Auditor's report.
- (xi) Books of Account regarding information required by the Companies Act, 1973;
- (xii) Supporting schedules to books of account and ancillary books of account;

(b) ACCOUNTING RECORDS

- (i) Books of Account including journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

(c) STATUTORY EMPLOYEE RECORDS

- (j) Employees' names and occupations;
- (ii) Time worked by each employee;
- (iii) Remuneration paid to each employee.
- (iv) Date of birth of each employee;
- (v) Wages register;
- (vi) Attendance register;
- (vii) Employment equity plan;
- (viii) Salary and wages register;
- (ix) Determinations made in terms of the Wage Act;
- (x) Staff records (after date of employment ceases);
- (xi) Tax returns of employees;

(d) OTHER EMPLOYEE RECORDS

- (i) Employee contracts;
- (i) Incentive schemes;
- (ii) Maternity leave policy;
- (iii) Relocation policy;
- (iv) Disability scheme;
- (v) Group personal accident;
- (vi) Group life;
- (vii) Code of conduct.

(e) PENSION AND RETIREMENT FUNDING RECORDS

- (i) Pension Fund Rules;
- (i) Pension Fund account records;
- (ii) Minutes of Meetings of trustees and members;
- (iii) Actuarial Valuation Reports;
- (iv) Contribution Reports;
- (v) Annual accounts.

(f) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Noise exposure records;
- (ii) Records of assessment and air monitoring and asbestos inventory;
- (iii) Safety management systems, data and audits;
- (iv) Permits, licences, approvals and registrations for operations of sites and business;
- (v) Emergency response plans;
- (vi) Environmental impact assessments;
- (vii) Details of solid waste disposals.

(g) FIXED PROPERTY

- (i) Title Deeds;
- (i) Leases;
- (ii) Building plans;
- (iii) Mortgage Bonds or other encumbrances to fixed property.

(h) MOVABLE PROPERTY

- (i) Asset register;
- (i) Finance and Lease Agreements;
- (ii) Notarial Bonds;
- (iii) Deeds of Pledge.

(i) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or materials;
- (i) Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
- (ii) Agreements with shareholders, officers or directors;
- (iii) Acquisition or disposal documentation;
- (iv) Agreements with contractors and suppliers;
- (v) Agreements with customers;
- (vi) Warranty agreements;
- (vii) Sale agreements;
- (viii) Restraint agreements;
- (ix) Agreements with governmental agencies;
- (x) Purchase or lease agreements.

(j) TAXATION

- (i) Copies of all Income Tax Returns and other tax returns and documents;

(k) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- (ii) Settlement agreements;
- (iii) Material licences, permits and authorisations;

(l) INSURANCE

- (i) Insurance policies;
- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

(m) INFORMATION TECHNOLOGY

- (i) Hardware;
- (ii) Operating systems;
- (iii) Telephone Exchange Equipment;
- (iv) Telephone Lines, Leased Lines and Data Lines;
- (v) LAN Installations;
- (vi) Software Packages;
- (vii) Disaster Recovery;
- (viii) Internal Systems Support and Programming / Development;
- (ix) Capacity and Utilization of Current Systems;
- (x) Development or Investment Plans;
- (xi) Agreements;
- (xii) Licences;

(xiii) Audits.

(n) **SALES AND MARKETING**

- (i) Services;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, Newsletters and Advertising Materials;
- (v) Sales;
- (vi) Public Relations Policies and Procedures;
- (vii) Domestic and Export Orders

2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure "A" hereto. These forms are available from:

- Our information officer (whose contact details are in section A of this manual);
- The SAHRC website (www.sahrc.org.za)
- The Department of Justice and Constitutional Development website (www.doj.gov.za)

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Section D – Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

- Administration of Estates Act No. 66 of 1965
- Armaments Development and Production Act No. 57 of 1968
- Atmospheric Pollution Prevention Act No. 45 of 1965
- Banks Act No. 94 of 1990
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Co-operatives Act No. 91 of 1981
- Correctional Services Act No. 111 of 1998
- Credit Agreements Act No. 75 of 1980
- Custody and Administration of Securities Act No. 85 of 1992
- Customs and Excise Act No. 91 of 1964
- Debt Collectors Act No. 114 of 1998
- Defence Act No. 44 of 1957
- Designs Act No. 195 of 1993
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Control Act No. 55 of 1989
- Health Professions Act No. 56 of 1974
- Housing Act No. 107 of 1997
- Income Tax Act No. 58 of 1962
- Insider Trading Act No. 135 of 1998
- Labour Relations Act No. 66 of 1995
- Legal Deposit Act No. 54 of 1997
- Long-term Insurance Act No. 52 of 1998
- Mine Health and Safety Act No. 29 of 1996
- Minerals Act No. 50 of 1991
- Mineral and Petroleum Resources Development Act No. 28 of 2002
- National Environmental Management Act No. 107 of 1998
- National Key Points Act No. 102 of 1980
- National Nuclear Regulator Act No. 47 of 1999
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998
- Nuclear Energy Act No. 131 of 1993
- Nuclear Energy Act No. 46 of 1999
- Occupational Health and Safety Act No. 85 of 1993
- Prevention of Organised Crime Act No. 121 of 1998
- Public Finance Management Act No. 1 of 1999
- Road Transportation Act No. 74 of 1977
- Security Officers Act No. 92 of 1987

- Short term Insurance Act No. 53 of 1998
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- South African Police Service Act No. 68 of 1995
- Space Affairs Act No. 84 of 1993
- Stock Exchanges Control Act No. 1 of 1985
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001
- Unit Trusts Control Act No. 54 of 1981
- Witness Protection Act No. 112 of 1998

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Agricultural Produce Agents Act No. 12 of 1992
- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Companies Act NO. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Co-operatives Act No. 91 of 1981
- Customs and Excise Act No. 91 of 1964
- Employment Equity Act No. 55 of 1998
- Estate Agency Affairs Act No. 112 of 1976
- Explosives Act No. 26 of 1956
- Financial Markets Control Act No. 55 of 1989
- Immigration Act No. 13 of 2002
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Liquor Act No. 27 of 1989
- Machinery and Occupational Safety Act No. 6 of 1983
- Mine Health and Safety Act No. 29 of 1996
- Minerals Act No. 50 of 1991
- Mutual Banks Act No. 124 of 1993
- National Payment System Act No. 78 of 1998
- National Water Act No. 36 of 1998
- Nursing Act No. 50 of 1978
- Occupational Health and Safety Act No. 85 of 1993
- Prescription Act No. 68 of 1969
- Sectional Titles Act No. 95 of 1986
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchanges Control Act No. 1 of 1985
- Transfer Duty Act No. 40 of 1949
- Value-added Tax Act No. 89 of 1991

Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

1. Newsletters.
2. Booklets.
3. Pamphlets / Brochures.
4. Reports.
5. Posters.
6. Other literature intended for public viewing.

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

The Head:

.....
.....
.....

B. Particulars of person requesting access to the record

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

Full names and surname:

.....

Identity number:

Postal address:

.....

.....

..... Fax number :

Telephone number: E-mail address:

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

.....

C. Particulars of person on whose behalf request is made

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

Full names and surname:

.....

Identity number:

D. Particulars of record

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

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

.....

.....

.....

2. Reference number, if available:

3. Any further particulars of record :

.....

.....

.....

E. Fees

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

Reason for exemption from payment of fees :

.....

.....

F. Form of access to record

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

Disability:

.....

.....

.....

Form in which record is required:

.....

.....

.....

Mark the appropriate box with an X.

NOTES:

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

YES

NO

Postage is payable.

G. Particulars of right to be exercised or protected

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

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

.....

.....

2. Explain why the record requested is required for the exercise 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 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 20.....

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

ANNEXURE "B"

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R 1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

3. Access fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure "A" to the Regulations.

4. Other fees

- 4.1 A request fee³ of R 50.00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this work.
- 4.2 A search fee⁴ may be charged at a rate of R 30.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1 Section 52(3) and Regulation 1(1)

2 Section 54(7) and Regulation 11(3)

3 Section 54(1) and Regulation 11(2)

4 Annexure "A", Part III, Item 4(1)(f)

5 Section 54(2)

**PART III
FEES IN RESPECT OF PRIVATE BODIES**

1. The fee for a copy of the manual as contemplated in regulation 9 (2) (c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows: R
 - (a) For every photocopy of an A4-size page or part thereof 1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form 0,75
 - (c) For a copy in a computer-readable form on-
 - (i) stiffy disc 7,50
 - (ii) compact disc 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
 - (ii) For a copy of visual images 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - (ii) For a copy of an audio record 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11 (2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows: R
 - (1) (a) For every photocopy of an A4-size page or part thereof 1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form 0,75
 - (c) For a copy in a computer-readable form on-
 - (i) stiffy disc 7,50
 - (ii) compact disc 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
 - (ii) For a copy of visual images 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - (ii) For a copy of an audio record 30,00
 - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
 - (2) For purposes of section 54 (2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable: and
 - (b) one third of the access fee is payable as a deposit by the requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.



TECHNIKON NORTHERN GAUTENG

MANUAL

containing

POLICY AND GUIDELINES ON ACCESS TO INFORMATION

This manual is available in the following three official languages: (Setswana, Tshivenda and English).

VISION AND MISSION STATEMENTS

Technikon Northern Gauteng is a higher education institution committed to contributing to human resources development through its career and market oriented programmes in technological, commercial and other socially relevant fields.

TNG mission primarily has five inter-related strands:

- To provide quality national diploma and B-Tech programmes in our chosen fields.
- To develop selective Masters level learning opportunities in areas where we have special skills, and there is demonstrable need.
- To offer flexible learning opportunities, both formal and informal, to a wide range of learners including our own staff.
- To build capacity and undertake projects in the fields of social, applied and product oriented research relevant to community and regional development needs, as well as in research that deepens our understanding of the process of learning and teaching.
- To upgrade the educational and socio-economic environment of our immediate community through programmes of community service linked to our areas of expertise.

Our mission as an institution of higher learning encompasses local, regional, national and international commitments, interests and linkages. Yet as South Africa's northernmost Technikon, with our main campus located at Soshanguve, near Pretoria, we have a special responsibility to respond to the needs of, and to provide learning opportunities to, our immediate community and region, and to the vast area to our north. To do so we give high priority to ensuring access and success for talented learners and students from socio-economic and educationally disadvantaged backgrounds that have not prepared them for the traditional entry levels of most institutions.

We seek to realise our mission in a distinctive TNG way that integrates teams of dedicated and skilled educators, effective support services by professional staff, modern management approaches, goal directed planning and funding, the full utilisation of the opportunities created by developments in information technology, and a caring and nurturing environment in which both staff and students can realise their full potential.

We measure our success by the growth of the TNG community that extends beyond those who live, learn and work on our campus to a wide range of interested stakeholders and partners, and expanding cohorts of entrepreneurial TNG graduates that are making their own distinctive contribution to our national well-being.

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ANNEXURES

Annexure 1: Form A (Request for access to information)

Annexure 2: Form B (Notice of internal appeal)

Annexure 3: Fees payable:

- (a) Request fees
- (b) Access fees
- (c) Reproduction fees
- (d) Deposits
- (e) Postage
- (f) Internal appeals

INTRODUCTION

Section 32(1)(a) of the South African Bill of Rights in the South African Constitution gives every person the right to access to information. The Promotion of Access to Information Act, 2000 (hereinafter referred to as 'the Act') gives effect to the constitutional right to have access to information. The Act is based on the values of transparency and accountability.

As with all other fundamental rights contained in the Bill of Rights, the right to access to information is not absolute. It may be limited in terms of section 36 of the Bill of Rights, to the extent that limitations are reasonable and justifiable in an open and democratic society, based on the fundamental values of human dignity, equality and freedom.

The Technikon has drafted this policy in order to define the rights of persons to have access to any records, regardless of form or medium, in the possession or under the control of the Technikon. It furthermore contains the procedures that must be followed by any person wishing to gain access to such information, and the applicable fees that are payable.

STRUCTURE AND FUNCTIONS OF THE TECHNIKON

TECHNIKON NORTHERN GAUTENG

Postal address:	Private Bag X07, PRETORIA-NORTH, 0116
Street address:	Main Campus, College Road, SOSHANGUVE, 0152
Electronic mail address	
of the Institutional Officer:	glenyai@tnt.ac.za
Phone number:	(012) 799-9240
Fax number:	(012) 793-0975

DEFINITIONS

Terms used in this manual are consistent with the definitions contained in the Act, unless the context determines otherwise, and include:

‘Evaluative material’ means an evaluation or opinion prepared for the purpose of determining:

- a) The suitability eligibility or qualifications of the person to whom or to which the evaluation or opinion relates:
 - i) for employment or for appointment to office,
 - ii) for promotion in employment or office or for the continuance in employment or office,
 - iii) for removal from employment or office, or
 - iv) for the awarding of a scholarship, award, bursary, honour, or similar benefit; or
- b) Whether any scholarship, award, bursary, honour or similar benefit should be continued, modified, cancelled or renewed.

‘Information Officer’ means the Principal and Vice-Chancellor as the Chief Executive Officer, or the person who is acting as such.

‘personal information’ means information about an identifiable individual, including but not limited to:

- a) information relating to the race, gender, sex, pregnancy, marital status, national, ethnic, or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- b) information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- c) any identifying number, symbol or other particular assigned to the individual;
- d) the address, fingerprints or blood type of the individual;
- e) the personal opinions, views, or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- f) correspondence sent by the individual that is implicitly or explicitly of a private or confidential nature or further correspondence that would reveal the contents of the original correspondence;
- g) the views and opinions of another individual about the individual;
- h) the views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and

- i) the name of the individual where it appears with other personal information relating to the individual or where the disclosure of the name itself would reveal information about the individual.

'personal requester' means a requester seeking access to a record containing personal information about the requester.

'Record' means any recorded information, regardless of form or medium, in the possession or under the control of the Technikon, and whether or not it was created by the Technikon.

'Student' refers to an individual, who is registered for any programme at the Technikon, or who is in between academic terms and is eligible for re-enrolment.

'The Act' means the Promotion of Access to Information Act, 2000.

'The Technikon' means the Technikon Northern Gauteng, established as a technikon in terms of section 20 of the Higher Education Act, No. 101 of 1997.

'Third party' means any person other than the requestor concerned or a public body.

SECTION A: GUIDELINES ON ACCESS TO INFORMATION

1. INTRODUCTION

The Information Officer for the Technikon is the Principal and Vice-Chancellor. The Act confers powers and imposes duties on the Information Officer.

Deputy information officers have been appointed, and power has been delegated to them in order to ensure that there are sufficient resources to make information, held by the Technikon, as accessible as reasonably possible for requesters of such information. Deputy information officers will receive requests for information and will decide, in accordance with the provisions of the Act and this policy, whether or not to provide that information to the requester.

The deputy information officers of the Technikon are:

Dean: Health & Social Sciences

(Mr MS Mukhola)

Phone numbers: (012) 799-9455

Fax numbers: (012) 793-2864

e-mail address: Mukhola.MS@tng.ac.za

Faculty records

Dean: Engineering

(Mr I Tlhabadira – Acting)

Phone numbers: (012) 799-9080

Fax numbers: (012) 799-9223

e-mail address: Tlhabadira.I@tng.ac.za

Faculty records

Dean: Commerce

(Mrs M Reynders)

Phone numbers: (012) 799-9011

Fax numbers: (012) 799-9519

e-mail address: Reynders.M@tng.ac.za

Faculty records

Dean: Economics & Management Sciences

(Mr A van Staden)

Phone numbers: (012) 799-9627

Fax numbers: (012) 799-9639

e-mail address: Prinsloo.D@tng.ac.za

Faculty records

The Director of Finance

(Mr SS Mnisi)

Phone numbers: (012) 799-9094

Fax numbers: (012) 799-9158

e-mail address: Mnisi.S@tng.ac.za

Financial and commercial
records

The Director of Research

(Prof. PDF Kok)

Phone numbers: (012) 799-9078

Fax numbers: (012) 799-9546

e-mail address: Kok.PDF@tng.ac.za

Research records

The Director of Human Resources

(Mr GN Molefe)

Phone numbers: (012) 799-9265

Fax numbers: (012) 799-9294

e-mail address: Molefe.GN@tng.ac.za

Personnel records

Dean of Students

(Mr H Shubane)

Phone numbers: (012) 799-9514

Fax numbers: (012) 799-9128

e-mail address: Shubane.H@tng.ac.za

Student records

(Student registration &
student disciplinary
hearings)**The Director of Quality Assurance & Examinations**

(Mr DJ Human)

Phone numbers: (012) 799-9608

Fax numbers: (012) 799-9194

e-mail address: Human.DJ@tng.ac.zaStudent records
(Examinations)**The Director of Public Affairs & Marketing**

(Ms CBM Mokebe – Acting)

Phone numbers: (012) 799-9195

Fax numbers: (012) 799-9035

e-mail address: Cathrine@tnt.ac.za

Alumni records

**The Director of Information & Communications
Technology**

(Mr JPC Niezen)

Phone numbers: (012) 799-9059

Fax numbers: (012) 799-9055

e-mail address: Niezen.JPC@tng.ac.za

E-mail records policy

SECTION A: GENERAL POLICY AND GUIDELINES ON ACCESS TO INFORMATION

1. GENERAL

- 1.1 The Technikon will maintain only relevant information, which is necessary for the achievement of its objectives, and information, which it is authorised or required by law to maintain.
- 1.2 The Technikon will periodically review the information, which it holds, to ensure that all records maintained are accurate, relevant and complete.
- 1.3 The Technikon has a duty to ensure reasonable protection of privacy, commercial confidentiality, and good governance. In order to fulfil this duty, it will keep secure all personal, confidential and other relevant information, and will ensure that no information is transferred inside or outside the Technikon, unless such transfer is in accordance with the requirements of the Act and this policy.

2. DUTIES OF INFORMATION OFFICER

- 2.1 The Information Officer shall appoint deputy information officers and delegate his/her powers to such deputy information officers in writing.
- 2.2 The Information Officer shall cause her/himself and all deputy information officers to be properly trained to enable them to fulfil all their obligations in terms of the Act.
- 2.3 The Information Officer shall cause a manual to be compiled in three official languages. The information contained in the manual shall include, but not be limited to:
 - (a) contact details of the information and deputy information officers;
 - (b) details on how to request access to information;
 - (c) a description of the subjects on which the Technikon holds records and the categories of records held on each subject;
 - (d) information, which is automatically available without a person having to request access in terms of the Act.
- 2.4 The Information officer shall cause records to be kept of the number of:
 - Requests for access received
 - Requests for access granted fully or in part
 - Requests for access denied fully or in part
 - Internal appeals lodged and the outcome of such appeals (Note: internal appeal process optional)
 - Applications made to court on the ground that a request/an internal appeal was dismissed (Note: where provision is made for an internal appeal process, this internal process must be exhausted before the

requester may make application to the court for a review of the decision.)

- Instances in which the time periods stipulated in the Act were extended in terms of the Act.

3. DUTIES OF DEPUTY INFORMATION OFFICERS

3.1 Once a deputy information officer has received a request for access to a particular record held by the Technikon, he/she will take all reasonable steps necessary to preserve that record until:

- (a) such time as the request has been granted or denied;
- (b) the periods for lodging an internal appeal (Note: an internal appeal process optional), application to court or appeal against such the outcome of such application, have expired;
- (c) the internal appeal (Note: an internal appeal process is optional), application to court, or appeal against the outcome of such application, has been finally determined.

3.2 When a deputy information officer has received a request for access to a particular record, he/she will make a decision whether to grant access to such record within a period of thirty days of receiving such request.

3.3 If a deputy information officer fails to give a decision on a request for access to information within thirty days of such request being received, then such request is deemed to have been refused, and the requester may then lodge an internal appeal (Note: if an internal appeal process is provided by the Technikon) against such refusal.

4. REQUESTS FOR ACCESS TO INFORMATION

4.1 Any individual may request and be informed whether the Technikon maintains records on them. Any such enquiry must be made in writing (or electronically) to the relevant deputy information officer. Such enquiry must be accompanied by the relevant fees, where applicable.

4.2 Any individual may request to inspect the records, which the Technikon maintains on them. Such request must be made in writing (or electronically) on the prescribed form, to the relevant deputy information officer, accompanied by the relevant fees, where applicable.

4.3 Individuals, on whom the Technikon maintains records, have the right to request correction of facts, deletion of errors or additions to be made to such records. Such request must be made in writing (or electronically) to the relevant deputy information officer.

4.4 Any person, including a third party, requiring information, which is held by the Technikon, may request access to such information. Such request may be made in writing (or electronically) on the prescribed form, to the relevant deputy information officer, accompanied by the relevant fees, where applicable.

4.5 The Technikon, through its deputy information officer may refuse access to any record, which is regarded as personal or confidential according to the Act.

4.6 The Technikon, through its deputy information officer, will refuse access to any record, the disclosure of which could reasonably be expected to endanger the life or physical or psychological safety of any individual.

5. PROCEDURE FOR REQUESTS FOR ACCESS TO INFORMATION

5.1 A request for access to information must be made to the relevant deputy information officer on the prescribed form, **Form A** (See Annexure 1). The requester must provide full particulars of the record to which access is requested.

5.2 The prescribed request, access and reproduction fees, and deposit, if applicable, must be paid to the deputy information officer at the time of making a request. (See annexure 3).

5.3 On receiving a request, accompanied by the required fees, as applicable, the deputy information officer will, within thirty days, decide whether to grant the request or not.

5.4 A record will be withheld until the requester has paid the applicable fees.

5.5 Should the requester be dissatisfied with the decision of the deputy information officer, the requester may lodge an internal appeal (if policy) with the Information Officer.

6. PROCEDURE FOR AN INTERNAL APPEAL BY A REQUESTER (Note: An internal appeal is optional.)

6.1 The deputy information officer must inform a requester that she/he may lodge an internal appeal against the decision of the deputy information officer.

6.2 An appeal application must be lodged within sixty days of the decision of the deputy information officer, on the prescribed **Form B** (See annexure 2), which is obtainable from the deputy information officer. The Information Officer must allow late lodging of the appeal, on good cause shown.

6.3 The appellant must clearly indicate the decision against which the appeal is being lodged, and the grounds on which the internal appeal is based.

6.4 The required appeal fees must be paid on lodging an internal appeal. (See Annexure 3).

6.5 The Information Officer must decide on the internal appeal within thirty (30) days of receipt of the appeal application, and give notice of the decision to the appellant. The notice must:

- (a) state adequate reasons for the decision,
- (b) exclude, from such reasons, any reference to the content of the record,
- (c) state that the appellant may lodge an application with a court against the decision on internal appeal, within sixty (60) days thereof.

7. PROCEDURE FOR AN INTERNAL APPEAL BY A THIRD PARTY

7.1 The Information Officer, must within thirty (30) days of receiving an internal appeal from a requester, inform a third party/parties to whom or which the records relate.

7.2 The third party/parties may, within twenty one (21) days of being so informed, make written representations to the Information Officer why the request for access should not be granted or may give written consent for the disclosure of the record to the requester.

7.3 The Information Officer must immediately after the decision on an internal appeal, give notice of the decision to the third party/parties concerned.

8. APPLICATIONS TO COURT

8.1 A requester or a third party, as the case may be, may only apply to court for appropriate relief after the internal appeal procedures against a decision of the deputy information officer or the Information Officer, on appeal (if policy), have been exhausted.

8.2 A requester or a third party, as the case may be, may, by way of application, within thirty (30) days apply to court for relief in terms of section 82 of the Act.

9. OFFENCE

It is an offence for any person to destroy, damage, conceal, or falsify any information held by the technikon with the intent to deny another person right of access to such information.

SECTION B: PERSONNEL RECORDS

1. The Technikon will maintain records on personnel, which contain information pertaining to the individual, only to the extent that it is necessary and relevant for official Technikon purposes.
2. The Technikon will respect the privacy of its personnel. In order to ensure this, no personal information which the Technikon holds on an individual, will be disclosed to a third party, unless such disclosure:
 - (a) reveals evidence of a contravention of the law, or
 - (b) reveals evidence of an imminent and serious public safety or environmental risk, and
 - (c) the public interest in the disclosure of the record outweighs the potential harm to the personnel member.
3. Notwithstanding paragraph 2 above, personal information of a personnel member must be disclosed if:
 - 3.1 The personnel member has consented to its disclosure;
 - 3.2 The personnel member was informed, before such personal information was given, that the information belongs to a class of information that would or might be made available to the public;
 - 3.3 such information is already publicly available;
 - 3.4 the information requested is about a deceased individual and the requester is the deceased individual's next of kin, or written consent has been given by the deceased's next of kin;
 - 3.5 the information relates to the position or functions of the personnel member, including but not limited to the fact that the individual is or was an official or employee of the Technikon; the title, work address work phone number and other similar particulars; the classification, salary scale and responsibilities, the position held or services performed by the individual; or the name of the individual on a record prepared by the individual during the course of his/her employment.
4. A personnel member has the right to enquire and be notified of whether the Technikon maintains records on him/her, and whether such records may be inspected. However, this is subject to the right of the Technikon to refuse to disclose any record, which contains evaluative material.
5. A personnel member is entitled to request correction of facts, deletion of errors or additions to be made in the records, which are held on her/him by the Technikon.
6. A request for access to a personnel member's record may be refused if the request is manifestly frivolous or vexatious, or the work involved in processing the request would substantially and unreasonably divert the resources of the Technikon.

7. Any person requesting information, which the Technikon holds on a personnel member, must make such request on the prescribed application form **Form A**, accompanied by the relevant fees, if applicable. The request must be made to the relevant deputy information officer, which in this case is the Director of Human Resources.

SECTION C: STUDENT RECORDS POLICY

1. The Technikon will only retain information on a student to the extent necessary and relevant for official Technikon purposes.
2. The Technikon will respect the privacy of students. In order to ensure this, no personal information, which the Technikon holds on a student will be disclosed, unless such information:
 - (a) reveals evidence of a contravention of the law, or
 - (b) reveals evidence of an imminent and serious public safety or environmental risk, and
 - (c) the public interest in the disclosure of information outweighs the potential harm to the student.
3. Notwithstanding paragraph 2 above, personal information about a student must be disclosed if:
 - 3.1 the student has consented to the disclosure;
 - 3.2 the student was informed, before such personal information was given, that the information belongs to a class of information that would or might be made available to the public;
 - 3.3 such information is already publicly available; or
 - 3.4 the information requested is about a deceased student and the requester is the deceased student's next of kin, or written consent has been given by the deceased student's next of kin.
4. A student has the right to enquire and be notified of whether the Technikon maintains records on him/her and whether such records may be inspected. However, this is subject to the Technikon's right to refuse to disclose any record, which contains evaluative material. Marked examination papers are not deemed to be evaluative material for the purposes of this policy.
5. A student is entitled to request correction of facts or deletion of errors to be made in the records, which are held on her/him by the Technikon.
6. The names, address and qualifications of a student will only be made available to a third party requesting such information if:
 - (a) the third party is requesting such information in his/her capacity as a prospective employer of the student, and
 - (b) the Technikon is legally obliged to disclose such information.
7. A student shall, as a condition of enrolment, give written authorisation for the disclosure of relevant personal information to his/her employer and to *bona fide* prospective employers. (Written authorisation to be part of enrolment form)

8. Only relevant personal information of a student will be made available to internal staff or bodies of the Technikon, and only if such information is requested for official Technikon purposes.
9. A request for access to a student's record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the Technikon.
10. Any person requesting information, which the Technikon holds on a student, must make such request on the prescribed application form, accompanied by the relevant fees, if applicable. The request must be made to the relevant deputy information officer, which in this case is the Dean of Students and/or Director of Quality Assurance and Examinations.

SECTION D: ALUMNI RECORDS POLICY

1. The Technikon will only retain information on an alumnus to the extent necessary and relevant for official Technikon purposes.
2. The Technikon will respect the privacy of alumni. In order to ensure this, no personal information will be disclosed, unless such disclosure:
 - (a) reveals evidence of a contravention of the law,
 - (b) reveals evidence of an imminent and serious public safety or environmental risk, and
 - (c) the public interest in the disclosure of information outweighs the potential harm to the alumnus.
3. Notwithstanding paragraph 2 above, personal information of an alumnus must be disclosed if:
 - 3.1 the alumnus has consented to the disclosure;
 - 3.2 the alumnus was informed, before such personal information was given to the Technikon, that the information belongs to a class of information that would or might be made available to the public;
 - 3.3 such information is already publicly available; or
 - 3.4 the information requested is about a deceased alumnus and the requester is the deceased's next of kin, or written consent has been given by the deceased's next of kin.
4. Alumni have the right to enquire and be notified of whether the Technikon maintains records on them and whether such records may be inspected. However, this is subject to the Technikon's right to refuse to disclose any record, which contains evaluative material.
5. Alumni are entitled to request a correction of facts or deletion of errors to be made in the records, which are held on them by the Technikon.
6. The names, addresses and qualifications of alumni will only be made available to a third party requesting such information if:
 - (a) the third party is requesting such information in his/her capacity as an employer or prospective employer, and
 - (b) the technikon is legally obliged to disclose such information.
7. Only relevant personal information of an alumnus will be made available to internal staff or bodies of the Technikon, and only if such information is requested for official Technikon purposes.

8. A request for access to an alumnus' record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the Technikon.
9. Any party requesting information, which the Technikon holds on an alumnus, must make such request on the prescribed application form, accompanied by the relevant fess, if applicable. The request must be made to the relevant deputy information officer, which in this case is the Director of Public Affairs and Marketing.

SECTION E: THIRD PARTY RECORDS POLICY

1. The deputy information officer must refuse a request for a record of a third party if the disclosure would be in breach of a duty of confidence owed to a third party in terms of an agreement. However, such a request may not be refused if:
 - (a) the record is already publicly available, or
 - (b) the third party has consented to its disclosure.
2. The deputy information officer must refuse access to a record that:
 - (a) contains trade secrets of a third party;
 - (b) contains financial, commercial, scientific or technical information, the disclosure of which is likely to cause commercial or financial harm to the third party;
 - (c) is likely to put the third party at a disadvantage in contractual or other negotiations;
 - (d) is likely to prejudice the third party in commercial competition.
3. Notwithstanding paragraph 2 above, a record may not be refused if it consists of information:
 - (a) that is already publicly available;
 - (b) that the third party has consented to its disclosure;
 - (c) that is about the results of environmental testing or other investigations and its disclosure would reveal a serious public safety or environmental risk.
4. The deputy information officer may refuse access to a record supplied by to it by a third party if:
 - (a) it is likely to prejudice the future supply of similar information or information from the same source, and
 - (b) it is in the public interest that similar information or information from the same source should continue to be supplied.
5. Notwithstanding paragraph 4 above, a record may not be refused if:
 - (a) it is already publicly available, or
 - (b) the third party has consented to its disclosure.
6. Any person requesting information, which the Technikon holds relating to a third party, must make such request on the prescribed application form, accompanied by the relevant fees, if applicable. The application must be made to the relevant deputy information officer, which in this case, is the Director of Finance.

SECTION F: FINANCIAL AND COMMERCIAL RECORDS POLICY

1. Access to financial and commercial records may be refused if such record:
 - (a) contains trade secrets of the State or the Technikon;
 - (b) contains financial, commercial scientific, or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of the State or the technikon;
 - (c) contains information, the disclosure of which could put the Technikon at a disadvantage in contractual or other negotiations or prejudice the Technikon in commercial competition; or
 - (d) is a computer program as defined in section 1(1) of the Copyright Act, 98 of 1978 and owned by the Technikon.
2. Notwithstanding the above paragraph, a commercial or financial record may not be refused if it consists of information:
 - (a) already publicly available;
 - (b) about another public body, which body has consented in writing to the disclosure; or
 - (c) about the results of any product or environmental testing carried out by or on behalf of the Technikon, and its disclosure would reveal a serious public safety or environmental risk.
3. A request for access to a financial or commercial record held by the Technikon may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the Technikon.
4. A request for access to a financial or commercial record must be disclosed if:
 - (a) reveals evidence of a contravention of the law, or
 - (b) reveals evidence of an imminent and serious public safety or environmental risk, and
 - (c) the public interest in the disclosure of the information outweighs the potential harm to the requester.
5. Any person requesting financial or commercial information must make such a request, on the prescribed application form, to the relevant deputy information officer, which, in this case, is the Director of Finance.

SECTION G: OPERATIONS RECORDS POLICY

1. Requests for records relating to the operational aspects of the Technikon may be refused if:
 - (a) the record contains an opinion, advice, report, or recommendation obtained by and/or prepared by the Technikon;
 - (b) the record is an account of a consultation, discussion, or deliberation that has occurred for the purpose of assisting to formulate a policy or take a decision in the exercise of a power, performance or duty imposed on the Technikon by law;
 - (c) the disclosure of the record can reasonably be expected to frustrate the deliberative process in the Technikon or between the Technikon and another public body by inhibiting the candid communication of an opinion, advice, report, or recommendation or inhibiting the candid conducting of a consultation, discussion, or deliberation;
 - (d) it would amount to a premature disclosure of a policy with the result that it could reasonably be expected to frustrate the success of that policy;
 - (e) the disclosure could jeopardise the effectiveness of a testing, examining or auditing procedure or method used by the Technikon;
 - (f) the record contains evaluative material and disclosure thereof would breach an express or implied promise which was made to the person who supplied the material to the effect that the material or the identity of the provider, or both, would be held in confidence;
 - (g) the record contains a preliminary, working or other draft of an official of the Technikon.
2. Notwithstanding paragraph 1 above, an operation record may not be refused if it came into existence more than 20 years before the request was made.
3. A request for access to an operation record must be disclosed if:
 - (a) it reveals evidence of a contravention of the law, or
 - (b) it reveals evidence of an imminent and serious public safety or environmental risk, and
 - (c) the public interest in the disclosure of information outweighs the potential harm to the requester.
4. A request for access to an operational record may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the Technikon.
5. Any person making a requests pertaining to the operations records, must make such a request, on a prescribed application form, to the Information Officer who will redirect it to the relevant Deputy Information Officer.

SECTION H: RESEARCH RECORDS POLICY

1. Access to records containing information about research being conducted or to be carried out by or on behalf of a third party, will be refused if the disclosure would be likely to expose:
 - (a) the third party;
 - (b) a person that is or will be carrying out research on behalf of a third party; or
 - (c) the subject matter of the research.
2. Access to records containing information about research being conducted or to be carried out by or on behalf of the Technikon, may be refused if the disclosure would be likely to expose:
 - (a) the Technikon,
 - (b) the person who will be carrying out the research on behalf of the Technikon, or
 - (c) the subject matter of the research, to serious disadvantage.
3. A request for access to research records may be refused if the request is manifestly frivolous or vexatious or the work involved in processing the request would substantially and unreasonably divert the resources of the Technikon.
4. Notwithstanding paragraphs 1 and 2 above, a request for access to research records must be disclosed if:
 - (a) it reveals evidence of a contravention of the law, or
 - (b) it reveals evidence of an imminent and serious public safety or environmental risk, and
 - (c) the public interest in the disclosure of information outweighs the harm to the requester.
5. Any person requesting information on research records policy must make such a request, on the prescribed application form, to the relevant deputy information officer, which, in this case is the Director of Research.

SECTION I: E-MAIL RECORDS POLICY

1. The computer resources of the Technikon are intended for official and/or research purposes only and all personal use by personnel and students should be kept to a minimum.
2. Information stored on the Technikon's computer resources is a record in the possession or under the control of the Technikon.
3. Neither personnel nor students of the Technikon should have any expectation of privacy in relation to information stored on the Technikon's computers, except as provided by the Act.
4. The Technikon encourages the use of electronic mail and respects the privacy of users and will therefore not routinely inspect, monitor or disclose electronic mail without the user's consent. However, the Technikon may, without the prior knowledge of the user, inspect, monitor, or disclose electronic mail sent by a user if it suspects that:
 - (a) the electronic mail facility is being abused, or
 - (b) the electronic mail facility is being used for illegal or immoral purposes.
5. Users of the Technikon's computer resources may not seek out, use or disclose personal or confidential information stored on the Technikon's computers unless authorised by the Technikon.
6. Any person requesting information on e-mail records policy must make such a request, on the prescribed application form, to the relevant deputy information officer, which, in this case is the Director of Information and Communications Technology.

SECTION J: AUTOMATICALLY AVAILABLE INFORMATION

The following information is automatically available without a person having to request access in terms of the Act, and is to be found on the Technikon's website:

1. Contact details of the information officer and deputy information officers.
2. The access and reproduction fees payable by the requester of information.
3. The Technikon Chancellor's technikon work related details.
4. The constituency and official contact details of the Technikon's Council.
5. The constituency and official contact details of the Technikon's Senate.
6. The constituency and contact details of the Technikon's Rectorate.
7. The constituency and official contact details of the Technikon's Student Representative Council.
8. The constituency and official contact details of the Technikon's Institutional Forum.
9. The number, race, and gender of technikon personnel categories.
10. Salary scales of technikon personnel.
11. Minimum qualification requirements for new appointments to the various posts within the Technikon.
12. Minimum entrance requirements for enrolment in the various programmes offered by the Technikon.
13. The number, race, and gender of students in each Faculty of the Technikon.
14. The Technikon's policy on financial assistance offered to students.
15. Fee structures for the Technikon's academic programmes.
16. Residential fees and admissions policies of the Technikon.
17. Names of all technikon alumni and qualifications awarded or conferred.
18. The Technikon's disciplinary codes and procedures.
19. The Technikon's grievance procedure.
20. The Technikon's employment equity plan.
21. The Technikon's workplace skills plan.
22. The Technikon's employment equity report.
23. Any information that the Technikon is required to make available for inspection in terms of other legislation.

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ANNEXURES

ANNEXURE 1**FORM A****REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]

FOR DEPARTMENTAL USE	
	Reference number: _____
Request received by _____ (state rank, name and surname of information officer/deputy information officer) on _____ _____ (date) at _____ (place).	
Request fee (if any): R	
Deposit (if any): R	
Access fee: R	
_____ SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER	

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record 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 names and surname: _____

Identity number: _____

Postal address: _____

_____ Fax number: _____

Telephone number: _____ E-mail address: _____

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

C. Particulars of person on whose behalf request is made

This section must be completed only if 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 record or relevant part of the record: _____

2. Reference number, if available: _____
3. Any further particulars of record: _____

E. Fees

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

Reason for exemption from payment of fees: _____

F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate 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 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 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 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
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>		
In which language would you prefer the record? _____		

G. 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 _____ 20_____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

FORM B

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

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

[Regulation 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 record 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 names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

 E-mail address:

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

C. Particulars of person on whose behalf request is made

This section must be completed only if 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 record or relevant part of the record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

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

Reason for exemption from payment of fees: _____

F. Form of access to record

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

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

ANNEXURE 2

FORM C

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 6]

STATE YOUR REFERENCE

NUMBER: _____

*NOTE: A person who lodges an internal appeal may have to pay an appeal fee.**If an appeal fee is payable, the decision of the internal appeal may be deferred until the fee is paid.*

A. Particulars of public body

The Information Officer/Deputy Information Officer:

B. Particulars of requester/third party who lodges the internal appeal

- (a) *The particulars of the person who is lodging the internal appeal, must be completed below.*
- (b) *Proof of the capacity in which appeal is lodged, if applicable, must be attached.*
- (c) *If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.*

Full names and surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

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

H. Notice of decision regarding request for access

*You will be notified in writing whether your request has been approved/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 _____ 20 _____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

State any other information that may be relevant in considering the appeal: _____

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. 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.

State the manner: _____

Particulars of manner: _____

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF APPELLANT

Telephone number: _____ E-mail address: _____

Capacity in which an internal appeal on behalf of another person is lodged: _____

C. Particulars of requester

This section must be completed ONLY if a third party (other than the requester) is lodging the internal appeal.

Full names and surname: _____

Identity number: _____

D. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box:

<input type="checkbox"/>	Refusal of request for access.
<input type="checkbox"/>	Decision regarding fees determined in terms of section 22 of the Act.
<input type="checkbox"/>	Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act.
<input type="checkbox"/>	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
<input type="checkbox"/>	Decision to grant request for access.

E. Grounds for appeal

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

State the grounds upon which the internal appeal is based: _____

FOR DEPARTMENTAL USE:**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on _____ (date) by _____
_____ (state rank,
name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer/deputy information officer's
decision and, where applicable, the particulars of any third party to whom or which the
records, submitted by information officer/deputy information officer on _____
_____ (date) to the relevant authority.

OUTCOME OF APPEAL:

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER
CONFIRMED/SUBSTITUTED BY NEW DECISION

NEW DECISION: _____

DATE

RELEVANT AUTHORITY

DATE RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION
OFFICER FROM THE RELEVANT AUTHORITY: _____

ANNEXURE 3**FEES PAYABLE**

Fees are payable in terms of sections 15 and 22 of the Promotion of Access to Information Act, 2000, read together with the regulations promulgated under section 22 of the Act.

A record will be withheld until the prescribed fees have been paid.

1. REQUEST FEE (Section 22(1), Regulation 7(2))

The request fee payable to the Technikon by every requester, except a personal requester, is R35,00.

2. ACCESS FEES (Section 22(7), Regulation 7(3))

Access fees are payable to the Technikon by every requester and personal requester for the search, preparation and reproduction of the requested record(s) as follows:

2.1 SEARCH AND PREPARATION OF A RECORD FOR DISCLOSURE

Fifteen rand (R15) for each hour or part of an hour, excluding the first hour, that is reasonably required for such search and preparation.

2.2 REPRODUCTION FEES

	R
(a) For every photocopy of an A4-size page or part thereof	0-60
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0-40
(c) For a copy in a computer-readable form on –	
(i) stiffy disc	5-00
(ii) compact disc	40-00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	22-00
(ii) For a copy of visual images	60-00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12-00
(ii) For a copy of an audio record	17-00

3. REPRODUCTION FEES (Section 15(3), Regulation 7(1))

Reproduction fees are payable to the Technikon by every requester and personal requester for the reproduction of records that are automatically available, as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	0-60
(e) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0-40
(f) For a copy in a computer-readable form on –	
(i) stiffy disc	5-00
(ii) compact disc	40-00
(g) (i) For a transcription of visual images, for an A4-size page or part thereof	22-00
(ii) For a copy of visual images	60-00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	12-00
(ii) For a copy of an audio record	17-00

4. DEPOSITS (Section 22(2))

Where a request for access to a record is received from a requester, other than a personal requester, and the information officer has caused the search to be made and is of the opinion that the preparation of the requested records would require more than the hours prescribed for this purpose (six hours), the information officer may require the requester to pay a deposit.

The deposit payable is an amount equal to one third of the access fee that would be payable if the request is granted.

If the request for access is refused, the deposit will be refunded to the requester.

5. POSTAGE (Section 22(7)(a))

The actual postage incurred is payable when a copy of a record must be posted to a requester or a personal requester.

6. INTERNAL APPEALS (Section 22(3)) (If policy allows)

Lodgement of the appeal must be accompanied by the request fee and/or a deposit, as the case may be.

SECTION 51 MANUAL FOR

DU TOIT & VAN DER WAL PROKUREURS/ ATTORNEYS

A. CONTENTS

- A. CONTENTS
- B. INTRODUCTION TO DU TOIT & VAN DER WAL PROKUREURS/
ATTORNEYS
- C. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL
 - C.1. Contact details [Section 51(1)(a)] □
 - C.2. The Guide [Section 51(1)(b)]
 - C.3. Records available in terms of any other legislation [Section 51(1)(d)]
 - C.4. Gaining access to the records held by the private body in question [Sections 51(1)(c)
and 51(1)(e)]
 - i. Records of the body, which are available without a person having to request
access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]
 - ii. Records that may be requested [Section 51(1)(e)] □
 - iii. The request procedures
 - C.5. Other information as may be prescribed [Section 51(1)(f)]
 - C.6. Availability of the manual [Section 51(3)]
 - C.7. Prescribed fees for private bodies
 - C.8. Prescribed forms

B. Introduction to Du Toit & Van der Wal Prokureurs/ Attorneys

The firm was established on 1 July 2002 with the amalgamation of Ruurd van der Wal Attorneys with Du Toit Attorneys. Du Toit attorneys had extensive experience in property law and property development while Ruurd van der Wal attorneys had extensive experience in estate planning and other commercial law. The firm now focuses on commercial law, property law, estate planning and deceased estates but also render services over a broad legal spectrum. The firm can be described as a young dynamic innovating legal firm that serves its clients on a high personal and efficient manner.

C. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

C.1. Contact details [Section 51(1)(a)]

Ruurd van der Wal
Suite 288
Private bag x 82329
Rustenburg
0300

Situated at 155 Kockstreet
Suite 102

Rustenburg
Tel 014 597 1750
Fax: 014 597 1750

E-mail: ruurd@globecorp.co.za
connie@globecorp.co.za

C.2. The Guide as described in section 10 [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission, by not later than August 2003. Please direct any queries to:

The South African Human Rights Commission:

**PAIA Unit
The Research and Documentation Department**

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-3300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

C.3. Records available in terms of any other legislation [Section 51(1)(d)]

N.A.

C.4. Gaining access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]

- i. **Records, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]**
 - a. Fidelity fund certificates
 - b. Diplomas and degree certificates
 - c. Attorney Admittance certificates
- ii. **Records that may be requested in terms of this Act. [Section 51(1)(e)]**

PERSONNEL

- a. Employee Contracts
- b. Disciplinary codes
- c. Grievance procedures

FINANCIAL

- a. Financial statements
- b. Tax returns

BUSINESS, LEGAL AND CORPORATE INFORMATION

- a. Partnership agreement
- b. Lease agreements
- c. Business plan
- d. Minutes of meetings
- e. Clients lists
- f. Clients files

iii. The request procedures**Form of request:**

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned. [s 53(1)]
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed. [s 53(2)(a) and (b) and (c)]
- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right. [s 53(2)(d)]
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body. [s 53(2)(f)]

Fees:

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request. A personal requester does not pay such a fee. [s 22(1)]
- The fee that the requester must pay to a private body is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee. [s 22(3)(b)]
- The head of the private body will then make a decision on the request and notify the requester in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. [s 22(6)]

C.5. Other information as may be prescribed [Section 51(1)(f)]

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

C.6. Availability of the manual [Section 51(3)]

The manual is also available for inspection at the offices of this firm; and copies are available with the SAHRC and in the Gazette.

C.7. Fees in respect of private bodies

C.3. Prescribed forms

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

for

JANSEN - POTTER

MANUAL

1 COMPANY OVERVIEW

Jansen - Potter Attorneys, Notaries and Conveyancers ["Jansen"] is a private body in terms of the Act, dealing with matters an attorneys office would be expected to deal with including *inter alia* matrimonial, commercial, litigation, estates, conveyancing, collection matters and notarial work. The business was established in September 1991.

2 GENERAL

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

Name of Body : Jansen - Potter
Physical Address : The Lion House, 20 Roberts Avenue,
Kensington, 2094, Johannesburg
Postal Address : P O Box 8099, Johannesburg, 2000
Information Officer : Mr F R J Jansen
Telephone No : +27 11 614-8100
Facsimile Transmission : +27 11 614-8145
Email : jpproc@icon.co.za

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

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

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

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

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

Currently not applicable.

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

For the purposes of this manual and the Act, the records held by Jansen are categorised by the nature of the content thereof as follows:

- 2.4.1 Records kept in accordance with other statutory legislation, including but not limited to:
 - 2.4.1.1 Attorneys Act 53 of 1979;
 - 2.4.1.2 Basic Conditions of Employment Act 75 of 1997;
 - 2.4.1.3 Employment Equity Act 55 of 1998;
 - 2.4.1.4 Income Tax Act 58 of 1962;
 - 2.4.1.5 Labour Relations Act 66 of 1995;
 - 2.4.1.6 Promotion of Access to Information Act 2 of 2002;
 - 2.4.1.7 Regional Services Councils Act 109 of 1985;
 - 2.4.1.8 Skills Development Act 97 of 1998;
 - 2.4.1.9 Skills Development Levy Act 9 of 1999;
 - 2.4.1.10 Unemployment Insurance Act 63 of 2001;
 - 2.4.1.11 Value Added Tax Act 89 of 1991;
 - 2.4.1.12 Workmens Compensation Act 30 of 2001;

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

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

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

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

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

An unabridged version of this manual is available for inspection by the general public upon request, during office hours and free of charge at the office of Jansen. Copies may also be requested from the South African

Human Rights Commission at the address in 2.2 and the Law Society of the Northern Provinces.

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

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

3 **THE REQUEST PROCEDURE**

3.1 **Form of Request**

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

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

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

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

3.2 **Fees**

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

requester, who is not a personal requester, must pay the required request fee:

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

4 PROCEDURE OF DECISION MAKING PROCESS

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

- 4.2.2 Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.
- 4.3 The information officer may extend the period of 30 [THIRTY] days by a further period not exceeding 30 [THIRTY] days if:
- 4.3.1 the request is for a large number of records or requires a search through a large number of records;
- 4.3.2 consultation with another private body is required; or
- 4.3.3 the requester consents to the extension.
- 4.4 The requester must be notified within the initial 30 [THIRTY] day period in writing of the extension required, together with reasons therefore, and the procedure involved should the requester wish to apply to court opposing the extension. The Information Officer's failure to respond to the requester within the 30 [THIRTY] day period constitutes a deemed refusal of the request.
- 4.5
- 4.5.1 If a request for access is made to a record of Jansen which contains information which may or must be refused, such information may be severed from the record and the balance of such information may be made available to the requester.
- 4.5.2 If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference as to form, in a form reasonably determined by the Information Officer.

5 **THIRD PARTIES**

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

- 5.2 The manner in which this is done must be by the fastest means reasonably possible. If the form of notification used is oral the Information Officer must thereafter give the third party written confirmation of the oral notification.
- 5.3 The third party may within 21 [TWENTY ONE] days thereafter either make representation to Jansen as to why the request should be refused, alternatively grant written consent to the disclosure of the record.
- 5.4 The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 [THIRTY] days after the notice.

6 GROUND FOR REFUSAL OF A REQUEST

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

- 6.1 **Section 63** of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to a requester.
- 6.2 **Section 64** of the Act states that a request must be refused if it relates to records containing third party information pertaining to:
- 6.2.1 trade secrets;
- 6.2.2 financial, commercial, scientific or technical information of a third party where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
- 6.2.3 information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which

would reveal a serious public safety or environmental risk.

- 6.3 **Section 65** of the Act prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 6.4 In terms of **Section 66** of the Act, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
- 6.4.1 endanger the life or physical safety of an individual;
- 6.4.2 prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;
- 6.4.3 Jansen may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public;
- 6.5 **Section 67** of the Act mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 6.6 **Section 68** of the Act pertains to records containing information about the private body itself and unlike the other provisions pertaining to the request being declined, is not mandatory, but rather discretionary. Jansen may refuse access to a record if the record:
- 6.6.1 contains trade secrets of Jansen;
- 6.6.2 contains financial, commercial, scientific or technical information of Jansen, the disclosure of which would be likely to cause harm to the commercial or financial interests of Jansen;
- 6.6.3 contains information which, if disclosed could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice Jansen in commercial competition;
or

- 6.6.4 consists of a computer program owned by Jansen.

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

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

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

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

7 RIGHTS OF APPEAL

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

- 7.3.2 requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specific period;
- 7.3.3 granting an interdict, interim or specific relief, declaratory order or compensation; or as to costs.

Schedule I

**REQUEST FOR ACCESS TO A RECORD OF
JANSEN - POTTER**

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

[REGULATION 10]

A. Particulars of Jansen Potter**Jansen - Potter**

The Lion House, 20 Roberts Avenue, Kensington, 2094, Johannesburg

P O Box 8099, Johannesburg, 2000

Telephone No : +27 11 614-8100

Facsimile Transmission : +27 11 614-8145

Email : jpproc@icon.co.za

The Information Officer: **Mr F R J Jansen , Practising Attorney****B. Particulars of person requesting access to the record**

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

Full names and

surname : _____

Identity

number : _____

Postal address : _____

Facsimile no. : _____

Contact telephone

number : _____

E-mail address : _____

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

(attach proof of capacity, eg power of attorney, resolution)

C. Particulars of person on whose behalf request is made

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

Full names and
surname : _____

Identity
number : _____

Postal address : _____

Facsimile no. : _____

Contact telephone
number : _____

E-mail address : _____

D. Particulars of record

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

1 Description of record and all relevant parts of the record

2 Reference number,
if available : _____

3 Any further particulars of record

E. Fees

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

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability _____ Form in which record is required _____

Mark the appropriate box with an "X".

NOTES:

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

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

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
--------------------------	-----------------	--------------------------	----------------------

2. If record consists of visual images - (this includes photographs, slides, video recordings, computer generated images, sketches, etc)

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

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

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
--------------------------	---	--------------------------	--

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

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

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

G. Particulars of right to be exercised or protected

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

1 Indicate which right is to be exercised or protected.

2 Explain why the requested record is required for the exercising or protection of the aforementioned right

H. Notice of decision regarding request for access

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

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

Signed at _____ on this _____ day of _____ 20____

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

Schedule II

FEES IN RESPECT OF PRIVATE BODIES
JANSEN - POTTER

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

2 The fees for reproduction referred to in Regulation 11(1) are as follows:

		R
2.1	For every photocopy of an A4-size page or part thereof	1.10
2.2	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
2.3	For a copy in a computer-readable form on - (i) stiffy disc (ii) compact disc	7.50 70.00
2.4	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	40.00 60.00
2.5	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	20.00 30.00

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

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

		R
4.6	For every photocopy of an A4-size page or part thereof	1.10
4.7	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
4.8	For a copy in a computer-readable form on - (i) stiffy disc (ii) compact disc	7.50 70.00
4.9	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	40.00 60.00
4.10	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	20.00 30.00

4.11 To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

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

4.12.1 six hours as the hours to be exceeded before a deposit is payable; and

4.12.2 one third of the access fee is payable as a deposit by the requester.

4.13 The actual postage is payable when a copy of the record must be posted to a requester.

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

for

D E BURNS ATTORNEY

MANUAL

1 COMPANY OVERVIEW

D E Burns Attorney ["D E Burns"] is a sole proprietorship, a private body in terms of the Act, dealing with matters an attorney would be expected to deal with including *inter alia* matrimonial, commercial, litigation, estates and collections matters. The business was established in 1996.

2 GENERAL

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

Name of Body	: D E Burns Attorney
Physical Address	: Suite 72 - 2nd Floor, Parktown Office Suites, 23 Wellington Road, Parktown
Postal Address	: P O Box 1549, Houghton, 2041
Information Officer	: Mr D E Burns
Telephone No	: +27 11 480-4822
Facsimile Transmission	: +27 11 480-4826
Email	: burnsatt@icon.co.za

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

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

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

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

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

Currently not applicable.

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

For the purposes of this manual and the Act, the records held by D E Burns are categorised by the nature of the content thereof as follows:

2.4.1 Records kept in accordance with other statutory legislation, including but not limited to:

- 2.4.1.1 Attorneys Act 53 of 1979;
- 2.4.1.2 Copyright Act 98 of 1978;
- 2.4.1.3 Basic Conditions of Employment Act 75 of 1997;
- 2.4.1.4 Companies Act 61 of 1973;
- 2.4.1.5 Customs and Excise Act 91 of 1964;
- 2.4.1.6 Employment Equity Act 55 of 1998;
- 2.4.1.7 Income Tax Act 58 of 1962;
- 2.4.1.8 Labour Relations Act 66 of 1995;
- 2.4.1.9 Promotion of Access to Information Act 2 of 2000;
- 2.4.1.10 Regional Services Councils Act 109 of 1985;
- 2.4.1.11 Skills Development Act 97 of 1998;
- 2.4.1.12 Skills Development Levy Act 9 of 1999;
- 2.4.1.13 Unemployment Insurance Act 63 of 2001;
- 2.4.1.14 Value Added Tax Act 89 of 1991;
- 2.4.1.15 Workmens Compensation Act 30 of 2001;

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

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

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

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

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

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

2.8 **Part VII - Prescribed form and fee structure in respect of D E Burns**

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

3 **THE REQUEST PROCEDURE**

3.1 **Form of Request**

3.1.1 The requester must complete the prescribed form being **Schedule 1** hereto to make the request for access to a record. This must be made to the Information Officer and to the address, fax number or electronic mail address of D E Burns.

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

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

right.

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

3.2 **Fees**

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

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

4 **PROCEDURE OF DECISION MAKING PROCESS**

- 4.1 In terms of **Section 55** of the Act the Information Officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the Information Officer must notify the requester by way of Affidavit or Affirmation that it is not possible to give access to the record which is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the request would otherwise have been granted.
- 4.2 **Section 56** of the Act provides that the Information Officer must within 30

[THIRTY] days of receipt of a ~~correctly~~ completed request notify the requester of his decision as to whether or not to grant the request. If the request is:

- 4.2.1 Granted: the notification must state the application access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
- 4.2.2 Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.
- 4.3 The information officer may extend the period of 30 [THIRTY] days by a further period not exceeding 30 [THIRTY] days if:
 - 4.3.1 the request is for a large number of records or requires a search through a large number of records;
 - 4.3.2 consultation with another private body is required; or
 - 4.3.3 the requester consents to the extension.
- 4.4 The requester must be notified within the initial 30 [THIRTY] day period in writing of the extension required, together with reasons therefore, and the procedure involved should the requester wish to apply to court opposing the extension. The Information Officer's failure to respond to the requester within the 30 [THIRTY] day period constitutes a deemed refusal of the request.
- 4.5
 - 4.5.1 If a request for access is made to a record of D E Burns which contains information which may or must be refused, such information may be severed from the record and the balance of such information may be made available to the requester.
 - 4.5.2 If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not

identified a preference as to form, in a form reasonably determined by the Information Officer.

5 THIRD PARTIES

- 5.1 If the request is for a record pertaining to a third party, in relation to **Sections 63(1), 64(1), 65 and 69(1)** of the Act the Information Officer must take all reasonable steps to inform that third party of the request. This must be done within 21 [TWENTY ONE] days of receipt of the request.
- 5.2 The manner in which this is done must be by the fastest means reasonably possible. If the form of notification used is oral the Information Officer must thereafter give the third party written confirmation of the oral notification.
- 5.3 The third party may within 21 [TWENTY ONE] days thereafter either make representation to D E Burns as to why the request should be refused, alternatively grant written consent to the disclosure of the record.
- 5.4 The third party must be advised of the decision taken by the Information Officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 [THIRTY] days after the notice.

6 GROUND FOR REFUSAL OF A REQUEST

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

- 6.1 **Section 63** of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to a requester.
- 6.2 **Section 64** of the Act states that a request must be refused if it relates to records containing third party information pertaining to:
- 6.2.1 trade secrets;
- 6.2.2 financial, commercial, scientific or technical information of a third

party where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or

- 6.2.3 information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

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

- 6.3 **Section 65** of the Act prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

- 6.4 In terms of **Section 66** of the Act, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:

- 6.4.1 endanger the life or physical safety of an individual;

- 6.4.2 prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property;

- 6.4.3 D E Burns may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public;

- 6.5 **Section 67** of the Act mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

- 6.6 **Section 68** of the Act pertains to records containing information about the private body itself and unlike the other provisions pertaining to the request being declined, is not mandatory, but rather discretionary. D E Burns may refuse access to a record if the record:

- 6.6.1 contains trade secrets of D E Burns;

- 6.6.2 contains financial, commercial, scientific or technical information of D E Burns, the disclosure of which would be likely to cause harm to the commercial or financial interests of D E Burns;
- 6.6.3 contains information which, if disclosed could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice D E Burns in commercial competition; or
- 6.6.4 consists of a computer program owned by D E Burns.

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

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

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

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

7 RIGHTS OF APPEAL

- 7.1 If a requester is dissatisfied with the Information Officer's refusal to grant access to any information the requester may, within 30 [THIRTY] days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the Information Officer's decision to grant a request may, within 30 [THIRTY] days of notification of the decision, apply to court for relief.
- 7.2 It should be noted that notwithstanding any provision of this Act, the court

may examine the record[s] in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record[s].

- 7.3 The court is empowered to grant any order that is just and equitable, including:
 - 7.3.1 confirming, amending or setting aside the Information Officer's decision;
 - 7.3.2 requiring the Information Officer to take any action, or refrain from taking any action as identified by the court within a specific period;
 - 7.3.3 granting an interdict, interim or specific relief, declaratory order or compensation; or as to costs.

Schedule I

**REQUEST FOR ACCESS TO A RECORD OF
D E BURNS ATTORNEY**

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

[REGULATION 10]

A. Particulars of D E Burns**D E Burns Attorney**

Suite 72 - 2nd Floor, Parktown Office Suites, 23 Wellington Road, Parktown

P O Box 1549, Houghton, 2041

Telephone No : + 27 11 480-4822

Facsimile No : + 27 11 480-4826

Email : burnsatt@icon.co.za

The Information Officer: **Mr D E Burns, Practising Attorney****B. Particulars of person requesting access to the record**

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

Full names and
surname : _____

Identity

number : _____

Postal address : _____

Facsimile no. : _____

Contact telephone

number : _____

E-mail address : _____

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

C. Particulars of person on whose behalf request is made

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

Full names and
surname : _____

Identity
number : _____

Postal address : _____

Facsimile no. : _____

Contact telephone
number : _____

E-mail address : _____

D. Particulars of record

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

1 Description of record and all relevant parts of the record

2 Reference number,
if available : _____

3 Any further particulars of record

E. Fees

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

Reason for exemption from payment of fees:

F. Form of access to record

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

Disability _____ Form in which record is required _____

Mark the appropriate box with an "X".

NOTES:

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

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

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

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
--------------------------	-----------------	--------------------------	---------------------	--------------------------	------------------------------

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

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
--------------------------	---	--------------------------	--

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

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

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

G. Particulars of right to be exercised or protected

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

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

- 2 Explain why the requested record is required for the exercising or protection of the aforementioned right

H. Notice of decision regarding request for access

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

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

Signed at _____ on this _____ day of _____ 20____

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

Schedule II

**FEES IN RESPECT OF PRIVATE BODIES
D E BURNS ATTORNEY**

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

2 The fees for reproduction referred to in Regulation 11(1) are as follows:

		R
2.1	For every photocopy of an A4-size page or part thereof	1.10
2.2	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
2.3	For a copy in a computer-readable form on - (i) stiffy disc (ii) compact disc	7.50 70.00
2.4	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	40.00 60.00
2.5	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	20.00 30.00

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

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

		R
4.6	For every photocopy of an A4-size page or part thereof	1.10
4.7	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
4.8	For a copy in a computer-readable form on - (i) stiffy disc (ii) compact disc	7.50 70.00
4.9	(i) For a transcription of visual images, for an A4-size page or part thereof (ii) For a copy of visual images	40.00 60.00
4.10	(i) For a transcription of an audio record, for an A4-size page or part thereof (ii) For a copy of an audio record	20.00 30.00

4.11 To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.

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

4.12.1 six hours as the hours to be exceeded before a deposit is payable; and

4.12.2 one third of the access fee is payable as a deposit by the requester.

4.13 The actual postage is payable when a copy of the record must be posted to a requester.



MANUAL
In terms of Section 51 of the Promotion of Access to
Information Act

GRINDROD LIMITED

INTRODUCTION TO GRINDROD LIMITED

Grindrod Limited is a public company listed on the JSE Securities Exchange South Africa in the transport and logistics sector. Major subsidiaries and associates of Grindrod Limited are:

Island View Shipping
Unicorn Shipping (Pty) Limited
Unifeeder (Pty) Limited
Marriott Group
CMC Grindrod (Pty) Limited
Southern Tankers (Pty) Limited
Auto Carrier Transport (Pty) Limited
ISS-Voigt Shipping (Pty) Limited
Grindrod PCA (Pty) Limited
Röhlrig-Grindrod (Pty) Limited
P&O Grindrod Logistics (Pty) Limited
Grindrod Freight Investments (Pty) Limited
Grindrod Management Services (Pty) Limited
Grincor Shipping Holdings Limited

**CONTACT DETAILS OF THE INFORMATION OFFICER/
PERSON APPOINTED AS THE HEAD**

Mr Craig Anthony Robertson – Company Secretary
2nd Floor, Quadrant House, 115 Victoria Embankment, Durban, 4001
P O Box 1, Durban, 4000
Telephone – (031) 304 1451
Fax – (031) 305 2848
Email – craigr@grindrod.co.za

SECTION 10 GUIDE

The guide on how to use the Act is available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission - PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone – (011) 484 8300
Fax – (011) 484 0582
Website – www.sahrc.org.za
Email – PAIA@sahrc.org.za

RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

These records comprise any records that are required to be made available in terms of the Road Transport Act, Companies Act No. 61 of 1973 and the listing requirements as laid down by the JSE Securities Exchange South Africa, and amended from time to time.

RECORDS AVAILABLE WITHOUT A REQUEST TO ACCESS IN TERMS OF THE ACT

The Annual Report of Grindrod Limited
Share Dealing Policy
Dissemination of Price Sensitive Information
Records covered under the Companies Act and the Listings Requirements of the JSE Securities Exchange South Africa

RECORDS AVAILABLE ONLY ON REQUEST TO ACCESS IN TERMS OF THE ACT

Employee Contracts
Supplier Contracts
Client Contracts
Share Option Schemes
Pension and Provident Fund Details
Documentation on Taxation
Shareholders Agreements
Confidentiality Agreements
Restraint of Trade Agreements
Lease Agreements
Sale Agreements
Acquisition Agreements

Records which could be deemed confidential on the part of a third party will need permission from the third party concerned before Grindrod Limited will allow access thereto.

REQUEST PROCEDURES**Form of Request**

To request a document not in terms of the Act the requester must address the request to the Information Officer/Head in writing, in the prescribed form available from the South African Human Rights Commission at www.sahrc.org.za

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

AVAILABILITY OF THE MANUAL OF GRINDROD LIMITED

The manual is available for inspection at the offices of Grindrod Limited being, Quadrant House, 115 Victoria Embankment, Durban, 4001, free of charge. A copy is also available at the South African Human Rights Commission and in the Government Gazette. Interested parties can also view the manual, which includes the prescribed fees and forms on the website being www.grindrod.co.za.

M&I

M&I MANAGEMENT SERVICES (PTY) LTD



VenFin Limited

**Manual prepared in accordance with section 51
of The Promotion of Access to Information Act
2 of 2000**

M&I**VenFin Limited**

**Manual prepared in accordance with section 51 of The Promotion of
Access to Information Act 2 of 2000 ("the Act")**

The information listed in this manual is available from the Companies by means of a request as prescribed in section 53 of the Act. Requests can be addressed to the Company Secretary or Information Officer at the address and/or contact details as indicated in Paragraph 1. All request fees (if any), as prescribed in section 54 of the Act, must be paid to the Companies before any request is processed.

The Companies reserve the right to refuse information where it falls under a specified exemption as set out in Chapter 4 of the Act. (Ss 62-70)

Whilst the Companies endeavor to ensure that the published information is accurate, complete and updated on a regular basis, no representation is made regarding the fitness of such information.

Paragraph 1

Section 51(1)(a) required information

Name of Bodies : **M&I MANAGEMENT SERVICES (PTY) LTD**

REMGRO LTD

VENFIN LTD

Information Officer : Louis Terblanche
Tel : 021-8883242
e-mail : **louis@ipwizard.com**

Company Secretary : Mariza Lubbe
Tel : 021-8883311
e-mail : **ml@venfin.com**
ml@remgro.com

Address : Carpe Diem Office Park
Quantum Street
Techno Park
Stellenbosch
Western Cape

Postal Address : P O Box 456
Cape Town
8000

Telephone : 021-8883000
Fax : 021-8883399

Websites : www.remgro.com
www.venfin.com

Paragraph 2

Section 51(1)(b) required information

The Human Rights Commission must compile the section 10 guide and **this guide is not yet available.**

Paragraph 3

Section 51(1)(c) required information

The Companies hold the following information, which is available without a person having to request access in terms of the Act:

- 1) Company Bulletins
- 2) Company Newsletters
- 3) Interim Financial Statements
- 4) Annual Financial Statements
- 5) Website Remgro: www.remgro.com
- 6) Website Venfin : www.venfin.com

The Companies' websites are available to anybody who accesses the Internet

Paragraph 4

Section 51(1)(d) required information

Records are kept in accordance with the following legislation:

- 1) Companies Act
- 2) Income Tax Act
- 3) Value Added Tax Act
- 4) Labour Relations Act
- 5) Employment Equity Act
- 6) Unemployment Insurance Act
- 7) Occupational Health and Safety Act
- 8) Compensation for Occupational Injuries and Diseases Act
- 9) Skills Development Levies Act
- 10) JSE Listing Requirements

Paragraph 5**Section 51(1)(e) required information**

The Companies also hold the following information:

a) Library:

The Companies' library consists of a collection of works on various industries related topics.

b) Communications:

- 1) Correspondence and Circulars of Companies to shareholders.
- 2) General correspondence regarding management of Companies.

c) Operational Information:

Operational Information can be defined as information required for the day to day running of the Companies. (Examples of such information are: internal phone lists, address lists, company policies, directives and general company information.)

d) Human Resources:

- 1) Employment conditions/Service Agreements
- 2) Employee records
- 3) Remuneration and benefits
- 4) Employment Equity reports
- 5) Training schedules and material
- 6) Occupational Health and Safety records

e) Financial and Management Information:

- 1) Financial reports/records
- 2) Management reports/records
- 3) Tax records
- 4) Legal records

LEANNA VILJOEN & PARTNERS
ATTORNEYS

MANUAL
IN ACCORDANCE WITH SECTION 50 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT,
NR 2 OF 2000

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1. INTRODUCTION

The aim of the manual is to assist potential requestors as to the procedure to be followed when requesting access to information/documents from LEANNA VILJOEN & PARTNERS 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 contract Mrs Leanna Viljoen should he/she require any assistance in respect of the utilisation of this manual and/or the requesting of information/documents from LEANNA VILJOEN & PARTNERS.

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

- "the Act" shall mean the Promotion of Access to Information Act, Nr. 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 LEANNA VILJOEN & PARTNERS from time to time;
- "Leanna Viljoen & Partners" shall mean LEANNA VILJOEN & PARTNERS Attorneys, structured as a partnership which renders legal services including legal advice and legal representation to individual clients and businesses/organisations;
- "SAHRC" shall mean the South African Human Rights Commission;
- "Information Officer" The senior partner of LEANNA VILJOEN & PARTNERS has been appointed as the Information Officer of LEANNA VILJOEN & PARTNERS, to which requests for information in terms of the Act, should be addressed.

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

Name of body	:	LEANNA VILJOEN & PARTNERS
Partner and appointed Information Officer	:	MRS LEANNA VILJOEN
Address	:	41 Kruger Avenue Vereeniging, 1930
Postal address	:	PO Box 1146 Vereeniging, 1930
Telephone	:	016/4555530
Fax	:	016/4222439
E-mail	:	leanna@yebo.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 South African Human Rights Commission 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 in all official languages by the SAHRC and is obtainable from the SAHRC.

Contact details of the South African Human Rights Commission are as follows:

PAIA Unit
The Research and Documentation Department
Private Bag 2700
HOUGHTON
2041

Telephone	:	+27 11 484 8300
Fax	:	+27 11 484 0582/1360
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)

LEANNA VILJOEN & PARTNERS keeps information/documentation in accordance with the following legislation (please note that this is not an exhaustive list):-

- Insolvency Act, Nr. 24 of 1936 (Section 134 and 155)
- Pension Fund Act, Nr. 24 of 1956
- Income Tax Act, Nr. 58 of 1962 (Section 75)
- Companies Act, Nr. 61 of 1973
- Copyright Act, Nr. 98 of 1978
- Attorneys Act, Nr. 53 of 1979
- Regional Services Councils Act, Nr. 109 of 1985
- Value Added Tax Act, Nr. 89 of 1991 (Section 65)
- Occupational Health and Safety Act, Nr. 85 of 1993
- Compensation for Occupational Injuries and Diseases Act, Nr. 130 of 1993 (Section 97)
- Labour Relations Act, Nr. 66 of 1995
- Basic Conditions of Employment Act, Nr. 75 of 1997 (Section 31)
- Employment Equity Act, Nr. 55 of 1998
- Skills Development Act, Nr. 97 of 1998
- Medical Schemes Act, Nr. 131 of 1998
- Skills Development Levies Act, nr. 9 of 1999
- Unemployment Insurance Act, Nr. 63 of 2001

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

6. INFORMATION/DOCUMENTS HELD BY LEANNA VILJOEN & PARTNERS IN TERMS OF THE ACT (Section 51(1)(e) of the Act)

LEANNA VILJOEN & PARTNERS holds the information/documents listed herein below:

- Details relating to the operational, commercial and financial interests of LEANNA VILJOEN & PARTNERS
- Commercial contracts
- Client data base (personal information of clients, commercial and financial information, information on contemplated, existing and past litigation on agreements, proposals and intellectual property of such clients)
- Standard Employment Contracts
- Employment Equity Report
- Skills Development Report
- Leanna Viljoen & Partners Personnel Report
- Human Resources (personal information of past, present and prospective employees and partners/directors)
- List of trademarks and pending applications
- Insurance policies
- Rules and regulations relation to the pension fund

It is recorded that any and all information/documents requested pertaining to the aforesaid shall only be made available to a requestor subject to the provisions of the Act. None of the information held by LEANNA VILJOEN & PARTNERS is automatically available without a person having request access in terms of and subject to the provisions of the Act.

A request for information should be in the prescribed form, addressed to the Information Officer and submitted against payment of the prescribed fee.

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 of the offices of LEANNA VILJOEN & PARTNERS, free of charge.
- 8.2 Copies of the manual may be obtained, subject to the prescribed fees, at the offices of LEANNA VILJOEN & PARTNERS.
- 8.3 The manual can also be accessed on the website of SAHRC (www.sahrc.org.za) and will be published in the Government Gazette.
- 8.4 It should be noted that the manual accessible on the website of the SAHRC and in the Government Gazette, does not include the request forms or 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.doi.gov.za) (under "regulations").

H&G INSURANCE INTERMEDIARIES (PTY) LTD

MANUAL

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

Section 51 (1) (a) – Details of Private Body

- Name of Body : H&G Insurance Intermediaries (Pty) Ltd
- Head of Body : The Managing Director
- Physical Address : 2nd Floor, 9 Church Square
Cape Town, 8001
- Postal Address : PO Box 2954
Cape Town, 8000
- Telephone Number : (021) 461-7183
- Fax Number : (021) 461-7275
- E-mail of Head of Body : info@hg.co.za

Section 51 (1) (b) – Guide to the Act

- The Human Rights Commission ("HRC") is required by the Act to produce a guide to the Act.
- This guide will contain such information as may be reasonably required by a person in order to exercise or understand any right contemplated in the Act.
- Access to the guide is obtained directly from the HRC, whose contact details are as follows:
 - Telephone Number : (011) 484-8300
 - Address : Private Bag 2700, Houghton, 2041

Section 51 (1) (c) – Latest Notice in terms of Section 52 (2) of the Act

Not applicable.

Section 51 (1) (d) – Records available in accordance with any other legislation

Records of the body are kept in accordance with the following legislation:

- Companies Act
- Trade Marks Act
- Income Tax Act
- Unemployment Insurance Act
- Value Added Tax Act
- Basic Conditions of Employment Act
- Employment Equity Act
- Skill Development Levies Act
- Labour Relations Act
- Financial Advisory and Intermediary Services Act
- Immigration Act

Section 51 (1) (e) (part 1) – Information required to facilitate a request for access to records of the body

- A request for access to records of the body must be in the prescribed form (in terms of the Act and the Regulations thereto) and contain the following information:
 - Sufficient particulars of the requestor, including a postal address or fax number in the Republic;
 - Sufficient particulars of the records requested;
 - The form of access required;
 - Particulars of the right the requestor is seeking to exercise or protect;
 - An explanation of why the requested record is required for the exercise or protection of that right;
 - Reasonable proof of capacity of the requestor if the request is made on behalf of some other person.
- The requestor, other than a personal requestor, will be notified of any prescribed fee due for the processing of the request and where necessary, the prescribed access fees for any reproduction, search and preparation of the requested records (determined in accordance with the time needed to do so).

Section 51 (1) (e) (part 2) – Subjects & Categories of Records Held

- **Company Secretarial**
 - Company statutes
 - Registers
 - Minutes of meetings
 - Statutory returns
 - Share certificates
 - Trademarks
 - Lease Agreements
- **Finance/Accounts**
 - Financial Statements
 - Ledgers and bank account records
 - Reconciliations
 - Statutory returns
 - Journals
 - Copy invoices and credit notes (income and expenses)
- **Short Term Insurance**
 - Client information, agreements and correspondence
 - Insurance company information, agreements and correspondence
 - Broker collection authorities
 - Legal contracts
- **Human Resources**
 - Employee records
 - Standard letters and notices
- The company website, www.hg.co.za, is accessible to anyone who has access to the internet, containing general information pertaining to the company and its operations.