

PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

Section 51 Manual

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HUMAN RIGHTS COMMISSION - GUIDE ON THE USE OF THE ACT

In terms of section 10 of the Promotion of Access to information Act² of 2000 (“Act”), the Human Rights Commission has compiled a guide on the use of this Act. It is available from the Human Rights Commission at any of the following offices:

JOHANNESBURG

Private Bag 2700, Houghton, 2041

Tel: 011 – 484 8300

Fax: 011 484 1360

BLOEMFONTEIN

PO BOX 4245, Bloemfontein, 9300

Tel: 051 – 447 1130

Fax: 051 – 447 1128

PORT ELIZABETH

PO Box 1854, Port Elizabeth, 6001

Tel: 041 582 2611

Fax: 041-582 2204

POLOKWANE

PO Box 55796, Polokwane, 0700

Tel: 015 – 291 3500

Fax: 015 – 291 3505

DURBAN

PO Box 1456, Durban, 4000

Tel/Fax: 031 – 304 7323/4/5

CAPE TOWN

PO Box 3563, Cape Town, 8000

Tel: 021 – 426 2277

Fax: 021 426 2875

COMPANY RECORD CLASSIFICATION KEY

Classification number	Classification
1	Public Access Document
2	May be Disclosed – Unless it would breach a duty of confidence owed to a third party
3	May be Disclosed – Subject to copyright
4	Limited Disclosure – Personal Information that is own to the requester of that information.
5	May not be Disclosed - Unreasonable disclosure of personal information
6	May not be Disclosed – Likely to harm the commercial or financial interest of a third party
7	May not be Disclosed - Likely to compromise the safety of individuals or protection of property
8	May not be Disclosed – Likely to compromise the safety of individuals or protection of property
9	May not be Disclosed – Legally privileged document
10	May not be Disclosed – Likely to harm the commercial or financial interests of the Company.
11	May not be Disclosed - Likely to harm the Company or a third party in contract or other negotiations
12	May not be Disclosed – Likely to prejudice research and development information of the Company or a third party

RECORDS

<u>No.</u>	Record Description	Record Format	Indexing Method	Maintained by	<u>Storage place</u>	<u>Classification</u>	<u>Retention Period</u>
1	Statutory documents	Hard copy	By Subject	Member	Filing Cabinet	1	Indefinite
2	Financial and legal Records	Hard Copy	By Date	Member	Filing Cabinet	10	5 years
3	Staff records	Hard Copy	By Name	Member	Filing Cabinet	4	10 years

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

Records are available in accordance with the following legislation

- Occupational Health and Safety Act No. 85 of 1993
- Value-Added Tax Act No. 89 of 1991
- Income Tax Act No. 58 of 1962
- Companies Act No. 61 of 1973
- Basic Conditions of Employment Act No. 75 of 1997
- Employment Equity Act No. 55 of 1998
- Unemployment Insurance Act No. 63 of 2001
- Labour Relations Act No. 66 of 1995
- Skill Development Levies Act No. 9 of 1999
- Consumer Protection Act No. 68 of 2008
- Electronic Communications and Transactions Act of 2002

REQUESTING RECORDS

- **Section 53 Prescribes that 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 directed to the address, fax number or electronic mail address of the body concerned.**
- **The requester must provide sufficient details on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate in any other manner and state the necessary particulars to be informed.**
- **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.**
- **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.**
- **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.**
- **If the request is granted, then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.**

The head of the private body will then make a decision on the request and notify the requester in the required form (see Form C below).

FORM D

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

(Act. No of 200)

[Regulation 10]

A. Particulars of private body

The Head _____

B. Particulars of person requesting access to the record

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

Full names and Surname: _____

Identity Number: _____

Postal Address: _____

_____ Fax Number: _____

Telephone number: _____ E- mail Address: _____

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

C. Particulars of person on whose behalf request is made

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

Full names and surnames: _____

Identity Number: _____

D. Particulars of record

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

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

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. Fees

(a) A request for access to a record, other than a record containing person information about yourself, will be processed only after a **request fee has** been paid.

(b) You will notified of the amount required to be paid as the request fee.

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

(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 tar in 1 to 4 hereunder; state your disability I which form the record is required.

Disability: _____ _____	Form in which record is required: _____ _____
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Mark the appropriate box with an **X**

NOTES:

- (a) Compliance with your request in the specified form may depend on the Form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such case you will be informed in access will granted in another form.
- (c) The fee payable for access to the record, if any will be determined partly by The form in which access is requested.

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

	Copy of record*		Inspection of record
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2. If record consist of visual Images (this includes photographs, slide, video recordings, computer – generated Images, sketches, etc.):

	View the images		Copy of the images*		Transcription of the images*
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3. If record consist 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? Postage is payable.			YES
			NO

G. Particulars of rights 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 request 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 _____

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

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 copy of 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 image for an A4- size page or part thereof	40.00
(ii) For a copy of visual images	60.00
e) (i) For 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

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 an A4-size page or part Thereof held on a computer or in electronic or machine-	
(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	40.00
For an A4- size page or part thereof	
(ii) For a copy of visual image	60.00

Table A							
Schedule of records in term of article 51(1)(d) and (e)							
Subject	Category	Description	Held I. T. O.		Availability to the public		
			Legislation	Internal	Not available	Available	Copies available
Company Register	Registers	Directors	215 Act 61/73			X	At a Fee
		Directors' Interest	240 Act 61/73	N/A	N/A	N/A	N/A
		Shareholders	105 Act 61/73			X	At a Fee
		Dividends	R2592dd 25/11/83	N/A	N/A	N/A	N/A
		Adjustments	93 Act 61/73	N/A	N/A	N/A	N/A
		Assets	R2592dd 25/11/83		X		
		Attendance registers (Directors and management)	245 Act 61/73			(Only shareholders)	(Only shareholders - At a Fee)
		Bonds	R2592dd 25/11/83	N/A	N/A	N/A	N/A
	Minutes	Shareholders	204/206 Act 61/73		X	(Only shareholders)	(Only shareholders - At a Fee)
		Directors	242 Act 61/73		X		
		Management	242 Act 61/73		X		
		Other	N/A	X	X		
Income tax	Certificates	IRP5	Chp 2 Act 58/62	N/A	N/A	N/A	N/A
		IB3	Chp 2 Act 58/62	N/A	N/A	N/A	N/A
	Returns	Returns	Chp 2 Act 58/62		X		
		Payments	Chp 2 Act 58/62		X		
Accounting records	Statements	Debtors	Chp 2 Act 58/62	N/A	N/A	N/A	N/A
		Creditors	Chp 2 Act 58/62	N/A	N/A	N/A	N/A
		Instalment Agreements	Chp 2 Act 58/62		X		
		Stock	Chp 2 Act 58/62	N/A	N/A	N/A	N/A
		Financial Statements	R2592dd 25/11/83		X		
	Accounts	General Ledger	Chp 2 Act 58/62		X		
	Documentation	Receipts, invoices debit-credit notes, claims and orders	Chp 2 Act 58/62		X		
	Working papers	Working papers	N/A	X	X		
Audit	Internal Audit	Reports	N/A	N/A	N/A	N/A	N/A
General	Correspondence	Correspondence	N/A	X	X		
	Inspections			N/A	N/A	N/A	N/A
Employees	Employees	Personal Details	31 Act 75/97	N/A	N/A	N/A	N/A
	Remuneration	Remuneration	N/A	N/A	N/A	N/A	N/A
	Contract	Contract	N/A	N/A	N/A	N/A	N/A
	Courses	Courses	N/A	N/A	N/A	N/A	N/A
Licenses	Motor vehicles	Motor vehicles	Chp 5 Act 93/96	N/A	N/A	N/A	N/A
General	General	Logbooks	N/A	N/A	N/A	N/A	N/A
		Contracts	N/A	N/A	N/A	N/A	N/A
		Tarriff	N/A	N/A	N/A	N/A	N/A
		ISO Documentation	N/A	N/A	N/A	N/A	N/A
		Quotations	N/A	N/A	N/A	N/A	N/A
		Security	N/A	N/A	N/A	N/A	N/A

N/A - Not Applicable