

Realsimple Marketing CC

2008/243063/23

Manual as per Section 51 of the Promotion of Access to Information Act, No 2 of 2000

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Section 1: Introduction

The Promotion of Access to Information Act, No 2 of 2000 (herein referred to as the Act) prescribes that a Private Bodyⁱ must provide details of recordsⁱⁱ held by such Body so that any request for information can be accommodated.

The details of records kept by a Private Body are contained in a book commonly known as a manual. The manual therefore relates to the records kept by the Private Body.

Section 2: Close Corporation Contact Details (Section 51 (1) (a))

Persons designated/duly authorised persons:

Members:	Ms S Moffett
Office Manager/CEO:	Ms S Moffett (the CEO is the Head of a private body therefore in terms of PAIA it is the Information Officer of the entity and his contact details must be listed)
Postal Address:	11 Emerald Road, Fairfield Estate, Witkoppen, Fourways, 2191
Street Address:	11 Emerald Road, Fairfield Estate, Witkoppen, Fourways, 2191
Telephone Number:	(082) 445-2920
E-mail:	smoffett@rsm.co.a

Section 3: Rights of access and grounds of refusal

A requestor must be given access to any record of a Private Body if (As per Section 50):

- That record is required for the exercise or protection of any right
- That person complies with the procedural requirements of the Act, relating to the request for access to that record
- Access to that record is not refused in terms of any grounds for refusal contemplated by the Act.

The grounds of refusal are as follows (As per Sections 63 to 70)

- Mandatory protection of the privacy of a third party who is a natural person
- Mandatory protection of commercial information of third party
- Mandatory protection of certain confidential information of a third party
- Mandatory protection of the safety of individuals, and the protection of property
- Mandatory protection of records privileged from production in legal proceedings
- Commercial information of a private body
- Mandatory protection of research information of a third party and of research

Requests to Private Bodies which might be in connection with a record, as per Sections 63, 64, 65 and 69, regarding third parties, shall be dealt with as follows (As per section 71)

- The Head of the Body considering the request must take all reasonable steps to inform the third party to whom or which the record relates, within 21 days of receipt of the request.
- The third party may within 21 days after receiving the notification, notify the Head of the Body why the request should be refused or by written consent allow for the disclosure of the record to the requestor.

Section 4: Guide to the Act

Relating to the Guide on how to use the Act, as per Section 10 of the Act, the South African Human Rights Commission has published the guide and is available at their offices, the details of which are as follows:

The PAIA Unit at the South African Human Rights Commission

The Research and Documentation Department
Private Bag X 2700
HOUGHTON
2014

Telephone: +2711-484-8300
FAX: +2711-484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

Section 5: Voluntary disclosure and automatic availability

Categories of records which are open for inspection as per Section 52(1)(a)(i) of the Act, are as follows: (Records available due to other legislation)

- Statutory obligation Register of Members and Register of Directors as per the Companies Act, No71 of 2008
- Statutory obligation Record of transaction between a consumer and the company acting as a supplier as per the Consumer Protection Act, No 68 of 2008

Categories of records which are open for inspection as per Section 52(1)(a)(ii) of the Act, are as follows: (Records available for purchase of copy from the Private Body)

- Financial Records Annual Financial Statements
Management accounts

Categories of records which are open for inspection as per Section 52(1)(a)(iii) of the Act, are as follows: (From the Private Body free of charge)

- Additional records None identified

The following categories of records are held by the company.

- Additional records held under a legal or statutory obligation
- Customer related records (agreements, records of commercial transactions etc.)
- Financial records
- Formal Records (Agenda, Minutes of meetings etc.)
- Information Technology Records;
- Supplier related records (agreements, records of commercial transactions etc.)

Section 6: Request procedure

As per Section 52(1)(b), the manner in which an applicant can obtain access to the records is as follows:

- The requestor shall file the prescribed "Form C" of Annexure B (As per Section 53(1) and Regulation 10), with the Head of the Body, and where the requestor is a non-personal requestor, pay at least one third of the required access fee (As per Section 54 and Regulation 11), as per the fees set out in schedule 1.
- On receipt of the application, the Head of the Body will within 30 days (As per Section 56(1)), consider the application
- If the request is granted, the requestor shall by notice be notified of the access fees payable if applicable and the form in which access shall be given.

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- If the request is refused, the requestor shall by notice be notified of the refusal, which shall state adequate reasons for the refusal and will exclude any content of the record requested.

Section 7: Records available as per other legislation

All records which are required by other legislation, which have not been voluntarily disclosed or automatically made available, will be considered and include records from the following legislation:

- Companies Act, No 71 of 2008
- Consumer Protection Act, No 68 of 2008
- Basic Conditions of Employment Act, No 75 of 1997
- Compensation for Occupational Injuries and Health Diseases Act, No 130 of 1993
- Currency and Exchanges Act, No 9 of 1993
- Customs and Excise Act, No 91 of 1964
- Electronic Communications and Transactions Act, No 2 of 2000
- Employment Equity Act, No 55 of 1998
- Income Tax Act, No 58 of 1962
- Insolvency Act, No 24 of 1936
- Intellectual Property Laws Amendments Act, No 38 of 1997
- Labour Relations Act, No 66 of 1995
- Occupational Health and Safety Act, No 85 of 1993
- Regional Services Councils Act, No 109 of 1985
- Regulation of Interception of Communications Act, No 70 of 2002
- Skills Development Act, No 97 of 1998
- Skills Development Levies Act, No 9 of 1999
- Unemployment Contributions Act, No 4 of 2002
- Unemployment Insurance Act, No 63 of 2001
- Value Added Tax Act, No 89 of 1991

Section 8: Payment of fees and method of payment

Payments shall be in the form of cash or by deposit into the bank account of the entity.

Section 9: Updating of the manual

The manual shall be updated every twelve months after the publication of the first manual if necessary.

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Section 10: Availability of the Manual

The manual shall be available in places prescribed by the Legal Deposit Act, No 54 of 1997, and at the offices of the Head of the Body as set out in Section 3.

Schedule 1:

As per part III of Annexure A of the Act , the fees in respect of a private body are as follows for a personal requestor:

1. The fee for copy a manual of an A4 page or part thereof	R1.10
2. The fees for reproduction are as follows:	
(a) For every photocopy of an A4 page or part thereof	R1.10
(b) For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine readable form	R0.75
(c) For a copy in a computer-readable form on:	
(i) Compact disc	R70.00
(d) (i) For a transcription of visual images , for an A4-size page or part thereof	R40.00
(ii) For a copy of visual images	R60.00
(e) (i) For a transcription of an audio record, for an A4-size page of part thereof	R20.00
(ii) For a copy of audio record	R30.00

As per part III of Annexure A of the Act, the fees in respect of a private body are as follows for a non-personal requestorⁱⁱⁱ:

1. The request fee	R50.00
2. The access fees are as follows:	
(a) For every photocopy of an A4 page or part thereof	R1.10
(b) For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine readable form	R0.75
(c) For a copy in a computer-readable form on:	
(ii) Compact disc	R70.00
(d) (i) For a transcription of visual images , for an A4-size page or part thereof	R40.00
(ii) For a copy of visual images	R60.00
(e) (i) For a transcription of an audio record, for an A4-size page of part thereof	R20.00
(ii) For a copy of audio record	R30.00

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

3. With regards to the deposit (As per Section 54(2)), the following applies

- (i) Six hours as the hours to be exceeded before a deposit is payable; and
- (ii) One third of the access fee is payable as a deposit by the requestor

4. The actual postage is payable when a copy of a record must be posted to a requestor.

ⁱ Any juristic person who is not part of government, any municipality or performs a public function.

ⁱⁱ Records mean any recorded information, regardless of form or medium, under the control of the body no matter how or whom created it.

ⁱⁱⁱ Means a requester seeking access to a record containing personal information about the requester

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

Full names and surname:

Identity number:

Postal address:

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 <i>ONLY</i> 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:

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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.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

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"/>		<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:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)		
'If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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:
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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE