

**PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**  
(Hereinafter referred to as the "Act")

**MANUAL FOR: JEAN-MARIE OOSTHUIZEN PTY LTD**

Registration: 2020/455461/07

**PREPARED IN TERMS OF THE REQUIREMENTS OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000**

**PAIA DEFINITION OF PERSONAL INFORMATION**

**“Information Officer”** means the person that is responsible for discharging the duties and responsibilities assigned to the “head” of the private institution, such as the managing director or any person duly appointed by the managing director.

**“Other Requester”** means any person making a request for access to a record.

**“Personal information”** means information relating to an **identifiable natural** person. Non-natural or juristic persons are not included, and the information of any person who has been dead for more than 20 years is also excluded. This includes:

- information relating to a person’s 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
- information relating to a person’s education, medical, financial, criminal or employment history
- any identifying number (eg. ID, Policy, Passport), symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to a person
- biometric information
- personal opinions, views or preferences of the person
- correspondence sent by the person that is implicitly or explicitly private or confidential or further correspondence that would reveal the contents of the original correspondence
- views or opinions of another individual about the person
- the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person

**“Personal Requester”** means any person making a request for access to a record containing personal information about the requester.

**“Requester”** means any person making a request for access to a record.

## 1. INTRODUCTION

The Promotion of Access to Information Act gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

Specifically, section 51(1) of the Act provides that within six months after the commencement of this section or within six months after coming into existence of the private body concerned, the head of a private body, or the Information officer must compile a manual that must contain information regarding the subjects and categories of records held by private bodies.

In this context, a "private body" is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).

[BUSINESS NAME] falls within the definition of a "private body" and this Manual has been compiled in accordance with the regulatory provisions and to fulfil the requirements of the Act.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

This manual provides a reference to the records held by the organisation and the process that needs to be adopted to access any of these records.

***All requests for access to information (other than information that is available to the public) must be addressed to the Head of the Business or the Information Officer named in section 2 of this Manual.***

## 2. BUSINESS AND CONTACT DETAILS

|                             |                                   |
|-----------------------------|-----------------------------------|
| <b>INFORMATION OFFICER:</b> | Jean-Marie Potgieter              |
| <b>DESIGNATION:</b>         | Owner                             |
| <b>Postal Address:</b>      | P.O Box 9853, Lydenburg 1120      |
| <b>Physical Address:</b>    | 28 Minnaar street, Lydenburg 1120 |
| <b>Phone Number:</b>        | 082 937 3940                      |
| <b>Fax Number:</b>          | n/a                               |
| <b>Email Address:</b>       | jeanmarie@jpfs.co.za              |
| <b>Website:</b>             | www.jpfs.co.za                    |

### 3. MANUAL AND GUIDELINES

The Human Rights Commission has published a guide in terms of Section 10 of PAIA, which gives guidance to anyone who needs to know how to use and interpret and exercise any right contained in the Promotion of Access to Information Act. Any enquires relating to this guide should be directed to:

South African Human Rights Commission  
27 Stiemens Street, Braamfontein.  
Telephone 011 877 3750  
Fax 011 403 0668.  
Email: [info@sahrc.org.za](mailto:info@sahrc.org.za)

The Guide is also available at all offices and on the website of the South African Human Rights Commission [www.sahrc.org.za](http://www.sahrc.org.za).

### 4. RECORDS AVAILABLE IN TERMS OF SECTION 52(2) OF THE ACT

*(The head of a private body may, on a voluntary and periodic basis, submit to the Minister a description of—*

- a) the categories of records of the private body that are automatically available without a person having to request access in terms of this Act, including such categories available--*
- i) for inspection in terms of legislation other than this Act;*
  - ii) for purchase or copying from the private body;*
  - iii) from the private body free of charge; and*
- b) how to obtain access to such records.)*

| DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52 (1)(a) of PAIA | MANNER OF ACCESS TO RECORDS (e.g. website) SECTION 52(1)(b) |
|--|---|
| FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i):  |   |
|  |   |
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|  |   |
|  |   |
|  |   |
|  |   |
| FOR PURCHASING IN TERMS OF SECTION 52(1)(a)(ii):   |   |
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| FOR COPYING IN TERMS OF SECTION 52(1)(a)(ii):               |  |
|---|--|
|   |  |
|   |  |
|   |  |
|   |  |
|   |  |
| AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii): |  |
|   |  |
|   |  |
|   |  |
|   |  |

## 5. RECORDS THAT ARE HELD AT THE OFFICES OF THE BUSINESS

The following is a list of records that are held at the business's office:

### **GOVERNANCE**

- Company incorporation & Founding documents
- Shareholder certificates
- Company structures
- Organisational structures
- Internal company departments or divisions
- Strategy and planning documents
- Trade information
- Risk Management planning and reports
- Official/Legal/Licenses
- Legislation
- Legal opinions
- Statutory Returns

### **ADMINISTRATION**

- Correspondence
- Minutes of Management Meetings
- Minutes of Staff Meetings

### **HUMAN RESOURCES**

- Conditions of Service
- Employee Records
- Employment Contracts
- General Correspondence
- Performance Appraisals
- Personnel Guidelines, Policies and Procedures
- Remuneration Records and Policies
- Statutory Records
- Training Records

## **OPERATIONS**

- Client and Customer Registry
- Client contracts
- General Correspondence
- Suppliers' Registry
- Supplier Contracts
- Service level agreements
- Vendor contracts
- Procurement information
- Operational records
- Internal frameworks, policies and procedures
- Compliance documentation
- Complaints records

## **FINANCES**

- Annual Financial Statements
- Asset Register
- Banking Records
- Budgets
- Contracts
- Financial Transactions
- General Correspondence
- Insurance Information
- Management Accounts
- Purchase and Order Information
- Tax Records (company and employee)

## **INFORMATION TECHNOLOGY**

- IT Policies and Procedures

## **STATUTORY RECORDS:**

At present these include records (if any) held in terms of:

- Basic Conditions of Employment 75 of 1997
- Broad Based Black Economic Empowerment Act
- Close Corporations Act 69 of 1984
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Competition Act No. 89 of 1998
- Constitution of the Republic of South Africa
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002

- Financial Intelligence Centre Act 38 of 2001
- Harmful Business Practices Act 23 of 1999
- Income Tax Act 95 of 1967
- Insolvency Act 24 of 1936
- Intellectual Property Laws Amendments Act 38 of 1997
- Inspection of Financial Institutions Act 80 of 1998
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- National Credit Act, 34 of 2000
- Occupational Health & Safety Act 85 of 1993
- Prevention of Organised Crime Act 21 of 1998
- Protection of Businesses Act 99 of 1978
- Promotion of Access to Information Act 2 of 2000
- Protection of Constitutional Democracy Against Terrorist and Related Activities Act
- Short Term Insurance Act 53 of 1998
- Skills Development Act
- Tobacco Products Amendment Act
- Trademarks Act
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 19

## 6. INFORMATION REQUEST PROCEDURE

Any person that requires information for the exercise or protection of any rights may request information from a private body.

In relation to a personal requester, we will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information without the requester having to pay an access fee, but the prescribed fees for reproduction of the information requested will be charged.

In relation to any other requester, they are entitled to request access to information relating to a third party/ parties. However, we are not obliged to voluntarily grant access.

The requester must fulfil the prerequisite requirements for access in terms of the Act, including payment of the relevant fees.

- The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices.
- The request must be made to the Information Officer named in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.
- 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.
- The requester should indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.

- The requester must identify the right that is sought to be exercised or to be protected and must 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 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.
- The prescribed request fee must be attached.

We will respond to your request within 30 days of receiving the request by indicating whether your request for access has been granted or denied, unless the request contains considerations which may require an extension of this term.

The 30 day period within which we must decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a large number of information, or the request requires a search for information held at another office and the information cannot reasonably be obtained within the original 30 day period. Should an extension be required, we will notify the requester in writing and will also provide the procedure involved should the requester wish to apply to either the Information Regulator or to a court against the extension.

The Information Officer's failure to respond to the requester within the thirty day period constitutes a deemed refusal of the request.

All the information listed above should be provided, failing which the process will be delayed while the private body requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished.

Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record. Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right; and
- The requestor complies with the procedural requirements set out in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 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 will notify the requester by way of affidavit or affirmation that it is not possible to give access to the record.

This is deemed to be a refusal of the request. If, however, the record is later found, the requester will be given access if the request would otherwise have been granted.

#### **IF THE REQUEST IS GRANTED:**

the notification will state the applicable access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against this fee, and the form in which access will be given.

**IF THE REQUEST IS DECLINED:**

the notification will 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 want to apply to court against the decision.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

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, in a form reasonably determined by the Information Officer.

**7. REFUSAL OF ACCESS**

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information from unreasonable disclosure concerning any natural person;
- The protection of commercial information held concerning any third party (for example trade secrets);
- The protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
- Disclosures that would result in a breach of a duty of confidence owed to a third party;
- Disclosures that would jeopardize the safety or life of an individual;
- Disclosures that would prejudice or impair the security of property or means of transport;
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- Disclosures that would prejudice or impair the protection of the safety of the public;
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived;
- Disclosures of details of any computer programme;
- Disclosures that will put the organisation at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of (name of business)
- Disclosures of any record containing information about research and development being carried out or about to be carried out by (name of business)

**INTERNAL REMEDIES**

We do not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.



## **EXTERNAL REMEDIES**

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

Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## **8. FEES**

The applicable fees are prescribed in terms of the Regulations promulgated under the Act. There are two basic types of fees payable in terms of the Act.

### **1. REQUEST FEE**

The non-refundable request fee of R 50 (excluding VAT) is payable on submission of any request for access to any record. This does not apply if the request is for personal records of the requestor. No fee is payable in such circumstances.

### **2. ACCESS FEE**

The access fee is payable prior to being permitted access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

## **9. MANUAL AVAILABILITY**

This Manual is available at the offices of the South African Human Rights Commission. This manual will be made available on:

- our website, at [www.jpfs.co.za](http://www.jpfs.co.za)
- at the principal place of business for public inspection during normal business hours, at no charge
- to any person upon request and upon the payment of a reasonable amount
- to the Information Regulator upon request.

In respect of hard copies, any transmission costs or postage will be for the account of the requester.

## FEES

### A. REPRODUCTION FEES (I.E. IN TERMS OF SECTION 52(3) OF THE ACT)

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

| DESCRIPTION  | AMOUNT  |
|--|---|
| <ul style="list-style-type: none"><li>For every photocopy of an A4-size page or part thereof</li><li>For every printed copy of an A4-size page or part thereof held on a computer, electronic or machine readable format</li></ul>   | 1,10<br>0,75                                      |
| <ul style="list-style-type: none"><li>For a copy in a computer-readable form on Stiffy Disc</li><li>For a copy in a computer-readable form on Compact Disc</li><li>A transcription of visual images, for an A4-size page or part thereof</li><li>For a copy of visual images</li><li>A transcription of an audio record, for an A4-size page or part thereof</li><li>To search for a record that must be disclosed – rate per hour or part thereof</li></ul> | 7.50<br>70.00<br>40.00<br>60.00<br>20.00<br>30.00 |

Where a copy of a record needs to be posted the actual postal fees will also payable.

### B. REQUEST FEES

Where a request is made for access to information on a person other than that requester, a request fee in the amount of R50,00 is payable upfront before we will further process the request received.

### C. ACCESS FEES

**In terms of section 54(7) of the act, unless exempted in terms of 54(8)**

An access fee is payable in instances where access is granted to a requester (other than in instances where the information has been provided automatically on a voluntary basis), unless payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

| DESCRIPTION  | AMOUNT  |
|--|---|
| <ul style="list-style-type: none"><li>For every photocopy of an A4-size page or part thereof</li><li>For every printed copy of an A4-size page or part thereof held on a computer, electronic or machine readable format</li></ul>   | 1,10<br>0,75                                      |
| <ul style="list-style-type: none"><li>For a copy in a computer-readable form on Stiffy Disc</li><li>For a copy in a computer-readable form on Compact Disc</li><li>A transcription of visual images, for an A4-size page or part thereof</li><li>For a copy of visual images</li><li>A transcription of an audio record, for an A4-size page or part thereof</li><li>To search for a record that must be disclosed – rate per hour or part thereof</li></ul> | 7.50<br>70.00<br>40.00<br>60.00<br>20.00<br>30.00 |

In accordance with Section 54(2) of the Act, upon receipt of a request for access to a record in respect of which the request for access does not apply to a personal requester, the Information Officer may request that an upfront deposit be paid before proceeding with the request.

This deposit will be calculated to be an amount that will not exceed one third of the access fee and would depend on whether the Information Officer is of the opinion that the preparation of the required records will take more than six hours to complete.

Note: In terms of Regulation 8, Value Added Tax (VAT) Registered entities may add VAT to the prescribed fees.