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MANUAL

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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**MANUAL PREPARED IN ACCORDANCE WITH
SECTION 51 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT, ACT 2 OF 2000 (The Act)
FOR**

SPENMIST ENGINEERING CC
Registration Number: CK94/11085/23

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INTRODUCTION

The Promotion of Access to Information Act ("the Act") seeks to promote a culture of transparency, accountability and good governance, by giving effect to a person's constitutional right of access to information.

In furtherance of this objective, Section 51 of the Act requires private bodies to compile a manual, which will assist either private or juristic persons in obtaining information from such private body.

Spenmist Engineering CC is a private body whose principal business is engineering works. As such, the details required in order for a requester of information to obtain or apply for information which Spenmist Engineering CC holds, is contained hereunder:

PARTICULARS IN TERMS OF SECTION 51

1. CONTACT DETAILS [Section 51(1)(a)]

The owner of Spenmist Engineering CC has duly authorised Mr. JM O'Neill to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

| | | | |
|--|---|--------|-----------------|
| Name of Body: | Spenmist Engineering CC | | |
| Head of Body: | Mr. JM O'Neill | | |
| Postal address: | PO Box 71749 THE WILLOWS 0041 | | |
| Street address: | Plot 122, Bashewa BRONKHORSTSPRUIT 1020 | | |
| Telephone: | +27 12 811 0161 | | |
| Facsimile: | +27 12 811 0061 | | |
| Information Officer: | Mr. JM O'Neill | | |
| Contact details of Information Officer: | (a) | Phone: | +27 12 811 0161 |
| | (b) | Fax: | +27 12 811 0061 |

2. THE GUIDE AS PRESCRIBED IN SECTION 10. [Section 51(1)(b)]

In terms of Section 10 of the Act, The South African Human Rights Commission (SAHRC) must compile a guide containing information that may be required by a person who wishes to exercise a right in terms of the Act. The guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act. The guide will be available from the Human Rights Commission by no 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 8300

Facsimile: +27 11 484 0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. CATEGORIES OF RECORDS OF SPENMIST ENGINEERING CC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2). [Section 51(1)(c)]

In terms of Section 52 of the Act, a private body may submit to the Minister responsible for the administration of justice, a description of records, which it holds that are automatically available from the private body. The Minister may then publish such information by way of notice in the Government Gazette. At the time of drafting this manual, no such information has been given by Spennist Engineering CC to the Minister and no such notice has therefore been published.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION. [Section 51(1)(d)]

Spennist Engineering CC keeps information in accordance with the following legislation:

- CLOSE CORPORATIONS ACT 69 OF 1984
- LABOUR RELATIONS ACT 66 OF 1995
- BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997
- UNEMPLOYMENT INSURANCE ACT 30 OF 1966
- COMPENSATION FOR OCCUPATIONAL INJURIES HEALTH DISEASE ACT 130 OF 1993
- REGIONAL SERVICES COUNCILS ACT 109 OF 1993
- INCOME TAX ACT 95 OF 1967
- VALUE ADDED TAX ACT 89 OF 1997
- SKILLS DEVELOPMENT ACT 9 OF 1999

5. HOW TO REQUEST A RECORD. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY SPENMIST ENGINEERING CC AND THE CATEGORIES OF WHICH THESE SUBJECTS ARE CLASSIFIED. [Section 51(1)(e)]

5.1 How to request a record [See *pro forma* request form in Section 9]

- 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, or his duly authorised deputy. This request must be made to the address, fax number or electronic mail address of the body concerned.
- 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 if he or she wishes to be informed in any other manner and state the necessary particulars to be so 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.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- 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.

5.2 Categories of records held by Spenmest Engineering CC

5.2.1 Operational Information

- *Client information*
- *Marketing material*
- *Contracts with clients and suppliers*
- *Incorporation documents*
- *Price lists*

5.2.2 Movable and Immovable Property

- *Asset Registers*

5.2.3 Financial Records

- *Accounting record books and documentation*
- *Interim and Annual Financial reports*
- *Details of Auditors*
- *Tax returns*
- *Other documentation relating to taxation*
- *Banking details*
- *Bank statements*
- *VAT returns*

5.2.4 Human Resources

- *Employee contracts*
- *Employee personal details*
- *Disciplinary / Performance records*
- *Personnel files*
- *Leave, sick leave, maternity and special leave records*
- *PAYE records*

5.2.5 Procurement*Tender submissions***6. 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.

7. AVAILABILITY OF THE MANUAL. [Section 51(3)]

Copies of this manual is available for inspection, free of charge, at the offices of Spenmist Engineering CC (see details above); copies are also available from the South African Human Rights Commission; from the Government printers.

8. FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R 1,10 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 requested fee payable by requester, other than a personal requester, referred to in regulation 11(2) is R 50,00.

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 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 a 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 by the requester.
- (3) The actual postage is payable when a copy of a record must be posted to a requester.

9. PRESCRIBED REQUEST FORM

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: Walter Burki Machines

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 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 for exemption.*

Reason for exemption from payment of fees:

F. Form of access to record

| | | | |
|--|--|-----------------------------------|--|
| <i>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.</i> | | | |
| Disability: | | Form in which record is required: | |
| <p>Mark the appropriate box with an X</p> <p>NOTES:</p> <p>(a) <i>Compliance with your request in the specified form may depend on the form with the record is available.</i></p> <p>(b) <i>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.</i></p> <p>(c) <i>The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i></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 sound-track (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 disk) |
| *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 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 _____ 03

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

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