

# **Promotion Of Access To Information Act**

Act 2 of 2000 (The Act)

**Section 51 (Private Bodies) Manual For  
Cunninghamlee & Associates CC**

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### **1 Contact Details**

Requests for information in terms of this manual are dealt with by the Information Officer

Information officer    M T Conningham

Postal address        P O Box 1433 Ballito 4420

Street Address        11 Second floor Silverstoneway Building Garlicke Drive Ballito 4420

Telephone Code 032 Number 9460854

Facsimile Code 086 Number 2187711

E-mail [matt@coninghamlee.com](mailto:matt@coninghamlee.com)

## **2 The guide on how to use the act, as described in section 10 of the act**

The guide will be available from the South African Human Rights Commission.  
Queries should be directed 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  
E-mail [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)  
Website [www.sahrc.org.za](http://www.sahrc.org.za)

## **3 Categories of records available in terms of Section 52(2) of the Act, without having to request access**

Records of this category do not exist  
No information concerning such records has been submitted in terms of the Act  
The Minister has not published Gazette notices in this regard

## **4 Records available in terms of any other legislation**

Records are kept in compliance with legislation listed in annexure B

## **5 Procedure to request a record and fees payable**

### **5.1 The procedure to request a record**

- The requester must use the prescribed form (see section 9) to request access to a record
- The request must be made to the Information Officer at the contact numbers listed in section 1
- The request form must:
  - provide sufficient detail to allow the Information Officer to identify the requester and the record requested
  - specify the form of access required and the postal address or facsimile number of the requester
- If the requester requires a reply in a specific format in addition to the Information Officer's written reply, the requester must state what format is required and what information is required in this format
- The requester must identify the right that is sought to be exercised or to be protected and explain 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 submit proof of the capacity in which the request is made, to the reasonable satisfaction of the Information Officer.

### **5.2 Fees payable by the requester**

- 5.2.1 A request fee is payable by all requestors other than personal

requestors.

The Information Officer must by notice require a requester, other than a personal requester, to pay the prescribed request fee before processing the request.(Section 54(1))

- 5.2.2 If an Information Officer grants a request for access, an access fee is payable by all requestors when the information is made available. (Section 54(6) (7))
- 5.2.3 If in the opinion of the Information Officer, the time for preparation of the record for disclosure will exceed six (6) hours,he will require the requestor by notice to pay a deposit of one third of the prescribed access fee that would be payable if the access was granted.The deposit will be payable before work commences.If a request for access is ultimately denied, the deposit will be refunded.
- 5.2.4 By notice in the Gazette the Minister may modify the payment of any fee.
- 5.2.5 The prescribed fees are set out in Section 10 of this manual.

## 6 Subjects of the records

Refer annexure A "Subjects of the records"

## 7 Other information as prescribed

Not applicable

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

## 8 Availability of this manual

- 8.1 The manual may be inspected free of charge at the street address provided in section 1 of this manual
- 8.2 Copies are available from the South African Human Rights Council at the contact details provided in section 2 of this manual.

## 9 Access To Record Request Form

### REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Regulation Gazette No.R187 15 February 2002  
Regulation 10

#### Particulars of private body to whom request is made

The information officer  
Cunninghamlee & Associates CC

These details are provided in section 1 of this manual

#### Particulars of person requesting access to the record

Surname : \_\_\_\_\_  
 Full forenames : \_\_\_\_\_  
 National identity number : \_\_\_\_\_  
 Postal address : \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Postal code : \_\_\_\_\_  
 Telephone number Code : \_\_\_\_\_ Number : \_\_\_\_\_  
 Facsimile number Code : \_\_\_\_\_ Number : \_\_\_\_\_  
 Cell number : \_\_\_\_\_  
 E- mail address : \_\_\_\_\_

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

\_\_\_\_\_

#### 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.

Surname : \_\_\_\_\_  
Full forenames : \_\_\_\_\_

National identity number : \_\_\_\_\_

**Particulars of record**

If the space provided below is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed by the requestor.

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

- 2 Reference number, if available:  

- 3 Any further particulars of record:  


**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:


**Form of access to record**

State the form in which you require access by marking the appropriate box below with an "X."

1	If the record is in written or printed form:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;"> </td><td>Copy of record *</td></tr> <tr><td> </td><td>Inspection of record</td></tr> </table>		Copy of record *		Inspection of record		
	Copy of record *							
	Inspection of record							
2	If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images sketches etc.)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;"> </td><td>View the record</td></tr> <tr><td> </td><td>Copy of images *</td></tr> <tr><td> </td><td>Transcription of images *</td></tr> </table>		View the record		Copy of images *		Transcription of images *
	View the record							
	Copy of images *							
	Transcription of images *							
3	If record consists of recorded words or information which can be reproduced in sound:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;"> </td><td>listen to the soundtrack (audio cassette)</td></tr> <tr><td> </td><td>transcription of soundtrack* (written or printed document)</td></tr> </table>		listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
	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:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;"> </td><td>printed copy of record*</td></tr> <tr><td> </td><td>printed copy of information derived from the record*</td></tr> <tr><td> </td><td>copy in computer readable form* (stiffy or compact disc)</td></tr> </table>		printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)
	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.						
		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 30px;"> </td><td>Yes</td></tr> <tr><td> </td><td>No</td></tr> </table>		Yes		No		
	Yes							
	No							

**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.

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 above, state your disability and indicate in which form the record is required.

Disability:


Form in which record is required:


**Particulars of right to be exercised or protected**

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


If the space provided above is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed by the requestor.

**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

**10 Fees chargeable by Private Bodies**

**VALUE-ADDED TAX**

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors, may add value-added tax to all fees prescribed in this schedule.

**FEEES IN RESPECT OF PRIVATE BODIES**

- 1 The fee for a copy of the manual as inspected free of charge in terms of section 7.1 of this manual is R1,10 for every photocopy of an A4-size page or part thereof.
- 2 The fees for reproduction of records contemplated in Section 52 of the Act (voluntary disclosure and automatic availability of certain records) referred to in section 3 of this manual are as follows:
  - (a) For every photocopy of an A4-size page or part thereof
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form
  - (c) For a copy in a computer-readable form on -

Rand  
1,10  
0,75

	(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 Section 54 (1) of the Act and section 5.2.1 of this guide is	50,00
4		The access fees payable by a requester referred to in section 5.2.2 of this manual (Section 54 (6) (7)) are as follows:	
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 pageor part thereof	20.00
		(ii) For a copy of an audio record	30.00
	(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.	30,00
(2)		For purposes of section 54(2) of the Act, (section 5.2.3 of this manual) the following applies:	
	(a)	Six hours as the hours to be exceeded before a deposit is payable	
	(b)	One third of the access fee is payable as a deposit by the requester.	
(3)		When a copy of a record must be posted to a requester, the actual postage is payable	

## Annexure A

### Subjects of the records

#### Administration

- Title Deeds
- Correspondence
- Minutes of meetings
- Licences
- Contracts and agreements

#### Human Resources

- Employment contracts
- Staff complements
- Human Resources policies
- Training records

#### Operational

- Customer and sales records
- Production records
- Maintenance records
- Stock and stores records
- Logistics records
- Safety records
- Information Technology records

#### Financial

- Transaction records and vouchers
- Financial Statements
- Assets Registers
- Management reports
- Investment records

## Annexure B

### List of legislation which prescribes records to be kept

- 1 Basic Conditions of Employment Act No. 75 of 1997
- 2 Companies Act No. 61 of 1973
- 3 Employment Equity Act No. 55 of 1998



- 4 Income Tax Act No. 95 of 1967
- 5 Occupational Health and Safety Act No.85 of 1993
- 6 Pension Funds Act No. 24 of 1956
- 7 Regional Services Councils Act No. 109 of 1985
- 8 Skills Development Levies Act No. 9 of 1999
- 9 Skills Development Act No. 97 of 1998
- 10 Unemployment Contributions Act No. 4 of 2002
- 11 Unemployment Insurance Act No. 63 of 2001
- 12 Value Added Tax Act No. 89 of 1991