

# **MANUAL IN TERMS OF PROMOTION OF ACCESS TO INFORMATION ACT**

## **SECTION 51 MANUAL**

### **Dpa-Training CC (NAME OF PRIVATE BODY)**

#### **BRIEF DESCRIPTION OF THE CORE BUSINESS:**

**Training in end-user computing applications including Spreadsheets, Word Processing, Presentations, Accounting, Project Management**

#### **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

##### **1. CONTACT DETAILS:**

HEAD OF PRIVATE BODY: Mr. P. D. du Preez

NAME OF INFORMATION OFFICER: Mr. P. D. du Preez

POSTAL ADDRESS:

P. O. Box 11474  
Hatfield.  
Pretoria. 0028

STREET ADDRESS:

1255 Burnett Street,  
Hatfield, Pretoria.

TEL. NO.: 012 362 6682

FAX NO.: 012 362 6687

E-MAIL ADDRESS (Head of Private Body): training@dpa-training.co.za

E-MAIL ADDRESS (Information Officer): training@dpa-training.co.za

WEBSITE ADDRESS: <http://www.dpa-training.co.za>

##### *Note:*

The information officer should be the head of the private body or a suitably qualified person appointed to act instead.

##### **2. THE SECTION 10 GUIDE ON HOW TO USE THE ACT (Section 51(1)(b))**

The Guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

**The South African Human Rights Commission:**

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**PAIA Unit**  
**The Research and Documentation Department**  
Postal address: Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**3. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION (Section 51(1)(d))**

This private body in terms of certain legislation keeps particular records whilst other information and records are kept as a matter of standard practice.

**(TICK THE APPROPRIATE TO THE BEST OF YOUR KNOWLEDGE AND BELIEF):**

- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment No. 75 of 1997
- Closed Corporations Act No. 69 of 1984
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Currency and Exchanges Act No. 9 of 1933
- Debtor Collectors Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- Finance Act No. 35 of 2000
- Financial Services Board Act No. 97 of 1990
- Financial Relations Act No. 65 of 1976
- Harmful Business Practices Act No. 23 of 1999
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Insurance Act No. 27 of 1943
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995

- Long Term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- Occupational Health & Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Post Office Act No. 44 of 1958
- Regional Services Councils Act No. 109 of 1985
- SA Reserve Bank Act No. 90 of 1989
- Short Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchange Control Act No. 1 of 1985
- Tax on Retirement Funds Act No. 38 of 1996
- Trade Marks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Usury Act No 73 of 1968
- Value Added Tax Act No. 89 of 1991

2. **ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION**

*Sections 51(1)(c) and 51(1)(e)*

- i. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) (*Section 51(1)(c)*)

***Catalogue of training material***

- ii. Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed (*Section 51(1)(e)*)

**Annexure C** to this Manual provides a description of the subjects of the records held by the body and the categories in which these subjects are classed.

***Class records***

***Student records***

- iii. The request procedures:

**FORM OF REQUEST:**

- 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 made to the address, fax number or electronic mail address of the body concerned (s 53(1)).

**Forms are available at: [http://www.sahrc.org.za/fees\\_forms\\_priv\\_bodies.PDF](http://www.sahrc.org.za/fees_forms_priv_bodies.PDF)**

- 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 which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed (s 53(2)(a) and (b) and (c)).
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right (s 53(2)(d)).
- If a request is made on behalf of another 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 (s 53(2)(f)).

**FEES:**

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- 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 (s 54(1)).
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee (s 54(3)(b)).
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (s 54(6)).

**5. 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.

**6. Availability of the manual (Section 51(3))**

*This manual is also available for inspection at our premises at 1255 Burnett Street, Hatfield, Pretoria (physical address) ; and copies are available with the SAHRC, in the Gazette and on our website address at <http://www.dpa-training.co.za>.*

## **ANNEXURE C**

How to classify your information in terms of subjects and categories:

*Note:*

This is a very general example and not exhaustive in its content.

It might not always apply to specific private bodies, as they are all so different in their operations. Thus please try and use this as an example and rework it to suit your own particular private body, there is no wrong or right way as each body is so individual and the amount of detail will also vary.

Some subjects can even be incorporated into others if the private body is very small. What you want to do here is classify where a record is located within your private body, you do not need to include the contents of the record. It does not mean however, that a person will have access to a record listed, access will be determined according to the procedures in the Act and once a request has been given on the correct form and then a decision will be made by the head of the private body.

### **EXAMPLE OF CLASSIFICATION OF RECORDS:**

#### **1. Companies Act**

- Certificate of Incorporation
- Memorandum and Articles of Association
- Certificate to Commence Business
- Minute Book & Resolutions passed at meetings
- Proxy Forms
- Register of Members
- Register of Mortgages Debentures and Fixed Assets
- Register of Directors' Shareholdings
- Financial Statements:
  - Annual accounts
  - Directors Reports
  - Auditors Reports
- Books of Account regarding information required by the Companies Act
- Other

#### **2. Information in terms of Close Corporation**

- Founding Statement
- Proof of Registration
- Minute Book and Resolutions passed at meetings
- Financial Statements
- Annual Accounts
- Report of Accounting Officer
- Supporting Accounting Records
- Other

#### **3. Accounting Records**

- Invoice Books
- Statements
- Receipts
- Vouchers
- Ledgers
- Journals
- Other Books

Other

**Employee Records / Information in terms of Main Agreement for the Motor Industry and other Relevant Labour Legislation**

Registration with Motor Industry Bargaining Council  
Records of Monthly Returns to Council  
List of Employees names and occupations  
Time Register  
Wage/Salary Records  
Letters of Appointment to employees  
Human Resources Policy  
Disciplinary Code  
Staff Disciplinary Records  
Tax Returns of Employees  
Attendance Register  
Clock Cards  
Main Agreement for the Motor Industry  
Conciliation Certificates  
Arbitration Awards  
Records of Strikes/Lockouts  
Rules of Sick Accident and Maternity Pay Fund  
Records in terms of Sick Leave / Sick Accident Maternity Pay Fund  
Rules of MIMED/AUTOMED  
Rules of any other Applicable Medical Aid Fund  
Rules of Autoworkers/MIPF/MISA Pension/Provident Fund  
Rules of any other Applicable Retirement Fund  
Records in terms of Medical Aid Fund Contributions  
Records in terms of Pension/Provident Fund Contributions  
Staff Training Records  
Safety Policy  
Medical Surveillance Records  
Employment Equity Act  
Employment Equity Plan  
Records of Staff Vacancy Advertisements  
Records of Application for Vacant Positions  
List of Staff Resignations  
List of Retrenched employees  
List of employees dismissed  
List of employees that have retired  
Records of UIF Contributions  
Records in terms of Skills Development Act  
Records of Claims in terms of Compensation for Occupational Injuries and Diseases Act  
Other

**Records in terms of Property**

Building Plans  
Leases  
Title Deeds  
Asset Register  
Finance and Lease Agreements  
Bonds  
  
Records in terms of Intellectual Property  
  
Patents  
Trademarks  
Copyrights

Other

**Tax and VAT Records**

Copies of Tax Returns  
VAT Registration Certificate  
Records in terms of VAT

**Sales and Marketing**

Client Database  
List of Products  
Brochures  
Record of Advertisements  
Marketing Products  
Other

**Legal Records**

Applications in terms of legal Proceedings  
Court Orders  
Settlement Agreements  
Licences and Permits

**Contracts / Agreements**

Franchise Agreement  
Partnership Agreements  
Agreements with Shareholders/Officers/Directors  
Alliance Agreements  
Proof of Membership to the RMI  
RMI Code of Conduct  
Subscription Records  
Other

List any other relevant information which you hold (e.g. Information in terms of Insurances Schemes, SAMBRA, Accreditation, Petroleum Products Act, Dealer Agreements etc.

## **ANNEXURE D**

### **HOW TO MAKE YOUR MANUAL AVAILABLE**

Copies of the manual in must be distributed in terms of Regulation 187 to the following -

#### **PROVISIONS SPECIFIC TO PRIVATE BODIES:**

Private bodies must comply with the following provisions with their manuals:

- The South African Human Rights Commission
- Submit to the controlling body of which the private body is a member
- The Government Printer: to be printed in the Gazette
- The head of a private body must make the manual available for public inspection during office hours and upon request
- To be placed on the website (if available)

#### **HOW TO SUBMIT TO THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION:**

Submissions should be made to:

The Research and Documentation Department

The South African Human Rights Commission

Postal Address: Private Bag 2700, Houghton 2041 or

Deliver to: Address: Boundary Road, Ilse of Houghton, Wilds View, Entrance 1, Houghton, Johannesburg or

Submissions can be made electronically to: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

#### **HOW TO PRINT IN THE GOVERNMENT GAZETTE:**

Printing in the Government Gazette:

Every public and private body is required to submit their manuals for publication to the Government Printer, Private Bag X 85, Pretoria, 0001.