

PAIA Manual

Section 51 Manual for **Schultz & Associates**

This manual has been prepared in terms of section 51 of the promotion of access to information act 2 of 2000.

1. **Postal and street address, phone and fax number, and email address** Section 51 (1)(a)

All requests for information in terms of this manual should be directed to the Chief Information Officer.

Postal Address	Po Box 49
	Seadoone, 4141
Physical Address	1 Seaforth Lane, Amanzimtoti
Tel. No	031 822 2535
Fax. No	0866 152 482
Email address	wsa@wsa.za.net

2. **Guide on how to use the Act** Section 51 (1)(b)

Should you require greater clarity on or assistance with the Act, we refer you to the Guide that has been published by the South African Human Rights Commission ('SAHRC') in terms of section 10 of the Act. It includes:

- what the objects of this Act are;
- the relevant contact details of each public and private body (where possible);
- the process that needs to be followed in order to request access to records;
- assistance available from the SAHRC and information officers of public bodies;
- how to get access to the manual of a private body;
- all the remedies available in law to you; and
- details on prescribed fees payable in respect of requests for information.

This Guide will be made available in such official language as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

Please direct any queries to:

The South African Human Rights Commission
PAIA Unit : Research and Documentation Department
Private Bag 2700, Houghton, 2041
Telephone: +27 11 484 8300
Fax: +27 11 484 0582/1360
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

3. Description of records which are available in accordance with other legislation

Section 51 (1)(d)

Information is available in terms of the following legislation, if and where applicable:

- Basic Conditions of Employment Act No. 75 of 1997
- Closed Corporation Act No. 69 of 1984
- Companies Act No. 71 of 2008
- Compensation of Occupational Injuries and Diseases Act No. 130 of 1993
- Customs and Excise Act No. 91 of 1964
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Patents Act No. 57 of 1978
- Promotion of Access to Information Act No. 2 of 2000
- Skills development Levies Act No. 9 of 1999
- Trademarks Act No. 194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

4. **Types of Records**

a) Records available in terms of any other legislation

All records kept and made available in terms of legislation applicable to any of the entities listed in this manual and the Financial Services Industry in general, as it applies to the specific environment in which the entity operates, are available in accordance with said legislation.

b) Records available without requesting access in terms of the Act

A private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by notice in the Gazette. The identified entities have not submitted any such description for publication in the Gazette. Certain records are however freely available on the Internet

c) Records available on request

We set out below the subjects and categories of records that are, subject to access being denied as set out in the Act, available for the purposes of the Act:

Records are held on the following subjects:

- I. Personnel records;
- II. Client-related records;
- III. Private body records; and
- IV. Records in the possession of or pertaining to other parties.

I. Personnel records

Personnel refers to any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of the private body. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- Any personal records provided to the private body by their personnel;
- Any records a third party has provided to the private body about any of their personnel;
- Conditions of employment and other personnel-related contractual & quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

II. Client-related records

A client includes any natural or juristic entity, who receives services from the private body. Client-related information includes the following:

- Any records a client has provided to a third party acting for or on behalf of the private body;
- Any records a third party has provided to the private body; and
- Records generated by or within the private body pertaining to the client, including transactional records.

III. Private body records

The following are considered to include but not be limited to records, which pertain to the private body's own affairs:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal policies and procedures;
- Treasury-related records;
- Securities and equities; and
- Records held by officials of the private body.

IV. Other parties

The private body may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records, which can be said to belong to the private body.

The following records fall under this category:

- Personnel, client or private body records which are held by another party as opposed to being held by the private body; and
- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

5. **Facilitation of a request for access to information.**

Information which is not readily available as indicated in this manual, may be requested in accordance with the procedure prescribed in terms of the Act.

6. **Information automatically available**

The following categories of records are automatically available for download from our website

- Newsletters
- Pamphlets / Brochures

7. **Requesting procedures**

- The requester must complete **Form B** and submit this form together with a request fee, to **Schultz & Associates** by address, fax number or email address, marked for the attention of the Chief Information Officer.
- The Chief Information Officer will process the request and inform the requester of the fees (if any) that are payable and of the different procedures that must be followed until the request is finalised.
- The form must:
 - provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester
 - indicate which form of access is required
 - specify a postal address or fax number of the request in the Republic

- identify the right that the requester is seeking to exercise or protect
- provide an explanation of why the requested record is required for the exercise or protection of that right
- in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that the manner and the necessary particulars to be informed in the other manner, if the request is made on behalf of another person, to submit proof of capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

➤ **Access to certain records may be or must be denied on the grounds set out in the Act.** Mandatory grounds for refusal include but are not limited to:

- Information for the protection of the privacy of individuals;
- Information for the protection of commercial information and confidential information of third parties;
- Information privileged from production in legal proceedings;
- Commercial information of the company; and
- Research information.

8. Availability of the manual

Copies of this Guide are available free of charge from the offices of **Schultz & Associates** at the physical address above and from the offices of the South African Human Rights Commission.

FORM B

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 **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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be <i>notified</i> of the amount required to be paid as the request fee.
(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> 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
Form in which record is required:	
Mark the appropriate box with an X.	
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 for the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:				
	copy of record*	inspection of record		
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)				
	view the images	copy of the images"	transcription of the images*	
3. If record consists of recorded words or information which can be reproduced in sound:				
	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:				
	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.'			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