

**SECTION 51 MANUAL**

In terms of the Promotion to Access to Information Act no 2 of 2000



— Your gateway to the world. —

**Product Merchandiser T/A EGate**

Registered name  
("the company")

**2008/231/407/23**

Registraton Number

## CONTENTS

1. The Manual
  - 1.1 Objectives of the Act
  - 1.2 Scope of the Manual
  - 1.3 Company & Information Officer details
  - 1.4 Availability of the manual
2. Entry Point for Requests
3. Who may request access to information
4. Guidance to requestors
5. Records available in terms of other legislation
  - 5.1 Unlimited requestors
  - 5.2 Limited requestors
6. Procedure
  - 6.1 Prescribed access form
  - 6.2 Proof of identity
  - 6.3 Prescribed fees
7. Granting or refusal of requests
8. Appeal
9. Classes of records held by the company
  - 9.1 Scope
  - 9.2 Categories of records held
  - 9.3 Further information and assistance
10. Useful references
11. Annexure A – Prescribed forms for Access to a record

## **1. THE MANUAL**

### **1.1 OBJECTIVES OF THE ACT**

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), which came into effect on the 9<sup>th</sup> of March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

### **1.2. SCOPE OF THE MANUAL**

This manual (“Manual”) has been prepared by the company and applies to all of the private bodies described in Annexure 1. It is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by the company in terms of the Act.

Specifically, the Manual provides information on:

- the contact details of the information officer, who will deal with a person’s request;
- the main business of the company;
- the subjects and categories of records that are held by the company;
- records that are automatically available, without a person having to request access;
- records that are available in terms of any other legislation; and
- the procedure that needs to be followed to obtain access to a record.

### **1.3 COMPANY & INFORMATION OFFICER DETAILS**

**1.3.1** The Company is a private company incorporated in terms of the Company laws of the Republic Of South Africa.

**1.3.2** The main business of The Company is : General trading in the communications industry and all business related thereto.

**1.3.3** The Company has no subsidiaries.

**1.3.4** The company employs approximately 100 permanent staff members.

**1.3.5** Information Officer:

The Information Officer shall ensure that the requirements of the Act are administered in a fair , objective and unbiased manner:

The information officer:

PRODUCT MERCHANDISER LIMMITED

Att: Mrs. J Griesel

Physical address: 28 Kudu Str, Kathu, 8446

Tel: 0537232064

Email: [admin@egate.co.za](mailto:admin@egate.co.za)

Website: [www.egate.co.za](http://www.egate.co.za)

#### **1.4 DISSEMINATION AND AVAILABILITY OF THE MANUAL**

Copies of the manual will be distributed in terms of Section 51(3) and Regulation 187 of 15 February 2002 to:

**1.4.1** The South African Human Rights Commission

Postal Address: Private Bag 2700, Houghton 2041

Or deliver to: Address: 29 Princess of Wales Terrace, Parktown, Johannesburg

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

**1.4.2** The company is registered as a member with a controlling body, The Independent Communications Authority of South Africa (ICASA).

**1.4.3** The manual will be available for public inspection during office hours and upon request at the said business address.

**1.4.4** The manual will be available for public inspection on the website (if available)

## **2 ENTRY POINT FOR REQUESTS**

**3**

The CEO of the company has delegated his/her powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on his/her behalf. All requests in terms of the Act must be addressed to the Information Officer with details given in clause 1.3 above.

## **WHO MAY REQUEST ACCESS TO INFORMATION**

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged.

Requestors can be classified in accordance with the following different categories:

- a personal requestor, that is a person who requests information about him / herself;
- an agent requestor, that is a person requesting information on behalf of someone else;
- a third party requestor, that is a person requesting information about someone else; or
- a public body, requests information in the public interest.

## **4 GUIDANCE TO REQUESTORS**

The Human Rights Commission is required by law to compile a guide (“the Guide”) that will include the following:

- a description of the objectives of the Act;
- the relevant information of every private body as applicable;
- the manner and form in which requests must be lodged;
- the remedies available to requestors should a body not comply with the Act;
- the manner in which an appeal can be lodged;
- the fees payable in relation to requests for access; and
- a reference to any regulations passed.

The Human Rights Commission must, within 18 months after the commencement of this section, compile in each official language a guide containing such information, in an easily comprehensible form and manner, as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

This guide and additional information may be requested from the South African Human Rights Commission at:

**South African Human Rights Commission; at PAIA Unit**

Private Bag 2700  
Houghton, 2041

**Human Rights Advice Line:** 0860 120 120  
Fax: (011) 484 1360  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## **5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION**

### **5.1 UNLIMITED REQUESTORS**

The following information is available without special request. Records that are kept automatically available to the public are records of the Company lodged in terms of government requirements with various statutory bodies, including the Registrar of Companies, and the Registrar of Deeds, all records in the marketing and advertising material published by the company and all records available on the company's website.

## **5.2 LIMITED REQUESTORS**

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act 75 of 1997;
- Broadcasting Act of 1999;
- Business Act of 1991;
- Occupational Health and Safety Act 85 of 1993;
- Companies Act 61 of 1973;
- Companies Act 71 of 2008;
- Competition Act 12 of 2010;
- Compensation for Occupational Injuries & Diseases Act 130 of 1993;
- Consumer Protection Act 68 of 2008;
- Electronic Communications Act of 2005
- Electronic Communications and Transactions Act 25 of 2002;
- Employment Equity Act 55 of 1998;
- Income Tax Act 58 of 1962;
- Independent Communications Authority of South Africa Act of 2000
- Labour Relations Act 66 of 1995;
- National Credit Act 34 of 2005;
- Protection of Businesses Act of 1978;
- Protection of Personal Information Act of 2013
- Protected Disclosure Act 26 of 2000;
- Regulation of Interception of Communications and Provision of Communication-related Information Act of 2002;
- South African Revenue Services Act of 1997;
- Skills Development Act 97 of 1998;
- Unemployment Contributions Act No 4 of 2002;
- Unemployment Insurance Act 63 of 2001;
- Value Added Tax Act 12 of 2011;

## **6 PROCEDURE**

### **6.1 PRESCRIBED ACCESS FORM**

In order for us to facilitate your access to a record, you need to complete the attached prescribed access form. Please take note that the prescribed access form must be completed in full and that failure to do so may result in the process being delayed until such additional information is provided.



## 6.2 PROOF OF IDENTITY

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

## 6.3 PRESCRIBED FEES

Please take note that a request will not be processed until the request fee and/or the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: this fee is payable with respect to all records that are automatically available;
- Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor himself/herself), before the request is considered and is not refundable;
- Access fee: which is payable once access to a record is granted, this fee is intended to re-imburse the company for the costs involved in searching and preparing the record for delivery;
- Deposit: which is payable if the company receives a request for access to information about a person other than the requestor himself/herself and where the preparation of the record will take longer than six hours.

### 6.3.1 REPRODUCTION FEES

The applicable fees (excluding VAT) for reproduction as referred to above are:

- |   |        |
|---|--------|
| ■ for every photocopy of an A4-size page or part thereof  | R 1.10 |
| ■ for every printed of an A4-size page or part thereof held on a computer or in electronic form | R 0.75 |
| ■ for a copy in a computer readable form:   |        |
| Diskette:   | R 7.50 |
| Compact disc:   | R70.00 |
| ■ a transcription of visual images, for an A4-size page or part thereof                         | R40.00 |
| ■ for a copy of visual images   | R60.00 |
| ■ a transcription of an audio record, for an A4-size page or part thereof                       | R20.00 |
| ■ for a copy of an audio record   | R30.00 |

### 6.3.2 REQUEST FEE

A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than the requestor himself/herself.

### 6.3.3 ACCESS FEE

The applicable fees (excluding VAT) which will be payable are:

- for every photocopy of an A4-size page or part thereof R 1.10
- for every printed page of an A4-size or part thereof held on a computer or in electronic form R 0.75
- for a copy in a computer readable form:
  - Diskette: R 7.50
  - Compact disc: R70.00
- a transcription of visual images, for an A4-size page or part thereof R40.00
- for a copy of visual images R60.00
- a transcription of an audio record, for an A4-size page or part thereof R20.00
- for a copy of an audio record R30.00
- to search a record that must be disclosed, per hour or part of an hour R30.00
- where a copy of the record needs to be posted the actual postal fee is payable

### 6.3.4 DEPOSIT

Where the company receives a request for access to information about a person other than the requestor himself / herself and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee is payable.

## 7

### GRANTING OR REFUSAL OF REQUESTS

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- mandatory protection of privacy of a third party who is a natural person;
- mandatory protection of commercial information of a third party;
- mandatory protection of certain confidential information of a third party;
- mandatory protection of records privileged from production in legal proceedings;
- commercial information of the private body; and
- mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act, the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

## **8 APPEAL**

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public body's, the only recourse available to a private body will be to approach a court of law.

## **9 CLASSES OF RECORDS OF THE COMPANY**

### **9.1 SCOPE**

The Information contained in this chapter is intended to identify the main classes of records held within the company. Further assistance in identifying records held by the company is obtainable from the Information Officer.

### **9.2 CATEGORIES AND SUBJECTS OF RECORDS**

The following records are kept by the company :

- Financial records:
- Internal correspondence
  - Minutes of director's meetings;
  - Minutes of shareholder meetings;
  - Minutes of management meetings;
  - Correspondence with third parties – 3 years; and
  - Minutes of management meetings;
- Agreements

- o Purchase and sale agreements;
  - o Rental and lease agreements; and
  - o Service and agency agreements;
- Personnel records
  - o Letters of appointment;
  - o Personnel information;
  - o Leave records;
  - o Promotion/increment increase letters;
  - o Details of disciplinary hearings/matters; and
- Information technology records and databases
- Financial records stored on server
- Software licence agreements;
- Safety records.

### **9.3 FURTHER INFORMATION AND ASSISTANCE**

Further information regarding the subjects and categories or records listed herein are available from the information officer. Other information as may be prescribed by section 51(1) (f) may be obtained by the Minister of Justice and Constitutional Development.

## **10 USEFUL REFERENCES**

Websites

The Human Rights Commission	<a href="http://www.sahrc.org.za/paia.htm">http://www.sahrc.org.za/paia.htm</a>
The Promotion of Access to Information Act	<a href="http://www.gov.za/gazette/acts/2000/a2-00.pdf">http://www.gov.za/gazette/acts/2000/a2-00.pdf</a>

Annexure A

**Prescribed forms for access to a record of the company**

**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

**[Regulation 10]**

**FOR DEPARTMENTAL USE**

Reference number: \_\_\_\_\_

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R \_\_\_\_\_

Deposit (if any): R \_\_\_\_\_

Access fee: R \_\_\_\_\_

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer: \_\_\_\_\_

**B. Particulars of person requesting access to the record**

*(a) The particulars of the person who requests access to the record must be recorded below.*

*(b) Furnish an address and/or fax number in the Republic to which information must be sent.*

*(c) Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname:

---

---

Identity number:

---

Postal address:

---

---

Telephone number: \_\_\_\_\_ Fax 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 therefore.*

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:
<p>Mark the appropriate box with an "X".</p> <p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form -</b>			
	copy of record*		inspection of record
<p><b>2. If record consists of visual images -</b></p> <p>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)</p>			



	view the images		copy of the images*		transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound -</b>					
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>4. If record is held on computer or in an electronic or machine-readable form -</b>					
	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p><b>A postal fee is payable.</b></p>	YES	NO
<p><i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i></p>		
<p>In which language would you prefer the record?</p>		

**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 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 thereof 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**