PROMOTION OF ACCESS TO INFORMATION ACT
PAIA MANUAL

The promotion of Access to Information Act came into operation on 23 November 2001. The purpose of this Act is not only to give effect to the constitutional right of access to any information held by the State and **any information held by another person that is required for the exercise or protection of any right** but also to promote and create a culture of openness, transparency and accountability, as well as effective administration and good governance.

The Act provides a procedure for requests and decisions regarding access to information, i.e. private bodies must have an operational system within their business/organization for dealing with requests for information. The Act also provides for grounds for refusal. The Act is not a license to obtain secrets or confidential information.

In terms of the Act all public and private bodies must compile a manual and submit it to the Human Rights Commission.

For Private Bodies, a **Section 51 manual** containing the following information must be compiled:

- Postal address, telephone, fax number, website address
- Description of the Section 10 Guide – Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing the information reasonably required by a person wishing to exercise or protect any right in terms of the Promotion to Access to Information Act
- Voluntary disclosures – Notice in terms of Section 52
- Description of the records of the body which are available in accordance with other legislation
- Sufficient detail to facilitate a request for access to a record of the body including the subject and categories of the record held

A TEMPLATE OF THE SECTION 51 MANUAL FOR USE BY PRIVATE BODIES IS ATTACHED FOR ASSISTING YOU IN DRAWING UP YOUR MANUAL

The Act further provides, in terms of Section 52 of the Act for private bodies to be open and transparent by making certain categories of records automatically available to interested persons. (For purposes of the Section 51 template, the Section 52 requirements are also included).

In terms of Section 52 of the Act:

The head of a private body may, on a voluntary and periodic basis submit to the Minister a description of –

(a) the categories of records of a private body that are automatically available without a person having to request access in terms of the Act, including such categories available –
    (i) for inspection in terms of legislation other than this Act;
    (ii) for purchase or copying from the private body;
    (iii) from the private body free of charge; and
(b) How to obtain such records.

If appropriate the Minister must, on a period basis and by notice in the Gazette-

(a) publish any description so submitted; and
(b) Update any description so published.

The only fee payable (if any) for access to a record described in a list so published is a prescribed fee for reproduction.

The head of a private body may delete any part of a record contemplated in sub-section 1(a) which, on a request for access, may or must be refused in terms of Chapter 4 of the Act.

Section 52 Notices are notices that contain voluntary disclosures and a list of automatically available records of a private body.

Purpose of the Notices

To ensure regular listing of such information that is available without someone having to make a request in terms of the Act, this serves to minimize unnecessary requests in terms of the Act.

MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL

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(NAME OF PRIVATE BODY)

BRIEF DESCRIPTION OF THE CORE BUSINESS:

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CONTENTS

1. Contact Details

2. The Section 10 Guide on how to use the Act (Section 51(1) (b).

3. Records available in terms of any other legislation (Section 51(1) (d).

4. Access to the records held by the private body in question
   - (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)
   - (ii) Records that may be requested.
   - (iii) The request procedures

5. Other information as may be prescribed

6. Availability of the Manual

1. CONTACT DETAILS: PARTICULARS IN TERMS OF SECTION 51 MANUAL

HEAD OF PRIVATE BODY: ……

NAME OF INFORMATION OFFICER: ……

POSTAL ADDRESS: ……

……

……

STREET ADDRESS: ……

……

TEL. NO. : ……

FAX NO.: ……..

E-MAIL ADDRESS (Head of Private Body): ……..

E-MAIL ADDRESS (Information Officer) ……..

WEBSITE ADDRESS: ……..

2. SECTION 10 GUIDE ON HOW TO USE THE ACT – Section 51 (1) (B)

The Act requires the South African Human Rights Commission (SAHRC) to compile a guide in terms of Section 10 (1) of the Act. This guide will assist in understanding the provision of the Act, its objectives and purpose and how to make use of the provision in the Act.

This guide has not been compiled and will be available from the South African Human Rights Commission by not later than August 2003. Once available it will be incorporated into this Manual. 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
Fax: +27 11 484-0582

Website: www.sahrc.org.za
E-mail: 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)

- Arbitrations Act No. 42 of 1965 ☐
- Basic Conditions of Employment Act No. 75 of 1997 ☐
- Companies Act No. 61 of 1973 ☐
- Competitions Act No. 89 of 1998 ☐
- Consumer Affairs (Unfair Business Practices Act) No. 71 of 1988 ☐
- Credit Agreements Act No. 75 of 1980 ☐
- Debtor Collectors Act No. 114 of 1998 ☐
- Finance Act No. 35 of 2000 ☐
- 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 Amendment 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 ☐
- Protection of Businesses Act No. 99 of 1978 ☐
- Regional Services Councils Act No. 109 of 1985 ☐
- Skills Development Levies Act No. 9 of 1999 ☐
- Skills Development Act No. 97 of 1998 ☐
- Trade Marks Act ☐
- Unemployment Insurance Act No. 63 of 2001 ☐
- Value Added Tax Act No. 89 of 1991 ☐

4. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION

4.1 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).

(Please indicate whether you have any Annual Reports, Brochures, Circulars, Pamphlets, and Booklets which you are prepared to grant access to without a person having to request the information in terms of the Act)

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4.2 Records that may be requested. Annexure A 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.

4.3 REQUEST FOR INFORMATION PROCEDURE

FORM OF REQUEST

- The requester must use the prescribed from to make the request for access to a record. This must be made to the head of a private body. 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 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.
- 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.
- 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.

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.
- 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.
- 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 reproduction, preparation and for any time that has exceeded the prescribed hours to reproduce and prepare the record of disclosure.

5. OTHER INFORMATION AS MAY BE PRESCRIBED

The Minister of Justice and Constitutional Development has not made any regulation in this regard.

6. AVAILABILITY OF THE MANUAL

The manual is available for inspection free of charge at our premises on:
…….. **(Physical address)**
……..
and copies are available at the SAHRC and on our website address at:
……. **(Website address).**

ANNEXURE A

1. Companies Act

Certificate of Incorporation	☐
Memorandum & 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 Report	☐
Books of Account regarding information required by the Companies Act	☐

Other: (Specify):

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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 (Specify)

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3. Accounting Records

Invoice Books ☐

Delivery Notes ☐

Statements ☐

Receipts ☐

Vouchers ☐

Ledgers ☐

Journals ☐

Order Books ☐

Other (Specify)

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Employee Records/ Information in terms of Main 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 & 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 Funds	☐
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: (Specify)

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Records in terms of Property

Building Plans ☐

Leases ☐

Title Deeds ☐

Asset Register ☐

Finance & Lease Agreements ☐

Bonds ☐

Records in Terms of Intellectual Property

Patents ☐

Trademarks ☐

Copyrights ☐

Other (Specify)

……
……
……

Tax and VAT Records

Copies of Tax Returns ☐

VAT Registration Certificate ☐

Records in terms of VAT ☐

Sales & Marketing

Client Database ☐

List of Products ☐

Brochures ☐

Record of Advertisements ☐

Marketing Products ☐

Other (Specify)

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……
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Legal Records

Applications in terms of legal Proceedings ☐

Court Orders ☐

Settlement Agreements ☐

Licences & 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 (Specify)

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Please list any other relevant information which you hold (e.g. Information in terms of Insurance Schemes, Petroleum Products Act, and Dealer Agreements etc.

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