

MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT

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This Manual is based on the document issued by the South African Human Rights Commission. 2

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]

Information Office : CIELARKO – International Management Consultants
Street Address : 7 Wherry Road
Postal Address : P.O. Box 127
Telephone : +27 21 788 8245
Facsimile :
E-mail : contact@cielarko.biz
Website : www.cielarko.biz

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

The Promotion of Access to Information Act grants a requester access to records of a company if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of the Act are required to be made in accordance with the prescribed procedures, at the rates provided.

This Guide is available from the South African Human Rights Commission : PAIA unit, 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

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

Records are kept and are available upon specified conditions in accordance with such other legislation as is applicable to CIELARKO – International Management Consultants, including:

i. Company Secretarial and Legal

Companies Act 61 of 1973 (as amended)
Close Corporations Act of 1978
Consumer Protection Act 68 of 2008

ii. Accounting and Finance

Income Tax Act 95 of 1967
Revenue Laws Amendment Act 60 of 2008
Value Added Tax Act 89 of 1991
Financial Intelligence Centre Act 38 of 2001
South African Reserve Bank Act 90 of 1989 (as amended)

iii. Human Resources

Labour Relations Act 66 of 1995
Basic Conditions of Employment Act 75 of 1997
Employment Equity Act 55 of 1998
Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
Unemployment Insurance Act 63 of 2001

4. Access to the records held by [Sections 51(1)(c) and 51(1)(e)]

i. The categories of records which are available without a person having to request access in terms of the Act [Section 51(1)(c)].

Information already available in the public domain including information that is available in terms of the latest notice regarding the categories of records in terms of section 52 (2)

ii. Records that may be requested [Section 51(1)(e)]

Kindly note that there are a number of grounds for refusal of access to records, [Sections 7, 61 and 63 to 70]

Company Secretarial / Legal
Statutory records
Leases

Human Resources
Staff records
Contracts of employment
Employment equity
BBBEE Verification Certificate

Financial
Financial statements
Taxation records
Management accounts
Banking details
Insurance documentation

iii. The request procedure

To facilitate the processing of your request, kindly:
Use the prescribed form.

Address your request to: Attention The Managing Director at the address, facsimile number or electronic mail address of CIELARKO – International Management Consultants.

Provide sufficient details to enable CIELARKO – International Management Consultants to identify the following:

- (a) record(s) requested;
- (b) requester (and if an agent is lodging the request, proof of capacity);
- (c) the form of access required;
 - postal address or facsimile number of the requester in the Republic;
 - if the requester wishes to be informed of the decision in any manner (in addition to written), the manner and particulars thereof;
- (d) the right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

iv. Prescribed Fees

The following applies to requests (other than personal requests):
A requester is required to pay the prescribed fees (R100,00) before a request will be processed;

If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;

Records may be withheld until the fees have been paid.

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 the offices of CIELARKO – International Management Consultants free of charge and copies are available on the CIELARKO – International Management Consultants website referred to above.

7. Prescribed Fees for private bodies

- i.** The fee for a copy of the Manual as contemplated in Regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
- ii.** The fees for reproduction referred to in Regulation 11(1) are as follows:

- (a) For every photocopy of an A4-size page or part thereof R1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form 0,75c
 - (c) For a copy in a computer-readable form on:
 - (i) stiffy disc R7,50
 - (ii) compact disc R70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
- iii.** The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.
- iv.** The access fees payable by a requester referred to in Regulation 11(3) are as follows:
- (a) For every photocopy of an A4-size page or part thereof R1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form 0,75c
 - (c) For a copy in a computer-readable form on:
 - (i) stiffy disc R7,50
 - (ii) compact disc R70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
 - (f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.
 - (g) For purposes of section 54(2) of the Act, the following applies:
 - (i) Six hours as the hours to be exceeded before a deposit is payable; and
 - (ii) one third of the access fee is payable as a deposit by the requester.
 - (h) The actual postage is payable when a copy of a record must be posted to a requester. 7

8. Prescribed forms

REQUEST FOR ACCESS TO RECORDS OF CIELARKO – International Management Consultants

(Section 53(1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000))

[Regulation 4]

A. Particulars

CIELARKO – International Management Consultants

7 Wherry Road , Muizenberg

P.O. Box 127, Muizenberg 7950

Telephone +27 21 788 8542

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 facsimile 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.