

PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000 (THE ACT)

SECTION 51 MANUAL FOR AMANDLA DOORS CC (AMANDLA)

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INTRODUCTION

The Promotion of Access to Information Act, 2 of 2000 ("the Act") was enacted on 3 February 2000. The purpose of this legislation is to address Section 32(2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester needs to prove that the record is required for the exercise or protection of a right.

COMPANY OVERVIEW

AMANDLA was formed in 1995, primarily as electrical contracting and project managers.

1. CONTACT DETAILS

For purposes of this document, the head of the body will be deemed to be Susan McLeod. Mrs McLeod may be contacted at:

Postal address: Postnet Suite 619, Private Bag X153, Bryanston, South Africa

Street address: 1st Floor, Block 3, Stratford Office Park, Valley Road, Broadacres, 2055

Telephone: +27 467 0063

Fax number: 086 655 6844

Email address: susan@thorntongroup.co.za

2. THE GUIDE AS DESCRIBED IN SECTION 10 [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission. Please direct any queries to:

The Human Rights Commission:

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484 8300

Fax number: +27 11 484 0582

Website: www.sahrc.org

Email address: paia@sahrc.org.za

3. CATEGORIES OF RECORDS OF AMANDLA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2). [Section 51(1)(c)]

No notice of such records has been made to the Minister.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [Section 51(1)(d)]

- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment No. 75 of 1997
- 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 Exchanges Act No. 9 of 1933
- Debtor Collectors Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- 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
- Occupational Health & Safety Act No. 85 of 1993
- SA Reserve Bank Act No. 90 of 1989
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968

- 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

5. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION ***[Section 51(1)(e)]***

Records that are kept by the company:

Administration:

- Minutes of management meetings
- Minutes of staff meetings
- Correspondence
- Incorporation documents

Human Resources:

- Staff recruitment policies
- Employment contracts
- Remuneration records and policies

Operations:

- Sales records
- Production records
- Clients registry
- Channel registry
- Suppliers registry
- Software licences

Finances:

- Management accounts
- Annual financial statements
- Supporting documentation

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 or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable 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 records for disclosure [s 54(6)].

6. OTHER INFORMATION AS MAY BE PRESCRIBED

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

7. AVAILABILITY OF THE MANUAL [Section 51(3)]

This manual is available from the South African Human Rights Commission (see details above) and AMANDLA.