

Protection of Access to Information Act

This manual has been compiled in accordance with the Promotion of Access to Information Act, 2000. The preamble to the Act, which is self-explanatory, is set out below:

ACT

To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights, and to provide for matters connected therewith.

RECOGNISING THAT

the system of government in South Africa before 27 April 1994, amongst others, resulted in a secretive and unresponsive culture in public and private bodies, which often led to an abuse of power and human rights violations;

section 8 of the Constitution provides for the horizontal application of the rights in the Bill of Rights to juristic persons to the extent required by the nature of the rights and the nature of those juristic persons;

section 32(1)(a) of the Constitution provides that everyone has the right of access to any information held by the State;

section 32(1)(b) of the Constitution provides for the horizontal application of the right of access to information held by another person to everyone when that information is required for the exercise or protection of any rights; and

national legislation must be enacted to give effect to this right in section 32 of the Constitution.

AND BEARING IN MIND THAT

the State must respect, protect, promote and fulfil, at least, all the rights in the Bill of Rights which is the cornerstone of democracy in South Africa;

the right of access to any information held by a public or private body may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in section 36 of the Constitution; and

reasonable legislative measures may, in terms of section 32(2) of the Constitution, be provided to alleviate the administrative and financial burden on the State in giving effect to its obligation to promote and fulfil the rights of access to information.

AND IN ORDER TO

foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information; and

actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

Section 51(1) (a)

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Section 51(1)(b)

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

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

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Section 51(1) (c)

At this stage no notice(s) has / have been published.

Section 51(1) (d)

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

1. Administration of Estates Act, No. 66 of 1965
2. Arbitration Act No. 42 of 1965
3. Basic Conditions of Employment No. 75 of 1997
4. Companies Act No. 61 of 1973
5. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
6. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
7. Copyright Act No. 98 of 1978
8. Credit Agreements Act No. 75 of 1980
9. Currency and Exchanges Act No. 9 of 1933
10. Debtor Collectors Act No. 114 of 1998
11. Employment Equity Act No. 55 of 1998
12. Finance Act No. 35 of 2000
13. Financial Services Board Act No. 97 of 1990
14. Financial Relations Act No. 65 of 1976

15. Harmful Business Practices Act No. 23 of 1999
16. Income Tax Act No. 95 of 1967
17. Insolvency Act No. 24 of 1936
18. Insurance Act No 27 of 1943
19. Intellectual Property Laws Amendments Act No. 38 of 1997
20. Labour Relations Act No. 66 of 1995
21. Long Term Insurance Act No. 52 of 1998
22. Medical Schemes Act No. 131 of 1998
23. Occupational Health & Safety Act No. 85 of 1993
24. Pension Funds Act No. 24 of 1956
25. Post Office Act No. 44 of 1958
26. Protection of Businesses Act No. 99 of 1978
27. Regional Services Councils Act No. 109 of 1985
28. SA Reserve Bank Act No. 90 of 1989
29. Short Term Insurance Act No. 53 of 1998
30. Skills Development Levies Act No. 9 of 1999
31. Skills Development Act No. 97 of 1998
32. Stamp Duties Act No. 77 of 1968
33. Stock Exchange Control Act No. 1 of 1985
34. Tax on Retirement Funds Act No. 38 of 1996
35. Trade Marks Act No. 194 of 1993
36. Unemployment Contributions Act No. 4 of 2002
37. Unemployment Insurance Act No. 63 of 2001
38. Usury Act No 73 of 1968
39. Value Added Tax Act No. 89 of 1991.

Section 51(1) (e) Availability of information to be determined upon receipt of request.

Web page

The Company's web page (www.itssocoolairconditioning.co.za) is accessible to anyone who has access to the internet.

Other Records

This information can be defined as information needed in the day to day running of the organisation and is generally of little or no use to persons outside the organisation. (Examples of such information are: address lists, company policies, contracts, directives, employee records, internal phone lists, project details, requisitions and general house keeping information)

Section 51(1) (f)

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 contact person of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].

The requester must provide sufficient detail on the request form to enable the contact

person 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 of communication 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 contact person of the private body [s 53(2)(f)].

Fees in respect of Requests for Information

Fees in Respect of Private Bodies

1. 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.
 2. The fees for reproduction referred to in regulation 11(1) are as follows: (a) For every photocopy of an A4-sized page or part thereof R1,10 (b) For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable form R0,75 (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
 3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50, 00.
 4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - (1) (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 R0,75 (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-sized 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.
 - (2) For purposes of section 54(2) of the Act, the following applies: (a) Six hours as the hours to be exceeded before a deposit is payable; and (b) one third of the access fee is payable as a deposit by the requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.
 - (5) Notice of internal appeal, as contemplated in Section 75(1) of the Act, must be lodged in the Form C of the Annexure.
 - (6) The appeal fees payable in the respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3)(a) of the Act is R50.00.
- Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)

Form for Application of Information
Request for access to record of private body