

SECTION 51 MANUAL
THE ACCESS TO INFORMATION ACT NO 2 OF 2002

FOR

INSTITUTE FOR TIMBER CONSTRUCTION LIMITED
Company Registration No. 1972/009631/08

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1 INTRODUCTION

Institute for Timber Construction Limited has been accredited to be a certified FIETA training provider and to monitor adherence by ITC-SA members of industry related standards. The company is a non profit organization and is based in Isando on the East Rand, Gauteng.

2 OVERVIEW

The Promotion of Access to Information Act, No 2 of 2000 was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by a public or private body that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such a request.

3 PURPOSE OF THE MANUAL

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act, however, recognizes that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including but not limited to:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights as contained in the Bill of Rights in the Constitution.

Where reference is made to “Private Body” in this manual, it will refer to Institute for Timber Construction Limited, the company for whom this manual is drafted.

4 CONTACT DETAILS:

Name:	R C Adams
Physical Address:	SAFC Building, 6 Hulley Rd, Isando
Postal Address:	Pvt Bag X686, Isando. 1600
Telephone Number:	011 974 1061
Fax Number:	011 392 6155 fax to email 086 619 3530
e-mail:	amanda@itc-sa.org / enquiries@itc-sa.org
Website:	www.itc-sa.org
Registered Office:	2 Fairbairn Street, Rynfield, Benoni , Gauteng

5 **SECTION 10 GUIDE ON HOW TO USE THE ACT** [Section 51(1)(b)]:

The guide will be available from the South African Human Rights Commission by not later than 31st December 2011. 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

6 **AUTOMATIC AVAILABILITY OF CERTAIN RECORDS** [Section 51(1)(c)]

The following categories of records are automatically available for inspection, purchase or photocopying:

NONE

7 **RECORDS IN TERMS OF ANY OTHER LEGISLATION** [Section 51(1)(d)]

- 7.1 Basic Conditions of Employment No. 75 of 1997.
- 7.2 Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- 7.3 Income Tax Act No. 95 of 1967.
- 7.4 Labour Relations Act No. 66 of 1995.
- 7.5 Skills Development Levies Act No. 9 of 1999.
- 7.6 Unemployment contributions Act No. 4 of 2002.
- 7.7 Unemployment Insurance Act No. 63 of 2001.
- 7.8 Value Added Tax Act No. 89 of 1991.
- 7.9 Occupational Health and Safety Act of 1991.
- 7.10 Companies Act No 71 of 2008 as amended by Companies Act No 3 of 2011.

8 **SUBJECTS AND CATEGORIES OF RECORDS** *[Sections 51(1)(c) and 51(1)(e)*

8.1 **Companies Act Records**

- Documents of Incorporation
- Memorandum and Articles of Association/Memorandum of Incorporation
- Minutes of Board and Directors meetings
- Records relating to the appointment of directors/auditor/secretary /public officer and other officers
- Share Register and other statutory registers

8.2 **Financial Records**

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Asset Register
- Rental Agreements

8.3 **Income Tax Records**

- Paye Records
- Documents issued to employees for income tax purposes
- Records of payments made to Sars on behalf of employees
- Other statutory compliances
 - Vat
 - Skills Development levy
 - Uif
 - Workmens Compensation

8.4 **Personnel Documents and Records**

- Employment contracts
- Records of benefits
- Disciplinary records
- Salary records
- Seta records
- Leave records

9 REQUEST PROCEDURES

Form of Request:

- a. 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 number or electronic mail address of the body concerned. *[S 53(1)]*
- b. 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. *[S53(2)(a) and (b) and (c)]*
- 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)]*
- 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:

- a. 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)]*
- b. The fee that a 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)]*
- c. After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- d. 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 record for disclosure. *[S 54(6)]*

10 **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.

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

The manual is available at the offices of Institute for Timber Construction Limited free of charge. Copies are available with the SAHRC and on the Company Website where applicable.

12 **REQUEST FORM** (Pages 7 – 9)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53 (1) of the Promotion of Access to Information Act 2000 (Act No 2 of 2000)
Regulation 10

A Particulars of a private body

The Head

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 fax 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.

Full names and surname:

Identity number:

Postal address:

Fax Number:

Telephone 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 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 requestor 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 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 a request fee.
- (c) The fee payable to 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 for exemption.

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
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Mark the appropriate box with an X

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

1. If the record is in written or printed form:

	Copy of record		Inspection of record
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2. If record consists of visual images:

this includes photographs, slides, video recordings, computer-generated images, sketches etc,

	View the images		Copy of the images		Transcription of the images
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3. If record consists of recorded words or information which can be reproduce in sound:

	Listen to the soundtrack audio cassette		Transcription of soundtrack* Written or printed document
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4 If record is held on computer or in an electronic or machine-readable form:

	Printed copy of record	Printed copy of information derived from the record	Copy in computer readable form* (Compact Disc)
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If you requested a copy or transcription of a record (above) do you wish the Copy or transcription to be posted to you? Postage is payable.	YES	NO
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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 is to be exercised or protected
- 2 Explain why the record requested is required for the exercise or protection of the afore mentioned 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 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 requested/Person on whose behalf the request is made