



## **SECTION 51 MANUAL FOR Affinity Motor (Pty) Ltd** **(2013/079854/07)**

### **INFORMATION REQUIRED UNDER SECTION 51(1)(A) OF THE ACT**

#### **INTRODUCTION**

The Promotion of Access to Information Act, 2 of 2000, gives effect to the constitutional right of access to any information held by private bodies that is required for the exercise or protection of any rights.

The Act provides that a person requesting information must be given access to any record of a private body, if that record is required for the exercise or protection of a right. However; the right to access to any information held by a 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.

This manual informs requesters of procedural and other requirements which a request must meet as prescribed by the Act.

#### **CONTACT DETAILS AND GENERAL INFORMATION**

##### **Postal Address of head of Affinity Motor (Pty) Ltd:**

Postnet Suite 124, Private Bag X101, Farrarmere, Benoni 1518

##### **Physical Address of head of Affinity Motor (Pty) Ltd:**

1 Dingler Road, Rynfield, Benoni 1501

##### **Tel No. of head of Affinity Motor (Pty) Ltd:**

0861 77 00 33

##### **Fax No. of Head of Affinity Motor (Pty) Ltd:**

086 607 9419

##### **Website:**

[www.affinitymotor.co.za](http://www.affinitymotor.co.za)

##### **Email address of head of Affinity Motor (Pty) Ltd:**

[info@affinitymotor.co.za](mailto:info@affinitymotor.co.za)

##### **Head of Affinity Motor (Pty) Ltd**

Paul Glen McNamee

**GUIDE ON THE PROMOTION OF ACCESS TO INFORMATION ACT (SECTION 10 GUIDE)**

A guide has been compiled in terms of Section 10 of PAIA by **Affinity Motor (Pty) Ltd**. The guide contains information for purposes of exercising constitutional rights.

The guide is available for inspection, inter alia, at the offices of **Affinity Motor (Pty) Ltd** and at the SAHRC.

It is obtainable by contacting the SAHRC at:

The South African Human Rights Commission

PAIA Unit, Private Bag 2700, Houghton, 2041

**Telephone:**

011 877 3600

**Fax No.:**

011 403 0625

**Email:**

[paia@sahrc.org.za](mailto:paia@sahrc.org.za)

**Website:**

[www.sahrc.org.za](http://www.sahrc.org.za)

**THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):**

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access on terms of PAIA.



**ACTS AND OTHER LEGISLATION HELD AT PHYSICAL ADDRESS BY Affinity Motor (Pty) Ltd**

- Basic Conditions of Employment 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 98 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- National Credit Act 34 of 2005
- Occupational Health and Safety Act 85 of 1993
- Promotion of Access to Information Act 2 of 2000
- Regulation of Interception of Communications Act 70 of 2002
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Value Added Tax Act 89 of 1991
- Arbitration Act 42 of 1965
- Companies Act 71 of 2008
- Protection of Personal Information Act 4 of 2013
- Unemployment Insurance Act 63 of 2001
- Competition Act 89 of 1998
- Protected Disclosures Act 26 of 2000
- Unemployment Insurance Contributions Act 4 of 2002

**SUBJECTS AND CATEGORIES OF RECORDS HELD AT PHYSICAL ADDRESS BY Affinity Motor (Pty) Ltd**

- Correspondence
- Founding Documents
- Licenses (categories)
- Minutes of Management Meetings
- Statutory Returns
- Personnel Records
- Employment Contracts
- Employment Equity Records
- Industrial and Labour Relations Records
- Information relating to Health and safety Regulations

- Statutory Records
- Training Records / Training Manuals
- Personnel Guidelines, Policies and Procedures
- Staff Recruitment Policies
- Brochures on Company Information
- Client and Customer Registry
- Contracts
- Information relating to Employee Sales Performance
- Marketing and Future Strategies
- Marketing Records
- Production Records
- Sales Records
- Annual Financial Statements
- Asset Register
- Inventory Register
- Banking Records
- Budgets
- Financial Transactions
- Insurance Information
- Internal Audit Records
- Purchase and Order Information
- Tax Records (company and employee)
- IT Policies and Procedures
- User Manuals
- PAYE Records
- Disciplinary Records
- Leave Records
- SETA Records
- Workmen's Compensation Records and Certificates

**DETAILS ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)**

❖ The requester must complete Form C and submit this form together with a request fee, to the head of the private body.

❖ The form must be submitted to the head of the private body at his/her address, fax number or email address.

❖ The form must:

- Provide sufficient particulars to enable the head of the private body to identify the record(s) requested and to identify the requester;
- Indicate which form of access is required;
- Specify a postal address or fax number of the request in the Republic;
- Identify the right that the requester is seeking to exercise or protect;
- Provide an explanation of why the requested record is required for the exercise or protection of that right;
- Should the requester wish to be informed of the decision on the request in any other manner, he/she should state the manner and the necessary particulars on the form.
- If the request is made on behalf of another person, to submit proof of capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.
- The head of the private body must notify the requester of the prescribed fee (if any) before further processing the request.
- If the request is granted then a further access fee must be paid for the reproduction, the search, the preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- If a requester cannot complete the prescribed form then an oral request may be made.

#### **GROUND FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for Affinity Motor (Pty) Ltd to refuse a request for information relates to the:

##### **Mandatory protection of privacy of a third party who is a natural person:**

The head of the private body must refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual.

##### **Mandatory protection of commercial information of a third party:**

The head of the private body must refuse a request for access to a record if that record contains –

- Trade secrets of a third party;
- Financial, commercial, scientific, technical information of a third party, other than trade secrets, where the disclosure thereof would be likely to cause harm to the commercial or financial interests of that third party;
- Information supplied to the third party in confidence, and if disclosed would place the third party at a disadvantage in contractual / other negotiations or prejudice the third party in commercial competition.

**Mandatory protection of certain confidential information of a third party:**

The head of a private body must refuse a request for access to a record if the disclosure of that record would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement.

**Mandatory protection of safety of individuals, and protection of property**

The head of the private must refuse a request for access to a record if its disclosure could reasonably be expected to endanger the life or physical safety of an individual.

The head of the private body should also refuse if the disclosure would be likely to prejudice or impair, the security of a building, structure or system, including a computer or communication system.

**Mandatory protection of records privileged from production in legal proceedings**

The head of the private body must refuse a request for access to a record, if the record is privileged from production in legal proceedings unless the person entitled to the privilege has waived such privilege.

**Mandatory protection of research information of third party and protection of research information of private body**

The head of the private body must refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a third party; the disclosure of which would be likely to expose:

- The third party;
- A person that is or will be carrying out the research on behalf of the third party; and
- The subject matter of the research, to serious disadvantage.

The head of the private body must refuse a request for access to a record if the record contains information about research being or to be carried out by or on behalf of a private body; the disclosure of which would be likely to expose:

- The private body;
- A person that is or will be carrying out the research on behalf of the private body; and
- The subject matter of the research, to serious disadvantage.

### **Commercial activities of Affinity Motor (Pty) Ltd**

These include:

- Trade secrets of Affinity Motor (Pty) Ltd;
- Financial, commercial, scientific and technical information which disclosure could likely cause harm to the financial or commercial interests of Affinity Motor (Pty) Ltd;
- Information, if disclosed, could put Affinity Motor (Pty) Ltd at a disadvantage in negotiations or commercial competition.

### **Computer program owned by Affinity Motor (Pty) Ltd and which is protected by copyright**

### **REMEDIES AVAILABLE WHEN Affinity Motor (PTY) LTD REFUSES A REQUEST FOR INFORMATION**

#### **Decision**

Affinity Motor (Pty) Ltd will, within 30 days of receipt of a request, decide whether to grant or to decline that request and give notice with reasons. The 30 day period within which Affinity Motor has to decide whether to grant or refuse the request, may be extended for a further period of not more than 30 days if the request is for a vast amount of information or the request requires the search for information to be held at another location and the information cannot be reasonably obtained within the original 30 day period.

Affinity Motor (Pty) Ltd will notify the requester in writing should an extension be sought.

#### **Appeal**

When a requester is not satisfied with the decision made for example, refusing access, imposing an access fee or extending the time period for when a response is due, he/she may lodge an application with a court against the decision made within 60 days of receiving the decision that caused the grievance.

#### **FEES**

Part III of Regulation 187 published in the Government Gazette on the 15<sup>th</sup> February 2002.

The head of the private body will notify the requester in writing to pay the prescribed request fee, before processing the request. If the request pertains to personal information, the requisite request fee will not be imposed.

**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. 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	R0,75
c) For a copy in a computer-readable form on: Compact disc	R70,00
d) For a transcription of visual images, for an A4-size page or part thereof	R40,00
e) For a copy of visual images	R60,00
f) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
g) For a copy of an audio record	R30,00

**The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00**

**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	R0,75
c) For a copy in a computer-readable form on: Compact disc	R70,00
d) For a transcription of visual images, for an A4-size page or part thereof	R40,00
e) For a copy of visual images	R60,00
f) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
g) For a copy of an audio record	R30,00



**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.**

**For purposes of Section 54(2) of the Act, the following applies:**

- Six hours as the hours to be exceeded before a deposit is payable; and
- One third of the access fee is payable as a deposit by the requester.
- The actual postage is payable when a copy of a record must be posted to a requester.

Fees are subject to change

**AVAILABILITY OF THE MANUAL**

This manual is available in terms of Regulation Number R. 187 of 15 February 2002.

This manual is available at the following:

- [www.affinitymotor.co.za](http://www.affinitymotor.co.za)
- [www.sahrc.org.za](http://www.sahrc.org.za)
- The offices of Affinity Motor (Pty) Ltd

## FORM C

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 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 *for information* 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 portfolio and attach it to this form. The requester must sign all the additional portfolios.

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 a record, other *than* 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 the request fee.
- (c) The fee payable for 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 in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	
Form in which record is required:	Form in which record is required:
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 cases 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.	

<b>1. If the record is in written or printed form:</b>			
	Copy of record*		Inspection of record
<b>2. If the record consists of visual images</b> (This includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	View the images		Copy of the images
			Transcription of the images*
<b>3. If the record consists of recorded words or information which can be reproduced in sound:</b>			
	Listen to the soundtrack audio cassette		Transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	Printed copy of record*		Printed copy of information derived from the record
			Copy in computer readable form* (USB)
If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be emailed/couriered to you? Courier fees are payable			YES
			NO