

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000 (The Act)**

SECTION 51 MANUAL FOR ERA STENE (PTY) LTD – 1947/027225/07

PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

The reference, in this Manual, to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

1. CONTACT DETAILS OF HEAD OF PRIVATE BODY [SECTION 51(1)(a)]

The Managing Director of the company (**D. Rosema**) has duly authorised **P.D. Rosema** (designated information officer) to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Introduction: The company was registered in 1947 and manufactures and transport clay bricks.

Postal Address: P O Box 25001, Monument Park, 0105

Street Address: Office 34, C/o Gemsbok and Skilpad Street, Monument Park, 0181

Tel. No: (012) 460 2211

Fax. No: (012) 346 1447

E- Mail address: rosemagroep@gmail.com

2. DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10 [SECTION 51(1)(b)]

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

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

The Human Rights Commission:

Postal address: Private Bag X2700, Houghton, 2041

Telephone: (011) 877 3600

Facsimile: (011) 403 0625

Website: <http://www.sahrc.org.za>

E-mail: info@sahrc.org.za

3. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY) [SECTION 51(1)(c)]

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



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

Records available in terms of other legislation are as follows:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 61 of 1973
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Mine Health and Safety Act 29 of 1996
- Mineral and Petroleum Resources Development Act 28 of 2002
- Mineral and Petroleum Resources Royalty Act 28 of 2008
- National Environmental Management Act, 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

5. HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS ON WHICH WE HOLD RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT [SECTION 51(1)(e)]

5.1 HOW TO REQUEST A RECORD

The requester must complete Form C and submit this form together with a request fee to the head of the private body/designated information officer (Form C has been included in this manual as Annexure 1 and the prescribed fees as Annexure 2).

The form must be submitted to the head of the private body/designated information officer at his/her address, fax number or e-mail address (see details above).

The form must provide sufficient particulars to enable the head of the private body/designated information officer 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 requester in the Republic.

The requester must identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner.

If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body/designated information officer.

The head of the private body/designated information officer 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. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.

If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body/designated information officer will then make a decision on the request and notify the requester in the required form.

If a request for access is refused the requester may lodge an internal appeal or an application with a court, as the case may be, against the refusal of the request.

All requests to the private body will be evaluated and considered in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by the private body does not give rise to any rights to access such information or records, except in terms of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

5.2 SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE PRIVATE BODY

Please note that many of the records held by us are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. Many of the records held are confidential and others are the property of the client and not of the private body. Requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

5.2.1 COMPANIES ACT RECORDS

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

5.2.2 FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

5.2.3 INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

5.2.4 PERSONNEL DOCUMENTS AND RECORDS



- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records

5.2.5 CLIENT-RELATED RECORDS

- Contracts with clients

5.2.6 OTHER PARTIES

- Records may be kept in respect of other parties from time to time.

6. OTHER INFORMATION AS MAY BE PRESCRIBED [SECTION 51(1)(f)]

Not applicable.

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

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

D. Rosema



ANNEXURE 1

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 <i>ONLY</i> 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 folio and attach it to this form. The requester 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 a 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 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 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
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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images			
this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document	
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* (stiffy or compact disc)
'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

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 aforementioned 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 of20.....

.....
 SIGNATURE OF REQUESTER / PERSON ON
 WHOSE BEHALF REQUEST IS MADE



ANNEXURE 2

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:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
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:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(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.