

**Manual in terms of Section 51 of the
Promotion of Access to Information Act**

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

SECTION 51 MANUAL FOR

E M Luiz

Chartered Accountants

Registered Auditors

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Preamble

The Promotion of Access to Information Act No. 2 of 2000, (“The Act”) came into operation in 23 November 2001. Section 51 of this Act requires that we, as a Private Body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction

E M Luiz is a Chartered Accountant who provides a wide range of accountancy and financial services to her clients. E M Luiz (CA) SA is a Chartered Accountant (SA) and Registered Auditor and is registered with the Independent Regulatory Board for Auditors.

E M Luiz’ mission is to enhance “business partnerships” with our clients and staff, through a multi-disciplinary approach to provide profitable and productive, financial management, assurance and other specialized expertise professional services with due care, competence and diligence. E M Luiz has a continuing duty to maintain professional knowledge and skill at a level required to ensure that clients receive the advantage of competent professional service based on up-to-date developments in practice, legislation and techniques.

Section A – Contact details

E M Luiz has duly authorised Mrs Fiona Brown to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act 2, 2 of 2002

Full Name: E M Luiz Chartered Accountants (SA)

Physical Address: 4 Mahogany Court
Redlands Estate
1 George MacFarlane Lane
Wembley
Pietermaritzburg
3201

Postal Address: P O Box 3143
Pietermaritzburg
3200

Telephone Number: +27 33 345 0282

Fax Number: +27 33 394 0746

Head/ CEO: E M Luiz

Designated Information Officer: F E M Brown

Email Address of Information Officer: info@emluiz.co.za

Website: www.emluiz.co.za

Section B – The Official Guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. Please direct any queries to:

The Human Rights Commission:

Postal Address: Private Bag X2700
Houghton
2041

Physical Address: 33 Hoof Street
Forum III
Braampark
Braamfontein
Johannesburg
2041

Telephone: +27 11 484 8300

Facsimile: +27 11 484 0582

Website: www.sahrc.org.za

Section C – Categories of records of E M Luiz which are made available without a person having to request access in terms of Section 52(2) of the Act [Section 51 (1) (c)]

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

E M Luiz makes certain information free available to the public on its web site at www.emluiz.co.za which includes:

- Newsletters
- Summarised information guides
- Other literature intended for general public viewing

Section D – Information available in terms of other legislation [Section 51(1) (d)]

Records are kept in accordance with the following legislation:

- Administration of Estates Act 66 of 1995
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Employment Equity Act No. 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Financial Intelligence Centre Act, Act 38 of 2001
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Prevention of Organised Crime Act No. 121 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Insurance Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act No. 89 of 1991

Section E – Form of request, fees and classification of record categories

Section [51(1) (e)]

If you wish to request access to any record of information, you are required to complete a request form as set out in “Annexure “A” hereto. These forms are available from:

- Our information officer (whose contact details are in section A of this manual);
- The SAHRC website (www.sahrc.org.za);
- The Department of Justice and Constitutional Development website (www.doj.gov.za).

Your request must be addressed to the head of the business (CEO).

You have to provide sufficient details to enable the CEO to identify:

- The record(s) requested;
- The requester (and if an agent is lodging the request, proof of capacity);
- The form of access required;
- The postal address or facsimile number of the requester in the Republic;
- If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

Prescribed fees

The following applies to requests (other than private requests):

- A requester is required to pay the prescribed fees (R50.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- Records may be withheld until the fees have been paid.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

If you do not use the standard form we may:

- Reject the request due to lack of procedural compliance;
- Refuse it if you do not provide sufficient information; or
- Delay it.

Grounds for Refusal

We may refuse you access to certain records in terms of PAIA to protect:

- Someone else’s privacy;
- Another company’s commercial information;
- Someone else’s confidential information;
- The safety of individuals and property;
- Records privileged from production in legal proceedings; or
- Research information.

We will notify you in writing whether your request has been approved or denied within 30 calendar days after we have received a completed request of access form. If we cannot find any requested record or it does not exist, we will then notify you by way of affidavit that it is not possible to give access to that particular record.

Please refer to Annexure “B” for prescribed fees.

Categories of records held by E M Luiz:

(a) Statutory Company Information

Not applicable;

(b) Statutory Close Corporation Information

Not Applicable.

(c) Statutory Trust Information

Not Applicable.

(d) Accounting Records

- (1) Financial records, including accounting records.

(e) Statutory Employee Records

- (1) Employees’ names and occupations;
- (2) Time worked by each employee;
- (3) Remuneration paid to each employee;
- (4) Date of birth of each employee;

- (5) Salary and wages register;
- (6) Arbitration awards;
- (7) Training records;
- (8) Staff records (after date of employment ceases);
- (9) Employee IRP 5's or IT3's.

(f) Other Employee Records

- (1) Employee contracts;
- (2) Group personal accident;
- (3) Group life;
- (4) Code of conduct.

(g) Movable Property

- (1) Asset register;

(h) Agreements and Contracts

- (1) Material agreements concerning provision of services or materials;
- (2) Agreements with suppliers;
- (3) Agreements with customers.

(i) Taxation

- (1) Copies of all Income Tax Returns and other tax returns and documents.

(j) Insurance

- (1) Insurance policies;
- (2) Claim records;
- (3) Details of insurance coverage's, limits and insurers.

(k) Information Technology

- (1) Hardware;
- (2) Operating Systems;
- (3) Telephone Exchange Equipment;
- (4) Telephone Lines, Leased Lines and Data Lines;
- (5) LAN Installations;

- (6) Software Packages;
- (7) Disaster Recovery;
- (8) Internal Systems Support and Programming / Development;
- (9) Capacity and Utilization of Current System;
- (10) Agreements;
- (11) Licenses.

ANNEXURE "A"

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

<p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>

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

<p><i>This section must be completed ONLY if a request for information is made on behalf of another person.</i></p>

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 to 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

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*

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?

YES

NO

Postage is payable.

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..... thisday of20

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

ANNEXURE “B”

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “B” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

3. Access fees

Access fees³ are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

4. Other fees

4.1 A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.

4.2 A search fee may⁴ be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1. Section 52(3) and Regulation 1(1).

2. Section 54(7) and Regulation 11(3).

3. Section 54 (1) and Regulation 11(2).

4. Annexure “A”, Part III, Item 4(1) (f).

5. Section 54(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) 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.	