

ANDRE AND HERMAN DEALERS CC

Trading as

IDEAL LIGHTING AND ELECTRICAL

Registration Number: 1995/018176/23

MANUAL

in terms of Section 51 of

The Promotion of Access to Information Act 2 of 2000

(the "ACT")



| <u>INDEX</u> | <u>PAGE</u> |
|---|--------------------|
| Index | 1 |
| Introduction | 2 |
| Contact Details | 2 |
| Overview | 2 |
| Availability of this Manual | 3 |
| The Act | 3 |
| The Protection of Personal Information Act (POPIA) | 3 |
| Records Available in Terms of any Other Legislation | 4 |
| Schedule of Records | 4 |
| Purpose of Processing of Personal Information | 5 |
| Requesting Procedures and Prescribed Forms and Fees | 5 |
| Remedies | 6 |

1. INTRODUCTION

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference 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.

2. COMPANY CONTACT DETAILS

Designated/duly authorised persons:

Members: Mr. H.J. van Zyl, Mr. W.C. Barnard, Mr. M Barnard

Information Officer: Mr. H.J. van Zyl

Postal Address: P.O. Box 10795, George, 6530

Street Address: 74 Knysna Road, George, 6529

Telephone Number: 044 871 0479

Cell Phone Number: 073 339 4023

Email: suzanne@ideallighting.co.za

Website Address: www.ideallighting.co.za

3. OVERVIEW

ANDRE AND HERMAN DEALERS CC trading as IDEAL LIGHTING AND ELECTRICAL conducts the business of electrical and lighting wholesale.

ANDRE AND HERMAN DEALERS CC supports the constitutional rights of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

4. **AVAILABILITY OF THIS MANUAL**

A copy of this manual is available at the office as per paragraph 2, by sending a request for a copy to the Information Officer by e-mail, the South African Human Rights Commission at the addresses set out in paragraph 5 and the Government Printers.

5. **THE ACT**

- 5.1 The ACT grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 5.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the ACT.
- 5.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Human Rights Commission are:

| | |
|-------------------|--|
| Postal Address: | Private Bag X2700, Houghton, 2041 |
| Telephone Number: | +27-11-877 3600 |
| Fax Number: | +27-11-403 0668 |
| Website: | www.sahrc.org.za |

6. **THE PROTECTION OF PERSONAL INFORMATION ACT (POPIA)**

The Protection of Personal Information Act, effective from 1 July 2021, deals with the collecting and processing of private information. **ANDRE AND HERMAN DEALERS CC** has complied internally with all the provisions that relates to **ANDRE AND HERMAN DEALERS CC** in regard to the processing and safeguarding of data. Our Information Officer has signed off on all the requirements.

All documentation will be disposed of after a five-year period by way of shredding to safeguard the information.

7. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- Close Corporation Act 69 of 1984
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Debt Collectors Act 114 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Occupational Health and Safety Act 5 of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Information Act 84 of 1982
- Skills Development Levies Act 9 of 1999
- Unemployment Contributions Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

8. SCHEDULE OF RECORDS

| Records | Subject |
|---------------------------------------|---|
| Accounting Records and Correspondence | |
| Marketing | Pricelists Marketing and promotional material |
| Information Technology | Agreements Client database Internet Licenses |
| Insurance Records | Policies and Claims |
| Legal, Agreements and Contracts | Agreements with contractors Agreements with suppliers Agreements with customers |
| Personnel Records | Personal information Payroll Tax Records Personnel file |

| | |
|---------------------|--|
| | Schemes and policy records |
| Sales and Marketing | Customers Products Sales Service and product information |
| Statutory Records | Close Corporation registration documents |
| Tax | Income Tax returns Provisional Tax returns Tax Assessments VAT and EMP documents Compensation fund documents |

9. **PURPOSE OF PROCESSING OF PERSONAL INFORMATION**

- Provide or manage information, products or services requested by clients.
- Identify clients if the Entity is contacted.
- Maintain customer records.
- Employment purposes.
- Apprenticeship purposes.
- General administration, financial and tax purposes.
- Legal or contractual purposes.
- Health and safety purposes.
- Transact with our suppliers and business partners.
- Improve the quality of our products and services.
- Detect and prevent fraud and money laundering.
- Debt recovery.
- Carry out analysis and customer profiling.
- Identify other products and services which might be of interest do clients and to inform them about our products and services.

10. **REQUESTING PROCEDURES AND ACCESS TO PRESCRIBED FORMS AND FEES**

To facilitate the processing of your request, kindly:

- 10.1 Use the prescribed form, available on the website of the South African Human Rights Commission at www.sahrc.org.za.
- 10.2 The completed request form must be sent to the Information Officer to the address or fax number provided in this manual.

- 10.3 Provide sufficient details to enable the Body to identify:
- (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d)
 - (i) The postal address or fax number of the requestor in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (e) 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.

11. **REMEDIES**

The Corporation does not have internal appeal procedures regarding the PAIA and POPI Act requests. As such, the decision made by the duly authorised persons in paragraph 2, is final. If a request is denied, the requestor is entitled to apply to a court with appropriate jurisdiction, or the Information Regulator, for relief.

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000
RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE
REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added].

Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana

Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity.

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 <i>for information</i> is made on behalf of <i>another</i> 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

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified of</i> the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

F. Form of access to record

| |
|--|
| <p>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.</p> |
|--|

| | |
|---|----------------------------------|
| Disability: | Form in which record is required |
| <p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p> | |

| | | | | | |
|--|--|--------------------------|---|-----|----|
| 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: | | | | | |
| <input type="checkbox"/> | listen to the soundtrack audio cassette | <input type="checkbox"/> | transcription of soundtrack* written or printed document | | |
| 4. If record is held on computer or in an electronic or machine-readable form: | | | | | |
| <input type="checkbox"/> | printed copy of record* | <input type="checkbox"/> | printed copy of information derived from the record" | | |
| <input type="checkbox"/> | | <input type="checkbox"/> | copy in computer readable form* (stiffy or compact disc) | | |
| <p>'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.</p> | | | <table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table> | YES | NO |
| 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