



Promotion of Access to  
Information Act  
**SECTION 51 MANUAL**

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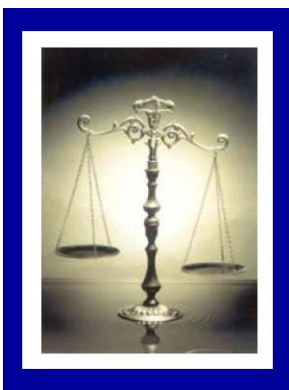
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# INTRODUCTION



The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and 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.

## **Purpose of the Manual**

On 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 recognises that such right to access 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 contained in the Bill of Rights of the Constitution.

# PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Wherever reference is made to a "Private Body" in this manual, it will refer to the entity registered as:  
Tracetec (Pty) Ltd a private body whose main business activities are Stolen Vehicle Recovery and Tracking

## 1. CONTACT DETAILS [Section 51 (1) (a)]

**Head of Private Body** meaning the person in charge or any nominated person  
**Private Body** meaning the business entity

### About the Head of the Private Body

#### **Title, Full names and Surname**

Mr Gordon Colyn

#### **Postal Address**

PO Box 3761, Honeydew, 2040

#### **Street address**

Unit 1A River Front Office Park, Bosbok Road,  
Randpark Ridge, 2169

#### **Phone number**

011 793 5341

#### **Fax number**

011 252 9099

#### **Electronic email address**

[info@tracetec.net](mailto:info@tracetec.net)

### General Information about the Private Body

#### **Registered name**

Tracetec (Pty) Ltd

#### **Registration number**

2001/021821/07

#### **Trading name of business (if different)**

#### **VAT number (if applicable)**

4810201121

#### **Postal address**

P O Box 3761, Honeydew, 2040

#### **Physical address (main place of business)**

Unit 1A Riverfront Office Park, Bosbok Road

Randpark Ridge, 2169

#### **Phone number**

011 793 5431

#### **Fax number**

011 252 9099

#### **Electronic email address of business**

[info@tracetec.net](mailto:info@tracetec.net)

#### **Website of business**

[www.tracetec.net](http://www.tracetec.net)

## **2. THE SECTION 10 GUIDE ON HOW TO USE THE ACT [Section 51 (1) (b)]**

A user-friendly guide on how to use the Act has been published by the SAHRC in all 11 official languages and can be inspected free of charge at various places nationally. Contact the SAHRC to enquire about your nearest location or download it from the following web address:  
[http://www.sahrc.org.za/sahrc/cms/publish/cat\\_index\\_40.shtml#11](http://www.sahrc.org.za/sahrc/cms/publish/cat_index_40.shtml#11)

Copies of the Guide can be made and the fee payable is R0, 60c per every photocopy of an A4 size or part thereof.

The South African Human Rights Commission:  
Postal address:  
2041  
Telephone:  
Fax:  
Website:  
E-mail:

PAIA Unit  
Private Bag 2700, Houghton,  
  
+27 11 484 8300  
+27 11 484 0582  
[www.sahrc.org.za](http://www.sahrc.org.za)  
[PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### 3. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [Section 51 (1) (d)]

Following is a list of legislation in terms of which the Private Body is obliged to keep or submit records. The Acts listed below are taken from the list as provided by the South African Human Rights Commission and the Acts applicable to the Private Body are indicated in the right-hand column

1. Administration of Estates Act, No. 66 of 1965	N
2. Arbitration Act No. 42 of 1965	N
3. Basic Conditions of Employment No. 75 of 1997	Y
4. Closed Corporations Act No. 69 of 1984	N
5. Companies Act No. 61 of 1973	Y
6. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993	N
7. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988	Y
8. Copyright Act No. 98 of 1978	Y
9. Credit Agreements Act No. 75 of 1980	N
10. Currency and Exchanges Act No. 9 of 1933	N
11. Debtor Collectors Act No. 114 of 1998	N
12. Employment Equity Act No. 55 of 1998	N
13. Finance Act No. 35 of 2000	N
14. Financial Services Board Act No. 97 of 1990	N
15. Financial Relations Act No. 65 of 1976	N
16. Harmful Business Practices Act No. 23 of 1999	N
17. Income Tax Act No. 95 of 1967	N
18. Insolvency Act No. 24 of 1936	N
19. Insurance Act No 27 of 1943	Y
20. Intellectual Property Laws Amendments Act No. 38 of 1997	N
21. Labour Relations Act No. 66 of 1995	N
22. Long Term Insurance Act No. 52 of 1998	Y
23. Medical Schemes Act No. 131 of 1998	Y
24. Occupational Health & Safety Act No. 85 of 1993	N
25. Pension Funds Act No. 24 of 1956	N
26. Post Office Act No. 44 of 1958	Y
27. Regional Services Councils Act No. 109 of 1985	N
28. SA Reserve Bank Act No. 90 of 1989	N
29. Short Term Insurance Act No. 53 of 1998	Y
30. Skills Development Levies Act No. 9 of 1999	N
31. Skills Development Act No. 97 of 1998	Y
32. Stamp Duties Act No. 77 of 1968	Y
33. Stock Exchange Control Act No. 1 of 1985	N
34. Tax on Retirement Funds Act No. 38 of 1996	N
35. Trade Marks Act No. 194 of 1993	N
36. Unemployment Contributions Act No. 4 of 2002	N
37. Unemployment Insurance Act No. 63 of 2001	N
38. Usury Act No 73 of 1968	Y
39. Value Added Tax Act No. 89 of 1991	Y
	N
	Y

Reference to the above legislation shall include subsequent amendments

## 4. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION

[Section 51 (1) (c) and 51 (1) (e)]

This clause serves as a reference to the records that the Private Body holds in order to facilitate a request in terms of the Act. The information is classified and grouped according to records relating to the following subjects and categories:

### a. The latest notice regarding the categories of records of the Private Body, which are available without a person having to request access in terms of this Act in terms of Section 52 (2)

[Section 51 (1) (c)]

None

### b. Records that may be requested

[Section 51 (1) (e)]

ADMINISTRATION	A	B	C	D	E
Buy and Sell agreements (On death/disablement)					
Copies of Members Association Agreements					
Copies of Shareholders' agreements	X				
Copies of the Constitution					
Copies of the Memorandum and Articles of Association	X				
Correspondence	X				
Incorporation documents (other)	X				
Insurance policies	X				
Internal telephone directory	X				
Licenses (liquor licences, etc)					
Loan account redemption plan (Loan account settlement arrangement in cases of death/disablement)					
Minutes of board of directors meetings	X				
Minutes of management meetings	X				
Minutes of members meetings					
Minutes of shareholder meetings	X				
Minutes of staff meetings					
Trust deeds					
Special and other Resolutions	X				
Other					

**HUMAN RESOURCES**

Application forms					
Company policies	X				
Conditions of employment	X				
Daily attendance register					
Disciplinary codes	X				
Disciplinary records					
Employment contracts	X				
Employment Equity plan					
Grievances records					
Group life assurance records of employees					
Keyman Insurance records					
Leave records	X				
Medical aid scheme records of employees					
Performance management records					
Personal details	X				
Qualifications					
Records relating to deductions	X				
Records relating to increases	X				
Remuneration records and policies	X				
Retirement scheme records					
Salary records	X				
SETA records					
Staff loan records	X				
Staff recruitment policies					
Third party salary deduction records (E.g. for micro lenders, banks, etc)					
Training manuals	X				
Training records					
Other					

**OPERATIONS**

Application forms of customers	X				
Application Forms	X				
BEE rating certificate					
Client registry	X				
Control sheets	X				
Correspondence with customers	X				
Credit Applications	X				
Customer / client account records	X				
Customer orders	X				
Database of suppliers and customers	X				
Delivery notes	X				
Distribution Agreements	X				
Empowerment Plan					
Internal policies and procedures	X				
Invoices	X				
Marketing call reports	X				
Motor vehicle licenses	X				
Preferential Procurement policy					

Price lists (old)	X				X
Price lists (current)					
rent)	X				X
Product manuals	X				X
Production records					
Promotional material	X				X
Quality control test results					
Quotations (max 3 months)					
Receipts	X				
Records and reports with regards to sales and provision of consulting services					
Records pertaining to costing / quoting	X				
Records relating to customer complaints / assessments					
Records relating to incidents	X				
Records relating to inspections	X				
Records relating to quality control test results					
Records relating to the Compensation	X				
Records relating to the Occupational Injuries and Diseases Act					
Records relating to the Occupational Health and Safety Act					
Records with regards to market research					
Records with regards to research and development of products / services					
Records with regards to scheduling and supply of goods / services					
Registered designs, patents / trademarks					
Safety manual					
Sales records	X				
Supplier BEE status reports					
Supply agreements	X				
Work instruction manuals	X				
Written product / service specifications	X				X
Other					

<b>FINANCES</b>	X				
Annual financial statements					
Assets inventory	X				
Asset register	X				
Cash records	X				
Cheques account	X				
Compensation Commissioner records	X				
Credit Notes	X				
Current Account	X				
Debit Notes	X				
Delivery notes	X				
Deposit slips	X				
Employment equity records					
Financial statements	X				
Foreign Exchange details and records					
Goods received vouchers	X				
Goods returned vouchers	X				
Income Tax records	X				
Invoices	X				
Monthly statements	X				

Order forms	X				
PAYE and SITE records	X				
Regional Services Council records	X				
Rental Agreements	X				
Savings account					
Skills development records					
Stock records	X				
UIF records	X				
VAT records	X				
Vouchers					
Other					

**INFORMATION TECHNOLOGY**

Computer generated databases	X				
Inter-company e-mails	X				
Internet connectivity reports					
Internet deduction records					
Licenses	X				
Software applications	X				
Other					

## c. The request procedure

### Form of request:

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)].

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 [s 53(2)(a) and (b) and (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)].

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:

- 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)].
- The fee that the 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)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- 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)].

## **5. 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.

## **6. AVAILABILITY OF MANUAL [Section 51 (3)]**

The manual is also available for inspection at: ☺ the offices of the relevant private body free of charge ☺ copies are available with the SAHRC ☺ forms and fees structure is also available at [www.sahrc.org.za](http://www.sahrc.org.za) or [www.doj.org.za](http://www.doj.org.za)

# 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)]

### 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 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 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:**

**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.

<b>Disability:</b>	<b>Form in which record is required:</b>
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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 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:**

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
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( This includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of images*	<input type="checkbox"/>	Transcription of the images*
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**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)
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**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"/>	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 of 20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE