

INDLELA

**SECTION 51 MANUAL
PROMOTION OF ACCESS TO
INFORMATION ACT**

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

**MANUAL IN TERMS OF SECTION 51 OF THE ACT FOR
INDLELA**

A. INTRODUCTION

Indlela carries on the following business:

- *Public Benefit Organisation*

B. 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 [Section 51(1)(a)]

Name of Private Body:	Indlela
Designated Information Officer:	Mr John Smith
Email address of Information Officer:	partners@fhm.co.za
Postal address:	PO Box 20147 DURBAN NORTH 4016
Street address:	20 Lancaster Terrace WESTVILLE 3630
Phone number:	031 266 0680
Fax number:	031 266 0681

2. The guide as described in section 10 of the Act [Section 51(1)(b)]

This guide on how to exercise your rights in terms of the Act is in the process of preparation by the SAHRC and is expected to be available in August 2003. When available, it can be obtained from the SAHRC. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit: Research and Documentation Department

*Postal address: Private Bag 2700
Houghton
2041*

Telephone: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: paia@sahrc.org.za

3. Categories of records of Indlela which are available without a person having to request access in terms of the Act, ie voluntary disclosure. [Section 51(1)(c)]

Indlela is not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so. Nevertheless Indlela does make certain information freely available to the public in various brochures, press releases and publications. Certain information is also made available to employees of Indlela, which is not generally made available to the public.

4. Records available in terms of other legislation [Section 51(1)(d)]

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Acts that may be applicable:

1. Basic Conditions of Employment No. 75 of 1997
2. Close Corporations Act No. 69 of 1984
3. Companies Act No. 61 of 1973
4. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
5. Copyright Act No. 98 of 1978
6. Credit Agreements Act No. 75 of 1980
7. Currency and Exchanges Act No. 9 of 1933
8. Debtor Collectors Act No. 114 of 1998
9. Employment Equity Act No. 55 of 1998
10. Finance Act No. 35 of 2000
11. Financial Services Board Act No. 97 of 1990
12. Harmful Business Practices Act No. 23 of 1999
13. Income Tax Act No. 95 of 1967
14. Insolvency Act No. 24 of 1936
15. Insurance Act No 27 of 1943
16. Intellectual Property Laws Amendments Act No. 38 of 1997
17. Labour Relations Act No. 66 of 1995
18. Occupational Health & Safety Act No. 85 of 1993
19. Regional Services Councils Act No. 109 of 1985
20. Short Term Insurance Act No. 53 of 1998
21. Skills Development Levies Act No. 9 of 1999
22. Skills Development Act No. 97 of 1998
23. Stamp Duties Act No. 77 of 1968
24. Trade Marks Act No. 194 of 1993
25. Unemployment Contributions Act No. 4 of 2002
26. Unemployment Insurance Act No. 63 of 2001
27. Usury Act No 73 of 1968
28. Value Added Tax Act No. 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

Requests for access to records held by Indlela must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under “regulations”). For the convenience of requestors, copies of these forms are included in the version of this Manual available at our offices. (Annexure 1).

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

It is vital that the requester identifies **the right that he or she is seeking to exercise or protect** and **provides an explanation of why the requested record is required for the exercise or protection of that right.**

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 our Information Officer.

If a requestor does not use the standard form (Annexure 1), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.

Please note that requestors are also required to pay the prescribed fees. **The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is attached as Annexure 2**

The information officer will notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee.

The information officer will then make a decision on the request and notify the requester in the required form.

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.

Kindly note that all requests to **Indlela** 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 **Indlela** does not give rise to any rights to access such information or records, except in terms of the Act.

5.2 Subjects and categories of records held by Indlela

We maintain records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

Please note further 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. Requests for access to these records will be considered very carefully. **Please ensure that requests for such records are carefully motivated.**

5.2.1: Internal records

The following are records pertaining to Indlela's own affairs:

- Registration documents;
- Financial records;
- Operational records;
- Intellectual property;
- Marketing records;
- Internal correspondence;
- Service records;
- Statutory records;
- Internal policies and procedures;
- Minutes of meetings;
- Charters, codes of conduct and policies (both internal and external) to which Indlela and its personnel subscribe; and
- Records held by officials of Indlela.

5.2.2: Personnel records:

For the purposes of this section, "personnel" means any person who works for or provides services to or on behalf Indlela and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of Indlela. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.

Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation and disciplinary records;
- Other internal records and correspondence.

5.2.3: Client-related records:

Client-related information includes the following:

- Contracts with the client and between the client and other persons;
- Any records a client has provided to Indlela or a third party acting for or on behalf of Indlela (including financial, legal, tax, operational, employee and similar records);
- Any research conducted by Indlela in respect of its clients or research derived by Indlela from its clients and their activities;
- Records, reports, designs and the like generated by Indlela for its clients;
- Any records a third party has provided to Indlela, which concerns a client; and
- Records generated by or within Indlela pertaining to the client, including transactional records.

5.2.4: Other Parties:

Records are kept in respect of other parties, including without limitation joint ventures and consortia to which Indlela is a party, contractors and sub-contractors, suppliers, service providers, and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to Indlela. The following records fall into this category:

- Personnel, client, or Indlela records which are held by another party as opposed to being held by Indlela; and
- Records held by Indlela pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

5.2.5: Other Records:

We hold further records, including:-

- Information relating to Indlela's own commercial activities;
- Procurement and administration for Indlela; and
- Research information belonging to Indlela or carried out on behalf of a third party.

6. Other information as may be prescribed [Section 51(1)(f)]

No such information has been prescribed.

7. Availability of the manual. [Section 51(3)]

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

ANNEXURE 1

FORM C (of Regulation 10)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODIES

(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 Information Officer: Indlela

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

- | |
|---|
| <p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p> |
|---|

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 than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|---|

Reason for exemption from payment of fees:

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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 to the record, if any, will be determined partly by the form in which access is requested.</p>	
<p>1. If the record is in written or printed form:</p>	
<input type="checkbox"/>	copy of record*
<input type="checkbox"/>	inspection of record
<p>2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):</p>	

	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? 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

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.	