
Promotion of Access to Information Act: Section 51 Manual

Table of Contents

INTRODUCTION 2

DEFINITIONS 2

CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(A))..... 3

GUIDE TO THE ACT (SECTION 51(1)(B) READ WITH SECTION 10) 4

**AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS
[SECTION 51(1)(C)] 4**

RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(D)] [EXAMPLES] 5

CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST..... 5

ACCESS: PROCEDURE AVAILABLE AND FEES 7

INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “Company” means Massel Property Services (Pty) Ltd as more fully described in the overview hereunder;
- “Information Officer” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the head of the Company by the Act. The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the “head” of the Company in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Record” means any recorded information, regardless of form or medium, which is in the Possession or under the control of the Company, irrespective of whether or not it was created by the Company;
- “Request” means a request for access to a Record of the Company;
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.
- Unless a contrary intention clearly appears, words signifying:
 - the singular includes the plural and vice versa;
 - any one gender includes the other genders and vice versa; and
 - natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

OVERVIEW OF THE COMPANY

Massel Property Services (Pty) Ltd is a Company incorporated in accordance with the company laws of South Africa.

The Founders are, Messrs Collatz, Lombard and Mashazi with the Company being registered in 2007. It practices in various disciplines of property valuation, providing expertise to a variety of clients from the state-, corporate- and private sphere.

This Manual applies to all South African entities, both jointly and severally, and such entities are referred to both individually and collectively.

CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

The Chief Executive of the Company, as head of the private body, has delegated his powers to Sarel du Plessis, Deputy Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with Requests for Information on the company's behalf and to ensure compliance with the Act.

Deputy Information Officer: Sarel Naudé du Plessis

Postal address: PO Box 5117
Boksburg North
1461

Email: sarel@massel.co.za

Website: <http://www.massel.co.za>

GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The guide is available on the SAHRC website, <https://www.sahrc.org.za/>.

The SAHRC can be contacted directly at: The South African Human Rights Commission: PAIA Unit

The SAHRC website at <https://www.sahrc.org.za/> at this link:

<http://www.sahrc.org.za/home/21/files/Form%20C.doc>

; or

The Department of Justice and Constitutional Development website at www.justice.gov.za at this link: https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

The following Records are automatically available without a person having to request access in terms of the Act:

- The web page <http://www.massel.co.za> is accessible to anyone who has access to the Internet. The Company website hosts the following categories of information:
 - Company info
 - Company profile
 - BEE industry scorecard

RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)] [examples]

Records are kept in accordance with the following legislation:

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Businesses Act, 1991
- Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993
- Copyright Act, 1978
- Deeds Registries Act, 1937
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Financial Markets Act, 2012
- Harmful Business Practices Act, 1999
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Occupational Health and Safety Act, 1993
- Prevention of Organised Crime Act, 1998;
- Protected Disclosures Act, 2000
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991

CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

Statutory and Legal:

- Statutory registers
- Annual reports
- Statutory records & returns, including incorporation documents, memorandum of incorporation and share register
- Minutes of meetings

- board
- board and statutory committees
- management committees
- Contractual and legal agreements
- Licenses
- Registration certificates
- Health and safety records

Human Resources:

- HR policies & procedures
- Employment equity plan and report
- Skills development plan and report
- Employee records
- Benefits
- IR disciplinary and grievance procedures and hearings, including CCMA records
- Union negotiation records
- Incentive scheme rules

Administration, Finance & Accounting:

- Accounting records
- Auditor's reports
- Tax returns
- VAT returns
- Policies & procedures

Retirement Fund:

- Pension and provident fund rules
- Correspondence
- Statutory records and returns

Insurance:

- Policies, including coverage, limits and insurers
- Claim records

Information technology:

- Hardware
- Software packages
- Licences
- IT policies and procedures
- Operating systems

Sales and Marketing:

- Customer records
- Statements of account
- Terms & conditions

Assets:

- Land and building register
- Fixed assets register
- Title deeds
- Leases

Operational information:

This information can be defined as information needed in the day-to-day running of the organization. Examples include internal telephone lists, address lists, policies, procedures and manuals, statistical data, databases etc.

ACCESS: PROCEDURE AVAILABLE AND FEES

How to Request a Record (Section 53):

- Requests for access to Records must be made to the Information Officer in the prescribed form, Annexure 1 at the address, fax number or electronic mail address referred to in 1 above. Failure to make use of the prescribed form could result in your Request being refused or delayed.

- A request for access to a record must be accompanied by payment of an initial non-refundable request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal requests, i.e., individual seeking access to records pertaining to him/herself.
- The requestor must provide sufficient detail on the request form to enable the Information Officer to clearly identify the record as well as the requestor's identity, which is to be accompanied by positive proof of identification.
- The requestor must indicate which form of access is required and if he/she wishes to be informed on the decision of the request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. The requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the request. Failure to do so will result in the request being rejected.

Decision on Request (Section 56):

- The requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her request, alternatively whether an extension not exceeding 30 days is required to deal with the request.
- If the request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the records and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. Access will be withheld until the requestor has made payment of the applicable fee(s).
- If the request for access is refused, reasons for the refusal will be provided and the requestor will be advised that he/she may lodge

an application with a court against the refusal of the request, as well as the procedure for lodging the application.

- The requestor may lodge an internal appeal or an application to court against the tender or payment of the requested fee.

Availability:

This manual is available on the company website, <http://www.massel.co.za>, alternatively at Unit 4 Bartlett Lake Office Park, Bartlett, Boksburg, Corner of Trichardts & Leith Road, during office hours.

Fees:

The fees payable in respect of access to records are attached as Annexure 2.

See Annexures

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
FORM C**

(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 in respect of (specify company or operating division, if applicable)

If you are aware of the company within the (Insert Company group) that holds the Record/s you are Requesting, please indicate this fact clearly. Where you are unsure of the company name, please give as much detail to facilitate our search for the Record/s concerned. Please note that your failure to specify a company name will not invalidate your Request, but it may cause unavoidable delays.

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 Name and Surname:

Identity Number:

Postal Address:

Telephone Number: _____

Fax 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 Requestor must sign all the additional folios.**

1. Description of the Record or relevant part of the Record:

2. Reference number, if available:

3. Any further particulars of the Record:

E. Fees

- (a) A Request for access to a Record, other than a Record containing personal information about you, will be processed only after a Request fee has been paid.
- (b) You will be notified of the amount payable 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 of payment of the fee (if any):

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? 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 Requestor must sign all the additional folios.

1. Indicate which right is to be exercised or protected:

2. Explain why the requested Record is required for the exercising 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 REQUESTOR / PERSON ON WHOSE BEHALF REQUEST IS MADE

FEES PAYABLE

1. Copy of manual
The fee for a copy of the manual is R1,10 for every photocopy of an A4-size page or part thereof.
 2. Reproduction fees
The fees for preparation of Records referred to in regulation 11(1) are as follows:

	Rand
(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) Electronic media, i.e. diskette	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
 3. Request fee
The Request fee payable by a Requestor, other than a personal Requestor, referred to in Regulation 11(2) is R50,00.
 4. Access fees
The access fees payable by a Requestor referred to in regulation 11(3) are as follows:

	Rand
(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) Electronic media, i.e. diskette	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
(f) To search for and prepare the Record for disclosure for each hour or part of an hour reasonably required for such search and preparation	30,00
-

For purposes of section 22(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 Requestor.

The actual postage is payable when a copy of a Record must be posted to a Requestor.