



ACCESS TO INFORMATION MANUAL (PRIVATE BODY)

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT 2 OF 2000**

A copy of the manual will be available for inspection at Plus Minus Zero Designs CC and is also available on the company website at www.plusminuszero.co.za.

January 2012

1. Purpose of the Manual in terms of PAIA

The purpose of this Manual is to assist people wishing to access information in terms of the PAIA from Plus Minus Zero Designs CC (2003/002558/23)

2. Administration of the Act

The Principal Member of Plus Minus Zero Designs CC will ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

3. Background of Plus Minus Zero Designs CC

Founded in 2001 by Denis Futter, Plus Minus Zero Designs CC is an industrial design consultancy practise.

4. Organisation Details

- a. Name: Plus Minus Zero Designs CC
- b. Physical address: 2nd Floor Loft L9 Five Howe
5 Howe Street
Observatory
- c. Postal address: P O Box 595
Howard Place
7450
- d. Contact details: (021) 448-5298
- e. Website address: <http://www.plusminuszero.co.za>

5. Details of the information officer: Ms Alison Futter

6. Automatically available records

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

7. Records available in accordance with other legislation

Records are available in accordance with the following legislation:

- Basic Conditions of Employment Act 75 of 1997
- Close Corporations Act 69 of 1984

- Close Corporations amendment Act 25 of 2005
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Copyright Act 61 of 1978
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Intelligence Centre Act 38 of 2001
- Income Tax Act 58 of 1962
- Intellectual Property Laws Amendments Act 38 of 1997
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act 85 of 1993
- Prevention of Organised Crime Act 121 of 1998
- Protection of Businesses Act 99 of 1978
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Stamp Duties Act 77 of 1968
- Trade Marks Act 194 of 1993
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002
- Value Added Tax Act 89 of 1991

8. Records subject and categories

Plus Minus Zero Designs CC maintains the following categories of records:

- Accounting records
- Information Technology
- Intellectual Property
- Personnel Records
- Sales and Marketing
- Statutory Company records
- Tax records
- VAT records
- Contracts and Agreements
- Client Databases
- Internal Phone lists
- Policies
- Directives
- Minutes of Meetings
- Administrative information

9. Requesting Procedure

A person who wants access to the records must complete the necessary request form, as set out in Annexure 1, and the completed form must be sent to the address or fax number of Plus Minus Zero Designs CC provided in this manual, and marked for the attention of the information officer.

10. Fees

An initial, non-refundable R50.00 (Excl VAT) request fee is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

If the request for access is successful an access fee will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees. The access fee must be paid prior to access being given to the requested record.

Payment details can be obtained from the information officer as indicated in this document and payment can be made by either direct deposit or by bank guarantee cheque (no credit card payments are accepted). Proof of payment must be supplied.

11. Notification

Requesters will be evaluated and the requester notified, within 30 days of receipt of the completed Access Request Form. Notification may include:

11.1 Notification Of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests including:

- i. The required extension period, which will not exceed an additional 30 days;
- ii. Adequate reasons for the extension; and
- iii. Notice that the requester may lodge an application with a court against the payment of the deposit and the procedure including the period, for lodging the application.

11.2 Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information

requested and the time required for search and preparation of the record(s). The notice will state:

- i. The amount of the deposit payable (if applicable); and
- ii. That the requester may lodge an application with a court against the payment of the deposit and the procedures including the period, for lodging the application.

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

11.3 *Decision on request*

If no extension period or deposit is required the requesters will be notified within 30 days of the decision on their requests.

If the request for access to a record is successful the requester will be notified of the following:

- i. The amount of the access fee payable upon gaining access to the record (if any);
- ii. An indication of the form in which the access will be granted;
- iii. Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure including the period for lodging the application.

If the request for access to a record is not successful the requester will be notified of the following:

- i. Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- ii. That the requester may lodge an application with a court against the refusal of the request and the procedure including the period, for lodging the application.

12. Third Party Information

If access is requested to a record that contains information about a third party, Plus Minus Zero Designs CC is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

13. Grounds for Refusal

Plus Minus Zero Designs CC may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which Plus Minus Zero Designs CC may refuse access include:

- i. Protecting personal information that Plus Minus Zero Designs CC hold about a third person (who is a natural person) including a deceased person, from unreasonable disclosure;
- ii. Protecting commercial information that Plus Minus Zero Designs CC holds about a third party or itself (for example trade secret: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organization or the third party);
- iii. If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- iv. If disclosure of the record would endanger the life or physical safety of an individual;
- v. If disclosure of the record would prejudice or impair the security of property or means of transport;
- vi. If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- vii. If disclosure of the record would prejudice or impair the protection of the safety of the public;
- viii. The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- ix. Disclosure of the record would put Plus Minus Zero Designs CC at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- x. The record is a computer programme; and
- xi. The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

14. Records that cannot be found or do not exist

If Plus Minus Zero Designs CC has searched for a record and it is believed that the record does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

15. Application to Court

A requester that is dissatisfied with an information officer's advice that the request is declined may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with an information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief. It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question: no record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the information officer's decision
- requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or
- costs.

16. Availability of the Manual

This manual is available for inspection by the general public upon request during office hours and there is no charge for viewing the manual at our offices. Copies of the manual may be made available subject to the prescribed fees.

Copies may also be requested from the South African Human Rights Commission at the address indicated below.

17. Details of the South African Human Rights Commission

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requester. Please direct any queries to:

The South African Human Rights Commission; PAIA Unit

Research and Documentation Department

Private Bag 2700

Houghton

2041

Phone: 011 484 8300

Fax: 011 484 0582

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

Prescribed Fees

Reproduction fees:

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

The applicable fees for reproduction as referred to above are:

- For every photocopy of an A4-size page or part thereof R0.60
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form: R0, 40
- For a copy in a computer-readable form on:
 - stifty disc R5.00
 - Compact disc R40, 00
- A transcription of visual images, for an A4-size page or part thereof R22, 00
 - For a copy of visual images R60, 00
- A transcription of an audio record, for an A4-size page or part thereof R12, 00
 - For a copy of an audio record R12, 00

Request fees:

Where a requester submits a request for access to information held by a private body on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the private body will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specifically excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8).

The applicable access fees which will be payable are:

- For every photocopy of an A4-size page or part thereof R0.60
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0, 40
- For a copy in a computer-readable form on:
 - stifty disc R5.00
 - Compact disc R40, 00
- A transcription of visual images, for an A4-size page or part thereof R22, 00
 - For a copy of visual images R60, 00
- A transcription of an audio record, for an A4-size page or part thereof R12, 00
 - For a copy of an audio record R17, 00
- To search for a record that must be disclosed, R35, 00 per hour or part of an hour reasonably required for such search.
- Where a copy of a record needs to be posted the actual postal fee is payable.

10. FORM B

10.1. 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 4)

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 records must be recorded below.</i></p> <p>(b) <i>Furnish an address and/or fax number in the Republic to which information must be sent.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>

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 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 therefore.*

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: _____ _____ _____
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Mark the appropriate box with an “X”

NOTES:

(a) *Your indication as to the required form of access depends 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
A postal fee 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.

Indicate which right is to be exercised or protected:

1. 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 thereof 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