



ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

RICHMARK HOLDINGS (PTY) LTD

(Reg. 2000/013818/07)

**Manual as required by Section 51 of
The Promotion of Access to Information Act,
No 2 of 2000
("the Act")**

This Manual applies to information held by:

- Richmark Holdings (Pty) Ltd,
- Vocall Cellular (Pty) Ltd,
- iWise Communications (Pty) Ltd
- African Paradigm Communications (Pty) Ltd
- Ex-cell Trix (Pty) Ltd
- Guys Without Ties (Pty) Ltd
- Liquifire (Pty) Ltd

The Manual is available on www.richmark.co.za as well as from the Human Rights Commission.

In terms of section 51(2) of the Promotion of Access to Information Act, this Manual will be updated as and when the need arises.

Introduction to Richmark Holdings (Pty) Ltd

Richmark, was founded in 2000 to help talented entrepreneurs build great companies focused on long-term growth.

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

CONTENTS

Section	Description	Page
1	Interpretation	1
2	Aim	2
3	Contact details	2
4	Human Rights Commission (“HRC”) guide	3
5	The latest notice in terms of section 52(2) (if any):	3
6	Records that are automatically available to either employees only or the general public and employees	3
7	Records held by the company in terms of other legislation as contemplated in section 51(1)(d) of the act	4
8	Other types of records held by the company as contemplated in section 51(1)(c)	4
9	Procedure of requesting information not automatically available	6
10	Information or records not found	8
11	Information requested about a third party	9
Annexure A	Request for access to information form	

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

1. **INTERPRETATION**

In this document, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

1.1 an expression which denotes –

1.1.1 any gender includes the other genders;

1.1.2 a natural person includes an artificial or juristic person and vice versa;

1.1.3 the singular includes the plural and vice versa;

1.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings –

1.2.1 “this document” – this document together with all of its annexures, as amended from time to time;

1.2.2 “business day” – any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;

1.2.3 “the company” – Richmark Holdings (Pty) Limited;

1.2.4 “the Act” – Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;

1.2.5 “request liaison officer” – the General Manager: Treasury and Administration of Richmark Holdings (Pty) Limited.

1.3 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;

1.4 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this document;

1.5 where any term defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this document;

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

- 1.6 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day, which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day.
- 1.7 any reference to days (other than a reference to business day), months or years shall be a reference to calendar days, months or years, as the case may be;
- 1.8 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s;
- 1.9 insofar as there is a conflict in the interpretation of or application of this document and the Act, the Act shall prevail;
- 1.10 this document does not purport to be exhaustive of or comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise his/her/it with the provisions of the Act before lodging any request with the company.

2. **AIM**

To facilitate the requests for access to records of the company as provided for in the Act.

3. **CONTACT DETAILS**

Request Liaison Officer: V N Fuchs
General Manager: Treasury and Administration

Postal Address: 75 Grayston Drive
Morningside
Sandton
Johannesburg

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

Physical Address: PO Box 2386
Rivonia
2128

Telephone Number: 011 523-3007

Facsimile Number: 086 632-2696

Email: victor@richmark.co.za

4. HUMAN RIGHTS COMMISSION (“HRC”) GUIDE

- 4.1 A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.
- 4.2 The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown, Johannesburg and on its website at www.sahrc.org.za.

5. THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

- 5.1 At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA

6. RECORDS THAT ARE AUTOMATICALLY AVAILABLE TO EITHER EMPLOYEES ONLY OR THE GENERAL PUBLIC AND EMPLOYEES

- 6.1 The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in paragraph 10 –
- 6.1.1 personnel records are available to the employee whose file it is;
 - 6.1.2 records of disciplinary hearings and related matters are available to the employee concerned;
 - 6.1.3 the company’s policies and procedures manuals;

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

- 6.1.4 any file, document, drawing, plan, list, spreadsheet, etc. (including electronic format) related to the employee's function for which he/she is employed;
 - 6.1.5 medical aid rates, benefits and rules;
 - 6.1.6 retirement fund rules and statements relating to benefits;
 - 6.1.7 Company media releases;
 - 6.1.8 the Company's website.
- 6.2 The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in paragraph 10 –
- 6.2.1 the company's skills development plan;
 - 6.2.2 any other document of public record in terms of any other legislation.
- 6.3 The cost to access, reproduce, search for and/or prepare any of the abovementioned records, unless otherwise agreed, is –
- | | | <u>R</u> |
|-------|-------------------------------------|----------|
| 6.3.1 | for every A4-size photocopy | - 1,10 |
| 6.3.2 | for every printed A4-size page | - 0,75 |
| 6.3.3 | for a copy on a stiffy disc | - 7,50 |
| 6.3.4 | for a copy on a compact disc | - 70,00 |
| 6.3.5 | for a transcript of an audio record | |
| | for an A4-size page or part thereof | - 20,00 |
| 6.3.6 | for a copy of an audio record | - 30,00 |

7. RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT

- 7.1 Records available in terms of other legislation are as follows:
- 7.1.1 Labour Relations Act 66 of 1995
 - 7.1.2 Employment Equity Act 55 of 1998
 - 7.1.3 Basic Conditions of Employment Act 75 of 1997
 - 7.1.4 Compensation for Occupational Injuries and Disease Act 130 of 1993
 - 7.1.5 Companies Act 61 of 1973
 - 7.1.6 Unemployment Insurance Act 63 of 2001
 - 7.1.7 Value Added Tax Act 89 of 1991
 - 7.1.8 Income Tax Act 58 of 1962

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

7.1.9 Skills Development Act 9 of 1999

7.2 The following records are not automatically available without a request in terms of the Act.

all statutory returns –

- 7.2.1 VAT;
- 7.2.2 workmen's compensation;
- 7.2.3 UIF;
- 7.2.4 regional services levies;
- 7.2.5 skills development levies.

8. **OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(c)**

8.1 These records are not automatically available without a request in terms of the Act. A request in terms of this section is subject to section 63(1) of the Act, which provides that the head of a private body must refuse a request for access to a record of the company if the disclosure of the record would involve the unreasonable disclosure of personal information about a third party including a deceased individual.

8.1.1 Human resources department –

- 8.1.1.1 personnel information including employment history and health records that the company may hold from time to time;
- 8.1.1.2 training and development information;
- 8.1.1.3 general files containing information on employee benefits and employee recruitment and selection information;
- 8.1.1.4 retirement fund benefit distributions.

8.1.2 Project management –

- 8.1.2.1 building plans;
- 8.1.2.2 information generally related to projects conducted by the company from time to time;

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

8.1.2.3 technical drawings and specifications.

8.1.3 Information technology –

8.1.3.1 usage statistics;

8.1.3.2 equipment details;

8.1.3.3 costings of hardware and software.

8.1.4 Companies department –

8.1.4.1 company secretarial records;

8.1.4.2 memorandum and articles of association;

8.1.4.3 records relating to the appointment of directors/auditor/secretary/public officer and other offices;

8.1.4.4 tax records;

8.1.4.5 insurance records;

8.1.4.6 minutes of meetings and meeting related documents;

8.1.4.7 financial structures;

8.1.4.8 agreements.

8.1.5 Accounts department –

8.1.5.1 financial records;

8.1.5.2 a list of the company's creditors and debtors;

8.1.5.3 salary information;

8.1.5.4 bank account information (other than name, branch number and account number);

8.1.5.5 fixed assets register.

8.1.6 Marketing department –

8.1.6.1 company brochures and publications;

8.1.6.2 documents relating to public relations events;

8.1.6.3 marketing reports;

8.1.6.4 product specifications and technical drawings;

8.1.6.5 agreements relating to product know-how.

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

8.1.7 Support services –

- 8.1.7.1 delivery and collection sheets;
- 8.1.7.2 list of suppliers
- 8.1.7.3 raw material reserves.

8.1.8 Documents concerning compliance by the company, insofar as it may be necessary, with legal obligations in terms of any legislation.

9. PROCESS OF REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE

- 9.1 A request must be made on the prescribed form. A copy of the form is attached marked Annexure “A” (“the prescribed form”).
- 9.2 The prescribed form should be submitted to the request liaison officer.
- 9.3 The same procedure as set out in 9.1 and 9.2 applies if the requester is requesting information on behalf of another person or on behalf of a permanent employee of the company.
- 9.4 The following fees should accompany the prescribed form –
- 9.4.1 R50,00;
 - 9.4.2 if the request liaison officer is of the opinion that six hours will be exceeded to search, reproduce and/or prepare the information requested, a deposit is payable equal to one-third at an amount of R30,00 for each hour or part thereof, exceeding the six hours;
- 9.5 The request liaison officer, as soon as reasonably possible and within thirty days after the request has been received, shall decide whether or not to grant the request.
- 9.6 The requester will be notified of the decision of the request liaison officer in the manner indicated by the requester.
- 9.7 If the request is granted, the requester shall be informed by the request liaison officer in the manner indicated by the requester in the prescribed form.

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

- 9.8 Notwithstanding the foregoing, the company will advise the requester in the manner stipulated by the requester in the prescribed form of –
- 9.8.1 the access fee to be paid for the information (in accordance with paragraph 5.3);
 - 9.8.2 the format in which access will be given;
 - 9.8.3 the fact that the requester may lodge an appeal with the High Court against the access fee charged or the format in which access is to be granted.
- 9.9 After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 9.10 If the request for access is refused, the request liaison officer shall advise the requester in writing in a notice of refusal. The notice of refusal shall state –
- 9.11 adequate reasons for the refusal;
 - 9.12 that the requester may lodge an appeal with the High Court against the refusal of the request (including the period) for lodging such an appeal.
- 9.13 Upon the refusal by the request liaison officer, the deposit paid by the requester will be refunded.
- 9.14 If the request liaison officer fails to respond within thirty days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the request liaison officer has refused the request.
- 9.15 The request liaison officer may decide to extend the period of thirty days (“original period”) for another period of not more than thirty days if –
- 9.15.1 the request is for a large number of records;
 - 9.15.2 the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company;
 - 9.15.3 consultation among divisions or departments, as the case may be, of the company is required;
 - 9.15.4 the requester consents to such an extension in writing;
 - 9.15.5 the parties agree in any other manner to such an extension.

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

9.16 Should the company require an extension of time, the requester shall be informed in the manner stipulated in the prescribed form of the reasons for the extension.

9.17 The requester may lodge an appeal with the High Court against any extension or against any procedure set out in this section.

10. INFORMATION OR RECORDS NOT FOUND

10.1 If a requested record cannot be found or if the records do not exist, the request liaison officer must, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

10.2 The affidavit or affirmation must provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the request liaison officer with every person who conducted the search.

10.3 This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.

10.4 If the record should later be found, the requester must be given access to the record in the manner stipulated by the requester in the prescribed form unless the request liaison officer refuses access.

10.5 The attention of the requester is drawn to the provisions of Chapter 4 of the Act in terms of which the company may refuse, on certain specified grounds, to provide information to a requester.

11. INFORMATION REQUESTED ABOUT A THIRD PARTY

11.1 Section 71 of the Act makes provision for a request for information or records about a third party.

11.2 In considering such a request, the company will adhere to the provisions of sections 71 to 74 of the Act.

ACCESS TO INFORMATION MANUAL

Compiled in terms of Section 51 of the Promotion of Access to Information Act, No.2 of 2000

11.3 The attention of the requester is drawn to the provisions of Chapter 5, Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the request liaison officer by referring the matter to the High Court.

REQUEST FOR ACCESS TO INFORMATION

1. To: _____
(name and particulars of the private body)

2. From: (requesters particulars)

- Full name and surname _____
- Name of organisation _____
- Identity number _____
- Registration number _____
- Postal address _____
- Telephone number _____
- Facsimile number _____
- Email address _____
- Capacity _____

(if request is made on behalf of a third party)

• Proof of capacity _____
(attach proof)

3. Particular of person on whose behalf the request is made:
(if different from 2 above)

4. Description of information requested:
(use a separate sheet of paper if necessary)

ANNEXURE A

5. In what form do you want the information supplied:

(tick one of the boxes below)

Written report Copy of document Verbal response

6. Explain why the information is being requested:

7. What right is being exercised or protected?
(use a separate sheet of paper if necessary)

8. How do you want to be notified of the decision to grant or refuse your request? (tick one of the boxes below)

In writing By email By fax Telephonically

Signed at _____ this _____ day of _____ 20__ .

Signature