

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL FOR

AMBEANS CC

PREPARED IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT



Head of Private Body*

DATE

1. INTRODUCTION AND PURPOSE OF THE MANUAL

- 1.1 This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act 2 of 2000 – “the Act”). The Act gives effect to the provisions of section 32 of the Constitution of South Africa, which provides that “everyone has the right of access to any information held by another person and that is required for the exercise and/or protection of any right”. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act provides that the information may or must not be released.
- 1.2 The reference 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 requested information, other than in terms of the Act.
- 1.3 It is important to note that the Act recognizes certain limitations to the right of access to information, including, but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality, and effective and good governance, and in a manner which balances that right with any other, that the Information Officer named below, gets including such rights contained in the Bill of Rights in the Constitution. Any request for access to information may be refused on the grounds as set out in Chapter 4 of Part 3 of the Act.

2. SCOPE OF APPLICATIONS

- 2.1 This manual has been prepared in respect of AMBEANS CC.
- 2.2 The Information Officer named below is appointed in respect of AMBEANS CC.

3. INFORMATION REQUIRED UNDER SECTION 51(1)(a)

Name of Private Body	AMBEANS CC Reg No: 2006/089755/23
Information Officer*	A.D. Engelbrecht
Email address of IO	i@ambeans.com
Deputy IO	N/A
Postal Address	P.O. Box 331, Somerset Mall, 7137
Physical Address	18 Uitzig Drive, Somerset West, 7137
Phone Number	021-851 4143
Fax Number	021-851 4143
Website	www.ambeans.com

* Or Head of Private Body

4. A DESCRIPTION OF GUIDE REFERED TO IN SECTION 10: SECTION 51(1)(b)

4.1 A guide has been prepared by the South African Human Rights Commission in accordance with Section 10 of the Act. The guide contains such information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act.

4.2 The guide is available from the SAHRC at their address as detailed.

5. CATEGORIES OF INFORMATION AVAILABLE WITHOUT REQUEST IN TERMS OF SECTION 51(1)(c)

5.1 No notice in terms of Section 52(2) of the Act, regarding the categories of records of AMBEANS CC, which are available without request, has been published.

5.2 The information as regarding AMBEANS CC is accessible at www.ambeans.com without request. The website contains various categories of information relating to AMBEANS CC.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

6.1 AMBEANS CC keeps records in accordance with the following legislation, all of which are available, subject to such legislation and the Act.

- Basic Conditions of Employment Act, No 75 of 1997
- Close Corporation Act, No. 69 of 1984
- Compensation for Occupational Injuries and Health Diseases Act, No. 130 of 1993
- Income Tax Act, No. 95 of 1967
- Labour Relations Act, No. 66 of 1995
- Occupational Health & Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Skills Development Act, No. 97 of 1998
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001
- Value Added Tax Act, No. 90 of 1991

7. CATEGORIES OF RECORDS HELD IN TERMS OF SECTION 51(1)(e)

The Following are the subject and categories of records held:

7.1 Human Resources

- Personal records of the personnel
- Employments contracts
- Medical Aid records
- Pension fund and retirement benefit records

- Disciplinary records
- Salary records
- Training Records
- Correspondence relating to personnel
- Leave Records
- UIF Records
- Internal policies and procedures

7.2 Secretarial

- CK Registration Form
- Minutes of Members
- Association Agreements
- Records relating to the appointment of Members and Financial Officer
- Resolutions
- Minute Book

7.3 Financial and Administration

- VAT Records
- PAYE Records
- Fixed Assets Register
- Banking Records
- Management Reports
- Invoices
- Debtors and Creditors Information

7.4 Information Management and Technology

- Services Level Agreements
- Equipment Register
- Policies, Procedures and Guidelines
- Licensing Agreements

7.5 Marketing and Communication

- Marketing Strategies
- Communications Strategies
- Agreements

7.6 Operations

- Access Control Records
- Archival Administration Documentation
- Insurance - Insurance Arrangements, Policies and Claims
- Asset Register
- BEE Statistics

7.7 Safety Records

- Safety Manuals
- Occupational Health and Safety Records
- Records of Incidents in the Workplace

7.8 Customer/Clients and Third Parties Related Records

- Contracts with Clients.
- Any records the Client has provided to AMBEANS CC or a third party acting for or on behalf of AMBEANS CC.
- Records, Reports, Designs and the like generated by AMBEANS CC for their clients.
- Records generated pertaining to the Client, including transactional Records.

7.9 Other Records

- Legal proceedings records

8. DETAILS ON HOW TO MAKE REQUESTS FOR ACCESS TO RECORDS HELD BY THE COMPANY: SECTION 51(1)(e)

8.1 A requester access to information held by AMBEANS CC must complete the prescribed form available from SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za), and submit it to the Information Office at the address, fax number or electronic mail address provided for above, and also make the payment of the prescribed fees.

8.2 The prescribed form must be completed with enough particularity to enable the Information Office to identify:

- 8.2.1 the record(s) requested;
- 8.2.2 the identity of the requester;
- 8.2.3 indicate which form of access is required, if the request is granted;

8.3 The requester must state which right she or he is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of such right.

8.4 The requester will be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any manner, she or he must state the manner and the particulars so required.

8.5 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

8.6 In an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

8.7 AMBEANS CC will process the request within 30 days, unless the requester has stated special reasons which would satisfy the Information Office that circumstances dictate that the above time periods not be complied with.

9. GROUND(S) FOR REFUSAL OF ACCESS TO RECORDS

The main reason(s) why AMBEANS CC may refuse a request for information relates to the -

9.1 mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person (section 63);

9.2 mandatory protection of the commercial information of a third party, if the records contains –

9.2.1 trade secrets of that third party;

9.2.2 financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;

9.2.3 information disclosed in confidence by a third party to AMBEANS CC, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition (section 64);

9.3 mandatory protection of the safety of individuals and the protection of property (section 66);

9.4 mandatory protection of confidential information of third parties if it is protected in terms of any agreement (section 67);

9.5 mandatory protection of records which would be regarded as privilege in legal proceedings (section 67);

9.6 the commercial activities of, which may include –

9.6.1 trade secrets of AMBEANS CC;

9.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of AMBEANS CC;

9.6.3 information which, if disclosed could put AMBEANS CC at a disadvantage in negotiations or commercial competition;

9.6.4 a computer program which is owned by AMBEANS CC, and which is protected by copyright (section 68);

9.7 requests for information that is clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. **REMEDIES AVAILABLE WHEN AMBEANS CC REFUSES A REQUEST FOR INFORMATION.**

10.1 AMBEANS CC does not have an internal appeal procedure. As such the decision made by the Information Officer is final, and requesters will have to exercise such external remedies at their disposal if the request for information is refused, and the requester is not satisfied with the answer supplied by the Information Officer.

10.2 External Remedies

A requester that is dissatisfied with an Information Officer's refusal to disclose information may within 30 days notification of the decision apply to a relevant Court for relief. Likewise, a third party dissatisfied with an Information Officer's decision to grand a request for information, may within 30 days of notification of the decision, apply to a court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

10.3 Availability of this Manual

10.3.1 This manual is available for inspection by the general public upon request, during the office hours and free of charge at the physical address of AMBEANS CC.

10.3.2 Copies may also be requested from the SAHRC.

10.3.3 This manual is also published on AMBEANS CC website referred to above.

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)

[Regulation 10]

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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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

- | |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified</i> of the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

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>
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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 for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images			
this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack	<input type="checkbox"/>	transcription of soundtrack*
<input type="checkbox"/>	audio cassette	<input type="checkbox"/>	written or printed document
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
<input type="checkbox"/>		<input type="checkbox"/>	derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
<p>If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <p>Postage is payable.</p>			<p>YES</p> <p>NO</p>

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 of20

SIGNATURE OF REQUESTER