

**ICAS EMPLOYEE AND
ORGANISATION
ENHANCEMENT SERVICES
SOUTHERN AFRICA
(PTY) LTD**

(Reg. nr: 1998/08545/07)

A Guide to

ACCESSING OUR INFORMATION

**Our manual in terms of Section 51 of the
*Promotion of Access to Information Act, 2 of 2000***

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1. PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

2. INTRODUCTION

The business of **ICAS Employee and Organisation Enhancement Services Southern Africa (Pty) Ltd** is to offer behavioural risk management consultancy and solutions to organisations. The core business is to provide employee wellness services.

Inside these pages the public will be able to view the categories of information which we possess. They will also be shown the correct procedure to follow should they require access to any of this information.

3. PARTICULARS IN TERMS OF SECTION 51

3.1 CONTACT DETAILS

Full Name:	ICAS Employee and Organisation Enhancement Services Southern Africa (Pty) Ltd
Registered address:	Autoparks House Cnr Cross Road & Park Crescent Glenhazel
Postal address:	P.O. Box 2280 Parklands 2121
VAT Registration number:	4760 174 203
Telephone number:	(011) 380 6800
Fax number:	(011) 325 7122
Web site:	www.icas.co.za
Head of the Company:	Mr Andrew Kingsley Davies
Designated Information Officer:	Mr Makanye Kenneth Matabane

Email address of Information Officer: kmatabane@icas.co.za

Address of Information Officer: Ground Floor, Moorgate Building
Dunkeld Park, 6 North Road
Dunkeld West
2196

Fax number of Information Officer: (011) 388 8565

3.2 THE OFFICIAL GUIDE

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

1. The objects of the Act;
2. Particulars of the Information Officer of every public body;
3. Particulars of every private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of the Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700, Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3.3 ICAS EMPLOYEE AND ORGANISATION ENHANCEMENT SERVICES SOUTHERN AFRICA (PTY) LTD RECORDS

Where applicable to our operations, we hold the following categories of information and records, which are available to anyone with a justifiable interest therein:

3.3.1 Incorporation Documents and Records

- Copies of documents of incorporation
- Copies of Shareholder's agreements
- Copies of the Memorandum of Articles of Association
- Minutes of Board of Directors Meetings
- Minutes of Shareholders' Meetings
- Minutes of staff meetings

3.3.2 Financial documents/records

- Annual Financial Statements
- Asset inventory
- Asset register
- Budgets
- Cash records
- Cheque account
- Credit notes
- Debit notes
- Financial documents
- Financial reporting relating to management accounts
- Goods received vouchers
- Income tax records
- Invoices
- Order forms
- PAYE records
- Petty cash register
- SDL records
- UIF records
- VAT records

3.3.2 Operational documents/records

- Correspondence with customers
- Credit application forms
- Customer account records
- Customs license
- Database of customers
- Distribution agreements
- Internal telephone directory

- Marketing call reports
- Price lists
- Product / service manuals
- Project files
- Promotional material
- Records pertaining to customer complaints / assessments
- Records pertaining to quotes
- Records relating to market research
- Records relating to production
- Records relating to products
- Records with regards to delivery notes and invoices
- Records with regards to sales
- Registered designs, patents, trademarks
- Sales records
- Supply agreements
- Work instruction manuals
- Written product / service specifications

3.3.3 Personnel / Human Resources documents/records

- Disciplinary records
- Employment contracts
- Leave records
- Pension Fund records
- Qualifications
- Records relating to deductions
- Records relating to increases
- Salary / Remuneration records
- Staff recruitment & Remuneration policies
- Training manuals
- Training records
- Unemployment Insurance
- Wages register

3.3.4 Safety records

- Records relating to the Compensation of Occupational Injuries & Diseases
- Records relating to the Occupational Health & Safety Act

3.3.5 Information Technology records

- Computer generated databases
- Licenses
- Software applications
- Software programs

3.3.6 Administrative records

- House rules
- Insurance policy information
- Minutes of meetings
- Replacement values of insured assets
- Contracts
- Security discs register
- Correspondence

3.3.7 Records held by other parties

Auditors – financial and accounting records

3.4 RECORDS AUTOMATICALLY AVAILABLE

The following categories of records are automatically available for inspection, purchase, or photocopying, and need not be requested in terms of the Promotion of Access to Information Act. Request forms for these categories of information are also available from our information officer:

- Documents of Incorporation
- Shareholder's register
- Memorandum of Articles of Association

3.5 INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 61 of 1973
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act No 85 of 1993
- Pension Funds Act 24 of 1956
- Unemployment Contributions Act No 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Reference to the above-mentioned legislation shall include subsequent amendments to such legislation.

Where applicable to our operations, information is also available in terms of other legislation.

3.6 HOW TO OBTAIN ACCESS TO RECORDS HELD BY ICAS EMPLOYEE AND ORGANISATION ENHANCEMENT SERVICES SOUTHERN AFRICA (PTY) LTD

3.6.1 How to request a record

- Section 53 provides that the requestor must use the prescribed form to make the request for access to a record. The request must be made to the Head of the private body, or his duly authorised representative. This request must be made to the address, fax number, or electronic mail address provided in section 3.1 above.
- The requester must provide sufficient detail on the request form to enable the Head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify the right that he or she is seeking to exercise or protect and provide 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 a person, the requester must then submit proof of the capacity in which the requester is making the request.
- The Head of the private body must notify the requester to pay the prescribed fee (if any) before further processing the request.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- 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.

The Head of the private body will then make a decision on the request and notify the requester in the required form.

Form C, which appears as Annexure A to this manual, must be completed in order to request information.

3.6.2 Taking a decision on a request

The Information Officer is required to take a decision on the request within 30 days (60 days in certain circumstances) of receipt of the request, failing which the

request is deemed to have been refused. The requester will be notified of the Information Officer's decision in the manner specified in the request form.

Access to a record of information will be given if -

- All procedural requirements of the Act relating to the request for access to records have been complied with, that is:
 - The request is properly made on the prescribed form;
 - Proof of authority to act on another's behalf, if the requester is not making the request on his/her own behalf is furnished;
 - The record that is requested is sufficiently well described to enable the Information Officer to identify it;
 - The required fees are paid.
- Access to the record is not refused on one or more grounds of refusal provided for in the Act, namely:
 - Mandatory protection of privacy of a third party who is a natural person;
 - Mandatory protection of commercial information of a third party;
 - Mandatory protection of certain confidential information of a third party;
 - Mandatory protection of safety of individuals, and protection of property;
 - Mandatory protection of records privileged from production in legal proceedings;
 - Commercial information of a private body;
 - Mandatory protection of research information of a third party, and protection of research information of a private body;
 - Mandatory disclosure in public interest.

3.6.3 Appealing a decision

Should the requester not be satisfied with the decision of the Information Officer or the deemed refusal of the request, he/she are entitled to lodge an internal appeal in respect of that decision or deemed refusal.

The internal appeal must be noted in writing using Form B, which appears as Annexure C to this manual. The requester must set out the grounds for the appeal for each record sought. The internal appeal must generally be lodged within 60 days of receipt of the Information Officer's decision or the date of the deemed refusal. It must be lodged in person or by e-mail, fax or post with the Information Officer. The Information Officer will then forward the appeal, together with the reasons for his or her decision, to the Head of the company for a decision. *If the requester has not received an acknowledgement of receipt of the appeal within 14 days, the Information Officer must be contacted to ensure the appeal has been received.*

Should the requester not be satisfied with the decision of the Head of the company, they may apply to Court for relief. On hearing such an application the Court may grant an order including:

- Confirming, amending or setting aside the decision that is the subject of the appeal;
- Requiring the Information Officer to take some action or to refrain from taking such action as the Court considers necessary within the period mentioned in the order;
- Granting and interdict, interim or specific relief, a declaratory order or compensation; or
- Costs.

3.7 AVAILABILITY OF THE MANUAL

The Access to Information guide will be available from the South African Human Rights Commission. Please direct any queries to -

The South African Human Rights Commission: PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300
Fax: (011) 484-1360
Web site: <http://www.sahrc.org.za>
E-mail: PAIA@sahrc.org.za

3.8 USEFUL REFERENCES

The Act <http://www.gov.za/gazette/act/2000a2-00.pdf>
The Act's Regulations <http://www.doj.gov.za/reg/reg187.pdf>

"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 Directors: **ICAS EMPLOYEE AND ORGANISATION ENHANCEMENT SERVICES SOUTHERN AFRICA (PTY) LTD**

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 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 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 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 a 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 for exemption.*

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 a 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 depends on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such 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 required.

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 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
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?			NO
Postage 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.

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 B

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 the 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.

"Form B"

NOTICE OF INTERNAL APPEAL

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

A. Particulars of ICAS Employee and Organisation Enhancement Services Southern Africa (Pty) Ltd

The name and postal or physical address, fax number or e-mail address of the information officer must be stated below.

Attention:

Information Officer: **ICAS Employee and Organisation Enhancement Services Southern Africa (Pty) Ltd**

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who request access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent;*
- (c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: _____

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. The decision against which the internal appeal is lodged

Mark the decision against which the internal appeal is lodged with an "X" in the appropriate box:

	Refusal of request for access.
	Decision regarding fees determined in terms of section 22 of the Act.
	Decision regarding the extension of the period within which request must be dealt with in terms of section 26(1) of the Act.
	Decision in terms of section 29(3) of the Act to refuse access in the form as requested by the requester.
	Decision to grant request for access.

E. Grounds for appeal

*If the provided space is inadequate please continue on a separate page and attach it to this form. **You must sign all the additional pages.***

State the grounds upon which the internal appeal is based:

State any other information that may be relevant in considering the appeal:

F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you also 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?

Signed at _____ this _____ day of _____ 20 _____

SIGNATURE OF APPELLANT