



A Guide to

ACCESSING OUR INFORMATION

**Our Manual in terms of Section 51 of the
Promotion of Access to Information Act**

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.

Introduction

At ApplyIT we have an in-depth understanding of the challenges facing our customers in the process manufacturing industry - companies with complex supply chains, asset-intensive processes, high-tech plant and machinery and hazardous production environments.

In such industries we specialise in delivering world-class IT solutions that deliver business value.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

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

A copy of this manual is also available on our website.

Section A : Our details

Full Name : ApplyIT (Pty) Limited

Registration Number : 99/25900/07

Registered Address : Lloyd House, 66 Bay Terrace, Durban 4001

Postal Address : P O Box 2717, Westway, 3635

Telephone Number : 031 275 8080

Fax Number : 031 265 9855

Managing Director : Gavin Athol Halse

Designated Information Officer : Lorraine Pecker

Email Address of Information Officer : peckerl@applyit.co.za

Website : www.applyit.co.za

Section B : 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 this 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

Section C : Information available in terms of the Act

1. Categories of information

We hold the following categories of information:

(a) STATUTORY COMPANY INFORMATION

- (i) Certificate of Incorporation;
- (ii) Certificate of Change of Name;
- (iii) Memorandum and Articles of Association;
- (iv) Certificate to Commence Business;
- (v) Minute Book, CM25 and CM26, as well as Resolutions passed at general meetings;
- (vi) Proxy Forms;
- (vii) Register of Fixed Assets;
- (viii) Register of Directors' shareholdings;
- (ix) Register of Directors and Certain Officers;
- (x) Directors' Attendance Register;
- (xi) Annual Financial Statements including:
 - (a) Annual accounts;
 - (b) Directors' reports;
 - (c) Auditor's report.
- (xii) Books of Account regarding information required by the Companies Act, 1973;

(b) ACCOUNTING/BUSINESS RECORDS

- (i) Electronic Books of Account including electronic journals and ledgers;
- (ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange;
- (iii) Management Accounts, budgets and estimates, reports and minutes of management meetings;
- (iv) Internal and external correspondence.

(c) STATUTORY EMPLOYEE RECORDS

- (i) Employees' names and occupations;
- (ii) Hours of work of each employee;
- (iii) Remuneration paid to each employee.
- (iv) Date of birth of each employee;
- (v) Salary details;
- (vi) Employment Equity Plan;
- (vii) Records of foreign employees;
- (viii) Industrial training records;
- (ix) Staff records (after date of employment ceases);
- (x) Tax returns of employees/IRP 5 information;

(d) OTHER EMPLOYEE RECORDS

- (i) Employee contracts;
- (ii) Incentive schemes;
- (iii) Study assistance schemes;
- (iv) Maternity leave policy;
- (v) Terms and Conditions of Employment;
- (vi) Disability scheme;
- (vii) Funeral insurance scheme;
- (viii) Group personal accident;
- (ix) Group life;
- (x) Code of conduct.

(e) RETIREMENT FUND RECORDS

- (i) Fund rules;
- (ii) Employee contributions

(f) ENVIRONMENTAL HEALTH AND SAFETY

- (i) Policy document;

(g) FIXED PROPERTY

- (i) Leases.

(h) MOVABLE PROPERTY

- (i) Asset register;
- (ii) Finance and Lease Agreements;
- (iii) Notarial Bonds;
- (iv) Deeds of Pledge.

(i) INTELLECTUAL PROPERTY

- (i) Patents, patent applications and inventions;
- (ii) Copyright/ drawings/flowcharts/documentation of software systems and products;
- (iii) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- (iv) Litigation and other disputes involving intellectual property.

(j) AGREEMENTS AND CONTRACTS

- (i) Material agreements concerning provision of services or supply of materials;
- (ii) Joint venture agreements, partnership agreements and other alliance agreements;
- (ii) Agreements with shareholders, officers or directors;
- (iii) Acquisition or disposal documentation;
- (iv) Agreements with contractors and suppliers;
- (v) Agreements with customers;
- (vi) Warranty agreements;
- (vii) Sale agreements;
- (viii) Distributor, dealer or agency agreements;
- (ix) Restraint agreements;
- (x) Agreements with governmental agencies ;Purchase or lease agreements.

(k) TAXATION

- (i) Copies of all Tax Returns and other related documents.

(l) LEGAL

- (i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- (ii) Settlement agreements;
- (iii) Material licences, permits and authorisations.

(m) INSURANCE

- (i) Insurance policies;
- (ii) Claim records;
- (iii) Details of insurance coverages, limits and insurers.

(n) TRANSPORTATION

- (i) Nil.

(o) INFORMATION TECHNOLOGY

- (i) Hardware;
- (ii) Operating Systems;
- (iii) Telephone Exchange Equipment;
- (iv) Telephone Lines, Leased Lines and Data Lines;
- (v) LAN Installations;
- (vi) Software Packages;
- (vii) Disaster Recovery;
- (viii) Internal Systems Support and Programming / Development;
- (ix) Capacity and Utilization of Current Systems;
- (x) Development or Investment Plans;
- (xi) Agreements;
- (xii) Licenses;
- (xiii) Audits.

(p) SALES AND MARKETING

- (i) Products;
- (ii) Markets;
- (iii) Customers;
- (iv) Brochures, Newsletters and Advertising Materials;
- (v) Sales;
- (vi) Public Relations Policies and Procedures;
- (vii) Domestic and Export Orders.

2. Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure "A" hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website (www.sahrc.org.za)
- the Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in Annexure B.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic. You must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Section D — Information available in terms of other legislation

Where applicable to our operations, information is also available in terms of certain provisions of the following statutes:

- Administration of Estates Act No. 66 of 1965
- Armaments Development and Production Act No. 57 of 1968
- Atmospheric Pollution Prevention Act No. 45 of 1965
- Banks Act No.94 of 1990
- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Competition Act No. 89 of 1998
- Co-operatives Act No. 91 of 1981
- Correctional Services Act No. 111 of 1998
- Credit Agreements Act No.75 of 1980
- Custody and Administration of Securities Act No. 85 of 1992
- Customs and Excise Act No 91 of 1964
- Debt Collectors Act No. 114 of 1998
- Defence Act No. 44 of 1957
- Designs Act No. 195 of 1993
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Financial Markets Control Act No. 55 of 1989
- Health Professions Act No. 56 of 1974
- Housing Act No. 107 of 1997
- Income Tax Act No.58 of 1962
- Insider Trading Act No. 135 of 1998
- Labour Relations Act No. 66 of 1995
- Legal Deposit Act No. 54 of 1997
- Long-term Insurance Act No. 52 of 1998
- Mine Health and Safety Act No. 29 of 1996
- Minerals Act No. 50 of 1991
- Mineral and Petroleum Resources Development Act 28 of 2002

- National Environmental Management Act No. 107 of 1998
- National Key Points Act No. 102 of 1980
- National Nuclear Regulator Act No. 47 of 1999
- National Road Traffic Act No. 93 of 1996
- National Water Act No. 36 of 1998
- Nuclear Energy Act No. 131 of 1993
- Nuclear Energy Act No. 46 of 1999
- Occupational Health and Safety Act No. 85 of 1993
- Prevention of Organised Crime Act No. 121 of 1998
- Public Finance Management Act No. 1 of 1999
- Road Transportation Act No. 74 of 1977
- Security Officers Act No. 92 of 1987
- Short-term Insurance Act No. 53 of 1998
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- South African Police Service Act No. 68 of 1995
- Space Affairs Act No. 84 of 1993
- Stock Exchanges Control Act No. 1 of 1985
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act No. 63 of 2001
- Unit Trusts Control Act No. 54 of 1981
- Witness Protection Act No. 112 of 1998

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Agricultural Produce Agents Act No. 12 of 1992
- Basic Conditions of Employment Act No. 75 of 1997
- Close Corporations Act No. 69 of 1984
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Co-operatives Act No. 91 of 1981
- Customs and Excise Act No. 91 of 1964
- Employment Equity Act No. 55 of 1998
- Estate Agency Affairs Act No. 112 of 1976

- Explosives Act No. 26 of 1956
- Financial Markets Control Act No. 55 of 1989
- Immigration Act No. 13 of 2002
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- Liquor Act No. 27 of 1989
- Machinery and Occupational Safety Act No. 6 of 1983
- Mine Health and Safety Act No. 29 of 1996
- Minerals Act No. 50 of 1991
- Mutual Banks Act No. 124 of 1993
- National Payment System Act No. 78 of 1998
- National Water Act No. 36 of 1998
- Nursing Act No. 50 of 1978
- Occupational Health and Safety Act No. 85 of 1993
- Prescription Act No. 68 of 1969
- Sectional Titles Act No. 95 of 1986
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchanges Control Act No. 1 of 1985
- Transfer Duty Act No.40 of 1949
- Value-added Tax Act No. 89 of 1991

Section E — Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

1. Company pamphlets / Brochures.
2. Posters.
3. Other literature intended for public viewing.

ANNEXURE A

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 ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D. Particulars of record

- | |
|---|
| <p>(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.</p> <p>(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.</p> |
|---|

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 than a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(b) 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.</p> <p>(c) If you qualify for exemption of the payment of 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 to 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:					
	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 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

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

3. Access fees²

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure "A" to the Regulations.

4. Other fees

- 4.1 A request fee³ of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee⁴ may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.⁵
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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) stuffy 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 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.	