

Promotion of access to the information act manual for Kleinkaap.

Prepared in accordance with section 51 of The Promotion of Access to Information Act.

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 rights. Where a request is made in terms of the Act, the body to which therequest 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 Information Officer named below is appointed 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 Kleinkaap.
- 2.2 The Information Officer named below is appointed in respect of Kleinkaap.

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

Name of Private Body

Registration Number: 2006/142267/23

Information Officer: Mrs G Erasmus

Email address of Information Officer: gerti@kleinkaap.co.za

Deputy Information Officer: N/A

Postal Address: 87 Jim van der Merwe Street Clubview, Centurion, 0157

Physical Address: 87 Jim van der Merwe Street Clubview, Centurion, 0157

Phone Number: 012 654 9878

Fax Number: N/A

Website: www.kleinkaap.co.za

4. A DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(I)(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 CHA Group, which are available without request, has been published.
- 5.2 The information as regarding Kleinkaap is accessible at www.kleinkaap.co.za without request. The website contains various categories of information relating to Kleinkaap.

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

6.1 Kleinkaap keep 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
- List any other relevant legislations that are applicable to your industry

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
- Employment 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 Registers
- 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
- Arrangements, Policies and Claims
- Asset Register

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 Kleinkaap or a third party acting for or on behalf of Kleinkaap.
- Records, Reports and the like generated by Kleinkaap 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(l)(e)

- 8.1 A requester access to information held by Kleinkaap 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 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
- 8.7 Kleinkaap will process the request within 30 (thirty) days unless the requester has stated special reasons which would satisfy the Information Office that circumstances dictate that the above time periods do not comply with.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main reason(s) why Kleinkaap 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 contain -
- 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 Kleinkaap, 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 a privilege in legal proceedings (section 67);
- 9.6 the commercial activities of, which may include -
 - 9.6.1 trade secrets of Kleinkaap;
 - 9.6.2 financial, commercial, scientific or technical information which disclosure of could likely cause harm to the financial or commercial interests of CHA Group;
 - 9.6.3 information which, if disclosed could put Kleinkaap at a disadvantage in negotiations or commercial competition;
 - 9.6.4 a computer program which is owned by Kleinkaap, 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 KLEINKAAP REFUSES INFORMATION

10.1 Kleinkaap 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 grant 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 Kleinkaap.
- 10.3.2 Copies may also be requested from the SAHRC.
- 10.3.3 This manual is also published on Kleinkaap website referred to above.