

J U I Z I

Juizi CC 1996/003703/23

SECTION 51 MANUAL PROMOTION OF ACCESS TO INFORMATION ACT

1.	INTRODUCTION	1
2.	PARTICULARS IN TERMS OF THE SECTION 51 MANUAL	2
	Contact details	2
3.	THE SECTION 10 GUIDE ON HOW TO USE THE ACT	2
4.	THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):	3
5.	RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)	3
6.	SUBJECTS AND CATEGORIES OF RECORDS HELD BY Juizi CC: SECTION 51(1)(e)	4
	ADMINISTRATION	4
	CONSTITUTION	4
	DOCUMENTS RELATED TO LEGAL PROCEEDINGS	4
	FINANCIAL RECORDS	4
	HUMAN RESOURCES	5
	INFORMATION TECHNOLOGY	5
	MISCELLANEOUS AGREEMENT	5
	OPERATIONS	5
	CLIENT RECORDS	5
	SUPPLIER AND SERVICES RECORDS	5
	COMMUNICATION	5
7.	RECORDS AUTOMATICALLY AVAILABLE WITHOUT HAVING TO MAKE A REQUEST IN THE PRESCRIBED FORM	5
8.	THE REQUEST PROCEDURES	6
	8.1 Form of request	6
	8.2 Fees	6
	8.3 Grounds for refusal	7
	8.4 Remedies	7
9.	AVAILABILITY OF THE MANUAL	8

1. INTRODUCTION

The Promotion of Access to Information Act, 2000 (the “Act”) gives third parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information. This right to access information is subject to justifiable limitations, including:

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality;
- Effective, efficient and good governance

And in a manner which balances that right with other rights, including rights contained in the Bill of Rights in the Constitution.

This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

Main Business

Website development and hosting

2. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Contact details

Head of the body: Johan Beyers

Information Officer: Astrid Beyers

Telephone number: 0827472327
E-mail address: astrid@juizi.com
Web address: www.juizi.com

3. THE SECTION 10 GUIDE ON HOW TO USE THE ACT

This 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. 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 and on its website at www.sahrc.org.za.

Please direct any queries to:

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

Houghton
2041
Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

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

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.

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

Where applicable to our operations, records are also maintained in terms of other legislation. The below list contains some of the more frequent legislation that may require us to keep records. Unless disclosure is prohibited in terms of the legislation, regulations, contractual agreements or otherwise, these records shall be available for inspection in terms of the requirements and conditions of the Act, should such interested parties be entitled to such information. Access should be requested in accordance with the prescriptions of the Act.

Basic Conditions of Employment Act 75 of 1997
Businesses Act 71 of 1991
Close Corporations Act 69 of 1984
Companies Act 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Competition Act 71 of 2008
Community Schemes Ombud Service Act 9 of 2011
Consumer Affairs (Unfair Business Practices) Act 71 of 1988
Copyright Act 98 of 1978
Currency and Exchanges Act 9 of 1933
Customs and Excise Act 91 of 1964
Debt Collectors Act 114 of 1998
Designs Act 195 of 1993
Electronic Communications Act 36 of 2005
Electronic Communications and Transactions Act 25 of 2002
Employment Equity Act 55 Of 1998
Finance Act 35 of 2000
Financial Advisory and Intermediary Services Act 68 of 1997
Financial Intelligence Centre Act 38 of 2001
Financial Relations Act 65 of 1976
Financial Sector Regulation Act 9 of 2017
Harmful Business Practices Amendment Act 23 of 1999
Identification Act 68 of 1997
Income Tax Act 58 of 1962
Insolvency Act 24 of 1936
Intellectual Property Laws Amendment Act 38 of 1997

Labour Relations Act 66 of 1995
Legal Practice Act 28 of 2014
Occupational Health and Safety Act 85 of 1993
Post and Telecommunications-related Matters Act 44 of 1958
Prevention of Organised Crime Act 121 of 1998
Promotion of Access of Information Act 2 of 2000
Protection of Personal Information Act 4 of 2013
South African Reserve Bank Act 90 of 1989
Skills Development Act 97 of 1998
Skills Development Levies Act 9 of 1999
Trade Marks Act 194 of 1993
Transfer Duty Act 40 of 1949
Unemployment Insurance Act 63 of 2001
Unemployment Insurance Contributions Act 4 of 2002
Value-Added Tax Act 89 of 1991

It is further recorded that the accessibility of documents and records may be subject to the grounds of refusal set out in this PAIA manual.

6. SUBJECTS AND CATEGORIES OF RECORDS HELD BY Juizi CC: SECTION 51(1)(e)

ADMINISTRATION

Correspondence
Licenses
Minutes of Management meetings
Minutes of staff meetings

CONSTITUTION

List of directors
Minute books and resolutions
Power of attorney agreements
Share register
Shareholder's agreements
Statutory registers
Incorporation forms
Memorandum and articles of association

DOCUMENTS RELATED TO LEGAL PROCEEDINGS

FINANCIAL RECORDS

Accounting Records
Annual Financial Statements
Asset Register
Banking details
Bank Statements
Inventory records
Vouchers
Tax returns

VAT returns
Returns related to employee taxes

HUMAN RESOURCES

Disciplinary records
Employee code of conduct
Employee contracts
Employment Equity plan
Work place skills plan
Personnel files
Remuneration records and policies
Staff recruitment policies
Training records and material

INFORMATION TECHNOLOGY

Computer software support and maintenance agreements
Software license agreements
Agreements in respect of hardware
Agreements with internet service providers

MISCELLANEOUS AGREEMENT

OPERATIONS

Firm policies
Production records
Register of clients
Agreements with suppliers
Agreements with service providers

CLIENT RECORDS

Clients' files, including any records provided by the client to a third party acting on our behalf or directly to ourselves
Client Mandates - records and evidence
Billing information
Records created by us pertaining to the customer, including transactional records.

SUPPLIER AND SERVICES RECORDS

Agreements with suppliers
Agreements with service providers

COMMUNICATION

Correspondence with clients
Correspondence to persons outside of the firm

7. RECORDS AUTOMATICALLY AVAILABLE WITHOUT HAVING TO MAKE A REQUEST IN THE PRESCRIBED FORM

Records of a public nature, typically disclosed on our website, may be accessed without the need to submit a formal application.

Other non-confidential records, such as statutory records maintained at CIPC, may also be accessed without the need to submit a formal application, however, please note that an appointment to view such records still has to be made through the Information Officer.

8. THE REQUEST PROCEDURES

8.1 Form of request

The requester must comply with the procedural requirements contained in the Act relating to the request for access to a record.

The requester must use the prescribed form, form C to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address or electronic mail address as per the Contact details.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.

The requester must identify the right that is sought to be exercised or to be protected 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 another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.

The Information Officer will take reasonable steps, if the requester is not a personal requester, to inform a third to whom the requested record relates, in order for the third party to make submissions to the Information officer why the request should be refused, or where required, give written consent for the disclosure of the requested record.

8.2 Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

The Information Officer must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.

After the Information Officer has made a decision on the request, the requester must be notified in the required form.

If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The information officer shall withhold the record until the requester has paid the fees.

The Information Officer shall sever a record, if possible, and grant only access to that portion requested and which is not prohibited from being disclosed.

8.3 Grounds for refusal

A Private Body, such as this, is entitled to refuse a request for information. Potential reasons for refusal may include:

Mandatory protection of the privacy of a third party which would involve the unreasonable disclosure of the personal information of that third party.

Mandatory protection of commercial information of a third party if the record contains:

- o Trade secrets of the third party
- o Financial, commercial, scientific or technical information which disclosure could cause harm to the commercial or financial interests of the third party
- o Information disclosed to us in confidence if the disclosure of the information will put the third party at a disadvantage in negotiations or commercial competition.

Mandatory protection of information if it is protected in terms of any agreement

Mandatory protection of the safety of individuals and the protection of property.

Mandatory protection of records which would be regarded as privileged in legal proceedings.

Commercial activities of a Private Body such as us, which may include

- o Our trade secrets
- o Information which may put us at a disadvantage in negotiations
- o Any program or procedure protected by copyright

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

All request will be assessed on their own merits and in accordance with the applicable legal principles and legislation.

If a requested record cannot be found or does not exist, the Information officer shall notify the requester and such a notice shall be regarded as a decision to refuse access. If the record should later be found, the requester shall be given access in the manner stipulated in the prescribed form, unless the Information Officer has grounds to refuse access.

8.4 Remedies

Internal remedies

We do not have any internal appeal procedure and the decision made by the Information officer is final. If the requester is not satisfied with the answer provided by the Information Officer, then the requester must exercise such external remedies as are available.

External remedies

A requester that is dissatisfied by the decision of the Information Officer may, within 30 days of being informed of the decision, apply to a Court for relief.

For the purpose of this Act, the following courts have jurisdiction:

Constitutional court

High court

A magistrate's court designated by the Minister of Justice

9. AVAILABILITY OF THE MANUAL

The manual is on our website and is also available for inspection during office hours at our offices free of charge. Copies are available from the SAHRC.

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 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 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

- (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 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.

Disability:	Form in which record is required
Form in which record is required:	

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (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.
- (c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.

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 of20.....

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE