

Promotion of Access to Information Act Manual

Benbel (Pty) Ltd
26 August 2005
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A copy of the manual will be available for inspection at 19 Oewerpark, Rokewood Avenue, Die Boord, Stellenbosch as well as the South African Human Rights Commission.

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1. Introduction

The Promotion of Access to Information Act of 2000 came into effect in March 2001. The purpose of this Act is to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal Address: Private Bag 2700
Houghton
2041
Phone: (011) 484 8300
Fax: (011) 484 0582
e-mail: PAIA@zahrc.org.za
Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfill this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) should be addressed to the contact person as identified in section 4 of this manual, as he is our designated Information Officer.

2. Company overview and structure

The business of the company is retailing in hardware and garden materials.

3. Scope of the Manual

The manual is only applicable to Benbel (Pty) Ltd.

4. Administration of the Act

The Managing Director (MD) of Benbel (Pty) Ltd has duly authorized the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Accordingly, all requests for access to records should be addressed to:

Contact person: D S Benade
Postal address: PO Box 795, Strand, 7140
Physical address: 19 Oewerpark, Rokewood Avenue, Stellenbosch, 7600
Phone number: (021) 851 4388
Fax number: (021) 851 4268
e-mail address: danielbenade@mweb.co.za

5. Form of records

Our records can be found in various forms including:

- Electronic and
- Paper.

In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

6. Subjects and corresponding categories of records we hold

To facilitate the easy identification of the records we hold, we have **categorised** our records per **subject** area. The table below provides an indication of the subjects of information that we hold and the corresponding categories:

Subjects	Categories
Finance	<ul style="list-style-type: none"> • Audited financial statements • Tax records (company and employee) • Asset Register • Management Accounts • Budgets • Information relating to Financial Transactions • Banking Records • Contracts
Sales and Marketing	<ul style="list-style-type: none"> • Marketing Information • Product Sales Records • Marketing and future product strategies
Human Resources	<ul style="list-style-type: none"> • Employee Records • Employment Contracts • Personnel guidelines, policies and procedures
Information Technology	<ul style="list-style-type: none"> • IT Policies and Procedures

7. Records that can be accessed without a formal request

We do not hold any information that can be accessed without a formal request (i.e. formal request as defined by the Promotion of Access to Information Act). However, we are required to ensure that certain records are available, in terms of the following Acts:

- ↪ Income Tax Act No. 58 of 1962;
- ↪ Companies Act No. 61 of 1973;
- ↪ Basic Conditions of Employment Act No. 75 of 1997;
- ↪ Employment Equity Act No. 55 of 1998;
- ↪ Labour Relations Act No. 66 of 1995;

- The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- Regional Services Council Act No. 109 of 1985;
- Unemployment Insurance Act No.63 of 2001;
- Skills Development Levies Act No 9 of 1999;
- South African Revenue Services Act, 34 of 1997;
- The Value-Added Tax Act No. 89 of 1991;
- The Constitution of the Republic of South Africa No.3 of 1994

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact Danie Benade on +27 (21) 851 4388. Your assistance in this regard will be most appreciated.

Notification of the availability of these records in terms of these Acts is periodically given to the Cabinet Minister of Justice.

8. Procedure to follow when submitting a formal request of access to a record

A request for access to a record that does not fall within the categories identified in Section 7 of this manual must be done formally either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also available from our offices. The prescribed *request fee* should be attached (refer to Section 9 of this manual for more details on the fees).

Our Information Officer will respond to your request within *30 days* of receiving the request by indicating whether your request for access has been granted.

Please note that the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed CLEARLY and COMPLETELY in BLOCK LETTERS. If there is insufficient space on a printed form in which to answer a question, additional information may be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the extension and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Promotion of Access to Information Act.

Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the *access fee* has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

9. Fees

The applicable fees are prescribed in terms of the regulations that relate to the Promotion of Access to Information Act. There are two basic types of fees applicable in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R 57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is for personal records of the requestor in which event there is no applicable fee). The access fee is payable prior to gaining access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

10. Request for access to information about third parties

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.