

PROMOTION OF ACCESS TO INFORMATION MANUAL

FOR

CLOCKWORK CORPORATE SERVICES (PTY) LTD
(July 2017)

**COMPILED IN COMPLIANCE WITH SECTION 14 OF THE PROMOTION OF ACCESS TO
INFORMATION ACT (PAIA) (ACT NO.2 OF 2000)**

Posted to Private Bag X2700, Houghton, 2401

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SECTION 1

INTRODUCTION

This Manual has been compiled in accordance with the Promotion of Access to Information Act of 2000 (Act No. 2 of 2000) (The act). The act prescribes that a private body must provide details of records held by such private body so that any request for information may be accommodated.

The Manual is to serve as a guide on how members of the public can access the information that is being kept in the records of the company. The company Manual gives effect to the right of access to information as contained in the Constitution of the Republic of South Africa and the Promotion of Access to Information Act 2 of 2000 (PAIA). This provides for the right of access to information held by the state or other public bodies by members of the public. The manual also prescribes the manner in which the information must be accessed. Set out below is the procedure with regard to the lodging of a request for access to **CLOCKWORK CORPORATE SERVICES (PTY) LTD** information.

The Manual also contains information of the designated Information officer who is responsible for handling all the applications that are made for access to information as well as a list of all records kept by the entity.

SECTION 2

DEFINITIONS

'The Act' means the Promotion of Access to Information Act 2000 (Act No. 2 of 2000)

'the Manual' means this manual together with all the annexures and which are available at the Department of Labour

'The minister' means the Minister of Labour

'SAHRC' means the South African Human Rights Commission

SECTION 3

CONTACT DETAILS OF INFORMATION OFFICER

Information Officer

Full Names : Ernest Pretorius
Postal Address : PO Box 70500, The Bridge, Port Elizabeth, 6032
Telephone No : 041 180 1180
Fax No : 086 731 7127
E-mail Address : headoffice@clockworkco.co.za

Description of the Functions

Business Administrative and Development Services

Signature of Information Officer

SECTION 4

GUIDE OF ALL MANUALS IN SOUTH AFRICA – SECTION 10 OF THE ACT

The SAHRC has in terms of section 10 of The Act compiled a guide on the use of The Act. The guide is available at the SAHRC. The SAHRC will further upon receiving each and every Manual from public and private bodies compile a final directory (Guide). This Directory would be similar to a telephone directory and will contain the “Address” where a Body’s Manual could be found apart from the SAHRC.

Any queries relating to the guide should be directed to SAHRC, at:

**PAIA (Promotion of Access to Information)
Information and Communications
Private Bag X2700
Houghton
2041**

Telephone : +27 11 484 8300

Fax : +27 11 484 1360

E-mail : paia@sahrc.org.za

SECTION 5

LEGISLATION COVERING THE ENTITY

- Labour Relations Act of 1995
- Basic Conditions of Employment Act of 1997
- Employment Equity Act of 1998
- Occupational Health and Safety Act of 1993
- Compensation for Occupational Injuries and Diseases Act of 1993
- Unemployment Insurance Act of 2001
- Income Tax Act of 1962
- Value Added Tax Act of 1991
- National Credit Act of 2005
- Companies Act of 2008
- Consumer Protection Act of 2008
- Usury Act of 1968

SECTION 6

ACCESS TO RECORDS IN TERMS OF SECTION 14(1)(e) (Automatic Disclosure)

The Minister must, in terms of Section 15(2) of the Act, publish in the Government Gazette a notice of records that are automatically available.

VOLUNTARY DISCLOSURES

Primary Laws

- Labour Relations Act, 1995
- Basic Conditions of Employment Act, 1997
- Employment Equity Act, 1998
- Occupational Health and Safety Act, 1993
- Compensation for Occupational injuries, 1993
- Unemployment Insurance Act, 2001

Basic Guides

- Basic Conditions of Employment Act, 1997
- Compensation for Occupational Injuries and Diseases Act 1993
- Employment Equity Act, 1998
- Occupational Health and Safety Act, 2001
- Unemployment Insurance Act, 2001
- Labour Relations Act, 1995

Codes of Good Practise

- Basic Conditions of Employment
- Employment Equity
- Labour Relations
- Occupational Health and Safety

MANNER OF ACCESS FOR AUTOMATICALLY AVAILABLE RECORDS

Section 15 of the Act stipulates that the entity must publish in the Government Gazette the list of records that are automatically available. In order to access these records, it is not a requirement to fill in the prescribed **FORM C**. It is also not a requirement that requestor fees be paid unless voluminous copies of such record needs to be made. All of the abovementioned automatically available records can be obtained from www.acts.co.za.

ACCESS TO RECORDS IN TERMS OF SECTION 14(1)(d)

Description of subjects on which the entity holds records and categories of records held

This section of the Manual serves as a reference to the records that the entity holds in order to facilitate a request in terms of the Act. This information is only freely available should this entity be a public company.

ADMINISTRATION

Finance

- Annual Financial Statement
- Asset Registers

Human Resources Management

- Case files: disciplinary hearings
- Appointments
- Letters

Statutory

- Company registration documents

SECTION 7

REQUEST PROCEDURES

7.1 Telephonic requests

Information telephonic requests are permitted by the entity. Any such request made to the Information Officer at the telephone number given in this manual will be attended to unless the Information Officer indicates that the provisions of the Act must be carried out – in this case the request will commence with the completion of **Form C and payment of requisite fees if applicable.**

7.2 Voluntary Access

Information that is automatically available – automatically available meaning without having to complete Form B and paying the requester's fee – will be made available either at the office of the entity by prior arrangement or in the manner requested, should this be reasonable and possible. The manner of access will include:

- Perusal with copying of material if needed and at the prescribed fee for copies

7.3 Section 14(1)(d) Requests

A Requester must be given access to a record of the entity if the requester complies with the following:

- The requester complies with all the procedural requirements in the Act relating to the request for access to that record and;
- Access to that record is not refused on any ground of refusal mentioned in the Act.

Nature of the request

- A requester must complete the form similar to the one printed in the Government gazette (Government Notice R 187 -15 February-**Form C**); (attached at the end of the manual).
- The requester must indicate the form or manner of access sought as prescribed by section 29.
- The entity will endeavour to give access in the form requested unless this would tamper with the smooth running of the entity.
- Giving access will give due consideration to preservation of material, infringement of copyright and request or access fees as prescribed must be paid before a request is processed and, search and preparation fees are also payable before access is given
- A requester representing another must give details of the capacity in which they act;
- A requester who cannot read nor write or needs assistance in completing a request form, may present the request orally and Information Officer is obliged to assist such a requester.
- If the Information Officer fails to give the decision on a request for access to the requester concerned within 30 days after the request is received, the Information Officer is, regarded as having refused the request.

7.4 Frivolous or vexatious requests or substantial and unreasonable diversion of resource

7.4.1 The information Officer may refuse a request for access to a record if:

- The request is manifestly frivolous or vexatious
- The work involved in processing the request would substantially and unreasonably divert the resources of the entity.

7.5 Mandatory disclosure in the interest of the public

Despite any other provision in PAIA, the information Officer must grant a request for access to a record of the entity if:

- a) The disclosure of the record would reveal evidence of –
 - A substantial contravention of, or failure to comply with the law or
 - An imminent and serious public safety or environmental risk and
- b) The public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.

7.6 Records that cannot be found or do not exist

7.6.1 If all reasonable steps have been taken to find a record requested and there are reasonable grounds for believing that the record is in the entity's possession but is lost or damaged or does not exist then the information Officer must by way of an affidavit notify the requester that it is not possible to give access to that record.

7.6.2 The affidavit must give a full account of all steps taken to find the record in question or to determine whether the record exists, including communicating with every person who conducted the search on behalf of the Information Officer.

7.7 Payment of fees in terms of the request

Personal Requester

A requester who seeks information on records about himself or herself or next of kin if the information is about a deceased individual, is exempted from paying fees.

Request Fees

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 before further processing the request.
- The request payable to private bodies is R50.00.
- After the information officer has made a decision in the way on which the requester wanted to be notified in
- If the request is granted, then a further access fee must be paid for the search, preparation and production and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

7.8 Payment method

Every requester who is not a personal requester must pay the required request fee. The requester must deposit the request fee into the entity's bank account (details of which will be given to the requester by the entity). The proof of the deposit slip must be forwarded to the Information Officer before any request can be processed.

SECTION 8

REMEDIES AVAILABLE IF THE PROVISIONS OF THE ACT ARE NOT COMPLIED WITH [s 14(1)H]]

8.1 Refusal of request and internal appeals against decisions

8.1.1 The act provides for an internal appeal. A decision of the Information Officer on the following grounds:

- a) A refusal to grant access or
- b) A decision taken in terms of section 22, 26(1) or 29(3).

The Director-General is the relevant authority to review any decision taken on appeal.

An aggrieved party has to approach the Courts if dissatisfied with the decision of the Director-General.

8.2 The interval appeal procedure

- When the requester/third party lodges an appeal, the prescribed appeal Form (Form B attached to the end of the Manual), has to be completed and lodged with the Information Officer within 60 days.
- The internal appeal must identify the subject of the internal appeal and state the reasons thereof and may include any other relevant information known to the appellant.
- The internal appeal must state the manner and provide the particulars which the appellant desires to be informed of on the decision of the internal appeal in addition to a written reply and specify a postal address or fax number.
- The Information Officer will inform the requester/third party of the outcome of the internal appeal.
- A requester/third party who is dissatisfied with the outcome of the internal appeal may, within 30 days of receipts of the response, submit an application to the court for a final decision.

8.3 Application to court

8.3.1 Applications regarding the decision of the Director-General or the person designated in writing by the Director-General

A requester or third party may only, after exhausting the internal appeal procedure against a decision of an Information Officer, apply to a court for appropriate relief.

A requester whose internal appeal has been unsuccessful or aggrieved by a decision of the Director-General or the person designated in writing by the Director-General to disallow the late lodging of the appeal in terms of section 75(2) of the Act, may by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

The unsuccessful third party in an internal appeal to the relevant executing authority may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

Other supportive measures

Reasons for an administrative action in terms of the Promotion of Administrative Justice Act 2000 (Section 5); must be furnished where a person's rights have been materially and adversely affected by that administrative action.

SECTION 9

UPDATING THE MANUAL [Section 14(2)]

The manual will be updated within one year after publication of this Manual or whenever changes to the information contained in the Manual required an update.

SECTION 10

AVAILABILITY OF THE MANUAL [Section 14(3)]

The manual will be available in places prescribed by the Legal Deposit Act, 1997 (Act No.54 of 1997), SAHRC Offices and all Centres of the entity.

SECTION 11

PRESCRIBED FEES FOR PRIVATE BODIES

Part III of notice 187 in the government gazette on 15 February 2002 prescribed fees in respect of private bodies as follow

- 1) The fee for the copy of the manual as contemplated in regulation 5(c) is for every copy of an A4-size page or part R1.10
- 2) The fees for reproduction referred to in regulation 11(1) are as followed:
 - a) For every photocopy of an A4-size or part thereof.....R1.10
 - b) For every printed copy of an A4-size or part thereof.....R0.75 held on a computer or in an electronic or machine readable form
 - c) For a copy in a computer-readable-form on:
 - i) Stiffy disc.....R7.50
 - ii) Compact disc.....R70.00
 - d) i) for a transcription of an audio record, for an A4-size page or part thereof.....R40.00
 - ii) for a copy of visual images.....R60.00
 - e) i) for a transcription of an audio record, for an A4-size page or part thereof.....R20.00
 - ii) for a copy of an audio record.....R30.00
- 3) The requester fee payable by every requester, other than a Personal requester, referred to in regulation 11(2).....R50.00

The access fee payable by requester referred to in Regulation 11(3) are as follow:

- a) For every photocopy of an A4-size or part thereof.....R1.10
- b) For every printed copy of an A4-size or part thereof.....R0.75
held on a computer or in an electronic or machine readable form
- c) For a copy in a computer-readable-form on:
 - i) Stiffy disc.....R7.50
 - ii) Compact disc.....R70.00
- d) i) for a transcription of an audio record, for an A4-size page
or part thereof.....R40.00
- ii) For a copy of visual images.....R60.00
- e) i) for a transcription of an audio record, for an A4-size page
or part thereof.....R20.00
- ii) For a copy of an audio record.....R30.00
- f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour,
excluding the first hour, reasonably required for such search and preparation.

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

The actual postage is payable when a copy of a record must be posted to a requester.

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 prescribe in terms of section 22 of the Act
	Decision regarding the extension of the period within which the 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 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 folio and attach it to this form. You must sign all additional folios

State the ground on 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 wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:

.....

Particulars of manner:

.....

.....

Signed at.....this day.....of.....year.....

.....
Signature of appellant

For Department use:

Official record of internal appeal:

Appeal received on..... (dated) by

.....

..... (state rank, name and surname and of information Officer/deputy information officer

Appeal accompanied by the reason for the information officer's/deputy information officer's decision and where applicable, the particulars of any third to whom or which the record relates.

Submitted by the information officer/deputy information officer

On..... (date) to the relevant authority

Outcome of the appeal:

.....
.....

Decision of information officer/deputy information officer confirmed/new decision substituted

New decision:

.....
.....

Date relevant authority.....

Received by the information officer/deputy information officer from the relevant

Authority on..... (date)

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

Full Names and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____

Fax Number: _____

eMail Address: _____

Capacity in which request is made, when made on behalf of another person:

C. Particulars of Person on whose behalf request is made

Full Names and Surname: _____

Identity Number: _____

D. Particulars of record

1. Description of record or relevant part of the record:

2. Reference number, if available: _____

3. Any further particulars or record:

E. Fees

Reason for exemption from payment of fees:

F. Form of access to Record

Describe the format in which you would like access to the record:

G. Particulars of right to be exercised or protected

Indicate which right is to be exercised or protected:

Explain why the record requested is required for the exercise or protection of the aforementioned right:

H. Notice of decision regarding request for access

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