

# Promotion of Access to Information Act Manual

of

**MES Online Consultants South Africa (Pty) Ltd T/A AGRIFOODSA**

**Registration Number: 2011/114586/07**

**(referred to as "AGRIFOODSA" after this)**

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## **INTRODUCTION**

The purpose of this manual is to assist potential requestors of information as to the procedure to be followed when requesting access to information or documents from AGRIFOODSA as contemplated in terms of the Act.

AGRIFOODSA may amend this manual from time to time and will make the finalised version available on the website and also keep it at the head office.

Should you require assistance regarding the use of this manual or to request information from AGRIFOODSA you are requested to contact Mabel Elizabeth Schmahl, +27 (0) 12 997 3407.

## **DEFINITIONS**

"the Act" shall mean the Promotion of Access to Information Act, No. 2 of 2000 as amended by the Protection of Personal Information Act, No. 4 of 2013, together with all relevant regulations published;

"the/this manual" shall mean this manual together with all annexures thereto as available at the offices of AGRIFOODSA from time to time;

"SAHRC" shall mean the South African Human Rights Commission.

## **CONTACT DETAILS - SECTION 51(1)(A)**

**Name of the Company: MES Online Consultants South Africa (Pty) Ltd**

**Registration number:** 2011/114586/07

**Main Member:** Mabel Elizabeth Schmahl

**Information Officer/ Head of the Private Body:** Mabel Elizabeth Schmahl

**Physical address:** 1 Umitsa Place, Moreleta Park, Pretoria,  
Gauteng 0181

**Postal address:** PO Box 1718, Garsfontein East, Pretoria,  
Gauteng 0060

**Telephone number:** +27 (0) 12 997 3407

**Fax number:** N/a

**e-Mail address of the Head of the Private Body:** mabel@mesconsultants.co.za

## **GUIDE IN TERMS OF SECTION 10 OF THE ACT - (SECTION 51(1)(B)(I))**

The SAHRC has compiled a guide in terms of section 10 of the Act. It contains information required by a person wishing to exercise any right as contemplated by the Act. The guide explains the rights and responsibilities of citizens and companies in terms of the Act. It is available in all of the official languages.

To gain access to this guide, you may visit the offices of the SAHRC or download it from their website. You may contact them at:

### **PAIA Unit**

#### **The Research and Documentation Department**

**Physical address:** JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001

**Postal address:** P.O. Box 31533, Braamfontein, 2017

**Telephone:** +27 11 877 3803

**Fax:** +27 11 403 0625

**Website:** [www.justice.gov.za](http://www.justice.gov.za)

**E-mail:** [infoleg@justice.gov.za](mailto:infoleg@justice.gov.za) or [complaints.IR@justice.gov.za](mailto:complaints.IR@justice.gov.za)

## **VOLUNTARY NOTICES IN TERMS OF SECTION 52(2)**

We have not made available any Voluntary Disclosure Notices in terms of Section 52 which contain categories of record which are available without a person having to request access in terms of the Promotion of Access to Information Act.

**INFORMATION / DOCUMENTS AVAILABLE IN TERMS OF OTHER LEGISLATION -  
(SECTION 51(1)(B)(III))**

We have information available in terms of the following legislation, where applicable:

Income Tax Act, 58 of 1962

Value Added Tax Act, 89 of 1991

Basic Conditions of Employment Act, Act No. 75 of 1997 (Section 31)

Occupational Health and Safety Act, Act No. 85 of 1993

Employment Equity Act, Act No. 55 Of 1998 (Section 26)

Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993 (Section 97)

Unemployment Insurance Act, Act No. 30 of 1966 (Section 32)

Customs and Excise Act, 91 of 1964

Close Corporations Act No. 69 of 1984

Broad-Based Black Economic Empowerment Act 53 of 2003

Consumer Protection Act, 68 of 2008

Protection of Personal Information Act, 4 of 2013

Copyright Act, 98 of 1978

## **DESCRIPTION OF THE RECORDS – (SECTION 51(1)(B)(IV))**

Any request for information or documents will only be made available subject to the provisions and procedures of the Act. The documents / information listed below pertain to the day-to-day management of AGRIFOODSA :

- Company Registration Documents
- Resolutions
- Income Tax Returns and related information
- Sales Records
- Employment Contracts
- Employment Equity Plan and Report
- Staff policies
- Human Resources Policies and Procedures and related HR documents
- Commercial contracts

## **PROCESSING OF PERSONAL INFORMATION – SECTION 51(1)(C)**

### **Purpose of Processing**

AGRIFOODSA wishes to use the Personal Information in the following ways:

- General business administration;
- Statutory compliance e.g. tax legislation;
- To communicate with customers and those that indicated they wish to receive emails from us.
- Advertising and marketing AGRIFOODSA's Products and promoting public relations in connection with its business activities;
- Keeping records of transactions;
- Keeping accounts relating to AGRIFOODSA's business activities;
- Deciding whether to accept a person as a customer or supplier;
- Keeping human resources related information of prospective, current and past employees as required by law;
- Resolving complaints or enquiries.

### **Description of Categories of Data Subjects and of the Personal Information or Categories of Personal Information Relating Thereto**

AGRIFOODSA typically deals with the following types of Data Subjects:

- Employees including temporary workers, prospective employees and employees who have left employment;
- Clients;
- Suppliers;
- Service Providers;
- Complainants;
- Consultants and professional experts.

**AGRIFOODSA processes the following types of Personal Information:**

- Personal details to identify the data subject and their personal characteristics such as names, ID numbers, marital status addresses, contact details, company registration numbers, VAT registration numbers;
- Education and training details such as academic records, qualifications, skills and training records;

- Employment details such as career history, recruitment and termination details, attendance record, health and safety records, performance appraisals and training records;
- Financial details such as income, salary, payments, creditworthiness, benefits and pension information;
- Physical or mental health or condition of employees.

### **The Recipients or Categories of Recipients to Whom the Personal Information may be supplied**

During the course and scope of AGRIFOODSA's business activities, it may share the Personal Information under its care with the following categories of recipients:

service providers

partners

advertisers

with our group of companies

representatives

### **Planned Transborder Flows of Personal Information**

- No transfers are planned.

### **General Description of Information Security Measures**

AGRIFOODSA uses the following security measures to protect Personal Information:

Non-Disclosure Agreements with employees

Firewalls

Anti-Virus software

## **YOUR RIGHT OF ACCESS TO INFORMATION**

Both the Promotion of Access to Information Act and the Protection of Personal Information Act entitle you to have access to our records, if:

- you need access to exercise or protect any of your rights, and
- you apply for access according to the procedure set out in this manual, and
- we do not have grounds for refusing you access.

## **Our Right to Refuse Access to Information**

We have the right to refuse to give you access to our records if any of the following grounds apply:

- the record would unreasonably disclose personal information about a natural person, including a deceased individual (unless that third party or a representative of the deceased gives written permission for access);
- the record contains (a) trade secrets, or (b) financial, commercial, scientific or technical information, or (c) information about research by a third party, which could put that third party at a disadvantage in a negotiation or prejudice him in competition (unless that third party gives written permission for access);
- access would put us in breach of a duty of confidence which we owe to a third party (unless that third party gives written permission for access);
- access could reasonably be expected to (a) endanger someone's life or physical safety, or (b) prejudice or impair the security of a building, structure, system, means of transport or other property;
- the record is privileged from being produced as evidence in legal proceedings (unless the person protected by the privilege has waived that protection);
- if the request is for access to your Personal Information, and you could not provide adequate proof of identity to us.

## **Procedure to Request Information**

If you want to obtain access to any of the records listed in this manual, you should follow the procedure as set out below.

## **Submit your Request Form and the Request Fee**

Fill in the application form contained in this manual and send it to us via hand delivery, postal service, email or via fax.

Hand in your completed application form, and a non-refundable request fee of R50.00 + VAT at our office. If you are an employee or ex-employee requesting access to your personnel record, then you don't have to pay the request fee.

If you cannot visit our office in person, you can post the form and fee to us, or you can contact us to make alternative payment arrangements.

## **Our Response**

We will consider your request and let you know our decision, in writing, not more than 30 days after we receive your request.

Our response will probably be one of the following:

1. Your application does not contain enough information to enable us to search for the record you want. Please provide additional details.
2. It is going to take us more than six hours to search through our records, and before we do so you must pay us a deposit of R60.00 (plus VAT).
3. We have found the record you're looking for, and you may have access to it, on payment of:
  - an access fee of R30.00 (+ VAT) per hour for the time that it took us to find the record (less any deposit which you have already paid), and
  - a reproduction fee for making photocopies or printouts or copying the record onto a flash drive or CD - the prescribed fees are set out in this manual

Note: we will not charge fees to an employee or ex-employee requesting access to his/her personnel record.

4. If your request is for access to your Personal Information in terms of Section 23 of the Protection of Personal Information Act, we will give you a written estimate of the fee before providing the access. We may require you to pay a deposit for all or part of the fee.
5. You may not have access to the record you want, for reasons which we will state in our reply. If you have paid a deposit, we will refund it (but not the request fee).
6. We have searched for the record and cannot find it. We will give you an affidavit explaining what steps we took to try and find the record. Should the missing record later come to light, we will notify you.
7. If we may or must refuse to give you access to part of the requested personal information, we will give you access to every other part.

## SECTION 51(1)(F)

### FEES IN RESPECT OF REQUESTS FOR INFORMATION FROM 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 of it.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

- |     |   |       |
|-----|---|-------|
| (a) | For every photocopy of an A4-size page or part of it:   | R1,10 |
| (b) | For every printed copy of an A4-size page or part of it |       |

Held on a computer or in electronic or machine readable

Form R0,75

(c) For a copy in a computer-readable form on:

(i) stiffy disc R7,50

(ii) compact disc R70,00

(d) (i) For a transcript of visual images for an A4-size page or part of it 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 of it R20,00

(ii) For a copy of an audio record R30,00

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:

(1)(a) For every photocopy of an A4-size page or part of it R1,10

(1)(b) For every printed copy of an A4-size page or part of it held on a computer or in electronic or machine readable form R0,75

(1)(c) For a copy in a computer-readable form on:

(i) stiffy disc R7,50

(ii) compact disc R70,00

(1)(d) (i) For a transcription of visual images for an A-size

page or part of it		R40,00
	(ii) For a copy of visual images	R60,00
(1)(e)	(i) For a transcription of an audio record fo an A4-size page or part of it	R20,00
	(ii) For a copy of an audio record	R30,00

(1)(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:

(2)(a) Six hours as the hours to be exceeded before a deposit is payable; and

(2)(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.

**FORM FOR APPLICATION OF INFORMATION  
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)**

**A. Particulars of Private body**

The Information Officer: Mabel Elizabeth Schmahl, +27 (0) 12 997 3407

**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**

- (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.**

Description of the record or relevant part of the record:

Reference number, if available

Any further particulars of the 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:**

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**F. Form of access to record**

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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: \_\_\_\_\_

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 to 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:

<input type="checkbox"/>	Copy of record	<input type="checkbox"/>	Inspection of record
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2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches etc.):

<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images	<input type="checkbox"/>	Transcription of the images
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3. If the record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassettes)	Transcription of soundtrack (written or printed document)
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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)
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* 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
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**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?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

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**SIGNATURE OF REQUESTER/**

**PERSON ON WHOSE BEHALF**

**REQUEST IS MADE**