

Section 51 Manual for Private Bodies

**THIS MANUAL HAS BEEN PREPARED IN TERMS OF SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT 2 / 2000**

1. Contact details [Section 51(1)(a)]

Name of Business

East Coast Plumbing CC
1997/005104/23

Contact Persons

Cornelis J Hugo (Member)
Cornelis J Hugo (Information Officer)

Physical Address

No 75 Dollar Drive
Richards Bay
3900

Postal Address

PO Box 101867
Meerensee
3901

Telephone 083 227 2888

Fax 086 6363 631

E-mail info@ecplumb.co.za

Background of East Coast Plumbing CC

We operate as plumbers (both domestic and commercial) in the Richards Bay area.

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide is available from the South African Human Rights Commission. Please direct 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 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. Records available in terms of any other legislation [Section 51(1)(d)]

Information is available in terms of the following legislation, if and where applicable:

- Basic Conditions of Employment Act No. 75 of 1997
- Closed Corporation Act No. 69 of 1984
- Companies Act No. 71 of 2008
- Compensation of Occupational Injuries and Diseases Act No. 130 of 1993
- Electronic Communications and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- National Building Regulation and Standards Act, 1977 (Act No. 103 of 1977)
- Housing Consumer Protection Measures Act 1998, (Act no.95 of 1998)
- Labour Relations Act No. 66 of 1995
- Medical Schemes Act No. 131 of 1998
- Occupational Health and Safety Act No. 85 of 1993
- Pensions Fund Act No. 24 of 1956
- Promotion of Access to Information Act No. 2 of 2000
- Skills development Levies Act No. 9 of 1999
- Trademarks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value – Added Tax Act No. 89 of 1991

4.1 Access to the records held by the private body in question [Section 51(1)(c)]

In terms of Section 52, a private body may, on a voluntary and periodic basis, submit to the Minister a description of categories of records which are automatically available

without a person having to request access in terms of this Act. This includes records which are available:

- for inspection
- for purchase or copying from the private body; and
- from the private body (free of charge)

4.2 Access to the records held by the private body in question [Section 51(1)(e)]

We hold the following categories of information:

- Accounting records
- Personnel Records
- Sales and Marketing
- Statutory Company records
- Client Databases
- Internal Phone lists
- Policies
- Directives
- Minutes of Meetings
- Administrative information

4.3 Form of request

- The requester must use the prescribed form to make the request for access to record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body 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 [s 53(2)(a) and (b) and (c)].
- 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 [s 53(2)(d)].
- If a request is made on behalf of a 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 [s 53(2)(f)].

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 head of the private body 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 [s 54(1)].
- 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 [s 54(3)(b)].
- After the head of the private body 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 [s 54(6)].

5. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual [Section 51(3)]

The manual is available for inspection by appointment at the Close Corporations premises during business hours, on the Close Corporations website and copies are available from the SAHRC or in the Government Gazette.