

Access of Information Manual
In terms of ACT 51
Of the
Promotion of Access of Information Act

Poly-Test Instruments c.c.

Contents

Section

Overview	1
Introduction to Poly-Test Instruments	1
The Section 51 manual	2
Contact details	2a
How to use the Act	2b
Records available	2c
Access to records held	2d
Other information (unspecified)	2e
Availability of this manual	2f

Section 1

Overview

The Promotion of Access to Information Act

The Promotion of Access to Information Act, No. 2 of 2000 (hereinafter referred to as “PAIA”, or “the Act” interchangeably) is the national legislation which was enacted to give effect to the constitutional right of access to information. PAIA came into operation on 9 March 2001, with the exception of sections 10, 14, 15 and 51, which came into operation on 15 February 2002.

The Regulations

In terms of Section 92 of PAIA, the Minister may by notice in the Government Gazette, make regulations among others regarding any matter required or permitted by PAIA to be prescribed, any matter relating to fees payable and any notice required by the Act. The following is a list and brief description of Government Notices containing the Regulations made in terms of Section 92 of PAIA

Introduction to Poly-Test Instruments

Business registration number **CK 9913965/23**

Poly-Test Instruments imports a range of specialized instrumentation for the metallurgical, plastics, rubber and textile manufacturing sector. The company also undertakes Project Management for new laboratories and on-line testing equipment

Section 2a

Particulars in terms of section 51 manual

[Section 51 (1)(A)]

Contact details

Information officer - Mr. P.S. O'Hare

Postal address: -

Poly-Test Instruments c.c.

P.O. Box 15599

Farrarmere

1518

Gauteng South Africa

Physical address: -

Poly-Test Instruments c.c.

Unit 16, Machine Park,

38 Francis Road

Anderbolt

1459

Gauteng South Africa

Telephone +27 11 918 7450

Facsimile +27 11 918 6691

Email address peter@poly-test.co.za

Web site <http://www.poly-test.co.za>

Section 2b

How to use the Act [Section 51(1)(B)]

The guide is available from the Human Rights Commission.

Direct your enquiries to: -

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal address: -

Private Bag 2700

Houghton

2700

Telephone +27 11 484 4300

Facsimile +27 11 484 7146

Email PAIA@sahrc.org.za

Web site <http://www.sahrc.org.za>

Section 2c

Records available in terms of any other legislation

[Section 51 (1)(D)]

- **Closed Corporations Act no. 69 of 1984**
- **Companies Act no 61 of 1973**
- **Employment Equity Act no. 55 of 1998**
- **Finance Act no 35 of 2000**
- **Financial Services Board Act no 97 of 1990**
- **Value Added Tax Act no 89 of 1991**

Section 2d

Access to the records held by the Private Body in question [Sections 51(1)(C)] and 51(1)(E)]

(i) Automatic availability of certain records held by Poly-Test Instruments [(Section 51(1)(C)]

The Minister of Justice is entitled to publish a list of records submitted by Poly-Test Instruments to which the public may have access without formally applying for access to such records.

The lists of records that are freely available and which need not be requested in terms of this Act are: -

- Annual Reports
- Literature on products
- Newsletters from manufacturers
- Technical reports

(ii) Records that may be requested [Sections 51(1)(C)]

A description of the subjects of the records held by the body and the categories in which these subjects are classed.

ACCOUNTING RECORDS

- ⊕ Books of account including journals and ledgers.
- ⊕ Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.

FIXED PROPERTY

- ⊕ Building plans
- ⊕ Leases

INFORMATION TECHNOLOGY

- ⊕ **Audits**
- ⊕ **Licenses**
- ⊕ **Operating systems**
- ⊕ **Software packages**

INSURANCE

- ⊕ **Details of insurance coverage's limits and insurers**

LEGAL

- ⊕ **Settlement agreements.**

OTHER EMPLOYEE RECORDS

- ⊕ **Code of conduct.**
- ⊕ **Employee contracts.**

PENSION AND RETIREMENT FUNDING RECORDS

- ⊕ **Annual accounts**
- ⊕ **Pension Fund account records.**
- ⊕ **Pension Fund rules.**

STATUTORY CLOSE CORPORATION INFORMATION

- ⊕ **Accounting records including supporting schedules to accounting records and ancillary accounting records.**
- ⊕ **Annual Financial Statements, including annual accounts and the report of the accounting officer.**
- ⊕ **Proof of registration.**

STATUTORY COMPANY INFORMATION

- ⊕ **Annual Financial Statements Auditors accounts.**
- ⊕ **Annual Financial Statements Auditors report.**
- ⊕ **Annual Financial Statements Directors reports.**
- ⊕ **Books of Account regarding information required by the Companies Act 1973.**
- ⊕ **Index of members.**
- ⊕ **Register of Directors and certain Officers.**
- ⊕ **Register of Directors shareholdings.**

STATUTORY EMPLOYEE RECORDS

- ⊕ **Date of Birth of each employee**
- ⊕ **Salary and wages register**
- ⊕ **Time worked by each employee**

TAXATION

- ⊕ **Copies of all income Tax Returns and other tax returns (UIF SDL and Employees deductions) and associated documents.**

(iii) The Request Procedure

Form of request

- ⊕ **The requester must use the prescribed form to make the request for access to a 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. [Section 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. [Section 53(2)(a), (b) & (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 of protection of that right [Section 53(2)(d)]**
- ⊕ **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. [Section 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. [Section 54(1)]**

Section 51 Information Manual Page 9 of 9

- ⊕ **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. [Section 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, and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. [Section 54(6)]**

2E

**Other information as may be prescribed [Section
51(1)(F)]**

Unspecified and therefore not available

2F

Availability of the manual [Section 51(3)]

This manual has been made available to the Human Rights Commission. In accordance with the paragraph 9(1) of the Regulations promulgated in terms of the Act and is available by request.