

INFORMATION MANUAL FOR GISWIL CC

(REGISTRATION NUMBER: 1997/19006/23)

*In terms of section 51 of the Promotion of Access to Information Act
Act 2 of 2000*

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B Introduction

The Promotion of Access to Information Act was promulgated in March 2001.

The Act was put in place in order to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the Act was also designed to foster a culture of transparency and accountability in Public and Private Bodies, as defined.

This Manual has been prepared in accordance with Section 51 of The Promotion of Access to Information Act, No. 2 of 2000.

Any information, which is to be made public in terms of any Act or Regulations, will be made available immediately as requested. Should any request not fall under this category, it will then be assessed under the provisions of the Promotion of Access to Information Act, No.2 of 2000.

Each request will be considered on its merit and the supplier of the information has the right to charge a requestor for the information in terms of Annexure A Part III of the Regulations as published in Government Gazette No. 7278.

GISWIL CC is a Private Body as defined in terms of the Act, which provides sales and service support of Information Technology and related business services to the SME market and Home Users.

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

Business Name : Giswil cc
Registered Office : 30 Fitzpatrick Road
Lyttelton Manor X 1
Centurion
0157
Postal Address : 30 Fitzpatrick Road
Lyttelton Manor X 1
Centurion
0157
Members : T. Rebel
Website : <http://www.giswil.co.za>

Information Officer : T. Rebel
Telephone Number : +27 (0)12 664 6841
Facsimile number : +27 (0)12 664 6841 Or 086 641 7913
E-Mail address : timo@giswil.co.za

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

The Guide will be available from the South African Human Rights Commission by no later than August 2003.
Please direct any queries to :

**The South African Human Rights Commission PAIA Unit
The Research and Documentation Department**

Postal Address : Private Bag 2700
HOUGHTON
2041
Telephone : +27 (0)11 484 8300
Facsimile : +27 (0)11 484 0582
Website : www.sahrc.org.za
E-mail : paia@sahrc.co.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 :

- a. Basic Conditions of Employment Act (75 of 1997)
- b. Close Corporation Act (69 of 1984)
- c. Companies Act (61 of 1973)
- d. Compensation for Occupational Injuries & Diseases Act (130 of 1993)
- e. Customs and Excise Act (91 of 1964)
- f. Electronic Communications and Transactions Act (25 of 2002)
- g. Employment Equity Act (55 of 1998)
- h. Financial Services Board Act (97 of 1990)
- i. Income Tax Act (58 of 1962)
- j. Insolvency Act (24 of 1936)
- k. Labour Relations Act (66 of 1995)

- l. Occupational Health and Safety Act (85 of 1993)
- m. Patents Act (57 of 1978)
- n. Promotion of Access to Information Act (2 of 2002)
- o. Promotion of Equality and Prevention of Unfair Discrimination Act (4 of 2000)
- p. Regional Services Councils Act (109 of 1985)
- q. Short Term Insurance Act (53 of 1998)
- r. Skills Development Act (97 of 1998)
- s. Skills Development Levies Act (9 of 1999)
- t. South African Qualifications Authority Act (58 of 1995)
- u. Trademarks Act (194 of 1993)
- v. Unemployment Insurance Act (30 of 1966)
- w. VAT Act (89 of 1991)

4. Access to the Records Held by the Private Body in Question

i. [Section 51(1)(c)]
No Notice(s) has/have been published.

ii. [Section 51(1)(e)]

a. The requestor may request access to the following types of documents;

Personnel Records

These include;

- Any personal records provided to the private body by their personnel;
- Any records a third party has provided to the private body about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records; and
- Other internal records and correspondence.

Customer-related records

A customer includes any natural or juristic entity who receives services from the private body.

Customer related information includes the following:

- Any records a customer has provided to a third party acting for or on behalf of the private body;
- Any records a third party has provided to the private body; and
- Records generated by or within the private body pertaining to the customer, including transactional records.

Private body records

This includes but is not limited to the following:

- Financial records;
- Operational records;
- Databases;
- Information technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of the private body.

Other Parties

The private body may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records which can be said to belong to the private body.

The following records fall under this category:

- Personnel, customer or private body records which are held by another party as opposed to being held by the private body; and
- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers.

b. Procedures for requesting access to information –

The requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer 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 Information Officer 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 another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of the private body [s 53(2)(f)].

c. 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 Information Officer 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 Information Officer 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)].

The relevant forms and fee structures appear as ANNEXURE A and ANNEXURE B respectively.

5. Other Information as may be Prescribed [Section 51(1)(f)]

No regulations have yet been made in this regard.

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

This Manual is available from the following sources –

- a) By inspection at the offices of the private body free of charge
- b) Copies are available with the SAHRC (See Section 2 for contact details)
- c) The Government Gazette
- d) On the private body's website

ANNEXURE A
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

- (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.***

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

2. Reference number, if available:

3. Any further particulars of 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:

F. Form of access to record

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:

copy of record*

inspection of record

2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images

copy of the images*

transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

listen to the soundtrack (audio cassette)

transcription of soundtrack* (written or printed document)

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)

*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

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?

Signed at this day of 20

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE B

Fees in respect of 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 thereof.

| | |
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| 2. The fees for reproduction referred to in regulation 11(1) are as follows: | R |
| (a) For every photocopy of an A4-size page or part thereof | 1,10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,75 |
| (c) For a copy in a computer-readable form on – | |
| (i) stiffer disc | 7,50 |
| (ii) compact disc | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| (ii) For a copy of an audio record | 30,00 |

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

| | |
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| 4. The access fees payable by a requester referred to in regulation 11(3) are as follows: | R |
| (1) (a) For every photocopy of an A4-size page or part thereof | 1,10 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form | 0,75 |
| (c) For a copy in a computer-readable form on – | |
| (i) stiffer disc | 7,50 |
| (ii) compact disc | 70,00 |
| (d) (i) For a transcription of visual images, for an A4-size page or part thereof | 40,00 |
| (ii) For a copy of visual images | 60,00 |
| (e) (i) For a transcription of an audio record, for an A4-size page or part thereof | 20,00 |
| (ii) For a copy of an audio record | 30,00 |
| (f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation. | R30,00 |
| (2) 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. | |
| (3) The actual postage is payable when a copy of a record must be posted to a requester. | |