

# **PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000 ("The Act")**

**MANUAL IN TERMS OF SECTION 51 OF THE ACT FOR :**

**RADIO AIRLINK CC ( 1989/029060/23)**

**MARSHALL INTERNATIONAL SALES CC (1988/000245/23)**

**89 BROADWAY CC (1990/000040/23)**

## **INTRODUCTION**

Radio Airlink CC, Marshall International Sales CC and Broadway 89 CC ( "the corporations") are close corporations incorporated under the aforementioned registration numbers.

The corporations main businesses are as follows:

Radio Airlink CC - Distributors and maintenance of security equipment;

***Marshall International Sales CC - Distributors of security equipment;***

Broadway 89 CC - Property investment.

## **PARTICULARS IN TERMS OF SECTION 51 OF THE ACT**

The reference, in this Manual, to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

### **1. Contact Details Section 51(1)(a)**

Name of Private Bodies: Radio Airlink CC, Marshall International Sales CC and Broadway 89 CC

Designated Information officer: Harold Marshall

Email Address of Information Officer: harold@marshall.co.za

Website: www.marshall.co.za

Postal address: P O Box 34501, Jeppestown, 2043

Street address: 89 Broadway, Bez Valley, Johannesburg, 2094

Telephone number: (011) 622-3660

Fax number: (011) 622-2520

### **2. The guide as described in section 10 of the Act Section 51(1)(b)**

The guide on how to exercise your rights in terms of this Act is in the process of preparation by the SAHRC and is expected to be available in August 2003. When available, it can be obtained from the SAHRC. Please direct queries to:

The South African Human Rights Commission:

PAIA Unit: Research and Documentation Department

Postal address: Private Bag 2700 Houghton, 2041

Telephone: +2711 484-8300

Fax: +2711 484-0582

Website: www.sahrc.org.za

E-mail : paia@sahrc.org.za

**3. Categories of records of "the corporations" which are available**

without a person having to request access in terms of the Act, ie voluntary disclosure.  
Section 51(1)(c)

"The corporations" are not obliged to publish a notice in terms of Section 52(2) of the Act and to date has not elected to do so.

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**4. Records available in terms of other legislation Section 51(1)(d)**

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Basic Conditions of Employment Act 75 of 1997  
Close Corporations Act 69 of 1984  
Companies Act 61 of 1973  
Compensation for Occupational Injuries and Health Diseases Act 130 of 1993  
Employment Equities Act 55 of 1998  
Income Tax Act 58 of 1962  
Labour Relations Act 66 of 1995  
Regional Services Act No 99 of 1978  
Skills Development Act 97 of 1998  
Skills Development Levies Act 9 of 1999  
Unemployment Contributions Act 4 of 2002  
Unemployment Insurance Act 30 of 1966  
Value Added Tax Act 89 of 1991

**5. How to request a record, description of the subjects on which we hold records, and categories of records held on each subject Section 51(1)(e)**

**"The corporations" are not obliged to publish a notice in terms of Section 52(2)**

**5.1 How to request a record**

Requests for access to records held by "the corporations" must be made on the request forms that are available from the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)) (under "regulations"). For convenience of requestors copies of these forms are included in the

version of this Manual available from our offices. (Annexure 1).

Requests for access to records must be made to our Information Officer at the address, fax number e-mail address provided.

The requestor must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provides an explanation of why the requested record is required for the exercise or protection of that right.

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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.

**If a requester does not use the standard form (Annexure 1), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.**

Please note that the requestors are also required to pay the prescribed fees. The list **of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is attached as Annexure 2.**

The head of the private body must notify the requester ( other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee.

The head of the private body will then make a decision on the request and notify the requester in the required form.

If the request is then granted then a further access fee be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Kindly note that all requests to "the corporations" will be evaluated and considered in accordance with the Act. Publication of this Manual and describing the categories categories and subject matter of the information held by "the corporations" does not give rise to any rights to access such information or records, except in terms of the Act.

## **5.2 Subject and categories of records held by**

We maintain records on the following categories and subject matters. However **please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

**Please note further that many of the records held by us are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. In particular, where we act as professional advisers to clients, many of the records held are confidential and others are the property of the client and not of "the corporations". Requests for access to records will be considered very carefully. Please ensure that requests for such records are carefully motivated.**

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### **5.2.1 Internal records**

The following are records pertaining to own affairs:

- Financial records
- Operational records
- Internal correspondence
- Service records
- Statutory records
- Internal policies and procedures
- Personnel records

### **5.2.2 Personnel records**

For the purposes of this section, "personnel" means any person who works for or

provides services to or on behalf of "the corporations" and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of "the corporations". This includes, without limitation, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.

Personnel records include the following:

- any personnel records provided to us by our personnel;
- any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Employment policies and procedures;
- Internal evaluation and disciplinary records; and
- Other internal records and correspondence.

### **5.2.3 Client related records**

Client related records include the following:

- Contracts with the client and between the client and other persons;
- Any records that the client has provided to "the corporations" or a third party acting for and on behalf of "the corporations" (including financial, legal, tax, operational, employee, marketing and similar records);
- Working papers and notes;
- Any research conducted by the "the corporations" in respect of its clients or research derived by "the corporations" from its clients and their activities;
- Records, reports, designs and the like generated by "the corporations" for its clients;
- Any records a third party has provided to "the corporations" which concerns a client; and
- Records generated by or within "the corporations" pertaining to the client including transactional records.

### **5.2.4 Other records**

We hold further records, including:-

- Information relating to "the corporations" own commercial activities;
- Procurement and administration for "the corporations"; and
- Research information belonging to "the corporations" or carried out on behalf of a third party.

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**6. Other information as may be prescribed Section 51(1)(f)**

No such information has been prescribed.

**7. Availability of this manual Section 51(3)**

This manual is available from the South African Human Rights Commission (see details above) and from

**ANNEXURE 1**

**FORM C (of Regulation 10)**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

*(Section 53(1) of the Promotion of Access to information Act, Act No.2 of 2000)*

**A. Particulars of Private Body**

The Information Officer - Radio Airlink CC, Marshall International Sales CC and Broadway 89 CC

**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 name 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 name and surname: \_\_\_\_\_

Identity number: \_\_\_\_\_

**D. Particulars of record**

- (a) *Provide full particulars of the record to which the access is requested, including the reference number if that is known to you, to enable the record to be located.*
- (b) *If the space provided is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all additional folios.*

- 1. Description of the 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 to be paid as the request fee.
- (c) The fee payable for access to a record depends on the form in which the access is required and the reasonable time required to search for and prepare the record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for the exemption:

**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 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: \_\_\_\_\_

*Please indicate clearly the form of record required:*

**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 the record is requested.*

**1. If the record is in written or printed form:**

Copy of record: \_\_\_\_\_ Inspection of record: \_\_\_\_\_

**2. If the record consists of visual images:**

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 soundtrack: \_\_\_\_\_ Transcription of soundtrack: \_\_\_\_\_

(audio cassette)

(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 record:\_\_\_\_\_

Copy in computer readable form (disk etc):\_\_\_\_\_

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you: Yes:\_\_\_\_\_ No:\_\_\_\_\_

Postage is payable.

**G. Particulars of the 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 additional folios.*

1. Indicate the right 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 2**

**FEES IN RESPECT OF PRIVATE BODIES**

1. The fee for a copy of this manual contemplated in regulation 9(2)(c) is R 1,10 for every photocopy of an A4-size page or part thereof.
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 thereof   | R 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 | R 0.75  |
| (c) For a copy in a computer-readable form on:   |         |
| (i) stiffy disc  | R 7.50  |
| (ii) compact disc  | R 70.00 |
| (d) For a transcription of visual images, for an A4-size page or part thereof  | R 40.00 |
| For a copy of visual images  | R 60.00 |
| (e) For a transacription of an audio record, for an A4-size page or part thereof   | R 20.00 |
| For a copy of an audio record  | R 30.00 |
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R 50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

- |  |         |
|--|---------|
| A(a) For every photocopy of an A4-size page part thereof   | R 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                             | R 0.75  |
| (c) For a copy in a computer-readable form on:   |         |
| (i) stiffy disc  | R 7.50  |
| (ii) compact disc  | R 70.00 |
| (d) For a transcription of visual images, for an A4-size page or part thereof  | R 40.00 |
| For a copy of visual images  | R 60.00 |
| (e) For a transacription of an audio record, for an A4-size page or part thereof   | R 20.00 |
| For a copy of an audio record  | R 30.00 |
| (f) To search for and prepare the record for disclosure, R 30,00 for each hour or part of an hour reasonably required for such search and preparation. |         |
- B For the 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.
- C The actual postage payable when a copy of a record must be posted to a requester.