

# ThornTree Africa (Pty) Ltd

Act 2 of 2000,

The Promotion of Access to Information

Prepared in accordance with Section 51 of the Promotion of Access to Information  
Act No. 2 of 2000

- A. Manual
- B. Annexure A - Request for Access to Records of a Private Body
- C. Annexure B - Fees in Respect of Private Bodies
- D. Annexure C - Notice of Internal Appeal
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Effective Date: 07 April 2017

## **A MANUAL**

### **1. INTRODUCTION**

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

1. Everyone has the right of access to –
  - a) any information held by the state; and
  - b) any information that is held by another person and that is required for the exercise of protection of any rights.
2. National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act 2 of 2000 ("the Act"), was enacted on 3 February 2002 to give effect to section 32 of the Constitution, that is giving effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise of protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such a request.

The act came into effect on 9 March 2001 with the exception of sections 10, 14 and 51 which sections were brought into operation on 15 February 2002.

### **2. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT**

Any person who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that:

1. A requester must be given access to any record of a private body if –
  - a) that record is required for the exercise or protection of any rights;
  - b) that person complies with the procedural requirements in this Act relating to a request for access to that record; and
  - c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 8 of this Manual.

### 3. PROCEDURES FOR OBTAINING ACCESS

#### 3.1 Contact details

(Information required under section 51(1)(a) of the Act):

- a. Name of the Body  
ThornTree Africa (Pty) Ltd
- b. Description of Business  
Recruitment Consulting
- c. Information Officer of the Body  
Mr Alan Russell
- d. Postal address  
Suite 13, 145 Blaauwberg Road  
Table View  
7441
- e. Street Address  
Suite 13, 145 Blaauwberg Road  
Table View  
7441
- f. Telephone Number  
021 557 4952
- g. Fax Number  
021 557 0392
- h. E-Mail & Website  
rpackery@thorntreegroup.co.za  
www.thorntreegroup.co.za
- i. Contact Details of Information Officer  
**As Above**

### 3.2 Prescribed Access Form

In terms of section 53, a request for access to a record of ThornTree Africa (Pty) Ltd must be made in the prescribed form to ThornTree Africa (Pty) Ltd at the address, fax number or electronic mail address given above. The form requires the requester to provide the following information:

- Sufficient information to enable the information officer to identify the requester;
- Sufficient information to enable the information officer to identify the record(s) requested;
- The form of access required;
- The requester's postal address or fax number;
- Identification of the right sought to be exercised or protected;
- An explanation on why the record is required to exercise or protect that right;
- The manner in which the requester wishes to be informed of the decision on the request, if in a manner in addition to written notification; and
- If the request is made on behalf of a person, the submission of proof of the capacity in which the requester makes the request, to the satisfaction of the information officer.

For a specimen of the request form see ANNEXURE A to the manual. requester's please note that all of the information as listed above should be provided, failing which the process will be delayed while the private body requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requester.

### 3.3 Prescribed Fees

Payment of fees is regulated in terms of section 54 of the Act. The Regulations of the Act provides for two types of fees:

- **Request fee:** This is a non-refundable administration fee paid by all requesters with the exclusion of personal requesters. It is paid before the request is considered.
- **Access fee:** This is paid by all requesters only when access is granted. This fee is intended to re-imburse the private body for the costs involved in searching for a record and preparing it for delivery to the requester.

ThornTree Africa (Pty) Ltd may withhold a record until the request fee and the deposit (if applicable) have been paid. A schedule of the prescribed fees is attached as ANNEXURE B to the manual.

### 3.4 requester other than Personal requester

The information officer must give written notice to a requester other than a personal requester of the request fee and amount to be paid before the request may be further processed.

If in the information officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the information officer may require the requester to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to requester.

The notice given by the information officer must advise the requester that s/he has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

### 3.5 Personal Requester

A personal requester is described in terms of the Act as a requester seeking access to a record containing information about the requester.

A personal requester is not liable to pay a request fee, but is liable for payment of access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

## 4. HUMAN RIGHTS COMMISSION GUIDELINE

In terms of Section 10 of the Act, the Human Rights Commission must compile a guide by 14 August 2003. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

The South African Human Rights Commission's contact details are as follows:  
Private Bag 2700  
Houghton  
2041  
Tel: 011 4848300  
Fax: 011 4841360

## 5. TYPES OF RECORDS

The requester may request access to the following types of documents:

### 5.1 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;
- Other internal records and correspondence.

## 5.2 Customer-related records

A customer includes any 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.

## 5.3 Private body records

This includes but is not limited to the following:

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

## 5.4 Other Parties

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

## 5.5 Records Available in terms of other Legislation

The requester may also request information which is available in terms of legislation, such as the following:

Administration of Estates Act No. 66 of 1965  
 Arbitration Act No. 42 of 1965  
 Basic Conditions of Employment Act No. 75 of 1997  
 Companies Act No. 61 of 1973

Closed Corporations Act No. 69 of 1984  
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993  
Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988  
Copyright Act No. 98 of 1978  
Credit Agreements Act No. 75 of 1980  
Currency and Exchanges Act No. 9 of 1933  
Debtor Collectors Act No. 114 of 1998  
Employment Equity Act No. 55 of 1998  
Finance Act No. 35 of 2000  
Financial Services Board Act No. 97 of 1990  
Financial Relations Act No. 65 of 1976  
Harmful Business Practices Act No. 23 of 1999  
Income tax Act No. 95 of 1967  
Insolvency Act No. 24 of 1936  
Insurance Act No. 27 of 1943  
Intellectual Property Laws Amendments Act No. 38 of 1997  
Labour relations Act No. 66 of 1995  
Long Term Insurance Act No. 52 of 1998  
Medical Schemes Act No. 131 of 1998  
Occupational Health & Safety Act No. 85 of 1993  
Pension Funds Act No. 24 of 1956  
Post Office Act No. 44 of 1958  
Regional Services Councils Act No. 109 of 1985  
SA Reserve Bank Act No. 90 of 1989  
Short Term Insurance Act No. 53 of 1998  
Skills Development Levies Act No. 9 of 1999  
Skills Development Act No. 97 of 1998  
Stamp Duties Act No. 77 of 1968  
Stock Exchange Control Act No. 1 of 1985  
Tax on Retirement Funds Act No. 38 of 1996  
Trade Marks Act No. 194 of 1993  
Unemployment Contributions Act No. 4 of 2002  
Unemployment Insurance Act No. 63 of 2001  
Usury Act No. 73 of 1968  
Value Added Tax Act No. 89 of 1991

The Information officer will take into consideration section 8 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.

## **6. DECISION-MAKING PROCESS**

- 6.1 In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not exist, the information officer must notify the requester by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requester must be given access if the request would otherwise have been granted.

- 6.2 Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request notify the requester of the decision as to whether or not to grant the request. If the request is:
- **Granted:** The notification must state the application access fee required to be paid, together with the procedure to be followed should the requester wish to apply to court against such fee, and the form in which access will be given.
  - **Declined:** the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requester wish to apply to court against the decision.
- 6.3 The information officer may extend the period of 30 days by a further period not exceeding 30 days if:
- The request is for a large number of records or requires a search through a large number of records;
  - Consultation with another private body is required; or
  - The requester consents to the extension.
  - The requester must be notified within the initial 30 day period in writing of the extension, together with reasons therefore, and the procedure involved should the requester wish to apply to court against the extension.
  - The information officer's failure to respond to the requester within the 30 day period constitutes a deemed refusal of the request.
- 6.4 Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

If access is granted, access must be given in the form that is reasonably required by the requester, or if the requester has not identified a preference, in a form reasonably determined by the information officer.

## **7. THIRD PARTIES**

If the request is for a record pertaining to a third party, the information officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be in the fastest means reasonably possible, but if orally, the information officer must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representation to the private body as to why the request should be refused; alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the information officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.



## 8. GROUND FOR REFUSAL OF A REQUEST

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

- 8.1 Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requesters. This includes the personal information of deceased persons. However Section 63(2) does provide exceptions of this.
- 8.2 Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:
- Trade secrets;
  - Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
  - Information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.
- The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.
- 8.3 Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.
- 8.4 In terms of section 66, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:
- Endanger the life or physical safety of an individual;
  - Prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property.
  - The private body may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.
- 8.5 Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.
- 8.6 Section 68 pertains to records containing information about the private body

itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. ThornTree Africa (Pty) Ltd may refuse access to a record if the record:

- Contains trade secrets of ThornTree Africa (Pty) Ltd
- Contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of ThornTree Africa (Pty) Ltd
- Contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice ThornTree Africa (Pty) Ltd in commercial competition; or
- Consists of a computer program owned by ThornTree Africa (Pty) Ltd

Notwithstanding the above, the information must be released if it pertains or the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

- 8.7 Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to ThornTree Africa (Pty) Ltd itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- If the public interest in the disclosure clearly outweighs the harm.

## **9. RIGHTS OF APPEAL**

A requester that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question, No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- Confirming, amending or setting aside the information officer's decision.
- Requiring the information officer to take any action, or refrain from taking any

action as identified by the court within a specified period;

- Granting an interdict, interim or special relief, declaratory order or compensation; or costs.

**ANNEXURE A**

**REQUEST FOR ACCESS TO RECORDS OF A PRIVATE BODY**

(Section 53(1) of the Promotion of Access to Information Act,  
(Act no.2 of 2000)

[Regulation 10]

**A Particulars of Private Body**

The Head: ThornTree Africa (Pty) Ltd

**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 provide 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:

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2. Reference number, if available:

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3. Any further particulars of record:

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**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**

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 disk) \_\_\_\_\_

\*If you request a copy of 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:

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2. Explain why the record requested is required for the exercise or protection of the aforementioned right;

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**H. Notice of decision regarding request of 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 \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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

	<b>R</b>
(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) stiffy 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 of 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 50.00
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

(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) stiffy 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, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	
5. 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.
6. The actual postage is payable when a copy of a record must be posted to a requester.



**ANNEXURE C**

**NOTICE OF INTERNAL APPEAL**

(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
**[Regulation 6]**

State your reference

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

NOTE: A person who lodges an internal appeal may have to pay an appeal fee. If an appeal fee is payable, the decision of the internal appeal may be deferred until the fee is paid.

**A. Particulars of public body**

The name and postal or street address, fax number or e-mail address of the information officer must be stated below.

The Information Officer / Deputy Information Officer:

\_\_\_\_\_  
\_\_\_\_\_

**B. Particulars of requester/third party who lodges the internal appeal**

1. The particulars of the person who is lodging the internal appeal, must be completed below.
2. Proof of the capacity in which appeal is lodged, if applicable, must be attached.
3. If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be stated at C below.

Full names and surname:

\_\_\_\_\_

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

Postal address:

\_\_\_\_\_  
\_\_\_\_\_

Fax number: \_\_\_\_\_

Contact telephone number: \_\_\_\_\_

E-mail address: \_\_\_\_\_

Capacity in which an internal appeal on behalf of another person, is lodged

\_\_\_\_\_

**C. Particulars of requester**

This section must ONLY be completed if a third party (other than the requester) is lodging the internal appeal.

Full names and surname:

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Identity number:

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**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an "X", in the appropriate box:

- Refusal of request for access.
- Decision regarding fees determined in terms of section 22 of the Act.
- Decision regarding the extension of the period within which request must be dealt with in terms of section 26 (1) of the Act.
- Decision in terms of section 29 (3) of the Act to deny access in the form as requested by the requester.
- Decision to grant request for access.

**E. Grounds for appeal**

If the space provided for is insufficient to complete this section, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds upon which the internal appeal is based:

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State any other information that may be relevant in considering the appeal:

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**F. Notice of decision on appeal**

You will be notified in writing of the decision on your internal appeal. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner:

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Particulars of manner:

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

\_\_\_\_\_  
SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:  
OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on \_\_\_\_\_ (date) by \_\_\_\_\_

\_\_\_\_\_ (state rank, name and surname of information officer). Appeal accompanied by the reasons for the deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the records relates to, submitted by deputy information officer on

\_\_\_\_\_ (date) to the relevant authority.

**OUTCOME OF APPEAL:**

DECISION OF DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION MADE

NEW  
DECISION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
DATE

\_\_\_\_\_  
RELEVANT AUTHORITY

DATE RECEIVED BY THE INFORMATION OFFICER FROM THE RELEVANT AUTHORITY:

## **ANNEXURE D**

### **MANUAL for ThornTree Africa (Pty) Ltd**

Prepared in terms of the requirements of Section 51 of the  
PROMOTION OF ACCESS TO INFORMATION ACT  
NO. 2 OF 2000

#### **Part 1 Company and Contact Details**

(Information required under section 51(1)(a) of the Act)

Name of Company	ThornTree Africa (Pty) Ltd
Description of Business	Recruitment Consulting
Information Officer	Mr Alan Russell
Postal Address	Suite 13, 145 Blaauwberg Road Table View 7441

Street Address	Suite 13, 145 Blaauwberg Road Table View 7441
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Telephone Number	021 557 4952
Facsimile Number	021 557 0392
E-Mail:	rpackery@thorntreegroup.co.za

**Contact Details of Information officer**                      **As Above**

#### **Guide to the Manual and it's Access**

(Information required under section 51(1)(b) of the Act)

A guide on how to use the Act is being compiled by the Human Rights Commission in terms of Section 10 of the Act by no later than August 2003. Any queries should be directed to : The South African Human Rights Commission: Pvt Bag X2700 Houghton 2041. Telephone (011)484 8300 of Fax (011) 484 1360 or Web Site [www.sahrc.org.za](http://www.sahrc.org.za)

#### **Part 3 Records**

(Information required under section 51(1)(c) of the Act)

No section 52(2) notice has been published by the Minister:

#### **Part 4 Records available in terms of other Legislation**

(Information required under section 51(1)(d) of the Act)

Basic Conditions of Employment Act (75 of 1997)  
Companies Act (61 of 1973)

Compensation for Occupational Injuries & Disease Act (130 of 1993)  
Income Tax Act (58 of 1962)  
Labour Relations Act (66 of 1995)  
Occupational Health & Safety Act (85 of 1993)  
Skills Development Act (97 of 1998)  
Skills Development Levies Act (9 of 1999)  
Vat Act (89 of 19991)  
Unemployment Insurance Act (30 of 1966)

**Part 5 Records that are held by the Company**  
(Information required under section 51(1)(e) of the Act)

**A: Records that may be requested**

1. Record required in terms of company law;
2. Records required in terms of other legislation applicable to the business;
3. The products and services offered by the Company;
4. Records relating to clients;
5. Personnel records.

**B: The request procedures**

**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 of fax number 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 and specify a postal address or fax number in the Republic. 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) and (e)].

The requester must identify the right that is sought to be exercised or 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 submit proof of the capacity in which the requester is making the request of the satisfaction of the head of the private body [s 53(2)(f)].

**Part 6 Manual Availability**

(Availability of manual under section 51(3) of the Act)

This Manual is available for inspection by the general public upon request, during office hours at the offices of ThornTree Africa (Pty) Ltd. Copies may also be requested from the South African Human Rights Commission and the Government Gazette.

**Part 7 Prescribed forms and fee structure in respect of private bodies**

The forms and fee structure prescribed under the Act are available at the website of the Department of Justice and Constitutional Development ( [www.doj.gov.za](http://www.doj.gov.za) ), under Manuals.