

SAPO TRUST

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, ACT NO. 2 OF 2000 (“THE ACT”)**

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1. **CONTACT DETAILS (Section 51(1)(a) of the Act)**

Name of private body: SAPO TRUST

Nature of business: Plant Improvement in Deciduous Fruit Industry of RSA

Appointed information officer: Mathys M van der Westhuizen

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E-mail: info@saplant.co.za

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2. **THE SECTION 10 GUIDE ON HOW TO USE THE ACT**

Should you require greater clarity on or assistance with the Act, we refer you to the Guide that must be published by the South African Human Rights Commission (SAHRC) in terms of Section 10 of the Act. It will, *inter alia*, include:

- what the objects of this Act are
- the relevant contact details of each public and private body (where possible)
- the process that needs to be followed in order to request access to records
- assistance available from "SAHRC" and information officers of public bodies
- how to get access to the manual of a private body
- all the remedies available in law to you
- details of prescribed fees payable in respect of requests for information

The Guide will be printed in each official language in the *Government Gazette* and will be available for inspection by the public at the offices of the Human Rights Commission by no later than August 2003.

Contact details of the South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

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. **TYPES OF RECORDS**

(a) **Records available in accordance with other legislation (Section 51(1)(d) of the Act)**

SAPO TRUST keeps information / documents in accordance with the following legislation (please note that this is not an exhaustive list):-

- Labour Relations Act, Act 66 of 1995
- Employment Equity Act, Act 55 of 1998
- Basic Conditions of Employment Act, Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act, Act 130 of 1993

- Unemployment Insurance Act, Act 63 of 2001
- Skills Development Act, Act 9 of 1999
- Income Tax Act, Act 58 of 1962
- Value Added Tax Act, Act 89 of 1991
- Occupational Health and Safety Act, Act 85 of 1993
- Credit Agreements Act, Act 114 of 1998
- Constitution of South Africa Act, Act 108 of 1996

(b) **Records available without requesting access in terms of the Act**

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 the Act. The Minister must publish any description so submitted by notice in the Gazette.

We have not submitted any such descriptions for publication in the Gazette.

(c) **Records available on request**

We set out below the subjects and categories of records that are, subject to access being denied as set out in the Act, available for the purpose of the Act:

- Personnel records
- Client-related records
- Private body record
- Records in the possession of or pertaining to other parties

(i) **Personnel records**

Personnel refers to any person who works for or provides services to or on behalf of the private body and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of a private body. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers.

Personnel records include the following:

- 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.

(ii) **Client-related records**

A client includes any natural or juristic entity, who receives goods / services from the private body. Client-related information includes the following:

- Any records a client 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 client, including transactional records.

(iii) **Private body records**

The following are considered to include but not be limited to records, which pertain to the private body's own affairs:

- Financial records;
- Operational records;
- Databasis;
- Information technology;
- Marketing records;
- Internal correspondence;
- Records relating to products and services;
- Statutory records;
- Internal policies and procedures;
- Records held by officials of the private body.

(iii) **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, client 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.

4. **HOW TO REQUEST A RECORD**

- Section 53 prescribes that 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, or his duly authorised deputy. This request must be made to the address, fax number or electronic mail address of the body concerned.
- 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 he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a 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.
- The head of the private body must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee for private bodies is R50.00. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.

- If the request is granted then a further access fee must 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.

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

NOTE: Access to certain records may be or must be denied on the grounds set out in the Act.

Mandatory grounds for refusal include but are not limited to:

- **Information for the protection of the privacy of individuals**
- **Information for the protection of commercial information and confidential information of third parties**
- **Information privileged from production in legal proceedings**
- **Commercial information of the company**
- **Research information**

FORM C

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 recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which the information must be sent.*
- (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 no: _____

Telephone no: _____ E-mail address: _____

Capacity in which the 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 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 the 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: _____ _____
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Mark the appropriate box with an **X**.

NOTES:

- (a) Compliance with your request in the required 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 an instance, 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:					
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record		
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If the record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of the soundtrack (written or printed document)		
4. If record is held on computer or in an electronic or machine readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)		
<p>*If you requested a copy or transcription of a record (above), do you wish the copy or transcription posted to you? Postage is payable</p>			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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 exercising 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 _____ on this _____ day of _____.

**SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE**

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: **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) 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**
3. **The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50.00**
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 computer or in electronic or machine-readable form **0.75**
(d) 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**
(f) To research for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation.
 - (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.