

Sandown Bay Fishing Company (Pty) Ltd

Trading as: Hermanus Whale Cruises

Registration number: 2000/015438/07

SECTION 51 MANUAL

**Promotion of Access to Information Act,
2000 (Act No. 2 of 2000)**

Sandown Bay Fishing Company (Pty) Ltd

Trading : Hermanus Whale Cruises

Promotion of Access to Information Policy

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Promotion of Access to Information Policy

A. Introduction

Preamble

The Promotion of Access to Information Act No.2 of 2000, ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Main Business

Tourism

In this manual you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information. A copy of this manual is also available on our website address presented below.

B. Particulars in terms of section 51 of the Promotion of Access to Information Act

1. Contact details required under section 51(1)(a) of the act

Information officer: Mr. PJ May

Postal address: PO Box 2244
Hermanus
7200

Street Address: 98 Church Street
Hawston
7202

e-mail address: hermanuswhales@lantic.net
Telephone number: 2.83E+08
Fax number: 2.83E+08
Website address: www.hermanus-whale-cruises.co.za

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2. The section 10 Guide on how to use the Act

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide will contain the following information:

- The objects of the Act;
- Particulars of the Information Officer of every public body;
- Particulars of every private body as are practicable;
- The manner and form of a request for access to information held by a body;
- Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
- All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
- Regulations made in terms of the Act.

Copies of this Guide will be available as soon as it is published by the SAHRC. Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

3. The latest notice in terms of section 52(2)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

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4. Records available in terms of any other legislation: section 51(1)(d)

Where applicable to our operations, we also retain records and documents in terms of the following statutes:

- Basic Conditions of Employment Act No. 75 of 1997
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Customs and Excise Act No. 91 of 1964
- Employment Equity Act No. 55 of 1998
- Companies Act 71 of 2008
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Liquor Act No. 27 of 1989
- Machinery and Occupational Safety Act No. 6 of 1983
- Occupational Health and Safety Act No. 85 of 1993
- South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998
- Stamp Duties Act No. 77 of 1968
- Stock Exchanges Control Act No. 1 of 1985
- Transfer Duty Act No. 40 of 1949
- Unemployment Insurance Act 89 of 1991
- Skills Development Act 9 of 1999
- Value-added Tax Act No. 89 of 1991

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5. Subjects and categories of records held under Section 51(1)(e)

i. Companies act records

- Documents of Incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of director/ auditor/ secretary/ public officer
- Share Register and other statutory registers

ii. Personnel documents and records

- Employment contracts
- Salary records
- Leave records
- Training records

iii. Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records / Bank Statements, paid cheques, Electronic banking records, deposits slips
- Asset Register
- Rental Agreements
- Invoices

iv. Income tax records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- VAT
- UIF
- Workmen's Compensation

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6 Detail on how to make a request for access – section 51(e)

It is important to note that access to any information is not automatic - you must identify the right you are seeking to exercise or protect and explain why the information you request is required for the exercise or protection of that right.

- The requester must complete Form C and submit this form together with a request fee, to the information officer / head of the private body.
- The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address
- The form must:
 - o provide sufficient particulars to enable the information officer / head of the private body
 - o to identify the record/s requested and to identify the requester,
 - o indicate which form of access is required,
 - o specify a postal address or fax number of the requester in the Republic,
 - o identify the right that the requester is seeking to exercise or protect,
 - o and provide an explanation of why the requested record is required for the exercise or protection of that right,
 - o if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
 - o if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.

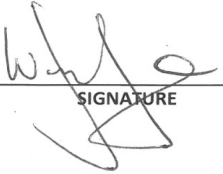
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C. Declaration of the Information Officer

I the duly appointed Information Officer in terms of the Promotion of Access to Information Act 2000, hereby confirm the information contained herein being true and correct.



SIGNATURE

20 December 2011

DATE

ANNEXURE "A"

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 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:

<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"/>	transcription of the images*

3. If 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 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"/>	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.**

<input type="checkbox"/>	YES	<input type="checkbox"/>	NO
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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”

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

3. Access fees

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

4. Other fees

1. A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
2. A search fee may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
3. If the request is not limited to records containing information which
Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.
4. If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1 Section 52(3) and Regulation 1(1).

2 Section 54(7) and Regulation 11(3).

3 Section 54(1) and Regulation 11(2).

4 Annexure “A”, Part III, Item 4(1)(f).

5 Section 54(2).

PART III

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:
photocopy of an A4 -size page or part thereof.

(a) For every photocopy of an A4-size page or part thereof R1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75

(c) For a copy in a computer-readable form on—

(i) stiffy disc R7,50

(ii) compact disc R70,00

(d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00

(ii) For a copy of visual images R60,00

(e) (i) For a transcription of an audio record, for an A4-size page part thereof R20,00

(ii) For a copy of an audio record R30,00

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:

(1) (a) For every photocopy of an A4-size page or part thereof R1,10

(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form R0,75

(c) For a copy in a computer-readable form on—

(i) stiffy disc R7,50

(ii) compact disc R70,00

(d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00

(ii) For a copy of visual images R60,00

(e) (i) For a transcriptio R20,00

(ii) For a copy of an audio record R30,00

(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.

- (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.