

# **Section 51 Manual for KA van Dyk t/a Haus Bavaria Guest House**

**Required in terms of Section 51 of the Promotion of Access to Information Act 2 Of 2000**

## **Preamble**

In terms of the provisions of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 (“the Act”), we are required to compile and publish a manual describing the subjects on which we hold records and the categories of records held on each subject, as well as sufficient information to facilitate a request for access to our records.

This manual has been compiled to comply with the statutory requirements of the Act but also in recognition of the spirit and objective of the Act of fostering a culture of transparency and accountability and promoting a society in which our people have effective access to information to enable them to more fully exercise and protect their rights.

## **Introduction**

Haus Bavaria Guest House is operated by the sole proprietor, Katrin Annegret van Dyk – providing short term accommodation on a Bed & Breakfast basis to all local and international travellers.

A copy of this manual is also available on our website at [www.hausbavaria.co.za](http://www.hausbavaria.co.za)

## Section 1 - Corporate details

Full Name	KA van Dyk t/a Haus Bavaria Guest House
Registration Number	SA ID xxxxxx xxxx xx x
Registered Address	11 <sup>th</sup> Avenue No. 4 Kleinmond 7195
Postal Address	P O Box 47 Kleinmond 7195
Telephone number:	028 271 3152
Fax Number	0866 570 374
Head/CEO	Katrin Annegret van Dyk
Designated Information Officer	Katrin Annegret van Dyk
Email Address of Information Officer	info @ hausbavaria . co . za
Website	<a href="http://www.hausbavaria.co.za">www.hausbavaria.co.za</a>

## **Section 2 - South African Human Rights Commission guide**

A guide on how to use the Act will be available from the South African Human Rights Commission by August 2003. The Guide will include a description of:

1. The objects of the Act;
2. Postal and physical address of the information officer of every public body;
3. Such particulars of every private body as are practicable;
4. The manner and form of a request for access to records held by public and private bodies;
5. The assistance available from the information officer of a public body and from the Human Rights Commission;
6. All remedies available in law regarding an act or failure to act in respect of a right or duty conferred or imposed by the Act, including the manner of lodging appeals and Court applications;
7. Details of fees to be paid in relation to requests for access to information; and
8. The regulations made in terms of the Act.

Enquiries regarding the abovementioned Guide may be addressed to the South African Human Rights Commission at:

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

Telephone: +2711 484-8300  
Fax: +2711 484-0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### **Section 3 – Information available in terms of the Act**

#### **3.1 Companies Act Records**

- Documents of incorporations
- Memorandum of Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors / auditors / secretary / public officer and other officers
- Share register and other statutory registers

#### **3.2 Financial records**

- Annual Financial Statements
- Tax Returns
- Accounting records
- Bank Statements
- Paid cheques
- Electronic banking records
- Asset register
- Rental agreements
- Invoices

#### **3.3 Income Tax records**

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

#### **3.4 Personnel documents and records (as applicable)**

- Employee contracts
- Employment Equity plan
- Medical aid records
- Pension fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training manuals

## **Section 4 – Information available in terms of other legislation**

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

## **Section 5 – Information automatically available**

The following categories of records are automatically available for inspection, purchase or photocopying without having to lodge a request in terms of the Act. Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

1. Public Reports.
2. Other literature intended for public viewing.

## **Section 6 – Detail on how to make a request for access**

- The requester must complete Form C and submit this form together with a request fee, to the 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: provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
1. indicate which form of access is required,
  2. specify a postal address or fax number of the requester in the Republic,
  3. identify the right that the requester 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,
  4. 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,
  5. 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.

**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:	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 for the record, if any, will be determined partly by the form in which access is requested.		

<b>1. If the record is in written or printed form:</b>					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
<b>2. If record consists of visual images</b> 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*		
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>					
<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)		
'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.			<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 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 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 below.

### 3. Access fees

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed below.

### 4. Other fees

- 4.1 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.
- 4.2 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.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of 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. [5]
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

## FEES IN RESPECT OF PRIVATE BODIES (Rand)

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:
  - 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:
  - (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) 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.
  - (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.