

ELLAK PLASTICS (PTY) LTD

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

SECTION 51 MANUAL

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INTRODUCTION

The Promotion of Access to Information Act (“the Act”) seeks to promote a culture of transparency, accountability and good governance, by giving effect to a person’s constitutional right of access to information.

In furtherance of this objective, Section 51 of the Act requires private bodies to compile a manual, which will assist either private or juristic persons in obtaining information from such private body.

Ellak Plastics (Pty) Ltd is a private body carrying on business as a manufacturer of stainless steel products and plastic injection moulding.

The details required in order for a requester of information to obtain or apply for information which Ellak Plastics (Pty) Ltd holds, is contained here under:

PARTICULARS IN TERMS OF SECTION 51

1. CONTACT DETAILS [*Section 51(1)(a)*]


The directors of Ellak Plastics (Pty) Ltd have duly authorised Robert George Bevan to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Postal address: P.O. Box 395
Knysna
6570

Street address: 19 Progress Road
Industrial Area
Knysna
6571

Telephone: +27 44 382 3215
Facsimile: +27 44 382 5709

E-mail: accounts@bgboats.co.za



Signature: Head of Ellak Plastics (Pty) Ltd - Robert George Bevan

2. THE GUIDE AS DESCRIBED IN SECTION 10. [Section 51(1)(b)]

The guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission:

Postal address: Private Bag X2700
Houghton
2041

Physical address: Braampark Forum 3
33 Hoofd Street
Braamfontein
2001

Telephone: +27 11 877 3600

Facsimile: +27 11 403 0625

Website: <http://www.sahrc.org.za>

3. CATEGORIES OF RECORDS OF ELLAK PLASTICS (PTY) LTD WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2). [Section 51(1)(c)]

No notice of such records has been made to the Minister.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION. [Section 51(1)(d)]

Records kept in accordance with statutory legislation, including but not limited to the following acts as and when required:

- Companies Act No 61 of 1973
- Companies Act No 71 of 2008
- Income Tax Act 58 of 1962
- Value Added Taxation Act 89 of 1991
- The Promotion of Access to Information Act 2 of 2000
- Unemployment Insurance Act No 63 of 1991
- Unemployment Insurance Contributions Act No 4 of 2002
- Compensation for Occupational Injuries and Diseases Act No 130 of 1993
- Consumer Protection Act No 68 of 2008
- Occupational Health and Safety Act 85 of 1993
- Basic Conditions of Employment Act No 75 of 1997



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- Employment Equity Act 55 of 1998
- Labour Relations Act 66 of 1995
- Skills Development Act No 97 of 1998
- Skills Development Levies Act No 9 of 1999

5. HOW TO REQUEST A RECORD. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY ELLAK PLASTICS (PTY) LTD AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSED. [Section 51(1)(e)]

5.1. How to request a record [See pro forma request form in Section 9]

- 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 authorized 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 (other than a personal 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. 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.



Signature: Head of Ellak Plastics (Pty) Ltd - Robert George Bevan

5.2. Categories of records held by Ellak Plastics (Pty) Ltd

Operational information

- Memorandum and articles of association/ Memorandum of incorporation
- Minutes of board meetings
- Minutes of general meetings
- Resolutions
- Share register
- Register of directors

Financial records

- Accounting records and documentation
- Annual financial reports
- Tax returns
- Details of auditors
- Banking records
- Bank statements
- Paid cheques
- Electronic banking records
- Fixed asset registers
- Rental agreements
- Invoices

Tax records

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- Returns and assessments in terms of the Income Tax Act
- Vat returns

5.2.4 Personnel documents and records

- Employment contracts
- Employment Equity Plan
- Medical aid records
- Pension fund records
- Disciplinary records
- Disciplinary code
- Leave records
- Salary and wage records



6. OTHER INFORMATION AS MAY BE PRESCRIBED [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

7. AVAILABILITY OF THE MANUAL. [Section 51(3)]

Copies of this manual are available for inspection, free of charge, at the offices of Ellak Plastics (Pty) Ltd (see details above) and from the South African Human Rights Commission (see details above).

A handwritten signature in black ink, appearing to be 'R. Bevan', written in a cursive style.

Signature: Head of Ellak Plastics (Pty) Ltd - Robert George Bevan

8. FEES IN RESPECT OF PRIVATE BODIES

(9) The fee for a copy of the manual as contemplated in regulation 9(2)I 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
(9) 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
I 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
(9) 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
I 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.

9. PRESCRIBED REQUEST FORM

REQUEST FOR ACCESS TO A RECORD OF A 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: Ellak Plastics (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 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

- | |
|---|
| <p>(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.</p> <p>(b) You will be notified of the amount required to be paid as the request fee.</p> <p>(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.</p> <p>(d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.</p> |
|---|

Reason for exemption from payment of fees:

F. Form of access to record

<p>If you are prevented by a disability from reading, viewing or listening 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.</p>

Disability:		Form in which record is required:			
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>					
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 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"/>		<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