



Promotion of Access to Information Act: Section 51 Manual

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INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “Company” means Myrle Winchester Accounting (Pty) Ltd trading as Accounting Plus as more fully described in the overview hereunder;
- “Information Officer” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the head of the Company by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of the Company in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Record” means any recorded information, regardless of form or medium, which is in the Possession or under the control of the Company, irrespective of whether or not it was created by the Company;
- “Request” means a request for access to a Record of the Company;
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.
- Unless a contrary intention clearly appears, words signifying:-
 - the singular includes the plural and vice versa;
 - any one gender includes the other genders and vice versa; and
 - natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

OVERVIEW OF THE COMPANY

Myrle Winchester Accounting (Pty) Ltd trading as Accounting Plus is a Company incorporated in accordance with the company laws of South Africa.

The Founder is, Myrle Helen Winchester and the history of the Company includes commencement in 2018, offering bookkeeping, payroll, taxation and accounting services to small and medium sized South African enterprises.

CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

The Director of the Company, as head of the private body, is the Information Officer, for purposes of dealing with all matters in connection with Requests for information on the Company's behalf and to ensure compliance with the Act.

Director: Myrle Helen Winchester

Postal address: 17 Bonteberg street, Helderkruin, Roodepoort, 1724

Email: myrle@accountingplus.co.za

Website: www.accountingplus.co.za

GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The guide is available on the SAHRC website, <https://www.sahrc.org.za/>.

The SAHRC can be contacted directly at: The South African Human Rights Commission: PAIA Unit

The SAHRC website at <https://www.sahrc.org.za/> at this link:

<http://www.sahrc.org.za/home/21/files/Form%20C.doc>

; or

The Department of Justice and Constitutional Development website at www.justice.gov.za at this link: https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

The following Records are automatically available without a person having to request access in terms of the Act:

- The web page www.accountingplus.co.za is accessible to anyone who has access to the Internet. The Company website hosts the following categories of information :
 - Brands
 - Company info
 - Services offered
 - Director profile

RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)] [examples]

Records are kept in accordance with the following legislation:

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Businesses Act, 1991
- Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993
- Copyright Act, 1978
- Deeds Registries Act, 1937
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Harmful Business Practices Act, 1999
- Immigration Act, 2002
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Occupational Health and Safety Act, 1993
- Pension funds Act, 24 of 1956
- Prevention of Organised Crime Act, 1998;
- Protected Disclosures Act, 2000
- Securities Services Act, 2004
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991

CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

5.1 Statutory and Legal:

- Statutory registers
- Annual reports
- Statutory records & returns, including incorporation documents, memorandum of incorporation and share register
- Minutes of meetings
 - board
 - management committees
- Contractual and legal agreements

5.2 Human Resources

- HR policies & procedures

- Skills development plan and report
- Employee Records
- Benefits
- IR disciplinary and grievance procedures and hearings, including CCMA Records

5.3 Administration, Finance & Accounting:

- Accounting Records
- Tax returns
- VAT returns
- Policies & procedures

5.4 Insurance

- Policies, including coverage, limits and insurers
- Claim Records

5.6 Information technology

- Hardware
- Software packages
- Licences
- IT policies and procedures
- Operating systems

5.7 Sales and Marketing

- Customer Records
- Statements of account
- Terms & conditions
- Marketing material and media releases: brochures, newsletters and advertising materials

5.8 Assets

- Fixed assets register
- Leases

5.9 Operational information

- Internal telephone lists
- Address lists
- Company policies and procedures

ACCESS: PROCEDURE AVAILABLE AND FEES

7.1 How to Request a Record (Section 53)

- Requests for access to Records must be made to the Information Officer in the prescribed form, Annexure 1 at the address, fax number or electronic mail address referred to in 1 above. Failure to make use of the prescribed form could result in your Request being refused or delayed.
- A Request for access to a Record must be accompanied by payment of an initial non- refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining him/herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identify, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to 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 Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

7.2 Decision on Request (Section 56)

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
- If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to

search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s).

- In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised the he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- The Requestor may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

7.3 Availability

This Manual is available on the company website, www.accountingplus.co.za alternatively at 17 Bonteberg street, Helderkruin, Roodepoort, 1723 during office hours.

7.4 Fees

The fees payable in respect of access to Records are attached as Annexure 2.

See Annexures