



# CRI-EAGLE INVESTMENTS (PTY) LTD

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## PROMOTION OF ACCESS TO INFORMATION ACT, 2000 (PAIA) - SECTION 51 MANUAL -

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## INTRODUCTION

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This manual gives effect to everyone's constitutional right to access to information held by the state and information that is held by another person or company and that is required for the exercise or protection of any rights.

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

- (1) Everyone has the right of access to –
  - (a) any information held by the state; and
  - (b) any information that is held by another person and that is required for the exercise or protection of any rights.
  
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), was enacted on 3 February 2002 to give effect to section 32 of the constitution, that is giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to which the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

## 2. DEFINITIONS

For the purpose of this Manual, unless the context otherwise indicates,

'The Act' means the Promotion of Access to Information Act 2000 (Act No. 2 of 2000);

'The Manual' means this manual together with the relevant Annexure(s), which are available at the Company;

'SAHRC' means the South African Human Rights Commission referred to in section 181(1)(b) of the Constitution;

'Personal Requester' means a requester seeking access to a record containing personal information about the requester;

'Record' means of, or in relation to, a public or private body, means any recorded information--

- a) regardless of form or medium;
- b) in the possession or under the control of that public or private body, respectively; and
- c) whether or not it was created by that public or private body, respectively;

'Requester' in relation to--

- a) A public body, means--
  - i) any person (other than a public body contemplated in paragraph (a) or (b)(i) of the definition of "public body", or an official thereof) making a request for access to a record of that public body; or
  - ii) a person acting on behalf of the person referred to in subparagraph (i);
- b) A private body, means--
  - i) any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
  - ii) a person acting on behalf of the person contemplated in subparagraph (i);

### 3. WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT

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Any person, who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that;

- (1) A requester must be given access to any record of a private body if –
  - (a) that record is required for the exercise or protection of any rights;
  - (b) that person complies with the procedural requirements in this Act relating to a request for access to that record; and
  - (c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.

### 4. PROCEDURES FOR OBTAINING ACCESS TO INFORMATION

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#### 4.1 CONTACT DETAILS

Information Officer for the Company	:	JUN LIU - CEO
Company Registration Number	:	2009/005868/07
Physical Address	:	1 <sup>st</sup> FLOOR, BUILDING 4 GREYSTONE FOURWAYS GOLF PARK ROOS STREET, FOURWAYS, 2191
Postal Address	:	P O BOX 2862 RIVONIA 2128
Telephone Number	:	011-467-4077
Email Address	:	<a href="mailto:reception@crieagle.co.za">reception@crieagle.co.za</a>
Website	:	<a href="http://www.crieagle.co.za">www.crieagle.co.za</a>

## 4.2 PRESCRIBED ACCESS FORM

In terms of section 53, a request for access to a record of the Company must be made in the prescribed form to the Company at the address, fax number or electronic mail address given above.

If the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the head of the Company.

For a specimen of the request form see ANNEXURE A to the manual. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requestor.

## 4.3 PRESCRIBED FEES

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

- Request fee: This is a non- refundable administration fee paid by all requesters with the exclusion of personal requesters. It is paid before the request is considered.
- Access fee: This is paid by all requesters only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.

The Company may withhold a record until the request fee and the deposit (if applicable) have been paid. A schedule of the prescribed fees is attached as ANNEXURE B to the manual.

## 4.4 REQUESTER OTHER THAN PERSONAL REQUESTER

The Information Officer must give written notice to a requester, other than a personal requester, of the request fee and amount to be paid, before the request may be further processed. If in the Information Officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, he or she may require the requester to pay a deposit; not being more than one third of the access fee that

would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requester.

The notice given by the Information Officer must advise the requester that he or she has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

#### 4.5 PERSONAL REQUESTER

A personal requester is described in terms of the Act; as a requester seeking access to a record containing information about the requester. (*See definitions in Section 2 above*)

A personal requester is not liable to pay a request fee, but is liable for payment of access fees in the event of a request being granted. He or she may not be required to pay a deposit before the granting of the record.

### 5. HUMAN RIGHTS COMMISSION GUIDELINE

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In terms of section 10 of the Act, the Human Rights Commission must compile a guide by 14 August 2003. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

More details on this Act may be requested from The South African Human Rights Commission's whose contact details are;

Private Bag 2700

Houghton

2041

Tel: (011) 877-3600

Fax: (011) 403-0625

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

## 6. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

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Information is available in terms of the following legislation to the persons or entities specified in such Legislation:

*Companies Act No 71/2008*

*Basic Conditions of Employment Act No 75/1997*

*Compensation for Occupational Injuries and Health Diseases Act No 130/1993*

*Employment Equity Act No 55/1998*

*Income Tax Act No 95 of 1967*

*Labour Relations Act No 66/1995*

*Occupational Health & Safety Act No 85 of 1993*

*Skills Development Levies Act No 9 of 1999*

*Skills Development Act No 97 of 1998*

*Unemployment Contributions Act No 4 of 2002*

*Unemployment Insurance Act No 63 of 2001*

*Value Added Tax Act No 89 of 1991*

## 7. TYPES OF RECORDS HELD BY THE ABOVE MENTIONED COMPANY

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The requester may request access to the following types of documents;

### 7.1 ADMINISTRATION

*Marketing material*

### 7.2 HUMAN RESOURCES

*Staff recruitment policies*

*Employment contracts*

*Disciplinary records*

*Remuneration records and policies*



*Salary and wage register*  
*Personnel files*  
*Leave application and records*  
*UIF cards and returns*  
*PAYE and SDL returns*  
*IRP5 and IT3 certificates*

### 7.3 FINANCES

*Annual Financial Statements and working papers*  
*Audit reports*  
*Financial Statements*  
*Ledgers – general ledger, debtors, creditors, stock etc.*  
*Bank Statements, cheque books and cheques*  
*Deposit Books*  
*Statements and invoices of debtors and creditors*  
*Petty cash books and voucher files*  
*Fixed assets register*  
*Taxation returns and assessments*  
*VAT returns*  
*Insurance records*  
*Lease or Instalment agreements*  
*Budgets*  
*Property records*  
*Long term loan agreements*

### 7.4 STATUTORY AND/OR MEMBER RECORDS

*Certificate of Incorporation, Certificate to Commence Business and Memorandum of Incorporation*  
*Details of Directors of the company*  
*Share certificates*  
*Minute Book*  
*Shareholders agreements*

*The Information officer will take into consideration Section 10 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.*

## 8. THE DECISION MAKING PROCESS

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- 6.1 The information officer will take all reasonable steps to find a record that has been requested.
- 6.2 The information officer will respond within 30 days, or if need be 60 days. We will advise you if we decline your request.

## 9. THIRD PARTIES

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If the request is for a record pertaining to a third party, the information officer will need to communicate with the third party first before responding.

## 10. GROUNDS FOR A REFUSAL OF A REQUEST

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The information officer may, in certain circumstances, not be able to meet your request. If this is the case the information officer will inform you in writing of our refusal of your request and the reason for it.

## 11. RIGHTS OF APPEAL

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A requestor that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

## 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:

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## 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* 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 \_\_\_\_\_

#### 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.

Mark the appropriate box with an X.

#### 1. If the record is in written or printed form:

<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record
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#### 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*
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#### 3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack	<input type="checkbox"/>	transcription of soundtrack* (written or printed
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	(audio cassette)	document)
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**4. If record is held on computer or in an electronic or machine-readable form:**

	Printed copy of record*	Printed copy of information of the record	Copy in computer readable form* (Hard / Compact Disc)
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'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.	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 THE REQUEST IS MADE

## ANNEXURE B

## PRESCRIBED FEES

## Reproduction fees

- 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 A4size page or part thereof	1.10
b) For every printed copy of an A4-site 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 every 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
a) For every photocopy of an A4-size page or part	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	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, excluding the first hour, reasonably required for such search and preparation.	

- (2) For purposes of section 22(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.

### Deposits

Where a private body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.