



eConsultant CC
*PROMOTION OF ACCESS TO
INFORMATION ACT MANUAL*

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1. INTRODUCTION

1.1. Purpose

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), was enacted on 3 February 2002. The purpose of the act is to give effect to the constitutional right of access to any information held by the State or another person, which is required for the exercise or protection of any rights. This Information Manual is published in terms of this act to facilitate the process of accessing relevant information.

1.2. Overview of eConsultant CC

Consultant CC provides website design and development services as well as covers all aspects of online marketing and website consultancy services.

1.3. eConsultant CC Details

Company Name:	eConsultant CC
Company Designation:	Close Corporation
Registration Number:	CK 2003/031638/23
Information Officer:	Mrs. Irma Laas
Postal address:	Postnet Suite 530, Private bag X3, North Riding 2162
Physical address:	Suite M5, Coca Cola Dome, Cnr Northumberland Rd & Olievenhout Ave, Northgate, SA
Telephone number:	0861 776 932 / 011 795 1936
Facsimile number:	0866 066 048

1.4. Owners of eConsultant CC

Consultant CC is owned by Mr. W.J. van Straaten and Mrs. I. Laas

2. GUIDE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The guide will be available by no later than August 2003. The guide will contain such information as may reasonably be required by a person who wishes to exercise any rights contemplated in the Act. Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission,	Terms
Postal address	Private Bag X2700, HOUGHTON, 2041
Telephone Number:	(011) 484-8300
Facsimile Number:	(011) 484-1360
Website:	www.sahrc.org.za
E-mail Address:	paia@sahrc.org.za

3. REQUEST PROCEDURE

1. The requester must comply with all the procedural requirements contained in the Act relating to the request for access to records.
2. The requester must complete the prescribed form in terms of the Act and submit same with the request fee and the deposit, if applicable, to the information officer of eConsultant CC at any contact address as stated above.
3. The prescribed form must be filled in with enough detail at least to enable eConsultant CC information officer to identify the record, the identity of the requester, the form of access required and the postal address or fax number of the requester. A request for access to a record, contemplated in section 53(1) of the Act, must be made in the form of Form C of the Annexure to the Schedule of the Promotion to Access to Information Act 2000 (published in Government Gazette No. 21362: 7 July 2000).
4. The requester must identify the right that needs to be exercised or protected and must specify why the record is necessary to exercise or protect such a right.
5. eConsultant CC information officer will process the request within 30 days, unless the requester has stated special reasons, which would satisfy the information officer that circumstances dictate that this period be reduced.
6. The requester will be informed in writing whether access is granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. Notice of an internal appeal, contemplated in section 75(1) of the Act, must be lodged in the form of Form C of the Annexure to the Schedule of the Promotion to Access to Information Act 2000 (published in Government Gazette No. 21362: 7 July 2000). An appeal fee is payable as contemplated in section 75(3)(a) of the Act.
7. If a request is made on behalf of another person(s), then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of eConsultant CC information officer.

8. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.
9. The requester must pay the prescribed fee, before any further processing can take place.

4. FEES

Section 54 of the Act regulates the fees payable for accessing records and Regulation 187 details the prescribed fees (See Annexure 1).

4.1. Personal Requester

The Act defines a personal requester as someone who is seeking access to a record(s) containing information about him/herself. A personal requester is liable for payment of an access fee but he/she may not be required to pay a request fee or deposit before the granting of a record. The requester must complete Form C and submit this form together with a request fee, to the head of the private body

4.2. Requester Other Than Personal Requester

eConsultant CC information officer must by notice require the “other than a personal requester” to pay the prescribed request fee of R 50 before further processing the request. eConsultant CC may withhold a record until the requested fee and deposit (if applicable) have been paid. The requester must complete Form C and submit this form together with a request fee, to accounts@econsultant.co.za

If the request is granted an access fee must be paid for the search, reproduction and preparation of the record for disclosure. If in the opinion of eConsultant CC information officer the search and record preparation will require more than the prescribed hours, the information officer may require the requester to pay a deposit, being not 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 refunded to the requester.

5. AVAILABILITY OF THE MANUAL

This manual will be available to all interested parties for inspection free of charge at the registered address of eConsultant CC. A copy can also be obtained from the Human Rights Commission.

6. DESCRIPTION OF RECORDS HELD BY ECONSULTANT CC

6.1. Records Available in Terms of Other Legislation

- I. Basic Conditions of Employment No. 75 of 1997
- II. Closed Corporations Act No. 69 of 1984
- III. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- IV. Income Tax Act No. 95 of 1967

- V. Labour Relations Act No. 66 of 1995
- VI. Occupational Health & Safety Act No. 85 of 1993
- VII. Regional Services Councils Act No. 109 of 1985
- VIII. Skills Development Levies Act No. 9 of 1999
- IX. Skills Development Act No. 97 of 1998
- X. Unemployment Contributions Act No. 4 of 2002
- XI. Unemployment Insurance Act No. 63 of 2001
- XII. Value Added Tax Act No. 89 of 1991

6.2. Staff Data

- I. Current staff employment and remuneration details
- II. Previous (retired/resigned) staff employment and remuneration details
- III. Personnel guidelines, policies and procedures
- IV. Employee Benefit Records
- V. Statutory Records

6.3. Financial Records

- I. Bank reconciliations
- II. General Ledgers
- III. Annual Financial Statements
- IV. Assets Register
- V. Budgets
- VI. Contracts

6.4. Sales Records

- I. General and management meeting minutes
- II. Tax declarations

6.5. Sales and Marketing

- I. Marketing Information
- II. Product Brochures
- III. General Correspondence
- IV. Information relating to employee sales performance
- V. Product Sales Records
- VI. Customer Information

7. THIRD PARTIES

If the request is for a record pertaining to a third party, the information officer must take all reasonable steps to inform the third party of the request. The third party may, within 21 days, make written or oral representation to the head concerned why the request should be refused, or give written consent for the disclosure of the record to the requester concerned.

8. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

A request for access to information may not be refused unless it falls under the following specified exemptions:

1. Protection of privacy of a third party, which would involve the unreasonable disclosure of personal information of that person.
2. If the records contain trade secrets of a third party, or financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party.
3. Protection of certain confidential information of a third party, if it is protected in terms of any agreement.
4. Protection of the safety of individuals and the protection of property.
5. Protection of records, which would be regarded as privileged in legal proceedings.
6. Commercial information and activities of the private body.

9. RIGHTS OF APPEAL

A requester may lodge an internal appeal against a decision by the information officer to refuse a request for access. After exhausting the internal appeal procedure against a decision of the Information Officer, the requester may apply to a court for relief.

A third party may lodge an internal appeal against a decision of the information officer to grant a request for access and if unsuccessful in an internal appeal may, within 30 days of notification of the decision, apply to a court for appropriate relief.

10. ANEXURE 1

PROMOTION OF ACCESS TO INFORMATION ACT
 REGULATION 187, GG No. 23119, 15 February 2002, Page 13
 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.

Reproduction referred to in regulation 11(1) are as follows:	Fee
a. For every photocopy of an A4-size page or part thereof	R 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	R 0,75
c. For a copy in a computer-readable form on -	
(i) Stiffy disk	R 7,50
(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 Copy of visual images	R60.00
e. (i) For a transcription of an audio record, for an A4-size page or 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: 1.71

(1) (a) For every photocopy of an A4-size page or part thereof :R 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 : R 0,75

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

(i) stiffy disc : R7,50

(ii) compact disc : R 70,00

(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 : R 60,00

(e)

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

(ii) For a copy of an audio record : R 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.

11. DOCUMENT AUTHORIZATION

APPROVED by	
eConsultant Owner 1	eConsultant Owner 2
	
Signature: Name & Surname: Mrs. I. Laas Date: Monday 12 December 2011	Signature: Name & Surname: Mr. W.J. van Straaten Date: Monday 12 December 2011