

MANUAL

**IN ACCORDANCE WITH SECTION 51 OF THE
PROMOTION OF ACCESS TO INFORMATION ACT, NO 2 OF 2000
("THE ACT")**

MUNNIK BASSON DAGAMA INC

(herein referred to as "the Institution")

Introduction

The Promotion of Access to Information Act, No 2 of 2000 ("the Act") was enacted on 2 February 2000, to give effect to the constitutional right of access to any information held by the State and by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to whom the request is made (herein referred to as "the Institution") is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedures in respect of requests for information.

2 Purpose of this Manual

- 2.1 This manual is intended to foster a culture of transparency and accountability within the industries relevant to the nature of the business of the Institution as a whole, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.
- 2.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act to enable everyone to exercise their rights in relation to private bodies.
- 2.3 Section 9 of the Act recognises that the right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
- Limitations aimed at the reasonable protection of privacy;

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- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances the right to access information with any other rights, including such rights contained in the Bill of Rights in the Constitution.

PART I

(Information required under section 51(1)(a) of the Act)

Name of Body : **MUNNIK BASSON DAGAMA INC**

Status : Private body

Postal Address : Private Bag X10098
Randburg
2125

Physical Address : **2nd Floor, 342 Jan Smuts Avenue**
Hyde Park
2196

Head of Body
and Information Officer : **Mr Matshehle Phillemon Magoloego**
e-mail: **Phillemonm@mbd.co.za**

Deputy
Information Officer : **Mr Christopher Harradine**
e-mail: **Christopherh2@mbd.co.za**

Telephone Number : **+27 (11) 560 6596**

Fax Number : **+27 (11) 560 6596**

PART II

(Information required under section 51(1)(b) of the Act)

The Human Rights Commission has compiled a guide in terms of section 10 of the Act. The guide contains information as may be reasonably required by a person who wishes to exercise any right contemplated in the Act. The regulations were published in the Government Gazette on 15 February 2002 (Notice No. R187).

The guide is available from the South African Human Rights Commission. Queries should be directed to:

PAIA Unit, The Research and Documentation Department

Private Bag 2700
Houghton
2041

Telephone : +27 11 877-3600
Fax : +27 11 403-0625
Website : www.sahrc.org.za
E-mail : dmalesa@sahrc.org.za

PART III

(Copy of notice, if any, required under section 51(1)(c) of the Act)

NOT APPLICABLE

PART IV

(Information required under section 51(1)(d) of the Act)

Records are kept in accordance with such legislation as is applicable to the Institution, which includes but is not limited to the following legislation:

Basic Conditions of Employment Act 75 of 1997
Broad-Based Black Economic Empowerment Act 53 of 2003
Companies Act 61 of 1973
Companies Act. 71 of 2008
Compensation for Occupational Injuries and Diseases Act 130 of 1993
Consumer Protection Act 68 of 2008
Attorneys Act 53 of 1979
Employment Equity Act 55 of 1998
Employment Equity Act 55 of 1998
Financial Intelligence Centre Act 38 of 2001
Income Tax Act 58 of 1962
Labour Relations Act 66 of 1995
Magistrates Court Act 59 of 1959
National Credit Act 34 of 2005
Occupational Health and Safety Act 85 of 1993
Skills Development Levies Act 9 of 1999
Unemployment Insurance Act 30 of 1966
Value-Added Tax Act 89 of 1991

PART V

(Information required under section 51(1)(e) of the Act)

1 Records that may be requested

The information is classified and grouped according to records relating to the following subjects and categories

1.1 Personnel records

- 1.1.1 Personal records provided by personnel;
- 1.1.2 Records provided by a third party relating to personnel;
- 1.1.3 Conditions of employment and other personnel-related contractual and quasi-legal records;
- 1.1.4 Internal evaluation records and other internal records;
- 1.1.5 Correspondence relating to personnel;
- 1.1.6 Training schedules and material.

“Personnel” refers to any person who works for, or provides services to or on behalf of the Institution, and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of the Institution. This includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

1.2 Client related records

- 1.2.1 Records provided by clients in respect of the business of the clients, and in terms of contractual arrangements between the Institution and the client;
- 1.2.2 Records provided by a third party relating or related to the client;
- 1.2.3 Records generated by or within the Institution relating to its clients, including transactional records;
- 1.2.4 Records pertaining to third parties provided by client;
- 1.2.5 Records provided by third parties in the course and business of the Institution.

A “client” refers to any natural or juristic entity that receives services from the Institution.

1.3 Private body records

- 1.3.1 Financial Records
- 1.3.2 Operational Records
- 1.3.3 Databases
- 1.3.4 Marketing Records
- 1.3.5 Internal Correspondence
- 1.3.6 External Correspondence
- 1.3.7 Product Records

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- 1.3.8 Statutory Records
- 1.3.9 Internal Policies and Procedures
- 1.3.10 Legal Agreements and Records
- 1.3.11 Records held by officials of the Institution

These records include, but are not limited to, the records which pertain to the Institution's own affairs.



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1.4 Website

The Institution's website address is www.mbdinc.co.za and is accessible to anyone who has access to the Internet. The Website contains various categories of information relating to the Institution.

1.5 Other party records

- 1.5.1 Personnel, customer or private body records which are held by another party, as opposed to the records held by the Institution itself;
- 1.5.2 Records held by the Institution pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.
- 1.5.3 The Institution may possess records pertaining to other parties, including without limitation contractors, suppliers, subsidiary/holding/sister companies, joint venture companies, and service providers. Alternatively, such other parties may possess records that can be said to belong to the Institution.

2. The Request Procedures

2.1 Access to records held by the Institution

- 2.1.1 Records held by the Institution may be accessed by requests *only* once the prerequisite requirements for access have been met.
- 2.2.2 A requester is any person making a request for access to a record of the Institution.
- 2.2.3 There are two types of requesters:

- Personal Requester:

- A personal requester is a requester who is seeking access to a record containing personal information about the requester.
- The Institution will voluntarily provide the requested information, or give access to any record with regard to the requester's *personal information*. The prescribed fee for reproduction of the information requested will be charged.

- Other Requester

- This requester (other than a personal requester) is entitled to request access to information on third parties. However, the Institution is not obliged to grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, (including the payment of fees and other procedural requirements).

2.2 Form of request

The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.

2.2.1 The requester must use the prescribed form (ANNEXURE A of this Manual) to make the request for access to a record. The request should be made to the information officer at the address, fax number or electronic mail address as stated in "Part I" above; [s 53(1)]

2.2.2 The prescribed form must be filled in with sufficient detail to enable the Information Officer to identify the following:

- 2.2.2.1 The record or records requested [s 53(2)(a)];
- 2.2.2.2 The identity of the requester [s 53(2)(a)];
- 2.2.2.3 Which form of access is required [s 53(2)(b)];
- 2.2.2.4 The postal address or fax number of the requester [s 53(2)(c)];
- 2.2.2.5 The requester must identify the right that is sought to be exercised or protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)];

2.2.3 The Institution will process the request within 30 days, unless the requestor has stated special reasons, which would satisfy the Information Officer that circumstances dictate that the above time period not be complied with. [s 56(1)]

2.2.4 The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required. [s 53(2)(e)]

2.2.5 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer [s53(2)(f)].

2.2.6 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

2.2.7 The requester must pay the prescribed fee, before any further processing can take place. [s 54(1)]

2.3 Fees

2.3.1 The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee [s 54(1)]; and
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- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs [54(7)].

- 2.3.2 When the Information Officer receives the request, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request. [s 54(5)].
- 2.3.3 If the search for the record has been made and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit (i.e. the prescribed portion of the access fee which would be payable if the request is granted). [s 54(2)]
- 2.3.4 The Information Officer may withhold a record until the requester has paid the fees as indicated in ANNEXURE B. [s 54(5)]
- 2.3.5 A requester, whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form. [s 54(6)]
- 2.3.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester. [s 54(4)]



3 Decision

- 3.1 The Institution will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect. [s 56]
- 3.2 The 30 day period with which the Institution has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information, or the request requires a search for information held at another office of the Institution and the information cannot reasonably be obtained within the original 30 day period. The Institution will notify the requester in writing should an extension be sought. [s 57]

3.3 Grounds for refusal

The main grounds for the Institution to refuse a request for information relates to the:

- 3.3.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person; [s 63]
- 3.3.2 Mandatory protection of the commercial information of a third party, if the record contains –
- Trade secrets of that third party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - Information disclosed in confidence by a third party to the Institution, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition; [s 64]
- 3.3.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement; [s 65]
- 3.3.4 Mandatory protection of the safety of individuals and the protection of property; [s 66]
- 3.3.5 Mandatory protection of records which would be regarded as privileged in legal proceedings; [s 67]
- 3.3.6 The commercial information of the Institution, which may include –
- Trade secrets of the Institution;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Institution;

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- Information which, if disclosed, could put the Institution at a disadvantage in negotiations or commercial competition;
- A computer program which is owned by the Institution, and which is protected by copyright. [s 68]

3.3.7 The research information of the Institution or a third party, if its disclosure would disclose the identity of the Institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage; [s 69]

3.3.8 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused. [s 45]

3.4 Remedies available when the Institution refuses a request for information

3.4.1 Internal remedies

The Institution does not have an internal appeal procedure. Any decision made by the Information Officer is final. Should the requester not be satisfied with the answer supplied by the Information Officer, he/she should exercise the external remedies at their disposal.

3.4.2 External Remedies [s 78 – 82]

3.4.2.1 A requester that is dissatisfied with an Information Officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

3.4.2.2 Likewise, a third party dissatisfied with an Information Officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief.

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PART VI

(Availability of manual under section 51(3))

1 Availability of this Manual

- 1.1 This manual is available for inspection by the general public upon request, during office hours and free of charge at the offices of the Institution.
- 1.2 Copies may also be requested from the South African Human Rights Commission.
- 1.3 *This manual is also published on the Institution's website referred to above, in Part V, paragraph 1.4.*

PART VII

(Prescribed forms and fee structure in respect of private bodies)

Annexure A: Form C – Prescribed form to be completed by a requester

Annexure B: Fees Schedule

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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: **Mr Matshehle Phillemon Magolego**
The Deputy Information Officer / Information Officer
Telefax: 011-560 6596

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:

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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:

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

1. If the record is in written or printed form:			
	copy of record*		inspection of record
2. If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
	view the images	copy of the images*	transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)
4. If record is held on computer or in an electronic or machine-readable form:			
	printed copy of record*	printed copy of information derived from the record*	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.			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:

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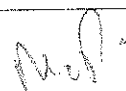
H. Notice of decision regarding request for access

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

GENERAL: VALUE-ADDED TAX

Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value-added tax to all fees prescribed in this Annexure.

... (/FEES IN RESPECT OF GUIDE – REFER HUMAN RIGHTS COMMISSION)

... (/PUBLIC BODIES – NOT APPLICABLE)

PART III

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. 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
(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

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(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
(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) stiffer 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	

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preparation.	
(2) For purposes of <u>section 54 (2)</u> 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.	

Munnik Basson
19/01/2012.

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