PAIA Manual

Section 51 Manual - Promotion of Access to Information Act

CONTENTS

INTRODUCTION

The Promotion of Access to Information Act No. 2 of 2002 ('the Act') gives effect to the constitutional right of access to information held by a public or private body.

Vision Elevators is a private company and as such has to comply with the requirements of the Act. One of the requirements of the Act is the compilation of a manual that contains information on the records held by the relevant private body.

COMPANY OVERVIEW

Handguns & Tequila Software (Pty) Ltd was formed in 2004 as software development company.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

PART 1:

The company secretary has been authorized by the Board of Directors to ensure compliance with the requirements of this act.

Contact Details: Company Secretary

Contact Person	Warren Eiserman
Postal Address	62a St Georges Street, Simon's Town, 7975
Street Address	As Above
Telephone Number	+27 21 786 4146
Fax Number	+27 86 609 9314

PART 2: GUIDE ON HOW TO USE THE ACT

The guide will, according to the South African Human Rights Commission (SAHRC), be available for inspection

at the offices of the SAHRC. Please direct any queries to:

The South African Human Rights Commissioner, PAIA Unit
The Research and Documentation Department
Private Bag 2700, Houghton, 2041

Telephone +27 11 484 8300
Fax +27 11 484 7146
Website www.sahrc.org.za
Email PAIA@sahrc.org.za

PART 3: COPY OF NOTICE

No notice in terms of Section 52 (2) of the Act has been published.

PART 4: RECORDS HELD IN TERMS OF OTHER LEGISLATION

Records as kept in accordance with the following legislation :

Human Resources

Basic Conditions of Employment Act # 3 or 1983
Skills Development Levies Act # 9 of 1999
Unemployment Insurance Act # 63 of 2001
Workmen's Compensation Act # 30 of 1941
Pension Fund Act # 24 of 1956
Medical Schemes Act # 131 of 1998
Labour Relations Act # 66 of 1995

Accounting and Finance

Income Tax Act # 58 of 1962
Value Added Tax Act # 89 of 1991
Public Accountants' and Auditors' Act # 80 of 1991

Company Secretarial and Administration

Companies Act # 61 of 1973
Regional Services Councils Act # 109 of 1985

Safety

Occupational Health and Safety Act # 85 of 1973

REQUESTS FOR ACCESS

- The requester must use the prescribed form to make the request for access to a record. This must be made to the company secretary. 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 company secretary to identify the record and the requester. The requester should also indicate which form of access is required, and if any other manner is to be used to inform the requester and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected 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 another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the company secretary.

FEES

- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:
- The company secretary 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 that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee.
- After the company secretary has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

RECORDS OF HANDGUNS & TEQUILA SOFTWARE

Records available :

Financial and Tax
Employee
Information Management
Internal Policies and Procedures
Statutory and Secretarial
Internal Correspondence
General Correspondence
Contracts and Agreements
Insurance and Risk Management
Technology
Health and Safety
Intellectual Property

PART 5: OTHER INFORMATION

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

PART 6: AVAILABILITY OF THE MANUAL

The manual is also available for inspection during office hours at the offices of Vision Elevators. Copies are available from the SAHRC.

PART 7: PRESCRIBED FORM AND FEE STRUCTURE

The form and fee structure prescribed under the Act are available on the website of the Department of Justice and Constitutional Development under the Regulations Section. (www.doj.gov.za)

Both a request fee and an access fee are payable. The request fee is a standard fee as prescribed by Regulation published in the Government Gazette and the access fee must be calculated by taking into consideration such factors as reproduction costs, search and preparation costs, and delivery costs. The company secretary may also require a requester to pay a deposit equal to the prescribed portion of the access fee payable if the request were granted.

The company secretary shall withhold a record until a requester has paid the fees as required in full.