

IBIS Promotion of Access to Information Act Manual

ibis

strategic environmental analysis

**Prepared in accordance with Section 51 of the
Promotion of Access to Information Act No. 2 of 2000**

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A. An introduction to IBIS

IBIS is a leading South African based company that specialises in Competitive Intelligence (CI) related services. The company is a pioneer in the development of and awareness for CI in South Africa. Services include the implementation of CI disciplines in client companies, market-, industry-, product- and competitor analyses. They also have a range of CI training courses that are presented at South African universities.

B. Particulars in terms of the Section 51 Manual

1. Contact Details

[Section 51(1)(a)]

Postal Address:
PO Box 40002
Faerie Glen
0043 309
Pretoria

Street Address:
Studio 3 House
The Village
Glenwood Road
Pretoria

Telephone: +27 12 365 3840/1
Facsimile: +27 12 365 3842
Email: ibis@ibis.co.za
Website: www.ibis.co.za
Contact person: J.M.G Kühn, MD

2. The section 10 manual on how to use the Act

[Section 1(1)(b)]

The manual will be available from the South African Human Rights Commission by no later than January 2005. Please direct any queries to:
The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300
Facsimile: +27 12 484 0582
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

3. Records available in terms of any other legislation

[Section 51(1)(d)]

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Employment Equity Act No. 55 of 1998
- Harmful Business Practices Act No. 23 of 1999.
- Income Tax Act No. 95 of 1967
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- Occupational Health & Safety Act No. 85 of 1993
- Regional Services Councils Act No. 109 of 1985
- Skills Development Levies Act No.9 of 1999
- Skills Development Act No. 97 of 1998
- Trade Marks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

4. Access to the records held by IBIS

[Section 51(1)(c) and 51(1)(e)]

4.1 The current record regarding the categories of documents kept by IBIS, which are available without requesting access in terms of the Access to Information Act

[Section 51(1)(c)]

- Skills Levy: Confirmation of payment and participation
- Notice of Registration: PAYE/SDL/UIF
- Notice of Registration: Value Added Tax
- Memorandum of Association
- Statement of Purpose
- Ethical Code

The IBIS webpage also consists of the following categories and may be accessed at www.ibis.co.za:

- About Us (company and staff description)
- What is New (latest company news)
- What is CI (technical information)
- Services (listing and description of company services)
- Training (training description)
- Partners (partner listing and description)
- FAQ (technical information)
- Newsletter (further information request)

4.2 Records that may be requested

[Section 51(1)(e)]

Administration

- Statutory information and company certificates

Human Resources

- Company structure
- Company policies and procedures

Operations

- Company overview

4.3 The Request Procedures

4.3.1 Form of request

- The requester must use the prescribed form (see Annexure A) to make the request for access to a record. This must be made to the Managing Director. This request must be made to IBIS' address, fax number or electronic mail address as listed above. *[Section 53(1)]*
- The requester must provide sufficient detail on the request form to enable IBIS to identify the record and the requester. The requester should also indicate which form of access is required. The requester should indicate if any other manner (e.g. verbal) is to be used to inform the requester, and state the necessary particulars to be so informed. *[Section 53(2)(a), (b) and (c)]*
- 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. *[Section 53(2)(d)]*

- 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 head of the private body. *[Section 53(2)(f)]*

4.3.2 Fees

A requester who seeks access to a record containing personal information about that requester (i.e. him or herself) is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required fees:

- The head of the private body 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. *[Section 54(1)]*
- The fee that the requester must pay to IBIS is R50,00. The requester may lodge an application to the court against the tender or payment of the requested fee. *[Section 54(3)(b)]*
- After the Managing Director 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 (6) to search and prepare the record for disclosure (see Annexure B). *[Section 54(6)]*

5. Other information as may be prescribed [Section 51(1)(f)]

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

6. Availability of the manual [Section 51(3)]

In addition to prescribed availability, IBIS' Section 51 manual for private bodies is available for inspection at their offices using the contact details as listed in this document, or at www.ibis.co.za/access.html.

ANNEXURE A

REQUEST FOR ACCESS TO IBIS RECORDS
(Section 53 (1) of the Promotion of Access to Information Act, 2000
(Act No. 2 of 2000)
[Regulation 10]

6.1.1 A. Particulars of private body

The Head:

.....
.....
.....

6.1.2 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:

.....

6.1.3 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:

6.1.4 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:

.....

.....

.....

.....

6.1.5 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:

.....

.....

6.1.6 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:
.....
.....
.....

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 copy in computer readable information derived from form* (stiffy or compact disc)	the record*
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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? YES NO
 Postage is payable.

6.1.7 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:

.....
.....
.....

6.1.8 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

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure A of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

2. Reproduction fees

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure "A" to the Regulations.

3. Access fees

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure A to the Regulations.

4. Other fees

4.1 A request fee of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester.

4.2 A search fee may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.

4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.

If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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-sized page or part thereof.
2. The fees for reproduction referred to in regulation 11 (1) are as follows:
 - (a) For every photocopy of an A4-sized page or part thereofR 1,10
 - (b) For every printed copy of an A4-sized page or part thereof held on a computer or in electronic or machine-readable formR 0,75
 - (c) For a copy in a computer-readable form on-
 - (i) stiffy discR 7,50
 - (ii) compact discR70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual imagesR60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00
 - (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) (a) For every photocopy of an A4-sized page or part thereof ...R1,10
 - (b) For every printed copy of an A4-sized 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 discR 7,50
 - (ii) compact discR70,00
 - (d) For a transcription of visual images, for an A4-size page or
 - (i) part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e) For a transcription of an audio record, for an A4-size page or
 - (i) part thereofR 20,00
 - (ii) For a copy of an audio record R30,00
 - (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.