

ACCESS TO INFORMATION MANUAL

As required by section 51 of the Promotion of Access to Information Act No 2 of 2000 ("PAIA")

Gromat (Pty) Ltd ("the private body")

INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT

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DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission ("SAHRC"). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

Records available in terms of other legislation are as follows:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Occupational Health & Safety Act 85 of 1993
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- Unemployment Contribution Act 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Please refer to Annexure A at the end of this manual for the listing of subjects and categories of records held by the private body, as required by section 51(1)(e).

DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(1)(e)

The requester must complete Form C (available on the SAHRC website: www.sahrc.org.za) and submit this form together with a request fee, to the key individual at the private body.

The form must be submitted to the key individual at his/ her address, fax number, or electronic mail address

The form must:

- provide sufficient particulars to enable the key individual to identify the record/s requested and to identify the requester ,
- indicate which form of access is required,
- specify a postal address or fax number of the requester in the Republic,
- identify the right that the requester is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right,
- if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the key individual.

If a requester does not use the standard form, the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided or otherwise) or delayed.

Please note that all requests to the private body will be evaluated and considered in accordance with PAIA. Publication of this manual and describing the categories and subject matter of the records held by the private body does not give rise to any rights to access such information or records, except in terms of PAIA.

PRESCRIBED FEES: SECTION 52(3)

Section 52(3) states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Fee Schedule, which is available on the SAHRC website: www.sahrc.org.za.

The key individual must notify the requester of the prescribed fee before further processing the request. The requester may lodge an internal appeal or an application to Court, against the tender or payment of the request fee.

Please note that in addition to the initial request fee, a further access fee must be paid for the reproduction and search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

DECISION REGARDING REQUEST

PAIA provides numerous grounds upon which the private body may refuse to grant you access to a record of the body. These grounds for refusal are to protect:

- the privacy of another person;
- commercial information of third parties or of the body;
- confidential information of third parties;
- the safety of individuals and property;
- records privileged from production in legal proceedings;
- research information

You will be notified in writing whether your request has been approved or denied within 30 calendar days after receipt by the private body of the completed Form C. Should any record of the company requested by you not exist or not found, the private body will, by way of affidavit notify you that it is not possible to give access to that particular record.

OTHER INFORMATION AS MAY BE PRESCRIBED: SECTION 51(1)(f)

The Minister of Justice and Constitutional Development has not made any regulations in terms of section 51(1)(f) of PAIA.

THE LATEST NOTICE IN TERMS OF SECTION 52(2)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

APPROVAL

As the key individual of the private body, responsible for the processing of requests in terms of the Promotion of Access to Information Act, I confirm the adoption of this manual.

Signed by: Calum Wedge

Date: 22/12/2011

ANNEXURE A

SUBJECTS AND CATEGORIES OF RECORDS HELD BY THE PRIVATE BODY: SECTION 51(1)(e)

The private body maintains records on the following categories and subject matters. Please note that recording a category or subject matter in this manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of PAIA. In particular there may be applicable grounds for refusal of such request, as set out in PAIA.

Many of the records held by the private body are confidential and others are the property of third parties, such as clients and employees. The private body takes the protection of third party confidential information very seriously and any requests for access to these records will be considered very carefully. Please ensure that requests for such records are carefully motivated.

1. COMPANY SECRETARIAL RECORDS

- Documents of Incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

2. FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
 - Bank Statements
 - Paid Cheques
 - Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training manuals