



Policy number: HOOP02
**Policy name: Section 51 Manual for
Private Bodies**



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1. Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

2. Purpose

The purpose of this manual is to facilitate requests for access to information of Datacentrix and its subsidiaries.

This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to Datacentrix in terms of the Act.

Datacentrix makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and Datacentrix shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by Datacentrix or from any error therein.

All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by Datacentrix.

3. An introduction to Datacentrix Holdings Limited and its subsidiaries

Datacentrix Holdings Limited is a black empowered, JSE listed IT company, which provides computing power to corporate South Africa. The company consists of three business units and operates through divisions in Pretoria, Johannesburg, Cape Town and Durban.

- Datacentrix Infrastructure Division: Supplies large-scale IT infrastructure hardware and software solutions including enterprise infrastructure, enterprise systems solutions and security solutions.
- Datacentrix Business Solutions Division: Provides a wide range of business solutions, applications and related services to the enterprise market. These solutions include hosted services, application services, product services, development and integration, data and document management systems and B2B integration.
- Datacentrix Managed Services Division: Offers a comprehensive range of modular managed services where clients can select from the provision of a fully managed service including strategy, planning, procurement, user support, network monitoring, overall project management, installation, support and maintenance.

Datacentrix does not manufacture its own products, but represents leading technology partners with whom it shares long-standing relationships. The company boasts some of the highest partner accreditations in South Africa.

4. Particulars in terms of the Section 51 Manual

4.1 Contact Details [Section 51(1)(a)]

Postal Address:	Street Address:
P.O Box 50722	Corporate Park North
Randjiesfontein	238 Roan Crescent, 1685
Midrand, 1683	Old Pretoria Road, Midrand
Telephone:	+27 87 741 5000
Facsimile:	+27 87 741 5100
Email:	enaidoo@datacentrix.co.za or info@datacentrix.co.za
Website:	www.datacentrix.co.za
Contact person:	Elizabeth Naidoo

5. The Section 10 guide on how to use the Act [Section 51(1)(b)]

The Guide is available from the South African Human Rights Commission. 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

6. Records available in terms of any other legislation [Section 51(1)(d)]

- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Consumer Protection Act No. 68 of 2008
- Electronic Communication and Transaction Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- Medical Schemes Act No. 131 of 1998
- National Credit Act No.34 of 2005
- Occupational Health & Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Regional Services Councils Act No. 109 of 1985
- SA Reserve Bank Act No. 90 of 1989
- Skills Development Levies Act No.9 of 1999
- Skills Development Act No. 97 of 1998
- Stock Exchange Control Act No. 1 of 1985
- 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

7. Access to the records held by Datacentrix [Section 51(1)(c) and 51(1)(e)]

The latest notice regarding the categories of records of Datacentrix, which are available without requesting access in terms of the Access to Information Act Memorandum of Incorporation

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.

7.1 Records That May Be Requested [Section 51(1)(e)]

Administration

- Statutory information and company certificates
- BEE certificate
- Codes of conduct
- Documents of Incorporation
- Legal compliance records
- Memorandum of incorporation
- Minutes of board of directors' meetings
- Policies
- Records relating to the appointment of director/auditor/secretary/public officer and other officers
- Security register and other statutory registers
- Shareholders agreement

Human Resources

- Employment equity policy
- Employment equity plan
- Company structure
- Workforce profile
- Attendance registers
- Disciplinary records
- Employment contracts
- Leave records
- Medical aid records
- Pension Fund records
- Salary records
- SETA records
- Training manuals
- Training records

Operations

- Company overview and partner accreditations

Finance

- Annual financial statements
- Interim financial statements
- Accounting records
- Auditor's reports
- Detail of auditors
- Invoices
- Rental agreements
- Tax clearance certificate
- Tax returns

Income Tax

- PAYE records
- Records of payments made to SARS
- Regional Services Levies
- Skills Development Levies
- UIF
- Workmen's Compensation

7.2 The request procedures

7.2.1 Introduction

- Access to information held by the Company is not automatically available and can be refused by the Company on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act.
- In order to request access to information held by the Company, the person requesting access to such information (hereinafter referred to as the “requester”) must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the Act. Should the requester that request access to the information be a public body (i.e. state), the requester must identify that the request for information is for the public’s interest by stipulating adequate reasons.

7.2.2 Form of request

- The requester must use the prescribed form, form C in Annexure B of this Act’s regulations, to make the request for access to a record. This must be made to the Information Officer who’s contact details are mentioned in paragraph 1 above. [Section 53(1)]
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner (example postal address or fax number) is to be used to inform the requester and state the necessary particulars to be so informed. [Section 53(2)(a), (b), (c) and (e)]
- 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, then the requester must show to the reasonable satisfaction of the Information Officer that it is duly authorised to make such an application.. [Section 53(2)(f)]

7.2.3 Fees

The Act provides for two types of fees, namely:

- A request fee, which will be a standard fee as contemplated in the Government Gazette No. 22152; and
- An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs as contemplated in the Government Gazette No. 22152.

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 fee:

- The Information Officer 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, other than a personal requester, must pay to Datacentrix is R50. The requester may lodge an application to the court against the tender or payment of the request fee. [Section 54(3)(b)]

- After the Information Officer 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. [Section 54(6)]

8. 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.

9. Availability of the Manual [Section 51(3)]

Datacentrix' Section 51 manual is also available for inspection at the Pretoria offices using the contact details as listed in this document as well as Datacentrix' website www.datacentrix.co.za

The manual will also be available at the offices of the South African Human Rights Commission.