

SECTION 51 MANUAL

PROMOTION OF ACCESS TO INFORMATION ACT, 2000

EmComm (Pty) Ltd
2020/192206/07



SECTION 51 MANUAL
PROMOTION OF ACCESS TO INFORMATION ACT, 2000

EmComm (Pty) Ltd

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Introduction

EmComm (Pty) Ltd was established in 2020 and provides a two-way radio communications network including the supply of radio equipment..

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PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact Details – Section 51(1)(a)

| | |
|-------------------|---|
| Directors: | Chad Mileham |
| Physical Address: | 1 Christiaan de Wet Road Constantia Kloof Roodepoort Gauteng |
| Postal Address: | 1 Christiaan de Wet Road Constantia Kloof Roodepoort Gauteng |
| Telephone: | 011 028-4704 |
| Facsimile: | |
| E-mail: | management@emcomm.co.za |

2. The Section 10 Guide on how to use the Act – Section 51(1)(b)

The Guide will be available from The South African Human Rights Commission by not later than June 2012. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit
The Research and Document Department

| | |
|-----------------|--------------------------------------|
| Postal Address: | Private Bag 2700 Houghton 2041 |
|-----------------|--------------------------------------|

| | |
|------------|--|
| Telephone: | 011-484-8300 |
| Facsimile: | 011-484-7146 |
| Website: | www.sahrc.org.za |
| E-mail: | paia@sahrc.org.za |

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3. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION – SECTION 51(1)(D)

Information is available in terms of the following legislation, if and where applicable:

Basic Conditions of Employment Act 75 of 1997
Copyright Act 98 of 1978
Credit Agreements Act 75 of 1980
Electronic Communications Act 36 of 2005
Income Tax Act 95 of 1967
Labour Relations Act 66 of 1995
Promotion of Access to Information Act No. 2 of 2000
Value Added Tax Act 89 of 1991
Companies Act 71 of 2008

All relevant Acts are available online at our office.

4. ACCESS TO THE RECORDS HELD BY THE PRIVATE BODY IN QUESTION – SECTION 51(1)(C) & 51(1) (E)

Upon submission of the prescribed forms an appointment within reasonable company hours can be made by interested parties to view the records at:

**1 Christiaan de Wet Road
Constantia Kloof
Roodepoort
Gauteng**

A. Records which are available and which do not require a request for access in terms of The Act, Section 52(2) – Section 51(1)(c).

Sales Brochures
Advertising Pamphlets
Promotional Material

Day to day operational information is generally not applicable to persons outside the company for the purpose of protecting their constitutional rights. (Examples of such information are: quotes, automated procedures, company policies, technical information, employee records and general accounting records).

Details of products / services / acceptable use policy are freely available to the general public on our web site.

Clients automatically have direct and full access to all information pertaining to the service / product delivered to them.

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B. Records that need a formal application of request before they may be viewed – Section 51(1)(e).

- Administration Records and Correspondence
- Human Resources and Remuneration Records if any
- Operational, Accounting and Financial Records

No Third Party records or information will be supplied to any person without the express written permission by such Third Party.

C. REQUEST PROCEDURES

- The requester must use the prescribed form (**Form C**) to make a request for access to a record. This must be made to the head of the private body. The request must be made to the address, fax number or electronic mail address of the body concerned – Section 53(1).
- The requester must provide sufficient detail on the request form to enable the head of the private body 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 is to be used to inform the requester and state the necessary particulars to be so informed – Section 53(2)(b) & (c).
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requester 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).

D. 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 (**Annexure 1**).
- 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).

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- The fee that the requester must pay to a private body is R50-00. The requester may lodge an application to the court against the tender or payment of the request fee – Section 54(3)(b).
- After the head of the private body has made a decision on the request, the requester must be notified on 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).

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)

This manual is available for inspection, free of charge, at the offices of:

EmComm (Pty) Ltd between the hours of 09:00 and 14:00, Monday to Friday or on our relevant websites.

Copies are also available at the South African Human Rights Commission (SAHRC)

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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:

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:

C. Particulars of person on whose behalf request is made

| |
|--|
| This section must be completed <i>ONLY</i> if a request for information is made on behalf of another person. |
|--|

Full names and surname:

Identity number:

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FORM C (Continued)

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:

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FORM C (Continued)

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. | |
| <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p> | |

| | | | |
|--|--|--|---|
| 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 |

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FORM C (Continued)

G Particulars of right to be exercised or protected

| |
|--|
| <p>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.</p> |
|--|

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:

H. Notice of decision regarding request for access

| |
|---|
| <p>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.</p> |
|---|

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... This..... day of20.....

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

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Annexure 1

FEES Section 51(1)(e)

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Section 54(7) of the Promotion of Access to Information Act No 2 of 2000. Regulation 11(3)

1. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX

- | | |
|--|----------|
| (a) For every photocopy, copy or printout of an A4-size page or part thereof | R 10.50 |
| (b) For every printed copy of an A4-size page or part thereof held on a computer or in an electronic or machine-readable form | R 10.50 |
| (c) For a copy in a computer-readable form on i. compact disc | R 200.00 |
| (d) For a transcription of visual images, i. for an A4-size page or part thereof | R 100.00 |
| ii. For a copy of visual images | R 100.00 |
| (e) For a transcription of an record, i. for an A4-size page or part thereof | R 100.00 |
| ii. For a copy of an audio record | R 100.00 |
| (f) To search for and prepare the record for disclosure – R 250.00 for each hour or part thereof reasonably required for such search and preparation | |

Section 54(2) of the Promotion of Access to Information Act No 2 of 2000. Regulation 11(3)

2. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)

- (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.

Section 54(7) of the Promotion of Access to Information Act No 2 of 2000. Regulation 11(3)

3. PLEASE NOTE THAT ALL PRICES LISTED BELOW ARE EXCLUSIVE OF VALUE-ADDED TAX (VAT)

The actual postage fee is payable when a copy of a record must be posted to a requester.