

**SA PREMIES ASSOCIATION
(INCORPORATED UNDER SECTION 21)**

ACCESS OF INFORMATION MANUAL

**In terms of Section 51 of the Promotion
of Access to Information Act**

SA PREEMIES ASSOCIATION (INCORPORATED UNDER SECTION 21)

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1. PREAMBLE

The Promotion of Access to Information Act was promulgated in March 2001. The act was put in place in order to actively promote a society in which the people of South-Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the act was also designed to foster a culture of transparency and accountability in Public and Private Bodies, as defined. This manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000.

2. INTRODUCTION TO SA PREEMIES ASSOCIATION (INCORPORATED UNDER SECTION 21)

- 2.1 Business registration number: 2002/025421/08
- 2.2 Tax Exemption Registration: PBO 9300 1658 4
- 2.3 Registration in terms of the Non-Profit Organisations Act 1997: 45-173-NPO
- 2.4 National Support group for the parents of premature babies situated in South Africa. The ONE company people can contact for support, information, advice and products pertaining to premature birth and babies in South Africa, from birth onwards.
- 2.5 We as a private body have compiled this manual, not only to comply with the provisions of the act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.
- 2.6 Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.
- 2.7 A copy of this manual is also available on our web-site:
<http://www.sapreemies.za.org>

3. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

3.1 Contact details [Section 51(1)(a)]

Information officer: Lavonne Prinsloo
Postal address: 1242 Haarhoff Street East, Moregloed, 0186
Physical address: PO Box 31773, Waverley, 0135
Telephone number: (012) 333-1876
Fax number: (012) 333-1877
E-mail address: info@sapreemies.za.org

3.2 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 August 2003. 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: 011 484-8300

Fax: 011 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

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

- i. Arbitration Act No. 42 of 1965
- ii. Basic Conditions of Employment No. 75 of 1997
- iii. Companies Act No. 61 of 1973
- iv. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- v. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988

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- vi. Copyright Act No. 98 of 1978
- vii. Employment Equity Act No. 55 of 1998
- viii. Fund-raising Act No. 107 of 1978
- ix. Income Tax Act No. 95 of 1967
- x. Intellectual Property Laws Amendments Act No. 38 of 1997
- xi. Nonprofit Organisations Act of 1997
- xii. Occupational Health & Safety Act No. 85 of 1993
- xiii. Regional Services Councils Act No. 109 of 1985
- xiv. Skills Development Levies Act No. 9 of 1999
- xv. Skills Development Act No. 97 of 1998
- xvi. Stamp Duties Act No. 77 of 1968
- xvii. Unemployment Contributions Act No. 4 of 2002
- xviii. Unemployment Insurance Act No. 63 of 2001
- xix. Value Added Tax Act No. 89 of 1991

3.4 Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]

3.4.1 Automatic availability of certain records held by the body. [Section 51 (1)(c)]

The Minister of Justice is entitled to publish a list of records submitted by SA Preemies Association (Incorporated under section 21) to which the public may have access without formally applying for access to such records.

The list of records that are freely available and which need not be requested in terms of this Act are:

- xx. Annual Report
- xxi. Booklets
- xxii. Newsletters
- xxiii. Reports

3.4.2 Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed. [Section 51(1)(e)]

- i. Accounting records
 - ◆ Books of account including journals and ledgers
 - ◆ Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange
- i. Fixed property
 - ◆ Building plans

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- ◆ Leases
- ii. Information technology
 - ◆ Audits
 - ◆ Licenses
 - ◆ Operating systems
 - ◆ Software packages
- iii. Insurance
 - Details of insurance coverage's, limits and insurers
- iv. Legal
 - Settlement agreements
- v. Other employee records
 - ◆ Code of conduct
 - ◆ Employee contracts
- vi. Pension and retirement funding records
 - ◆ Annual accounts
 - ◆ Pension fund account records
 - ◆ Pension fund rules
- vii. Statutory Company information
 - ◆ Annual Financial Statements: Annual accounts
 - ◆ Annual Financial Statements: Auditor's report
 - ◆ Annual Financial Statements: Directors' report
 - ◆ Books of account regarding information required by the Companies act, 1973
 - ◆ Index of members
 - ◆ Register of Directors and Certain officers
 - ◆ Register of Directors' shareholdings
- viii. Statutory employee records
 - ◆ Date of birth of each employee
 - ◆ Salary and wages register
 - ◆ Time worked by each employee
- ix. Taxation
 - Copies of all income tax returns and other tax returns and documents

3.5 The request procedures:

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3.5.1 Form of request:

- i. The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- ii. 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 [s 53(2)(a) and (b) and (c)].
- iii. 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 [s 53(2)(d)].
- iv. 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 [s 53(2)(f)].

3.5.2 Fees:

- i. 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:
- ii. 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 [s 54(1)].
- iii. 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 [s 54(3)(b)].
- iv. After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- v. 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 [s 54(6)].

3.6 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.

3.7 Availability of the manual [Section 51(3)]

This manual has been made available to the Human Rights Commission, in accordance with paragraph 9(1) of the Regulations promulgated in terms of the act and is published on the website of SA Premies Association (<http://www.sapremies.za.org>)