



**HUMAN RESOURCES, INDUSTRIAL RELATIONS AND
PAYROLL SPECIALISTS**

Reg. No.: 2001/014022/23

A Guide to

**ACCESSING OUR
INFORMATION**

**Our manual in terms of Section 51 of the
Promotion of Access to Information Act**

Table of contents

	Page
Preamble	2
Introduction to this private body	2
Section A – Our details	3
Section B – The official guide	4
Section C – Information available in terms of the Act	5
Section D – Information available in terms of other legislation	9
Section E – Information automatically available	10
Annexure “A” – Request for access to record of private body	11
Annexure “B” – Fees in respect of private bodies	15

Preamble

The promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

Introduction to this private body

Pay Matters is a Personnel Management Services provider that provides a wide range of payroll and human resources related services to both corporate and domestic employers.

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 that will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information that we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

Section A – Our details

Registered name : Paymatters cc

Trading as : Pay Matters

Registration number : 2001/014022/23

Registered address : 13 Jobson Street
Young Park
Port Elizabeth
6001

Postal address : P.O. Box 11213
Algoa Park
Port Elizabeth
6005

Telephone number : 082 572 0644

Fax number : 086 754 5846

Managing member : George Frederick Vorster

Other member : Margaret Vorster

Designated information officer : George Frederick Vorster

E-mail address of information officer : georgev@paym.co.za

Website : www.paym.co.za

Section B – The official guide

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The guide will contain the following information:

1. The objects of the Act;
2. Particulars of the information officer of each public body;
3. Particulars of each private body as are practicable;
4. The manner and form of a request for access to information held by a body;
5. Assistance available from both the information officers and the Human Rights Commission in terms of this Act;
6. All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;
7. Schedules of fees to be paid in relation to requests for access to information;
8. Regulations made in terms of the Act.

Copies of this guide will be available as soon as it is published by the SAHRC. Enquiries regarding the guide can be addressed to the SAHRC, the contact details of which are as follows:

Post: South African Human Rights Commission
Promotion of Access to Information Act Unit
Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: (011) 484-8300

Fax: (011) 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

Section C – Information available in terms of the Act

1) Categories of information

We hold the following categories of information:

- a) STATUTORY COMPANY INFORMATION
 - i) Certificate of Incorporation;
 - ii) Certificate of Change of Name (if any);
 - iii) Memorandum and Articles of Association;
 - iv) Certificate to Commence Business;
 - v) Minute Book, as well as Resolutions passed at general/class meetings;
 - vi) Register of Members;
 - vii) Index of Members;
 - viii) Register of Mortgages and Debentures and Fixed Assets;
 - ix) Register of Directors' shareholdings;
 - x) Register of Directors and Certain Officers;
 - xi) Annual Financial Statements;
 - xii) Books of Account regarding information required by the Companies Act, 1973;
 - xiii) Supporting schedules to books of account and ancillary books of account;
- b) ACCOUNTING RECORDS
 - i) Books of Account including journals and ledgers;
 - ii) Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange.
- c) STATUTORY EMPLOYEE RECORDS
 - i) Employees' names and occupations;
 - ii) Time worked by each employee;
 - iii) Remuneration paid to each employee.
 - iv) Date of birth of each employee;
 - v) Wages register;
 - vi) Attendance register;
 - vii) Salary and wages register;
 - viii) Collective agreements;
 - ix) Arbitration awards;
 - x) Determinations made in terms of the Wage Act;
 - xi) Records of strikes, lockouts or protest action, (if any).
 - xii) Training records;
 - xiii) Staff records (after date of employment ceases);

- xiv) Tax records;
- d) OTHER EMPLOYEE RECORDS
 - i) Employee contracts;
 - ii) Workplace rules.
- e) PENSION AND RETIREMENT FUNDING RECORDS
 - i) N/A
- f) ENVIRONMENTAL HEALTH AND SAFETY
 - i) Safety management systems, data and audits;
 - ii) Industrial hygiene programs, data and audits;
 - iii) Employee public health emergency action plans;
 - iv) Emergency response plans;
- g) FIXED PROPERTY
 - i) Title Deeds;
 - ii) Leases;
 - iii) Building plans;
 - iv) Mortgage Bonds or other encumbrances to fixed property.
- h) MOVABLE PROPERTY
 - i) Asset register;
 - ii) Finance and Lease Agreements;
- i) INTELLECTUAL PROPERTY
 - i) Patents, patent applications and inventions;
 - ii) Trademarks, trade names and protected names;
 - iii) Copyrights;
 - iv) Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, technology agreements, joint venture agreements and joint development agreements;
 - v) Litigation and other disputes involving intellectual property.
- j) AGREEMENTS AND CONTRACTS
 - i) Material agreements concerning provision of services or materials;
 - ii) Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements;
 - iii) Agreements with shareholders, officers or directors;
 - iv) Acquisition or disposal documentation;
 - v) Agreements with contractors and suppliers;
 - vi) Agreements with customers;

- vii) Warranty agreements;
- viii) Sale agreements;
- ix) Distributor, dealer or agency agreements;
- x) Restraint agreements;
- xi) Agreements with governmental agencies;
- xii) Purchase or lease agreements.

k) TAXATION

- i) Copies of all Income Tax Returns and other tax returns and documents;

l) LEGAL

- i) Complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- ii) Settlement agreements;
- iii) Material licences, permits and authorisations;

m) INSURANCE

- i) Insurance policies;
- ii) Claim records;
- iii) Details of insurance coverage, limits and insurers.

n) INFORMATION TECHNOLOGY

- i) Hardware;
- ii) Operating Systems;
- iii) Telephone Exchange Equipment;
- iv) Telephone Lines, Leased Lines and Data Lines;
- v) LAN Installations;
- vi) Software Packages;
- vii) Internal Systems Support and Programming / Development;
- viii) Agreements;
- ix) Licenses;

o) SALES AND MARKETING

- i) Products;
- ii) Markets;
- iii) Customers;
- iv) Brochures, Newsletters and Advertising Materials;
- v) Sales;
- vi) Public Relations Policies and Procedures;
- vii) Domestic Orders

2) Procedure for requesting access to the above information

If you wish to request access to any of the above categories of information, you are required to complete a request form as set out in annexure “A” hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website (www.sahrc.org.za)
- the Department of Justice and Constitutional Development website (www.doj.gov.za).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information that you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Section D – Information available in terms of other legislation

Where applicable to our operations, information, records and documents are also available in terms of certain provisions of the following statutes (as amended):

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Pension Funds Act No. 24 of 1956
- Stamp Duties Act No. 77 of 1968
- Transfer Duty Act No. 40 of 1949
- Value-added Tax Act No. 89 of 1991

Section E – Information automatically available

The following categories of records are automatically available for inspection, purchase or photocopying. In other words you do not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

1. Newsletters.
2. Booklets.
3. Pamphlets / Brochures.

ANNEXURE “A”

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

<p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and/or fax number in the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p>

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

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

Full names and surname:

.....

Identity number:

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 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

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:.....

.....
.....

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.

1. Copies of a manual

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

2. Reproduction fees¹

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 fees²

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 fee³ is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee⁴ may be charged at a fixed rate 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.⁵
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

¹ Section 52(3) and Regulation 1(1).

² Section 54(7) and Regulation 11(3).

³ Section 54(1) and Regulation 11(2).

⁴ Annexure “A”, Part III, Item 4(1)(f).

⁵ Section 54(2).