

ABACUS MICRO SYSTEMS SALDANHA CC

MANUAL IN TERMS OF THE PROMOTION TO ACCESS TO INFORMATION ACT (ACT 2 OF 2000)

1. CONTACT DETAILS OF ABACUS

1.1 Name of the Business: Abacus Micro Systems Saldanha CC (Registration number: 2001/011329/23) trading as "ABACUS"

1.2 Head of the Business:

Abacus is a close corporation and the member is Mrs. M.J.C. Human. In line with the requirements of the Promotion of Access to Information Act, No 2 of 2000 ("The Act"), Abacus has prepared this manual to assist you when requesting information in terms of the Act.

1.3 Physical Address:

8 Burton Port
SALDANHA
7395

1.4 Postal Address:

P.O. Box 565
SALDANHA
7395

1.5 Telephone: (022) 714 4651

1.6 Fax: (022) 714 4653

1.7 E-Mail: marietjie@amss.co.za

1.8 Information Officer: Mrs. M.J.C. Human

1.9 Inspection of the manual:

This manual may be inspected at our offices. Copies of the manual may be obtained from the Human Rights Commission.

2. SECTION 10 GUIDE

- 2.1 In terms of section 10 of the Act, a guide containing the following information will be available from the Human Rights Commission from 2003 onwards:
- 2.1.1 How to access a record of a private body and the assistance that is available from the Human Rights Commission in this regards.
 - 2.1.2 How to lodge a court application against a decision of a head of a private body.
 - 2.1.3 What fee are payable for accessing documentation and any information that has been voluntary disclosed by a private body.
- 2.2 If you require a guide, the contact details of the South African Human Rights Commission are as follows:

PAIA Unit
The 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

3. RECORDS THAT ARE AVAILABLE IN TERMS OF OTHER LEGISLATION (SECTION 51 1 (d) RECORDS)

- 3.1 Where applicable and insofar as you comply with requirements set out in the relevant act, you may also request information which is available in terms of other legislation such as the following:
- 3.1.1 The Close Corporations Act 69 of 1984
 - 3.1.2 The Income Tax Act 58 of 1962 Section 75(as amended)
 - 3.1.3 The value-Added Tax Act 89 of 1991 Section 55.
 - 3.1.4 The Basic Condition of Employment Act 75 of 1997 Section 29(4), 30 and 31.
 - 3.1.5 Skills Development Act 97 of 1998 Section 13.
 - 3.1.6 Compensation for Occupational Injuries and Diseases Act 130 of 1993 Section 80-82.
 - 3.1.7 Employment Equity Act 55 of 1998 Section 26.
 - 3.1.8 Unemployment Insurance Act 63 of 2001 Sections 42 and 56.
 - 3.1.9 Skills development Levies Act 9 of 1999 Section 13.
 - 3.1.10 Pension Funds Act 24 of 1956 Section 15 and 35.
 - 3.1.11 Insolvency Act 24 of 1936 Section 134.

4. SUBJECTS AND CATEGORIES OF INFORMATION HELD BY ABACUS (SECTION 51 1 (e) RECORDS

Records that is available without a person having to request access in terms of this Act by power of Section 52(2)

In absence of a Section 52(2) notice the following records are available without a person having to Request access: (Note: access may be refused in terms of Sections 62 to 69 of the Act)

Software licenses
Lease agreements
Employee records
Training records
Employment Equity records
BBBEE Records
UIF returns
Vat Returns
Paye Returns
Annual Financial Statements
Insurance Policies
Tax files and related records
Debtor's information
Creditor's information
Marketing material

The record of information held by the company may be divided into four broad subjects, set out hereunder. The following are considered to include but not limit the records which pertain to Abacus's affairs:

- 4.1 Human Resources which shall include all personnel records;
- 4.2 Customer related records which shall include all statutory records;
- 4.3 Company records which shall include all statutory records;
- 4.4 Records pertaining to other parties which shall include contracts, agreements and arrangements between customers and other parties.

5. REQUEST FOR ACCESS TO RECORDS HELD BY ABACUS

- 5.1 Your Request for information must be made to Abacus in the prescribed form, a copy of which is available at our offices, or at the office of the Human Rights Commission. The form must be send to the Information Officer at one of the contact details given in paragraph 1 above.
- 5.2 You will be able to get the form together with a list of applicable fees from Abacus's offices. These fees must be paid before access to a record will be allowed. You will be informed of the amount of the fees once you have submitted your request. The Minister may exempt certain persons from having to pay the fees referred to in the Act.
- 5.3 Please note that if you do not provide all the information we require in the Form, it will delay the process until such time as you have given the necessary information.
- 5.4 You must give sufficient information in the prescribed Form to:
 - 5.4.1 Identify the record requested:

- 5.4.2 Indicate the manner which must be used to inform you of the outcome of the requested for information and the form in which the requested information must be given;
 - 5.4.3 You must identify the right that is being exercised or protected and explain why the record requested will assist you in this regard;
 - 5.4.4 Where you making the request on behalf of another person, you must give proof of the capacity in which you make the request, to the satisfaction of the Information Officer of Abacus.
- 5.5 If the record you requested exists and is granted, provided it does not affect a third party your request will be processed within 30 days from the date of the request.,
- 5.6 This period may be extended once for a further 30 days if:
- 5.6.1 the request is for a large number of records, or requires a search through a large number of records;
 - 5.6.2 consultation with another private body is necessary or desirable to decide upon the request;
 - 5.6.3 more than one of the circumstances contemplated in paragraphs 5.6.1 and 5.6.2 exist in respect of the request, making compliance with the original period not reasonably possible, or;
 - 5.6.4 if you consent in writing to such extension.
- 5.7. Every Requestor who is not a personal requestor requesting personal information about the requestor, must pay the required fees.
- 5.8. After the Designated head of the business has made a decision on the request, the requestor will be notified on the required form of the decision.
6. There are various grounds upon which your request for access to a record may be refused. They are:
- 6.1 Protecting personal information of a third person (who is a natural person) from unreasonable disclosure;
 - 6.2 The protecting of commercial information of a third party. (For example trade secrets, financial, commercial scientific or technical information)
 - 6.3 Refusing access to a record if disclosure would result in the breach of a duty of confidence owed to a third party.
 - 6.4 Refusing access to a record if it would jeopardize the safety of an individual.
 - 6.5 Refusing access to a record that was produced during legal proceedings, unless that legal privilege has been waived.
 - 6.6 Refusing access to record containing trade secrets, financial or sensitive information or any information that would put the private body at a disadvantage in negotiations or prejudice it in commercial competition.
 - 6.7 Refusing access to a record containing information about research being carried out or about to be carried out on behalf of a third party or the private body itself.
7. If your request does affect a third party, we will first need to inform the third party within 21 days of us receiving your request.
By this we mean that if the record you request affects any third party in any way, that third party will have to be informed that you are requesting access to the above record.

The third party then has 21 days to make representations/submissions regarding the granting of access to the record.

8. AVAILABILITY OF THE MANUAL

This manual is available in print and electronically at:

8.1 On the Abacus website at www.amss.co.za

8.2 At the offices of Abacus Micro Systems Saldanha CC for inspection only.

8.3 From the SAHRC

9. FEES.

The fee for a photo copy of any document is R1.50 per A4 page.

The fee for a colour print of a visual image is R60.00 per A4 size print.

The fee for an electronic copy R70.50 is per CD.

For an audio record the fee is R30 to listen to the record.

Other media the fee is the actual cost of the media plus the time to prepare it.

The request fee payable by any requestor other than a personal requestor referred to in regulation 11(2) is R50.00 per request.

To search for and prepare a record for disclosure R60.00 per each hour reasonably required to search and prepares such a record.

Actual postage fee when a record is to be posted.

10. OTHER INFORMATION

Please note that the information provided in this manual may be updated from time to time. Should you have any questions arising from this manual please contact the Information Officer on the contact details provided in paragraph 1 above.

Issued by the Information Officer of ABACUS.

1 July 2015

Forms associated with this manual:

1. Request for Access to Record of a Private Body.
2. Granting or refusal of access to Record of a Private Body.