

PROMOTION OF ACCESS TO INFORMATION ACT (2 of 2000)

SECTION 51 MANUAL FOR Stellar Marketing (Pty) Ltd : Trading As 5th Dimension

EFFECTIVE DATE: August 1st 2005

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A. **INTRODUCTION TO 5th Dimension**
Brief description of business: 5th Dimension is a specialist direct marketing consultancy.

B. **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

1. **Contact details** [Section 51(1)(a)]

Head of the private body: Keith Wiser (Managing Director)

Postal address: PO Box 2981
Pinegowrie
2123

Street address: Block C
Hurlingham Office Park
Woodlands Road
Hurlingham Manor
2196

Phone number: 0861 055 555

Fax number: 086 672 1813

E-mail address: info@5thdimension.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. 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: +27 11 484-8300

Fax: +27 11 484-0582

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

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

The private body keeps records in terms of the following legislation:

1. Basic Conditions of Employment No. 75 of 1997
2. Companies Act No. 61 of 1973
3. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
4. Employment Equity Act No. 55 of 1998
5. Income Tax Act No. 95 of 1967
6. Labour Relations Act No. 66 of 1995
7. Occupational Health & Safety Act No. 85 of 1993
8. Skills Development Levies Act No. 9 of 1999
9. Skills Development Act No. 97 of 1998
10. Unemployment Contributions Act No. 4 of 2002
11. Unemployment Insurance Act No. 63 of 2001
12. Value Added Tax Act No. 89 of 1991.

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

i. Records that are readily available (i.e. without a person having to request access, e.g. website, brochures).

(a) Company Website

(b) Company Policies & Procedures Manual

ii. 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. Commercial / Legal

1. Contracts with suppliers/service providers
2. Shareholders/Members/Owners/Partners
3. Property Leases and Agreements
4. Intellectual property
5. Insurance policies/contracts
6. Correspondence

ii. Management

1. Minutes/reports of management meetings
2. Resolutions

iii. Financial

1. Financial year-end results
2. Interim financial reports
3. Bank account details
4. Invoices

5. Statements
 6. Budgets
 7. Taxes
 8. Levies
- iv. Human Resources
1. Employees Personnel Information
 2. Training and Development
 3. Time and wages records
 4. Salaries and Wages
 5. Leave records
 6. Particulars/contracts of employment
 7. Employment Equity
 8. Policies and procedures
- v. Marketing/Communication
1. Advertising
 2. Product/service ranges and pricing
- vi. Health & Safety
1. Policies
 2. Accidents and Incidents Reports

iii. The request procedures

Form of request:

- 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)].
- 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)].
- 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)].
- If a request is made on behalf of a 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)].

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:

- 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)].
- 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)].
- After the head of the private body 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 [s 54(6)].

5. Other information as may be prescribed [Section 51(1)(f)]

At the time of publication of this manual the Minister of Justice and Constitutional Development has not made any regulations in this regard.

6. Availability of the manual [Section 51(3)]

The manual is also available for inspection during office hours, by prior appointment, at the private body's physical address as stipulated in paragraph B1 above. Copies are also available at the SAHRC whose contact details are as stipulated in paragraph B2 above.

7. Fees in respect of private bodies

The fees for copies are stipulated in the relevant regulations that may be accessed via the SAHRC's website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za).

8. Prescribed forms

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:

D. Particulars of record

- | |
|---|
| <p>(a) <i>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.</i></p> <p>(b) <i>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.</i></p> |
|---|

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:

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:
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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

The above forms and other relevant information may also be accessed via the SAHRC's website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za).

LIST OF LEGISLATION THAT MIGHT APPLY / IN TERMS OF WHICH RECORDS
MIGHT HAVE TO BE HELD BY PRIVATE BODY

1. Administration of Estates Act, No. 66 of 1965
2. Arbitration Act No. 42 of 1965
3. Basic Conditions of Employment No. 75 of 1997
4. Companies Act No. 61 of 1973
5. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
6. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
7. Copyright Act No. 98 of 1978
8. Credit Agreements Act No. 75 of 1980
9. Currency and Exchanges Act No. 9 of 1933
10. Debtor Collectors Act No. 114 of 1998
11. Employment Equity Act No. 55 of 1998
12. Finance Act No. 35 of 2000
13. Financial Services Board Act No. 97 of 1990
14. Financial Relations Act No. 65 of 1976
15. Harmful Business Practices Act No. 23 of 1999
16. Hazardous Substances Act No. 15 of 1973
17. Income Tax Act No. 95 of 1967
18. Insolvency Act No. 24 of 1936
19. Insurance Act No. 27 of 1943
20. Intellectual Property Laws Amendments Act No. 38 of 1997
21. Labour Relations Act No. 66 of 1995
22. Long Term Insurance Act No. 52 of 1998
23. Medical Schemes Act No. 131 of 1998
24. Occupational Health & Safety Act No. 85 of 1993
25. Patents Act No. 57 of 1978
26. Pension Funds Act No. 24 of 1956
27. Post Office Act No. 44 of 1958
28. Protection of Businesses Act No. 99 of 1978
29. Regional Services Councils Act No. 109 of 1985
30. SA Reserve Bank Act No. 90 of 1989
31. Short Term Insurance Act No. 53 of 1998
32. Skills Development Levies Act No. 9 of 1999
33. Skills Development Act No. 97 of 1998
34. Stamp Duties Act No. 77 of 1968
35. Stock Exchange Control Act No. 1 of 1985
36. Tax on Retirement Funds Act No. 38 of 1996
37. Trade Marks Act No. 194 of 1993
38. Unemployment Contributions Act No. 4 of 2002
39. Unemployment Insurance Act No. 63 of 2001
40. Usury Act No. 73 of 1968
41. Value Added Tax Act No. 89 of 1991.