

**Hazeldean Trust
Trading as
Hazeldean Computers**

**PROMOTION OF ACCESS TO
INFORMATION ACT MANUAL**

Hazeldean Trust t/a Hazeldean Computers

Promotion of Access to Information Act Manual August 2003

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A copy of the manual will be available for inspection at:

- The registered office, 85 Hill Street, Stutterheim
- The offices of the Human Rights Commission

1. Introduction

The Promotion of Access to Information Act of 2000 came into effect in March 2001. The purpose of this Act is to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights.

The Human Rights Commission is responsible for compiling a guide that provides details on how to use the Act. This guide is currently not available from the Human Rights Commission. Please direct any further queries in this regard to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal Address: Private Bag 2700
Houghton
2041

Phone: (011) 484 8300

Fax: (011) 484 0582

e-mail: PAIA@zahrc.org.za

Website: www.sahrc.org.za

In terms of Section 51(1) of the Promotion of Access to Information Act, all heads of private bodies are required to compile a manual that provides information regarding the subjects and categories of records held by such private bodies. This manual is intended to fulfil this requirement.

Accordingly, this manual provides a reference to the records we hold and the process that needs to be adopted to access such records. All requests for access to information (other than information that is available to the public) should be addressed to the contact person as identified in Section 4 of this manual, as he is our designated Information Officer.

2. Company overview and structure

Hazeldean Computers is a retail supplier of computer equipment and related products.

3. Our corporate philosophy on access to information

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We support the intended purpose of the Act, namely, to give effect to the constitutional right of access to any information held by public or private bodies, and which is required for the exercise or protection of any rights. It is our policy therefore to endeavour to timeously assist requestors as far as possible.

4. Administration of the Act

The Trustees of Hazeldean Trust has duly authorised the contact person below to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Accordingly, all requests for access to records should be addressed to:

Contact person: Mr Stewart MacLachlan
Postal address: P.O. Box 134, Stutterheim, 4930
Physical Address: 85 Hill Street, Stutterheim
Phone number: 043 –683 1798
Fax number: 043 -683 3330
E-mail address: stewart@hazeldean.co.za
Web page: www.hazeldean.co.za

5. Subjects and corresponding categories of records

Our records can be found in various forms including electronic and paper. In terms of the Promotion of Access to Information Act, access must be granted irrespective of form or medium.

To facilitate the easy identification of the records we hold, we have categorised our records per subject area. The table below provides an indication of the subjects of information that we hold and the corresponding categories;

Subjects	Categories
Finance	<ul style="list-style-type: none">• Audited financial statements• Tax records (employee)• Asset register• General correspondence• Management accounts• Budgets• Information relating to financial transactions• Banking records
Sales and marketing	<ul style="list-style-type: none">• Historical information• Web page• E-mail• Advertising

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Human resources	<ul style="list-style-type: none">• Employee records• Employment contracts• Personnel guidelines, policies and procedures• General correspondence• Employee benefit records (excluding medical aid and pension details)• Labour relations records• Statutory records
Audit	<ul style="list-style-type: none">• General correspondence• Management records• Transactional records
Licenses	<ul style="list-style-type: none">• IT Software licenses• Vehicle licences

6. Records that can be accessed without a formal request

Certain records can be accessed without the submission of a formal request (refer to Section 7 of this document for particulars regarding formal requests), including:

- Information available on our website
- Promotional material
- Records lodged with various statutory bodies.

These records can be accessed by contacting our head office or the respective statutory body, as appropriate.

Additionally, we are required to ensure that certain records are available (as prescribed by each Act), in terms of the following Acts:

1. Basic Conditions of Employment Act No. 75 of 1997
2. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
3. Income Tax Act No. 95 of 1967
4. Occupational Health & Safety Act No. 85 of 1993
5. Regional Services Councils Act No. 109 of 1985
6. Skills Development Levies Act No. 9 of 1999
7. Skills Development Act No. 97 of 1998
8. Unemployment Contributions Act No. 4 of 2002
9. Unemployment Insurance Act No. 63 of 2001
10. Value Added Tax Act No. 89 of 1991

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please

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contact our Information Officer on 043 -683 1798. Your assistance in this regard is appreciated.

Notification of the availability of these records in terms of these Acts has not yet been given to the Cabinet Minister of Justice.

7. Procedure to follow when submitting a formal request of access to a record

A request for access to a record that does not fall within the categories identified in Section 6 of this manual must be done formally (as prescribed by the Promotion of Access to Information Act) either via conventional mail, e-mail or fax.

This request should be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A request form is also available from our offices. The prescribed *request fee* should be attached (refer to Section 9 of this manual for more details on the fees).

Our Information Officer will respond to your request within *30 days* of receiving the request by indicating whether your request for access has been granted.

Please note that the successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.

The request form must be completed CLEARLY and COMPLETELY in block letters. If there is insufficient space on the printed request form in which to answer a question, additional information must be provided on a separate page that is clearly marked and referenced.

If access to a record/information is granted, our response will include:

- An indication of the access fee that should be paid upon gaining access (if any);
- An indication of the form in which the access will be granted;
- A notice that you may lodge an application with the court against the access fee to be paid or the form of the access, including guidance on the procedure for lodging the application.

If access to a record/information is denied, our response will include:

- Adequate reasons for the refusal; and
- Notice that you may lodge an application with the court against the extension and the procedure including the period, for lodging the application. For details on the procedure, please refer to Chapter 2 Part 4 of the Promotion of Access to Information Act.

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Assuming your request of access is granted, you will be able to gain access to the requested records as soon as is reasonably possible and once the access fee has been paid.

Access will be granted to a record if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right;
- The requestor complies with the procedural requirements in the Act relating to a request; and
- Access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the Act.

8. Denial of access

Access may be refused under limited circumstances including:

- Protecting personal information that we Hazeldean Trust hold about a third person (who is a natural person) from unreasonable disclosure;
- Protecting commercial information that we hold about a third party (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
- If disclosure would result in a breach of a duty of confidence owed to a third party;
- If disclosure would jeopardize the safety or life of an individual;
- If disclosure would prejudice or impair the security or property or means of transport;
- If disclosure would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings unless the privilege has been waived;
- If the record is a computer programme;
- Disclosure of the record will put Hazeldean Trust at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of Hazeldean Trust; and
- Records containing information about research being carried out or about to be carried out on behalf of a third party or Hazeldean Trust.

9. Fees

The applicable fees are prescribed in terms of the regulations that relate to the Promotion of Access to Information Act. There are two basic types of fees applicable

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in terms of the Promotion of Access to Information Act – “request” and “access” fees. The non-refundable request fee (currently R57.00 inclusive of VAT) is payable on submission of the request for access to a record (unless the request is for personal records of the requestor in which event there is no applicable fee). The access fee is payable prior to gaining access to the records in the required form. The applicable access fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11.

10. Request for access to information about third parties

If you request access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied.

In the event that the third party furnishes reasons for the support or denial of access, our designated Information Officer will consider these reasons in determining whether access should be granted. You may appeal against a refusal of access by our Information Officer. Please refer to Part 4 of the Promotion of Access to Information Act for further details on the Appeal Process.

11. Records that cannot be found or that do not exist

If we searched for a record and believed that it either does not exist or cannot be found, we will notify you by way of an affidavit or affirmation that it is not possible to give you access to the requested record as we are unable to locate it. We will also provide you with details on the steps that were taken to try to locate the record. If at a later stage the record is located, we will grant you access, provided that access is not prohibited in terms of Chapter 4 of Part 3 of the Promotion of Access to Information Act.