

**MANUAL IN TERMS OF SECTION 51
OF THE PROMOTION OF ACCESS TO INFORMATION ACT
ACT NO.2 OF 2000 FOR
BUSINESS POSITIONING SYSTEMS (PTY) LTD
(Registration Number: 2008/018377/07)**

Prepared on 26 October 2015



CONTENTS

1. Introduction
2. Contact details
3. The section 10 guide on how to use the Act
4. Access to the records held by Business Positioning Systems (Pty) Ltd
 - i. Information readily available
 - ii. Records that may be requested
5. Legislation applicable to Business Positioning Systems (Pty) Ltd
6. The request procedure
7. Availability of the manual

Appendix A: Form C: Request for Access to Record of Private Body

Throughout this manual, when reference is made to “the Act”, this means The Promotion of Access to Information Act, Act No.2 of 2000



1. Introduction

Main Business

The Directory Of Businesses

2. Contact details

Name of business: Business Positioning Systems (Pty) Ltd
Head of business: Neil Clarence
Information officer: Neil Clarence
Postal address: PO Box 96411
Brixton
2019
Physical address: 120 Caroline Street
Brixton
2092
Telephone: 011 021 8347
Fax: 086 503 7395
Email: neil@bpsystemsonline.com
Website: WWW.BPSYSTEMS.CO.ZA



3. The section 10 Guide on how to use the Act

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.

Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. 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: 011 877 3600
Website: www.sahrc.org.za



4. Access to the records held by Business Positioning Systems (Pty) Ltd

i. Information readily available

Not applicable

ii. Records that may be requested

Business Positioning Systems (Pty) Ltd holds the information / documents listed herein below:

Administration

Correspondence

Licences

Minutes of management meetings

List of directors

Minute books and resolutions

Power of attorney agreements

Share Register

Shareholders' Agreements

Statutory registers

Memorandum of Incorporation

Finances

Annual financial statements

Asset Register

Banking details

Bank statements

Financial statements

Supporting documents for the above

Information Technology

Computer software support and maintenance agreements

Software licence agreements

Agreements in respect of computer hardware

Agreements with Internet Service Providers

Documents relating to legal proceedings

Specific agreements and documents relating to the business activities

5. Legislation applicable to Business Positioning Systems (Pty) Ltd

Where required by the below acts, applicable records are kept in addition to those stated in section 4. Access to these records is regulated by the applicable acts:

Electronic Communications Act, 2005
Electronic Communications and Transactions Act, 2002
Income Tax Act, 1962
Value-Added Tax Act, 1991
Constitution of the Republic of South Africa, 1996
Promotion of Access to Information Act, 2000
Prevention and Combating of Corrupt Activities Act, 2004
Prevention of Organised Crime Act, 1998
Protection of Personal Information Act, 2013
Broad-Based Black Economic Empowerment Act, 2003
Businesses Act, 1991
Competition Act, 1998
Consumer Affairs (Unfair Business Practices) Act, 1988
Consumer Protection Act, 2008
Copyright Act, 1978
Counterfeit Goods Act, 1997
Designs Act, 1993
National Small Business Act, 1996
Patents Act, 1978
Protection of Businesses Act, 1978
Rationalisation of Corporate Laws Act, 1996
Standards Act, 2008
Trade Marks Act, 1993
Unauthorized Use of Emblems Act, 1961
Usury Act, 1968
National Road Traffic Act, 1996
Securities Transfer Tax Act, 2007
Companies Act, 2008
Basic Conditions of Employment Act, 1997
Compensation for Occupational Injuries and Diseases Act, 1993
Employment Equity Act, 1998
Labour Relations Act, 1995
Manpower Training Act, 1981
Occupational Diseases in Mines and Works Act, 1973
Occupational Health and Safety Act, 1993
Skills Development Act, 1998
Skills Development Levies Act, 1999
Unemployment Insurance Act, 2001



Unemployment Insurance Contributions Act, 2002
National Credit Act, 2005



6. 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.

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.

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.

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.

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.

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.

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 (six hours) to search and prepare the record for disclosure.

Records may be withheld until the fees have been paid.

The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za.

7. Availability of the manual

The manual is also available for inspection during office hours at the offices of Business Positioning Systems (Pty) Ltd free of charge. Copies are also available from the SAHRC.

Signed:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, positioned above a thin horizontal line.

Neil Clarence
Head of business

Appendix 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

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

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

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

Full names and surname:

Identity number:

D. Particulars of record

- | | |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | 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. |
| (b) | 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 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
Mark the appropriate box with an X.	
NOTES: <ul style="list-style-type: none">(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 for 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:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If record consists of visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"		
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"		
<input type="checkbox"/>		<input type="checkbox"/>	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.			<table border="1"><tr><td>YES</td><td>NO</td></tr></table>	YES	NO
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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

