

Section 51 Information Manual

Escape to the Beach (Pty) Ltd

(Reg nr: 2018/389369/07)

Prepared in accordance with Section 51 of the Promotion of
Access to Information Act, No. 2 of 2000

Last Updated: 12 July 2021

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1. Introduction

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 (“the Act”) came into operation, giving effect to the section 32(2) Constitutional right of access to information. 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 document serves as the Company’s information manual and provides reference to the records held by the Company and the process to request access to such records.

2. Availability of the Manual

A copy of this manual is available to the public for inspection on the Company’s website at www.escapetothebeach.co.za or on request from the designated contact person referred to in this manual.

This manual is also available for inspection at the Company’s offices free of charge, and copies are available with the SAHRC.

3. Core Business

The Company’s core business is:

5 Star guest house operating within the Tourism sector

{Include a general introduction to the company}

4. Contact Details

The responsibility for administration of and compliance with the Act, has been delegated by the Company to the Information Officer. Requests pursuant to the provisions of the Act should be directed as follows:

Contact Person	Sarie Exton
Postal Address	69 Sands Road, WILDERNESS, 6560
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Physical Address	69 Sands Road, WILDERNESS, 6560
Phone Number	+27 64 7938469
Fax Number	
Email	stay@escapetothebeach.co.za

5. Guide for Requestors 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 must 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.

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a constitutional right, in terms of the Act. The Guide is available from the SAHRC as follows:

The South African Human Rights Commission: PAIA Unit

Physical Address: 29 Princess of Wales Terrace
corner York and St. Andrews Streets
Parktown

Postal address: Private Bag 2700
Houghton
2041

Telephone number: +27 (11) 877 3600

Fax number: +27 (11) 403 0625

E-mail: PAIA@sahrc.org.za

6. Records freely available to the Public

The categories of records that are available without a person having to request access in terms of the Act are:

- Certain marketing information, adverts and brochures
- Certain product information
- External media releases
- Public company records

7. Records Held in Accordance with Legislation

The Company holds records in accordance with the following legislation

SEE ATTACHED ADDENDUM A (point 19)

Please note that while we have made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Any omission is unintended.

8. Client Records

The Company holds the following categories of records in respect of clients:

CATEGORIES OF RECORDS	YES/No or N/A
• Financial Information	YES
• Correspondence	YES
• Fee Files	YES
• Contracts	YES
• Reports	YES
• Business Information	YES
• Findings and Recommendation reports	NO
• Investigative Material	NO
• Legal Documentation	NO
• Proposal and Tender Documents	NO
• Project Plans	N/A
• Risk Management Records	N/A
• Solution Methodologies	N/A

• Working Papers	N/A
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9. Corporate Governance and Company Secretarial

The Company holds the following categories of records in respect of corporate governance and company secretarial:

CATEGORIES OF RECORDS	YES/No or N/A
• Applicable statutory documents such as but not limited to certificates of incorporation and certificates to commence business	YES
• Annual Reports	YES
• Codes of Conduct	N/A
• Corporate Social Investment Records	N/A
• Corporate Structure Diagrams	N/A
• Governing Board Meeting Minutes	N/A
• Executive Committee Meeting Minutes	N/A
• Risk Management Records	N/A
• Legal and Compliance Records	N/A
• Statutory Returns	YES
• Policies	NO
• Memorandum of Incorporation	YES
• Share Registers	YES
• Share Certificates	YES
• Shareholder Agreements	NO
• Minutes of Meetings	YES

10. Finance and Administration

The Company holds the following categories of records in respect of finance and administration:

CATEGORIES OF RECORDS	YES/No or N/A
• Accounting Records	YES
• Annual Financial Statements	YES
• Agreements	YES
• Banking Records	YES
• Correspondence	YES
• Invoices and Statements	YES
• Management Reports	YES
• Tax Records and Returns	YES

11. Human Resources

The Company holds the following categories of records in respect of human resources:

CATEGORIES OF RECORDS	YES/No or N/A
• Accounting and Payroll Records	YES
• BEE Statistics	YES
• Career Development Records	YES
• Personnel Information	YES

• Employment Equity Reports	N/A
• General Terms of Employment	YES
• Letters of Employment	YES
• Leave Records	YES
• PAYE Records and Returns	YES
• Performance Management Records	YES
• Policies and Procedures	YES
• UIF returns	YES
• Retirement Benefit and Medical Aid	N/A

12. Information Management

The Company holds the following categories of records in respect of information management:

CATEGORIES OF RECORDS	YES/No or N/A
• Contracts and Agreements	YES
• Equipment Register	YES
• Information Policies, Standards, Procedures and Guidelines	YES

13. Training

The Company holds the following categories of records in respect of training:

CATEGORIES OF RECORDS	YES/No or N/A
• Training Materials	YES
• Training Records and Statistics	N/A
• Training Agreements	N/A

14. Media

The Company holds the following categories of records in respect of media:

CATEGORIES OF RECORDS	YES/No or N/A
• External Publications	N/A
• Internal Publications	N/A
• Reference Works	N/A
• Periodicals	N/A
• Research Files (Articles)	N/A

15. Marketing and Communication

The Company holds the following categories of records in respect of marketing and communications:

CATEGORIES OF RECORDS	YES/No or N/A
• Proposal Documents	N/A
• New Business Development	N/A
• Brand Information Management	N/A
• Marketing Strategies	N/A

• Communication Strategies	N/A
• Agreements	N/A
• Client Relationship Programmes	N/A
• Marketing Brochures	N/A

16. Operations

The Company holds the following categories of records in respect of operations:

CATEGORIES OF RECORDS	YES/No or N/A
• Access Control Records	N/A
• Agreements	N/A
• Archival Administration Documentation	YES
• Communication Strategies	N/A
• Contracts	YES
• General Correspondence	YES
• Patents and Trade Mark Documents	N/A
• Insurance Documentation	YES
• Service level agreements	YES
• Travel Documentation	N/A
• Vehicle Registration Documents	N/A

17. Access Request Procedure

Please note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within certain categories as specified in the Act. If it is suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against the requester.

Completion of the Access Request Form

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form:

- An Access Request Form must be completed. This form must be in the prescribed format as defined in Form C of Annexure B as identified in Government Notice Number 187, Regulation 6. A copy of the request form is attached.
- Proof of identity is required to authenticate the identity of the requester. Therefore, in addition to the access form, requestors will be required to supply a copy of their identification document.
- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state “N/A” in response to that question.
- If there is nothing to disclose in reply to a particular question state “nil” in response to that question.
- If there is insufficient space on a printed form, additional information may be provided on an additional attached page.

Please note:

- In terms of the Act, the requester is required to provide sufficient detail on the request form to enable the Company to identify the record and the requester. The requester should also indicate the format access is required in, and 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 submit proof of the capacity in which the requester is making the request to the satisfaction of the Company.
- An application for access to information can be refused if the application does not comply with the procedural requirements of the Act.
- The successful completion and submission of an access request form does not automatically allow the requestor access to the requested record.
- If the request is for access to a record that contains information about a third party, the Company is obliged to contact the 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, the Company will consider these reasons in determining whether access may be granted.

Submission of the Access Request Form

- The completed Access Request Form together with a copy of the identity document must be submitted either via the mail, e-mail or fax and must be addressed to the contact person as indicated above.
- An initial request fee of R50.00 is payable on submission.
- This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Payment of Fees

- Payment details can be obtained from the contact person as indicated above and can be made by EFT (no credit card payments are accepted). Proof of payment must be supplied.
- The access fee must be paid prior to access being given to the requested record.
- If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record/s and will be calculated based on the Prescribed Fees.
- If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester

Notification

- The Company will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- The 30-day period within which the Company has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days, if the request is for a large volume of information, or the request requires a search for information held at another office of the Company and the information cannot reasonably be obtained within the original 30-day period. The Company will notify the requester in writing should an extension be sought.

Grounds for Refusal of Access to Records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed in confidence by a third party to the Company if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The commercial activities of the Company which may include:
 - Trade secrets of the Company.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company.

Note that the requester may lodge an application with the court against the Company's rejection of an application. For details on the procedure, please refer to Chapter 2 of Part 4 of the Act.

If the request of access is granted, the requester will be able to gain access to the requested records as soon as is reasonably possible but only after the access fees have been paid.

18. 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.

If the request is granted then further fees are payable for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Schedule of Fees

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	R0,75
(c)	For a copy in a computer-readable form on compact disc	R70,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	(ii) For a copy of visual images	R60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	(ii) For a copy of an audio record	R30,00

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

(1)(a)	For every photocopy of an A4-size page or part thereof	R1,10
(b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	R0,75
(c)	For a copy in a computer-readable form on compact disc	R70,00
(d)	(i) For a transcription of visual images, for an A4-size	R40,00
	(ii) For a copy of visual images	R60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	(ii) For a copy of an audio record	R30,00
(f)	To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.	

5. The actual postage is payable when a copy of a record must be posted to a requester.

19. **ADDENDUM A**

<u>Relevant General laws and regulations</u>	<u>YES or NO</u>
Labour related	
Basic Conditions of Employment Act, No. 75 of 1997	YES
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993	YES
Employment Equity Act No. 55 of 1998	YES
Labour Relations Act No.66 of 1995	YES
Occupational Health and Safety Act, No. 85 of 1993	YES
Skills Development Levy Act, No. 9 of 1999	NO
Skills Development Act, No. 97 of 1997	NO
Unemployment Insurance Act No.63 of 2001	YES
Unemployment Insurance Contributions Act No. 4 of 2002	YES
Business related	
Broad Based Black Economic Empowerment Act 53 of 2003	NO
Close Corporations Act 69 of 1984	NO
Companies Act No. 71 of 2008	YES
Other general	
Constitution of South Africa Act, No. 108 of 1996	YES
National Credit Act No. 34 of 2005	NO
Consumer Protection Act No. 68 of 2008	YES
Promotion of Access to Information Act, No. 2 of 2000	YES
Protection of Personal Information Act No. 4 of 2013	YES
Property related	
Sectional Titles Act 95 of 1986	NO
Estate Agency Affairs Act 112 of 1976	NO
The Communities Scheme Ombudsman Services Act No. 9 of 2011	NO
Tax Related	
Tax Administration Act No. 28 of 2011	YES
Value Added Tax Act No. 89 of 1991	YES
Income Tax Act No. 58 of 1962	YES
Legal	
Attorneys Act 53 of 1979	NO

This PAIA – manual was adopted upon the date of signature thereof.

Dated and signed at _____ on this _____ day of JULY 2021.

Signature: _____

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

Section 53(1) of the Promotion of Access to Information Act, 2000

A. Particulars of private body

The Head / Information Officer:

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 ONLY if a request for information is made on behalf of another 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:

- 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.

Mark the appropriate box with an X.

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:		

