

**THE FENIX EXPORTS (PTY) LTD**

Registration number: 98/17476/07

trading as

**"THE FENIX"**

(Hereafter mentioned as the "Business")

**MANUAL PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO  
INFORMATION ACT 20 OF 2000**

(Hereafter mentioned as "The Act")

## **MANUAL FOR "THE BUSINESS"**

**(IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 20 OF 2000)**

### **1. INTRODUCTION**

- 1.1 The Promotion of Access to Information Act, No. 2 of 2000, gives effect to the constitutional right of access to any information held by the State or any other person that is required for the exercise or protection of any rights.
- 1.2 This manual is prepared in accordance with Section 51 of The Promotion of Access to Information Act, No. 2 of 2000 for the Business as a Private Body, as defined in terms of the Act.

### **2. PURPOSE OF THE MANUAL**

- 2.1 This manual intends to give effect to the objective of the act to establish mechanisms and procedures to enable persons to obtain access to records of the business as swiftly, inexpensively and effortlessly as reasonably possible and to promote transparency, accountability and effective governance.
- 2.2 The purpose of this Manual is to contain all the information as prescribed in article 51 (1) of the Act in sufficient detail to facilitate a request for access to records of the business.
- 2.3 This manual does not intent to comprehensively deal with all possible procedures and conditions provided for in the Act. Persons who want to request access to information are advised to familiarise themselves with the provisions of the Act.

- 2.4 A requester must bear in mind that the right of access to the records of the business may be limited to the extent that limitations are reasonable and justifiable, including but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance, in an open and democratic society based on human dignity, equality and freedom as contemplated in section 36 of the Constitution.

### **3. CONTACT DETAILS**

- 3.1 Name of request liaison officer: PAUL MARINCOWITZ
- 3.2 Postal address: PO BOX 1528, STRAND, 7139
- 3.3 Street address: 40 DE KOCK STREET, STRAND, 7140
- 3.4 Phone number: (021) 854-8618
- 3.5 Telefax number: (021) 854-8713
- 3.6 E-mail address: info@thefenix.co.za

### **4. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION**

- 4.1 A Guide compiled by the South African Human Rights Commission contains such information as may be required by a person who wishes to exercise any right contemplated in the Act.

4.2 **The contact details of the Commission are:**

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: (011) 484-8300

Fax Number: (011) 484-0582

**5. AVAILABILITY OF THIS MANUAL**

5.1 This Manual is available for public inspection from the request liaison officer at the address as per (3) above. A copy can also be obtained from the Human Rights Commission.

**6. DESCRIPTIONS OF RECORDS HELD BY THE BUSINESS**

**6.1 Sales and Marketing**

- Records generated by or within the company pertaining to customers, including transactional records
- Sales related documentation & records
- Advertising and Promotion material

**6.2 Purchasing and Logistics**

- Records generated by or within the company pertaining to suppliers, including transactional records
- Purchasing, Logistics and stock related documentation

**6.3 Production**

- Production Specifications
- Product Standards
- Production related documentation and records

#### **6.4 Administration and Financial**

- Audited Financial Statements
- Books of account
- Creditors records
- Debtors records
- Tax records
- Records regarding moveable and immovable property
- Insurance records
- Statutory records and reports

#### **6.5 Human resources**

- Personnel records
- Employment contracts
- Correspondence relating to personnel
- Payrolls
- Personnel policies and procedures
- Statutory records and reports

### **7. RECORDS HELD BY THE BUSINESS IN TERMS OF LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT**

Records are kept in accordance with the following legislation:

- 7.1 Labour Relations Act, 66 of 1995
- 7.2 Basic Conditions of Employment Act, 75 of 1997
- 7.3 Companies Act, 61 of 1973
- 7.4 Compensation of Occupational Injuries and Diseases Act, 130 of 1993
- 7.5 Income Tax Act, 58 of 1962
- 7.6 Value-Added Tax Act, 89 of 1991
- 7.7 Unemployment Insurance Act, 30 of 1966
- 7.8 Occupational Health and Safety Act, 1993
- 7.9 Employment Equity Act, 1998
- 7.10 Skills Development Act, 1998

## **8. REQUEST PROCEDURE**

- 8.1 A requester must use the prescribed form that is available from the request liaison officer or that can be obtained from the South African Human Rights Commission website ([www.sahrc.org.za](http://www.sahrc.org.za)).
- 8.2 The completed prescribed form, together with the payment of the request fee and the deposit (if applicable), must be submitted to the request liaison officer at the postal address as stated in paragraph 3 above. The requester must pay the prescribed fees before any processing of the request will be made.
- 8.3 Requests made on behalf of another person must be accompanied by acceptable proof of the capacity in which the requester is making the request.
- 8.4 A person that is unable to complete the prescribed form because of illiteracy or disability can submit an oral request.
- 8.5 The right, which the requester is seeking to exercise or protect as well as an explanation of the reasons why the records is required to exercise or protect the right must be submitted.
- 8.6 The request liaison officer shall within thirty (30) days after a proper request has been received and fees paid, decide whether or not to grant the request and notify the requester of the decision.
- 8.7 After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 8.8 Should the request for access be refused, the request liaison officer will provide adequate reasons for the refusal.
- 8.9 In case of a refusal by the request liaison officer to provide a record or records, the requester may apply to court for appropriate relief.
- 8.10 Requesters must take note that in certain circumstances the request liaison officer:
- is entitled to extend the period of thirty days referred to in 8.6 above;
  - must notify a third party of a request if the record requested relates to the third party and of the rights of the third party to dispute the decision of the request liaison officer;

- may refuse a request for access to certain records in terms of the Act

## **9. PRESCRIBED FEES**

- 9.1 The request fee payable by every requester is R50,00 (Fifty Rand).
- 9.2 If the request liaison officer is of the opinion that the request is granted and that it will take more than six hours to search, prepare and/or reproduce the record requested, the requester must pay a deposit equal to one third of the access fee budgeted by the request liaison officer before the search for the records will started.
- 9.3 The access fee structure for reproduction payable by every requester, can be obtained on the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za)) or the website of the Department of Justice and Constitutional Development ([www.doj.gov.za](http://www.doj.gov.za)) (under regulations).

## **10. CONCLUSION**

- 10.1 The business does not give an undertaking that any information provided by the business to a requester is complete, in all cases accurate or that such information is fit for any purpose.
- 10.2 Users of any information provided by the business shall use such information entirely at their own risk. The business shall not be liable for any loss, expense, liability or claims resulting from any use of any information provided by the business.
- 10.3 Nothing stated in this Manual shall limit, or constitute a waiver of any of the rights of the requester or of the business in terms of the Act.

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