

Access to Information Manual

As required by Section 51 of the Promotion to Access of Information Act No 2 of 2000
("PROATIA")

Hero Design and Advertising CC ("The Company")

1 Introduction

The object of PROATIA is to give you access to the records of the Company under certain circumstances.

PROATIA seeks to promote a society in which you have access to information to enable you to exercise and protect your rights, and to promote a culture of transparency and accountability.

Section 51 of PROATIA requires all private bodies to compile a manual containing various information elements including the Company details, a description of the records of the Company, as well as the means by which a record may be accessed.

The Company is a private body and therefore this manual has been compiled in terms of and in order to comply with Section 51 of PROATIA.

2 Information required under Section 51(1) (a) of the Act

Robert Anthony Love is the appointed Information Officer for the Company.

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General email address for the Company:	info@hero.co.za
Email address for the heads of the Company:	rob@hero.co.za

3 Description of guide referred to in Section 10: section 51(1)(b)

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at www.sahrc.org.za.

4 THE LATEST NOTICE IN TERMS OF SECTION 52(2) (IF ANY):

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

Please note that the above list of legislation is not exhaustive.

6 SUBJECTS AND CATEGORIES OF RECORDS HELD BY The Company: SECTION 51(1)(e)

6.1 COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

6.2 FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques

- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

6.3 INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

6.4 PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

7 Detail on how to make a Request for Access – section 51(e)

The requester must complete the Request for Access Form (Appendix B) and submit this form together with a request fee, to the head of the Company.

The form must be submitted to the head of the Company at his/ her address, fax number, or electronic mail address

The form must:

- provide sufficient particulars to enable the head of the Company to identify the record/s requested and to identify the requester
- indicate which form of access is required
- specify a postal address or fax number of the requester in the Republic

- identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right
- if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner
- if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the Company

8 Decision regarding the Request

PROATIA provides for numerous grounds upon which the company may refuse to grant you access to a record of the Company. These grounds for refusal are to protect

- the privacy of another person
- commercial information of another company
- confidential information of another person
- the safety of individuals and property
- records privileged from production in legal proceedings
- research information

You will be notified in writing whether your request has been approved or denied within 30 calendar days after receipt by the Company of the completed Request for Access Form. Should any record of the Company requested by you not be found or not exist, the Company will, by way of affidavit, notify you that it is not possible to give access to that particular record.

9 Access to Records

If your request for access to records of the company is approved, access will be provided in the form as the Company reasonably determines, unless you have requested access in a specific form.

10 Fees

Section 52 (3) states that fees payable for access to records are to be prescribed. The prescribed fees are as set out in the Fee Schedule which is available at www.sahrc.org.za, a summary of which is attached to this manual marked Annexure C.

11 Frequently Asked Questions

Who may request access to a record?

Any person including a department of state and a person acting on behalf of another person.

Annexure A
Description of Records Table

CATEGORIES OF RECORDS ON EACH SUBJECT	FORM HELD	AVAILABILITY
1. Company Secretarial Records		
Company Incorporation Documents	Physical	Automatically available
Names of Members	Physical	Automatically available
Salaries of Members	Physical	Not automatically available
2. Financial Records of the Company		
Financial statements	Physical	Yes, in accordance with the Companies Act
Documents relating to taxation of the company	Physical	Not automatically available
Financial Agreements	Physical	Not automatically available
Banking Details	Physical	Automatically available.
3. Insurance of Company		
Insurance Policies held by the Company	Physical	Not automatically available
Register of all immovable property owned by the company	Physical	Not automatically available
4. Employees		
List of Employees	Physical	Not automatically available
Personal information of employees	Physical	Not automatically available
Employee contracts of employment	Physical	Not automatically available
Pension Funds & Provident Fund	Physical	Not automatically available
Salaries of Employees	Physical	Not automatically available
Leave records	Physical	Not automatically available
5. Company Policies and Directives		
Internal relating to employees and the company	Physical	Not automatically available
External relating to clients and other third parties	Physical	Automatically available
6. Agreements or Contracts		
Standard Agreements	Physical	Not automatically available
Contracts concluded with customers	Physical	Not automatically available
NDA's	Physical	Not automatically available
Letter's of Intent, MOU's	Physical	Not automatically available
Third party contracts (such as JV agreements, VAR Agreements etc.)	Physical	Not automatically available
Office management contracts	Physical	Not automatically available
Supplier contracts	Physical	Not automatically available

CATEGORIES OF RECORDS ON EACH SUBJECT	FORM HELD	AVAILABILITY
7. Regulatory		
Permits, Licences or Authorities	Physical	Not automatically available
8. Published Information		
External Newsletters and Circulars	physical	Automatically available
Internal Newsletters and Circulars	physical	Not automatically available
Information on the company published by third parties	physical	Not automatically available
9. Customer Information		
Customer Details	physical	Not automatically available
Contact details of individuals within customers	physical	Not automatically available
Communications with customers	physical	Not automatically available
10. Reference Materials		
Books	Physical	Not automatically available
Newsletters and journals articles	physical	Not automatically available
Magazines	Physical	Not automatically available
Newspaper articles	Physical	Not automatically available

Annexure B

Request for Access Form (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]

REQUEST FOR ACCESS FORM (in terms of The Promotion of Access to Information Act)			
NAME OF THE COMPANY TO WHOM THE REQUEST IS MADE			
[Insert full name of company]			
PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION			
Surname		First names	
Identity number		E-mail address	
Telephone no.		Facsimile no.	
Postal address			
PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE (IF APPLICABLE)			
Surname		First names	
Identity number		E-mail address	
Telephone no.		Facsimile no.	
Postal address			
PARTICULARS OF RECORDS REQUESTED			
REFERENCE (if applicable) :			
FORM OF ACCESS TO RECORD			
NOTES:			
The particulars of the person who requests access to the record must be given.			
a) The address and/or fax number in the Republic to which the information is to be sent must be given.			
b) Proof of the capacity in which the request is made, if applicable, must be attached.			
c) Compliance with your request in the specified form may depend on the form in which the record is available.			
d) 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.			
e) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.			
f) 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.			
g) If the provided space is inadequate, please continue on a separate folio and attach it to this form.			
h) The requester must sign all the additional folios.			
(Mark the appropriate shaded box with an X.)			
1. If the record is in written or printed form:			
	copy of record*		Inspection of record

2. If the 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 the record consists of recorded words or information which can be reproduced in sound:			
listen to the soundtrack	Transcription of soundtrack*(written or printed)		
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 transactions to be posted to you?			YES
			NO
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 above, state your disability and indicate in which form the record is required.			
Disability			
Form in which record is required:			
PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED			
EXPLANATION OF WHY RECORD IS REQUIRED FOR EXERCISE OR PROTECTION OF ABOVEMENTIONED RIGHT			
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.			
FEES			
(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.			
(b) You will be <i>notified of</i> the amount required to be paid as the request fee.			
(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.			
(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.			
SIGNATURE			
Signed at		Date	
Signature of the Requester			

Annexure C

Fees

FEE SCHEDULE (excluding VAT)	
FEES FOR REPRODUCTION	
For every photocopy of an A4 page or part thereof	R1.10
For every printed copy of an A4 page or part thereof held on a computer or in electronic or machine-readable form	R0.75
For a copy in a computer readable form on stiffer disc	R7.50
For a copy in a computer-readable form on compact disc	R70.00
For a transcription of visual images per A4 page or part thereof	R40.00
For a copy of visual images	R60.00
For a transcription of an audio record per A4 page or part thereof	R20.00
For a copy of an audio record	R30.00
REQUEST FEE	
For a person requesting access to information other than a personal requester i.e. a requester seeking access to a record containing personal information about the requester.	R50.00
SEARCH FEE	
Per hour or part thereof required to search for and prepare the record for disclosure.	R30.00
DEPOSIT	
A deposit of one third of the access fee is payable as a deposit if the search for a record requires more than six hours. One third of the access fee is payable as a deposit by the requester	
POSTAL FEE	
The actual postal fee is payable when a copy of a record must be posted to a requester	
NOTICE OF INTERNAL APPEAL	
Notice of an internal appeal, as contemplated in section 75(1) of the Act, must be lodged in the form of the Request for Access Form. The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access, as contemplated in section 75(3) (a) of the Act	R50.00