



Access to Information Manual

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

**Hero Strategic Marketing
(Pty) Ltd
("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.

| | |
|--|---|
| Registration Number | 2012/019373/07 |
| Postal Address | PO Box 7152 Roggebaai 8012 |
| Street Address | 4th Floor Icon Building Lower Long Street Cape Town 8001 |
| Tel. No. | 021 403 1900 |
| Fax. No. | 086 528 2997 |
| 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 2nd Floor, Braampark Forum 3, 33 Hoofd Street, Braamfontein 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 DETAILS 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 |



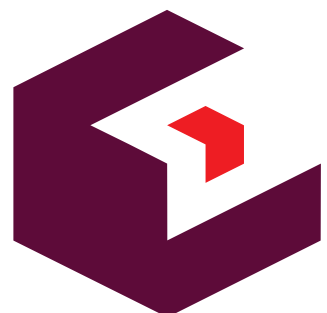
| 6. AGREEMENTS OR CONTRACTS | | |
|---|----------|-----------------------------|
| Standard Agreements | Physical | Not automatically available |
| Contracts concluded with customers | Physical | Not automatically available |
| NDA's | Physical | Not automatically available |
| Letters of Intent, MOU's | 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 |
| 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:

| | | | |
|--------------------------|-----------------|--------------------------|----------------------|
| <input type="checkbox"/> | copy of record* | <input type="checkbox"/> | Inspection of record |
|--------------------------|-----------------|--------------------------|----------------------|

2. IF THE 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"/> | transcription of the images* |
|--------------------------|-----------------|--------------------------|---------------------|--------------------------|------------------------------|

3. IF THE RECORD CONSISTS OF RECORDED WORDS OR INFORMATION WHICH CAN BE REPRODUCED IN SOUND:

| | | | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | listen to the soundtrack | <input type="checkbox"/> | Transcription of soundtrack*(written or printed) |
|--------------------------|--------------------------|--------------------------|--|

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"/> | copy in computer readable form* (flash drive 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 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.

SIGNATURE

Signed at

Date

Signature of the Requester



**ANNEXURE C
FEES**

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]

| 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 flash drive | R75.00 |
| 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 |