

E-START COMPUTER SERVICES CC.

**ACCESS OF INFORMATION
MANUAL**

**In terms of Section 51 of the
Promotion of Access to Information Act**

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PREAMBLE

The Promotion of Access to Information Act was promulgated in March 2001. The act was put in place in order to actively promote a society in which the people of South-Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the act was also designed to foster a culture of transparency and accountability in Public and Private Bodies, as defined. This manual has been prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000.

INTRODUCTION TO E-START COMPUTER SERVICES CC.

Business registration number: CK 2000/047330/23

E-Start Computer Services CC offers website design, website hosting, Linux and network consulting and other computer related sales and services.

We as a private body have compiled this manual, not only to comply with the provisions of the act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website: <http://www.estart.co.za>

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

Contact details [Section 51(1)(a)]

Information officer: Yoan Bosch
Postal address: P.O. Box 25712, Gezina, 0031
Physical address: 7 Flowers street, Capital Park, 0084
Telephone number: (012) 323-7751
Fax number: (088012) 323-7751
E-mail address: webmaster@estart.co.za

The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than August 2003. 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: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

Records available in terms of any other legislation [Section 51(1)(d)]

1. Arbitration Act No. 42 of 1965
2. Basic Conditions of Employment No. 75 of 1997
3. Closed Corporations Act No. 69 of 1984
4. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
5. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
6. Employment Equity Act No. 55 of 1998
7. Income Tax Act No. 95 of 1967
8. Occupational Health & Safety Act No. 85 of 1993
9. Regional Services Councils Act No. 109 of 1985
10. Skills Development Levies Act No. 9 of 1999
11. Skills Development Act No. 97 of 1998
12. Stamp Duties Act No. 77 of 1968
13. Unemployment Contributions Act No. 4 of 2002
14. Unemployment Insurance Act No. 63 of 2001

Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]

i. Automatic availability of certain records held by the body. [Section 51(1)(c)]

The Minister of Justice is entitled to publish a list of records submitted by **E-Start Computer Services CC.** to which the public may have access without formally applying for access to such records.

The list of records that are freely available and which need not be requested in terms of this Act are:

- Annual Report
- Booklets
- Newsletters
- Reports

ii. Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed. [Section 51(1)(e)]

- **Accounting records**
 - i. Books of account including journals and ledgers
 - ii. Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange
- **Fixed property**
 - i. Building plans
 - ii. Leases
- **Information technology**
 - i. Audits
 - ii. Licenses
 - iii. Operating systems
 - iv. Software packages
- **Insurance**
 - i. Details of insurance coverage's, limits and insurers
- **Legal**
 - i. Settlement agreements
- **Other employee records**
 - i. Code of conduct
 - ii. Employee contracts
- **Pension and retirement funding records**
 - i. Annual accounts
 - ii. Pension fund account records
 - iii. Pension fund rules
- **Statutory Close Corporation information**

- i. Accounting records, including supporting schedules to accounting records and ancillary accounting records
 - ii. Annual Financial Statements, including annual accounts and the report of the Accounting Officer
 - iii. Proof of registration
- **Statutory employee records**
 - i. Date of birth of each employee
 - ii. Salary and wages register
 - iii. Time worked by each employee
- **Taxation**
 - i. Copies of all income tax returns and other tax returns and documents

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 [s 53(1)].
- 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 [s 53(2)(a) and (b) and (c)].
- 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 [s 53(2)(d)].
- 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 [s 53(2)(f)].

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 [s 54(1)].
- 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 [s 54(3)(b)].
- 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 to search and prepare the record for disclosure [s 54(6)].

Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

Availability of the manual [Section 51(3)]

This manual has been made available to the Human Rights Commission, in accordance with paragraph 9(1) of the Regulations promulgated in terms of the act and is published on the website of E-Start Computer Services (<http://www.estart.co.za>)