

SECTION 51 MANUAL FOR AFRICAN HOME CREATIVE HOMEWARE

CC

Introduction to African Home Creative Homeware CC:

African Home Creative Homeware is a close corporation involved in the wholesale and exporting of hand made crafts.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

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

Postal Address: 8 Cannon Close
Newlands
7700

Registered Address: 160 Sir Lowry Road
Woodstock
7925

Telephone: + 27 21 674-3711

Fax number: + 27 21 674-3755

Electronic mail address of head of body: info@africanhome.co.za

2. 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 no later than 31 August 2005. 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 11 484-7146

Website: www.sahrc.org.za

E-mail: PAIA@sahrc.org.za

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

- Basic Conditions of Employment Act No. 75 of 1997
- Closed Corporations Act No. 69 of 1984
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Debtor Collectors Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 95 of 1967
- Labour relations Act No. 66 of 1995
- Regional Services Councils Act No. 109 of 1985
- Skills Development Levies Act No. 9 of 1999
- Skills Development Levies Act No. 97 of 1998
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

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

- (i) – Pamphlets/Brochures

- (ii):
 - **Statutory Close Corporation Information:**
 - Accounting records
 - Annual Financial Statements
 - Proof of registration
 - **Accounting records:**
 - Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange
 - **Statutory Employee Records:**
 - Date of birth of each employee
 - Employees' names and occupations
 - Expense accounts
 - Remuneration paid to each employee
 - Employee contracts
 - **Fixed Property:**
 - Leases
 - **Intellectual Property:**
 - Agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements.
 - **Taxation:**
 - Copies of all Income Tax Returns and other tax returns and documents
 - **Insurance:**
 - Details of insurance coverages, limits and insurers
 - **Information Technology:**
 - Telephone lines, leased lines and data lines
 - **Sales and Marketing:**
 - Brochures, newsletters and advertising materials

- Customers
- Domestic and Export Orders
- Products
- Sales

(iii): 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. [s53(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 [s53(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. [s53(s)(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 [s53(s)(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 [s54(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 [s54(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.
- In 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 [s54(6)].

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

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

6. Availability of the manual [Section 51(3)]

The manual is also available for inspection at the office/s of the relevant private body free of charge; and copies are available with the SAHRC and on the website at www.africanhome.co.za.

END OF MANUAL