

Registration Number 1972/000007/08

**THE SOUTHERN AFRICAN INSTITUTE OF CHARTERED SECRETARIES AND  
ADMINISTRATORS (NPC)**

**TRADING AS**

**CHARTERED SECRETARIES SOUTHERN AFRICA (“CSSA” or “the Company”)**

**MANUAL**

**in terms of**

**The Promotion of Access to Information Act**

**2/2000**

**(the "ACT")**

DATE OF COMPILATION– 20/12/2011

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## **Manual in terms of Section 51 of the Promotion of Access to Information Act**

for

THE SOUTHERN AFRICAN INSTITUTE OF CHARTERED SECRETARIES AND  
ADMINISTRATORS (NPC)

### **Preamble**

The Promotion of Access to Information Act No. 2 of 2000 ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

### Notes:

- The purpose of this manual is to facilitate requests for access to records of the Company.
- This manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any request to the Company in terms of the Act.
- Nothing stated in this manual shall limit, or constitute a waiver of, any of the rights of the requester or of the Company in terms of the Act.
- The Company makes no representation and gives no undertaking that the information in this manual or any information provided by the Company to a requester thereof is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk and the Company shall not be liable for any loss, expense, liability or claims howsoever arising, resulting from any use of this manual or of any information provided by the Company or from any error therein.
- All users irrevocably agree to submit exclusively to the laws of the Republic of South Africa and to the exclusive jurisdiction of the courts of the Republic of South Africa in respect of any dispute arising out of the use of this manual or of any information provided by the Company.

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. The manual will be updated from time to time.

A copy of this manual is also available on our website – [www.chartsec.co.za](http://www.chartsec.co.za)

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## **1. INTRODUCTION**

The Southern African Institute of Chartered Secretaries and Administrators NPC trading as Chartered Secretaries Southern Africa (“CSSA”) is the professional qualifying body for governance professionals in Southern Africa on the path to becoming a Chartered Secretary. The Institute further provides Continuing Professional Development (CPD) for governance professionals and accounting officers.

The Southern African Institute of Chartered Secretaries and Administrators NPC (CSSA) represents Botswana, Lesotho, Namibia, South Africa and Swaziland.

Members of CSSA, all of whom are Chartered Secretaries, work in public and private companies, corporate secretarial firms, legal practices, accounting firms, tertiary institutions and the public sector.

CSSA is a division of the global governance body Institute of Chartered Secretaries and Administrators (ICSA), and was the first division to be established outside of the UK. There are additional divisions across the globe, namely in Australia, Canada, China, Malaysia, New Zealand, Singapore, UKRIAT and Zimbabwe.

## **2. KEY CONTACT DETAILS FOR ACCESS TO INFORMATION QUERIES**

Information Officer

Name: Stephen Sadie

Personal Assistant and  
contact for access to  
information general enquiries

Name: Brenda Foster  
Tel: 011 551 4014  
Email: [Brenda@chartsec.co.za](mailto:Brenda@chartsec.co.za)

CEO: Stephen Sadie

Postal Address P.O. Box 3146, Houghton, 2041

Street Address Block C, Riviera Road Office Park, 6 – 10 Riviera Road, Killarney,  
2193

Telephone Number 27-11-551-4000

Fax Number 27-11-551-4027

Website: [www.chartsec.co.za](http://www.chartsec.co.za)

### **3. THE ACT**

- 3.1** The Act grants a requester access to records of the Company, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2** Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7.
- 3.3** Requesters are referred to the Guide compiled by the South African Human Rights Commission, which contains information for the purposes of exercising Constitutional Rights. The contact details of the Commission are:
- Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11-484 8300  
Fax Number: +27-11-484 0582  
Website:

### **4. CATEGORIES OF INFORMATION**

- 4.1 The Company is required by legislation to hold certain records and a list of some of the key applicable legislation follows:

<b>No</b>	<b>Ref</b>	<b>Act</b>
1	No 71 of 2008	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 69 of 1984	Close Corporations Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 68 of 2008	Consumer Protection Act
14	No 9 of 1999	Skills Development Levies Act
15	No 194 of 1993	Trade Marks Act
16	No 1997 of 1998	Skills Development Act

- 4.2 PAIA requires companies to list those records which are automatically available. Such automatically available records usually do not have information which can reasonably be said to be of a sensitive nature. Most records which fall into this category of information are available from the Company at its offices in Killarney or on the Company's website, [www.chartsec.co.za](http://www.chartsec.co.za) and do not require a formal process to access same.

## **5.ACCESS TO RECORDS AND AVAILABILITY**

The following records are not automatically available without formally lodging a request on Form C. These records may be formally requested but access to parts of these records or the whole record may be refused on legal grounds or in terms of a policy approved by the board.

The Company further reserves the right to refuse access to records where the processing of the record will result in a substantial and unreasonable diversion of its resources or which are sensitive in nature. Access will also be refused where requests are clearly frivolous and/or vexatious or require access to confidential or private information.

### Company Secretarial

- Company Memorandum of Incorporation/Registers/Minutes of meetings/Statutory returns

### Movable and Immovable Property

- Title Deeds
- Lease Agreements
- Hire Agreements/Rental Agreements

### Intellectual Property

- Trade marks
- Patents
- Copyright
- Designs
- Licensing agreements

### Insurance

- Insurance Policies/Claims Files

### Third Parties

Records held by the Company relating to other parties, including financial records, correspondence, contractual records, records provided by other parties and records that third parties have provided about the Company's contractors and suppliers in respect of contractors, suppliers, subsidiary or fellow subsidiary companies, joint venture partners and service providers.

### Taxation

- Income tax files

## Human Resources

- Policies and procedures
- Employee information
- Personnel files
- Conditions of employment
- Internal evaluation records (where applicable)
- Correspondence
- Training schedule and related material
- Agreements
- Forms and applications
- Standard letters and notices

## Finance

- Financial statements
- Reports and returns
- Banking details and bank account records
- Debtors/creditors statements and invoices

## Operations

- Insurance policies
- Policies and procedures
- Reports and supporting documentation
- Examination papers and scripts

## Information technology

- System documentation and manuals

## Administration

- Internet ([www.chartsec.co.za](http://www.chartsec.co.za))
- Correspondence with internal and external parties

## **6.FORM OF REQUEST**

To facilitate the processing of your request, please:

**6.1** Use the prescribed Form C on pages 9 – 11 of this manual.

**6.2** Address your request to the CEO.

**6.3** Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to

- written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

## **7. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

- 7.1** A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2** If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.3** A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4** Records may be withheld until the fees have been paid.
- 7.5** The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>

## 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]

### A. Particulars of private body

The Head:

### B. Particulars of person requesting access to the record

- |     |   |
|-----|---|
| (a) | The particulars of the person who requests access to the record must be given below.                |
| (b) | The address and/or fax number in the Republic to which the information is to be sent must be given. |
| (c) | Proof of the capacity in which the request is made, if applicable, must be attached.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

### C. Particulars of person on whose behalf request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
--

Full names and surname:

Identity number:

### D. Particulars of record

- |     |  |
|-----|--|
| (a) | 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. |
| (b) | If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.          |

1 Description of record or relevant part of the record:

- 2 Reference number, if available:
- 3 Any further particulars of record:

**E. 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.

Reason for exemption from payment of fees:

**F. Form of access to record**

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 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required
Mark the appropriate box with an X.	
NOTES:	
(a) Compliance with your request in the specified form may depend on the form in which the record is available.	
(b) 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.	
(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
	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 transcription to be posted to you? Postage is payable.			YES    NO

## **G Particulars of right to be exercised or protected**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

## **H. 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.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at..... this..... day of .....20

SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE