

HSE CC

Manual prepared in accordance with Section 51, of the Promotion of
Access to Information Act, Nr 2 of 2000

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1. INTRODUCTION

The aim of the manual is to assist potential requesters as to the procedure to be followed when requesting access to information / documents from HSE CC as contemplated in terms of the Act.

The manual may be amended from time to time and as soon as any amendments have been finalised, the latest version of the manual will be made public.

Any requester is advised to contact the compliance officer should he / she require any assistance in respect of the utilisation of this manual and / or the requesting of information / documents from HSE CC.

The following words will have the following meaning in this manual:-

"The Act" shall mean the Promotion of Access to Information Act, Nr 2 of 2000, together with all relevant regulations published;

"the / this manual" shall mean this manual together with all annexures thereto as available at the offices of HSE CC from time to time.

"HSE"	shall mean HSE CC, structured as a close corporation which develop and distribute education material to individual clients and businesses / organisations.
"SAHRC"	shall mean the South African Human Rights Commission.
"Compliance Officer"	Mr. H.J. Dixon, a member of HSE CC has been appointed as the Compliance Officer of HSE CC, to which requests for information in terms of the Act, should be addressed.

2. CONTACT DETAILS (Section 51(1)(A) of the Act)

Name of Body:	HSE CC
Member and appointed compliance Officer:	H.J. Dixon
Address:	Unit 3 Building 76 Tijger Valley Office Park Silver Lakes Drive Silver Lakes 0054
Postal Address:	PO Box 38368 Garsfontein 0042
Telephone:	(012) 809 0545
Fax:	(012) 809 0507
E-mail:	info@hsecc.co.za
Website Address:	www.hsecc.co.za

3. GUIDE IN TERMS OF SECTION 10 OF THE ACT (Section 51(b) of the Act)

In terms of Section 10 of the Act, a guide will be compiled by the South African Human Rights Commission containing such information as may be required by a person who wishes to exercise any right contemplated in the Act. The guide will be made available in all official languages by the SAHRC and is obtainable from the SAHRC.

Contact details of the South African Human Rights Commission are as follows:

PAIA UNIT
The Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: +27 11 877 3600
Fax: +27 11 403 0625
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

**4. NOTICE(S) IN TERMS OF SECTION 52(2) OF THE ACT
(Section 51(1)(c) of the Act)**

At this stage no notice(s) has / have been published.

**5. INFORMATION / DOCUMENTS AVAILABLE IN ACCORDANCE WITH
OTHER LEGISLATION (Section 51(1)(d) of the Act)**

HSE CC keeps records / documents in accordance with the following legislation (please note that this is not an exhaustive list):

- Occupational Health and Safety Act, Nr 85 of 1993
- Copyright Act, No 98 of 1978
- Labour Relations Act, Nr 66 of 1995
- Basic Conditions of Employment Act, Nr 75 of 1997
- Income Tax, Nr 58 of 1962
- Compensation for Occupational Injuries and Diseases Act, Nr 130 of 1993
- Unemployment Insurance Act, Nr 63 of 2001
- Promotion to Access to Information Act No. 2 of 2000
- Closed Corporation Act No. 69 of 1984
- Value Added Tax Act No. 89 of 1991

The above records, in so far as it being of a public nature is available automatically without a person having to request access thereto in terms of the Act, as envisaged in Section 52.

**6. DOCUMENTS / INFORMATION HELD BY HSE CC IN TERMS OF THE
ACT
(Section 51(1) (e) of the Act)**

HSE CC holds information / documents listed below:

- **Details relating to the operational, commercial and financial interest of HSE CC.**
- Documents of incorporation
- Annual financial statements
- Accounting records
- Banking records
- Invoices
- All other statutory compliances
 - VAT
 - UIF
 - Workmen's Compensation
- Employment contracts
- Disciplinary records
- Salary records
- Leave records
- Training manuals

This information can be defined as operational information needed in the day to day running of the close corporation and is generally of little or no use to persons outside the close corporation.

It is recorded that any and all documents / information requested pertaining to the aforesaid shall only be made available to a requestor subject to the provisions of the Act. None of the information held by HSE CC is automatically available without a person having to request access in terms of and subject to the provisions of the Act.

A request for information should be in the prescribed form, addressed to the Compliance Officer and submitted against payment of the prescribed fee.

The forms and fee structure prescribed under the Act are available at the website of the Department of Justice and Constitutional Development (www.doj.gov.za) under the "regulations" section.

7. OTHER INFORMATION

The Minister of Justice and Constitutional Development has to date not published any regulations in terms of this Section.

8. AVAILABILITY OF THE MANUAL (Section 51(3) of the Act)

- 8.1 This manual is available for Inspection at the offices of HSE CC of charge;
- 8.2 Copies of the manual may be obtained, subject to the prescribed fees at the offices of HSE CC.

- 8.3 The manual can also be accessed on the websites of the SAHRC (www.sahrc.org.za)

9. ACCESS REQUEST PROCEDURE AND PRESCRIBED FEES

A request for access to records must be made in the prescribed Form C (copy of which is attached) which should be sent to the address, fax number or electronic mail address.

Please note that an initial, non refundable request fee of R 50, 00 is payable on submission. This fee is not applicable to personal requests, i.e. individuals seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and / or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

Notification of extension period (if required)

Applicants must take note that in terms of the Act 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension);

The access fee and / or deposit

The Applicant will be informed on the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

Grounds for refusal

HSE CC may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which HSE CC may refuse access include:

- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- Disclosure of the records (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of HSE CC;
- The record is a computer programme.

Records that cannot be found or do not exist

If HSE CC has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try and locate the record.

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY
(Section 53(1) of the Promotion of Access to Information Act, 2002 (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 requested access to the record must be given below.*

(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 given.*

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 ONLY if a request for information is made on behalf of another 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 to this form. **The requester must sign all the additional folios.***

1. Description of record or relevant part of record: _____

2. Reference number, if available: _____

3. Any further particulars of record: _____

E. FEES

- (a) A request for access to a record, other than 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 thereof.

Reason for exemption of payment of the fee: _____

F. FORM OF ACCESS TO THE RECORD:

If you are prevented by a disability to read, view or listen to the record in the form of access provided for 1 to 4 hereunder, state you 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 to the record, if any, will be determined partly by the form in which access is requested.

1. **If the record is in written or printed form:**

Copy of record*		Inspection of record	
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2. **If the record consists of visuals images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)**

View the images		Copy of the images*		Transcription of the images	
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3. **If the record consists of recorded words or information which can be reproduced in sound:**

Listen to the soundtrack (audio cassette)		Transcription of soundtrack * (written or printed document)	
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4. **If the record is held on computer or in an electronic machine-readable form:**

Printed copy of record*		Printed copy of Information derived from the record		Copy in computer readable form * (stiffy or compact disc)	
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<ul style="list-style-type: none"> If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <p>Postage is payable</p>	Yes	No
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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 additional folios.***

1. Indicate which right is to be exercised or protected: _____

2. Explain why the record requested is required for the exercise of 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.