

# SECTION 51 MANUAL

(PROMOTION OF ACCESS TO INFORMATION, Act 2/2000)  
Fynbos Park Body Corporate Registration No: SS 65/1994

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## **1 ORGANISATION DETAILS**

### **1.1 Name**

Fynbos Park Body Corporate

### **1.2 Registration Number**

Registration Number SS 65/1994

### **1.3 Domicilium citandi et executandi**

Fynbos Park Body Corporate  
Administration Office  
Church Street  
HERMANUS  
7200

### **1.4 Postal Address**

Private Bag X09  
Hermanus  
7200

### **1.5 Street Address**

Church Street  
Westcliff  
HERMANUS  
Western Cape  
7200

### **1.6 Tel, Fax, e-mail and Web**

+27 (28) 312-4409 Telephone Administration  
+27 (28) 312-1714 Fax  
[fynbospark@gmail.com](mailto:fynbospark@gmail.com) (Attention Chairperson)  
<http://www.fynbospark.co.za>

## **2 SECTION 10 GUIDE ON HOW TO USE THE ACT [Section 51(1)(b)]**

**2.1** The ACT grants a requester access to records of a private body, 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.

**2.2** 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 of the Act.

**2.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11-877 3600
Fax Number:	+27-11-403 0625
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

## **3 RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [Section 51(1)(d)]**

1. Sectional Title Act No 95 of 1986
2. Employment Equity Act No. 55 of 1998
3. Basic Conditions of Employment No. 75 of 1997
4. Labour Relations Act No: 66 of 1995
5. Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993
6. Income Tax Act No. 95 of 1967
7. Occupational Health & Safety Act No. 85 of 1993

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8. Unemployment Contributions Act No. 4 of 2002

9. Unemployment Insurance Act No. 63 of 2001

## **4 ACCESS to RECORDS held by Fynbos Park**

### **4.1 Records available on request, without requesting in terms of the Act**

#### **4.1.1 Management and Conduct Rules**

Rules are available at ruling cost at FYNBOS PARK

### **4.2 Records available on request in terms of the Act**

#### **4.2.1 Administration: (Administration Office and/or office of Executive Administrator)**

- Minutes of trustee meetings
- Minutes of annual general meetings
- Minutes of general meetings
- Correspondence

#### **4.2.2 Human Resources:**

- Employment contracts
- Remuneration records
- Remuneration policies
- Salaries, wages and related records:

#### **4.2.3 Finances:**

- Financial System Records (Pastel)
- Bank Statements, deposit and receipt books
- Annual Financial Statements
- Statutory Records (UIF, PAYE, WCA etc.)
- Levy Invoices & Creditor Invoices

#### **4.2.4 NOTE on FILING (Paper and Electronic)**

FYNBOS PARK has an archive and documents not used regularly are transferred to the archive, and kept for the statutory periods. FYNBOS PARK also store electronic copies of most office documents. However, some documents are stored on paper only.

### **4.3 Fees for requests**

FYNBOS PARK shall charge the fees as stipulated in terms of the act from time to time. The fees on 1-09-2014 in respect of private bodies are:

- The fee for a copy of the Section 51 manual as contemplated in regulation 9(2)(c) is: R1,10 for every photocopy of an A4-size page or part thereof.
- The fees for reproduction referred to in regulation 11(1) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof: R1,10
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0.75c
  - (c) For a copy in a computer-readable form on -
    - (ii) compact disc: R70,00
  - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
  - (ii) For a copy of visual images R60,00
  - (e) For:
    - (i) a transcription of an audio record, for an A4-size page or part thereof: R20,00
    - (ii) a copy of an audio record: R30,00
- The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is: R50,00.
- The access fees payable by a requester referred to in regulation 11(3) are as follows:
  - (1)
    - (a) For every photocopy of an A4-size page or part thereof: R1,10
    - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R0,75
    - (c) For a copy in a computer-readable form on -

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compact disc: R70,00

(d) (i) For a transcription of visual images, for an A4-size page or part thereof: R40,00

(ii) For a copy of visual images: R60,00

(e) (i) For a transcription of an audio record, for an A4-size page or part thereof: R20,00

(ii) For a copy of an audio record: R30,00

(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

(2) For purposes of section 54(2) of the Act, the following applies:

(a) Six hours as the hours to be exceeded before a deposit is payable; and

(b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

## 4.3.1 Form of Request (Request procedures)

- The requester must use the prescribed form to make the request for access to a record. This must be made to the Chairperson of FYNBOS PARK. 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 Chairperson of FYNBOS PARK 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 Chairperson of FYNBOS PARK [s 53(2)(f)].

### NOTES:

- 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 chairperson of FYNBOS PARK will 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 FYNBOS PARK is R100. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the Chairperson of FYNBOS PARK 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)].

## 4.3.2 Form for Request - Refer to Annexure A

### 5 OTHER INFORMATION AS MAY BE PRESCRIBED

Currently none is prescribed. Fynbos Park shall list within a reasonable time as and when the Minister makes regulations.

### 6 AVAILABILITY of the MATERIAL

The manual is available from:

#### 6.1 Fynbos Park office at no cost

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- 6.2 **The SAHRC**
- 6.3 [www.fynbospark.co.za](http://www.fynbospark.co.za)
- 6.4 **The Government Gazette**

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(ANNEXURE A)

**REQUEST FOR ACCESS TO RECORD OF FYNBOS PARK body Corporate**  
(Section 53(1) of the Promotion of Access to Information Act, 2000  
(Act No. 2 of 2000))  
[Regulation 10]

**PARTICULARS of Fynbos Park Body Corporate:**

**Chairperson:** Send all requests to the "Chairperson"

**Postal Address**

**Street Address**

Private Bag X09  
Hermanus 7200  
Western Cape

Church Street  
Westcliff, Hermanus  
Western Cape

**Tel, Fax, e-mail and Web**

+27 (28) 312-4409 Telephone

+27 (28) 555-5544 Fax

[fynbospark@gmail.com](mailto:fynbospark@gmail.com)

**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 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 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**

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## 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 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 (mark choice with a X):

copy of record\*  inspection of record

### 2. If record consists of visual images

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

view the images  copy of the images\*  transcription of the images\*

### 3. If 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)

### 4. If record is held on computer or in an electronic or machine-readable form:

printed copy of record\*  printed copy of information derived from the record\*  copy in computer readable form\*

\*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 WHO'S BEHALF REQUEST IS MADE