

Manual Of BTNet IT Services CC



ACCESS TO INFORMATION MANUAL (PRIVATE BODY)

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000**

1. Introduction

This manual is published in terms of Section 51 of the Promotion of Access to Information Act No. 2 of 2000 ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution which provides for the access to information held by the State and no information held by another person that is requested for the protection and/or exercising of any rights.

2. Contact Details

Name of Business	BTNet IT Services CC Trading As The IT Hive
Registration number	2005/123331/23
Main Member	Claus Tepper
Postal address	P.O. Box 1129 Randpark Ridge 2156
Physical address	11 Jansen Ave Randpark Ridge Johannesburg 2156
Telephone number	082 335 9600
Fax number	0865 511 068
E-mail address	claus@theithive.co.za
Business Description	IT Services

3. How to access the guide as described in section 10 of the Act

3.1 How to request a record *[See pro forma request form in Section 9]*

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer. This request must be made to the address, or mail address of the Company.
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester

should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a 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.
- The Information Officer 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.
- The fee for private bodies is R100. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The Information Officer will then make a decision on the request and notify the requester in the required form.

3.2 Information Officer

To request a document in terms of the Act from the company, the requester must use the prescribed form which should be submitted to:

Claus Tepper at Tel: 082 335 9600 or e-mail: claus@theithive.co.za

3.3 Human Rights Commission

The guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission:

Postal address: Private Bag X 2700
Houghton
2041

Telephone: +27 11 877 3600
Facsimile: +27 11 403 0625
Website: <http://www.sahrc.org.za>

4. Third Parties

If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform the third party of the request. The third party may, within 21 days, make written or oral representation to the Information Officer why the request should be refused, or give written consent for the disclosure of the record to the requester concerned.

5. Grounds for Refusal of Access to Records

A request for access to information may not be refused unless it falls under the following specified exemption:

1. Protection of privacy of a third party, which would involve the unreasonable disclosure of personal information of that person.
2. If the records contains trade secrets of a third party, or financial, commercial, scientific, or technical, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party.
3. Protection of certain confidential information of a third party, if it is protected in terms of any agreements.
4. Protection of the safety of individuals and the protection of property.
5. Protection of records, which would be regarded as privileged in legal proceedings.
6. Protection of research information of a third party.

6. Rights of Appeal

A requester may lodge an internal appeal against a decision by the Information Officer to refuse a request for access. After exhausting the internal appeal procedure against a decision of the Information Officer, the requester may apply to a court for relief. A third party may lodge an internal appeal against a decision of the Information Officers to grant a request for access and if unsuccessful in an internal appeal may, within 30 days of the notification of the decision, apply to a court for appropriate relief.

7. Records Available Without a Person Having to Request Access (Section 52(2))

This is a closed corporation which does not hold any public documents or records.

8. Record Subjects and Categories

We maintain records on the following categories and subject matters however, please note that recording a category or subject matter in this manual does not imply that a request for such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of the Act.

Records that are held at the Close Corporation Offices

1. Accounting Records
 - 1.1 Annual Financial Statements
 - 1.2 Bank Statements
 - 1.3 Supporting Documentation
 - 1.4 Taxation Documentation
 - 1.5 Fixed Asset Register
2. Information Technology
 - 2.1 Manuals relating to programs utilised
 - 2.2 Contracts and Agreements
 - 2.3 Source Code for Software Developments
3. Intellectual Property
4. Personnel Records
 - 4.1 Employment Contracts
 - 4.2 Personnel Records
 - 4.3 Documentation and Correspondence relating to Payroll
 - 4.4 Statutory Payroll Returns
 - 4.5 Payroll Records
5. Sales and Marketing
 - 5.1 Invoices
 - 5.2 Customer Database
 - 5.3 Letter of Agreements
6. Statutory CIPRO registration document
7. Policies
8. Directives
9. Administrative Information

9. Records Available in terms of other Legislation (if applicable)

- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Copyright Act 61 of 1978
- Employment Equity Act 55 of 1998
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Non-profit Organisations Act 71 of 1997.
- Occupational Health and Safety Act 85 of 1993
- Regional Services Councils Act 109 of 1985
- Short Term Insurance Act 53 of 1998
- Skills Development Act 97 of 1998
- Skills Development Levies Act 9 of 1999
- The Fund-Raising Act 107 of 1978
- The National Credit Act 34 of 2005
- Unemployment Insurance Act 63 of 2001
- Unemployment Insurance Contributions Act 4 of 2002

10. Fees in respect of private bodies

No.	Detail	R
1)	The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1, 50 for every photocopy of an A4-size page or part thereof.	1.50
2)	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	1,50
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	1,50
c)	For a copy in a computer-readable form on compact disc	70.00
d)	To search for and prepare the record for disclosure, R300,00 for each hour or part of an hour reasonably required for such search and preparation	300,00

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

- 1.1. Six hours as the hours to be exceeded before a deposit is payable; and
 - 1.2. one third of the access fee is payable as a deposit by the requester.
2. The actual postage is payable when a copy of a record must be posted to a requester.

11. Prescribed Request Form

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

BTNet IT Services Trading As The IT Hive

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:

2. 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 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:

<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
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2. If record consists of visual images(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*	<input type="checkbox"/>	transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*	<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
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<p>* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?</p> <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 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