

Lazer Communications CC

Manual

In terms of

PROMOTION OF ACCESS TO INFORMATION ACT NO 2 OF 2000

1. INTRODUCTION

The Promotion of Access to Information Act 2 of 2000 came into force on the 9th of March 2001 and seeks to promote a culture of transparency, accountability and good governance, by giving effect to a person's constitutional right of access to information.

In furtherance of this objective, Section 51 of the Act requires private bodies to compile a manual which will assist either private or juristic persons in obtaining information from such private body.

Lazer Communications CC is a private body carrying on business as a two way Radio Communications Dealer. As such, the details required in order for a requester of information to obtain or apply for information which Lazer Communications CC holds, is contained hereunder:

2. DEFINITIONS

The following words will bear the following meaning in this manual:

"the Act"	will mean the Promotion of Access to Information Act 2 of 2000, including all Regulations published in terms of the Act
"the Head"	will mean the Chief Executive Officer or equivalent of Lazer Communications CC
"the/this manual"	will mean this manual with all relevant annexures available from Lazer Communications CC
"personal requester"	will mean a requester seeking access to a record containing personal information about the requester
"SAHRC"	will mean the South African Human Rights Commission
"third party"	will mean any person other than the requester of information

3. ADDRESSES

Postal: PO Box 496
Maitland
7407

Physical: 2 Berkley Road
Maitland
7405

Website: www.lazercommunications.co.za

4. CONTACT PERSONS:

Head of Body:

Telephone Number: (021) 510 5450

Fax Number: (021) 510 2622

Email: info@lazer.co.za

5. SECTION 10 GUIDES

A guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all official languages. It can be viewed at:

Human Rights Commission Offices
29 Princess of Wales Terrace,
cnr York and St Andrews St
Parktown

Or on their website address, being www.sahrc.org.za

The Human Rights Commission can also be contacted on:

Telephone: (011) 484 8300

Fax: (011) 484 0582

Email: PAIA@sahrc.org.za

6. SECTION 52 (2) NOTICE

In terms of Section 52 of the Act, a private body may submit to the Minister responsible for the administration of justice, a description of records which it holds that are automatically available from the private body. The Minister may then publish such information by way of a notice in the Government Gazette. At the time of drafting this manual, no such information has been given by Lazer Communications CC to the Minister and no such notice has therefore been published.

7. RECORDS HELD BY LAZER COMMUNICATIONS CC IN ACCORDANCE WITH LEGISLATION

Lazer Communications CC keeps information in accordance with the following legislation:

- Companies Act, Act No. 61 of 1973
- Income Tax Act, Act No. 58 of 1962
- Unemployment Insurance Act, Act No. 4 of 2002
- Labour Relations Act 66 of 1995
- Compensation for Occupational injuries and Disease Act 130 of 1993
- Basic Conditions of Employment Act, Act No. 75 of 1997
- Employment Equity Act, Act No 55 of 1998
- Value Added Tax Act 89 of 1991
- Skills Development Act, Act No. 9 of 1999
- Occupational Health and Safety Act, Act No. 85 of 1993

Please note that the above may not be an exhaustive list.

8. SUBJECTS AND CATEGORIES OF INFORMATION HELD BY LAZER COMMUNICATIONS CC

Please note that the records listed below are not automatically available, and the process outlined in 8 below must be followed.

	SUBJECT	CATEGORIES
1.	Human Resources	Includes: Employment Contracts, Disciplinary / Performance records, Employee Personal Details (curricula vitae), Application forms (loans, leave etc.), Employment Policies, Salary Records, etc.
2.	Operational Information	Includes: Internal phone lists, Client Information, Company Policies, Marketing Material, Contracts with Clients and Suppliers, Training Material Information, Insurance Policies, etc.
3.	Communications	Internal and external correspondence
4.	Companies Act Records	Incorporation Documents, Memorandum and Articles of Association, etc.
5.	Financial Records	Annual Financial Statements, Tax Returns, Accounting Records, Banking Records, Bank Statements, etc.
6.	Income Tax Records	PAYE Records, Vat Records, Regional Services Levies Records, Skills Development Levies Records, UIF Records and Workmens Compensation Levies

9. ACCESSING A RECORD HELD BY LAZER COMMUNICATIONS CC

9.1 A person requesting information from Lazer Communications CC must:

- a) Use the prescribed form (Form C of the Regulations as contained in Government Gazette 223 of 9 March 2001) to make such request. The form can be obtained from Lazer Communications CC or can be accessed on the SAHRC website, being www.sahrc.org.za.
- b) Make the request to the Head of Lazer Communications CC.
- c) Provide sufficient detail on the request to enable identification of the record and the requester.
- d) Indicate the form of access required (i.e. written, electronic, tape recording etc.).
- e) Indicate the right that he/she/it is seeking to exercise and provide an explanation as to why the requested record is necessary for the protection of such right.
- f) If a request is made on behalf of another person, indicate and submit proof of the capacity in which the request is being made.
- g) Pay the prescribed request fee, as contained in Item 5 of the Regulations as contained in Government Gazette 223 of 9 March 2001. The form can be obtained from Lazer Communications CC or can be accessed on the SAHRC website, being www.sahrc.org.za.
- h) Await the decision from the Head of Lazer Communications CC as to whether or not access to the information will be granted. Such decision will be made in accordance with the provisions of the Act.
- i) Should access to the information be granted, pay the prescribed access and reproduction fees, as contained in Item 5 of the Acts of the Regulations as contained in Government Gazette 223 of 9 March 2001. The fee schedule can be obtained from Lazer Communications CC or can be accessed on the SAHRC website, being www.sahrc.org.za.

9.2 **Before following the procedures outlined above, person requiring information is encouraged to first visit Lazer Communications CC website which may contain the information being sought.**

10. GRANTING AND REFUSING OF A REQUEST

10.1 Within 30 (thirty) days of having received a request for access to information held by Lazer Communications CC, the Head must decide whether to grant or refuse the request.

10.2 Despite the above, should the request:

- a) be for a large volume of information; or
- b) require a search for records held in a different office to where the Head is situated; or
- c) require the Head to consult with another division of the private body or with another private body,

then the Head may take a further 30 (thirty) days to answer the request, in terms of Section 57 of the Act. In such event however, the Head will notify the requester of the period of and reasons for the extension

10.3 Should a request not be dealt with within the time frames mentioned in 10.1 and 10.2 above, then such request will be deemed to be refused in terms of Section 58 of the Act.

10.4 The Act outlines categories of information that must, may and may not be disclosed. The Head must and will grant or deny access in line with these provisions.

10.5 If access is refused, the requester will be notified in writing thereof. The notice will also contain the reasons for the refusal as well as the section/s of the Act which authorises the Head to refuse the request.

10.6 Should the requested information not be found after a diligent search, the Head will inform the requester thereof by way of affidavit in terms of Section 55 of the Act.

10.7 Should the Head deny access to the information requested, the requester will be so notified. In such notice, full reasons for the refusal will be given. The remedies that may be followed in objecting to the refusal will also be outlined.

10.8 An objection to a refusal by the Head should be done by way of application to court in terms of Section 82 of the Act, read with the definition of "court" as contained in Section 1 of the Act. Such application to court must be brought within 30 (thirty) days of the request having been refused.

11. CORRECTION OF PERSONAL INFORMATION

- 11.1 Any person who believes that Lazer Communications CC holds incorrect or inaccurate personal information on him/her, may send a written request to the Head to have the information amended or deleted, as the case may be.
- 11.2 Upon receipt of such request, the Head will conduct an investigation and amend and/or delete any information found to be untrue or inaccurate.

12. THIRD PARTY NOTICES

- 12.1 Should the Head receive a request for information relating to a third party, then such third party will be informed of the request by way of notice.
- 12.2 Having received the notice, the third party has the right to object or consent in writing within 21 (twenty one) days to disclosure of the requested information.
- 12.3 The Head will then decide whether or not to grant access to the information, and will inform the third party in writing of his/her decision.
- 12.4 A notice informing the third party that access to the information will be granted, will:
- a) give reasons for the granting of the request and the relevant provisions of the Act relied upon in reaching such decision; and
 - b) inform the third party that he/she may lodge an application to court against the decision, within 30 (thirty) days of receiving notice of the Head's decision, failing which the third party's information will be furnished to the requester.

13. AVAILABILITY OF THE MANUAL

- 13.1 This manual is available for inspection at the physical premises of Lazer Communications CC, free of charge.
- 13.2 Copies of this manual can be obtained from Lazer Communications CC at the fee prescribed in item 5 of the Regulations as contained in Government Gazette 223 of 9 March 2001. The fee structure can also be obtained from Lazer Communications CC or is available of the SAHRC website, being www.sahrc.org.za

14. AMENDMENT OF THE MANUAL

- 14.1 The information held by Lazer Communications CC and the manner in which to access such information may be granted may vary, and this manual may therefore be amended from time to time, as the need arises.