



## ACCESS TO INFORMATION ACT SECTION 51

### MANUAL FOR

## FUTURE PERFECT CORPORATION CC

Company registration number 2001/025644/23

### 1 CONTENTS

1 CONTENTS .....	1
2 Introduction : About Future Perfect Corporation CC.....	2
3 PARTICULARS IN TERMS OF THE SECTION 51 MANUAL .....	3
3.1 Contact details [Section 51(1)(a)] .....	3
3.1.1 Street Address .....	3
3.1.2 Postal Address .....	3
3.1.3 Telephone number .....	3
3.1.4 Fax number .....	3
3.1.5 Contact person .....	3
3.2 The section 10 Guide on how to use the Act [Section 51(1)(b)] .....	3
3.3 Records available in terms of any other legislation [Section 51(1)(d)] .	4
3.4 Access to the records held by the private body in question [Sections	
51(1)(c) and 51(1)(e)] .....	5
3.4.1 Categories of records .....	5
3.4.2 Records that may be requested .....	5
3.4.3 Form of request .....	6
3.4.4 Fees .....	7
3.4.5 Availability of the manual [Section 51(3)] .....	8
4 Request information – prescribed form .....	9

***Future Perfect Corporation CC***

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PO Box 51014, Waterfront, Cape Town, 8002, South Africa

Registration Number 2001/125644/23

Members: A Levin, R Naidoo, M A Neville (British)

## 2 Introduction : About Future Perfect Corporation CC

Future Perfect Corporation is a registered entity principally trading as



Radian is a professional services firm, expert in helping public and private sector organizations address the challenges and opportunities before them in the increasingly globalised and digitally networked world. We do this by providing research, management, developmental, and marketing consulting services.

We research, strategise, plan and implement business improvement projects for a wide range of public and private sector clients, locally in South Africa and internationally. Mostly these projects sit at the intersection of business operations and technology.

Our domains of experience include all things Internet; e business systems; web, email and voice communication; e-government; telecommunications; health care; service industries of all kinds; IT and other technology businesses; the call centers and BPO sector; and the music industry.

Our skills cover research; data gathering, structuring and analysis; strategy and policy development; information management and process engineering; knowledge management, business development and developmental economics; planning and project management; and change management. We bring a strong governance perspective to all these activities. We understand the potential and use of technology, and always approach problems from a customer-oriented perspective.

## **VANILLA**

Vanilla is a niche internet service provider (ISP) offering internet based services to the clients of Radian and other. These services include secure e-mail, mailing list hosting and management, domain name registration and management, web site hosting, and shared file servers with remote access.

### **3 PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

#### **3.1 Contact details [Section 51(1)(a)]**

##### **3.1.1 Street Address**

5<sup>th</sup> Floor  
Buitengracht Centre  
125 Buitengracht Street  
Cape Town

##### **3.1.2 Postal Address**

PO Box 51014  
Waterfront  
8001

##### **3.1.3 Telephone number**

+27 21 4882800

##### **3.1.4 Fax number**

defunct

##### **3.1.5 Contact person**

Alan Levin (alan@futureperfect.co.za)

#### **3.2 The section 10 Guide on how to use the Act [Section 51(1)(b)]**

The Guide will be available from the South African Human Rights Commission by not later than 31 August 2005. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit  
The Research and Documentation Department  
Postal address:  
Private Bag 2700  
Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: PAIA@sahrc.org.za

#### **3.3 Records available in terms of any other legislation [Section 51(1)(d)]**

Information is available in terms of the following legislation, if and where applicable:

- a. Basic Conditions of Employment Act No. 75 of 1997
- b. Closed Corporation Act No. 69 of 1984

- c. Companies Act No. 61 of 1973
- d. Compensation of Occupational Injuries and Diseases Act No. 130 of 1993
- e. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- f. Copyright Act No. 98 of 1978
- g. Customs and Excise Act No. 91 of 1964
- h. Electronic Communications and Transactions Act No. 25 of 2002
- i. Employment Equity Act No. 55 of 1998
- j. Financial Intelligence Centre Act 38 of 2001
- k. Income Tax Act No. 58 of 1962
- l. Insolvency Act No. 24 of 1936
- m. Labor Relations Act No. 66 of 1995
- n. Occupational Health and Safety Act No. 85 of 1993
- o. Patents Act No. 57 of 1978
- p. Promotion of Access to Information Act No. 2 of 2000
- q. Skills development Levies Act No. 9 of 1999
- r. Trademarks Act No. 194 of 1993
- s. Unemployment Insurance Act 63 of 2001
- t. Value – Added Tax Act No. 89 of 1991
- u. And another legislation that may directly or indirectly be relevant

### **3.4 Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]**

#### **3.4.1 Categories of records**

The following categories of records of the body are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

- Website Information: Freely available at : [www.futureperfect.co.za](http://www.futureperfect.co.za)

#### **3.4.2 Records that may be requested**

The following general categories of records held by the body may be made available on request [as per Section 51(1)(e)] depending on the reason given:

#### **COMPANY DOCUMENTATION**

Availability to be determined upon receipt of request

#### **COMPANIES ACT RECORDS**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers

- Share Register and other statutory registers

#### FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
  - o Bank Statements
  - o Paid Cheques
  - o Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

#### INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - o VAT
  - o Regional Services Levies
  - o Skills Development Levies
  - o UIF
  - o Workmen's Compensation

#### PERSONNEL DOCUMENTS AND RECORDS

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

#### **OTHER DOCUMENTATION**

Availability to be determined upon receipt of request

- Trade Secrets
- Domain Name Registrations
- Trade name Registrations
- Trademark Registrations
- Agreements With Suppliers
- Corporate Sales Agreements
- Customer Agreements and Contracts
- Database Of Customers

Freely available

- Website Information

### **3.4.3 Form of request**

The requester must use the prescribed form (see section 4) to make the request for access to a record. This must be made to the head of the private body. 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 head of the private body 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 head of the private body [s 53(2)(f)].

### **3.4.4 Fees**

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 head of the private body 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 [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body 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)].

Fees levied will be in accordance with the prescribed fees as detailed by the South African Human Rights Commission at 'Prescribed fees and forms for private bodies' available from [http://www.sahrc.org.za/sahrc\\_cms/publish/cat\\_index\\_30.shtml](http://www.sahrc.org.za/sahrc_cms/publish/cat_index_30.shtml) and as reproduced here as downloaded on August 10 2005.

**Fees in respect of private bodies**

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1, 10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R
(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffer disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1)(a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on -	
(i) stiffer disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(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.	

**3.4.5 Availability of the manual [Section 51(3)]**

This manual is available for inspection free of charge at the offices of Future Perfect Corporation, or can be downloaded from the Future Perfect Corporation website. Copies are also available from the SAHRC and as published in the Government Gazette.

#### **4 Request information – prescribed form**

Requests for information must be made using the prescribed form as detailed by the South African Human Rights Commission at ‘Prescribed fees and forms for private bodies’ available from [http://www.sahrc.org.za/sahrc/cms/publish/cat\\_index\\_30.shtml](http://www.sahrc.org.za/sahrc/cms/publish/cat_index_30.shtml) and as reproduced here as downloaded on August 10 2005.



**Prescribed forms**

**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 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

**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:
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*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.*

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If record consists of visual images</b> (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"/>		<input type="checkbox"/>	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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.			<input type="checkbox"/> YES
			<input type="checkbox"/> 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