

**mySolutions CC**  
**Registration Number 2003/027878/23**

**INFORMATION MANUAL**

**Compiled in terms of section 51 of the Promotion of Access to Information Act No.2 of 2000**

December 2011, Version 1

A copy of the manual will be available for inspection at the Human Rights Commission, and at the registered office of the company, being as follows:

30 Snowdrop Avenue  
Newlands Ext 2, Pretoria  
00181

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## **INTRODUCTION**

New legislation has been enacted called the Promotion of Access to Information Act of 2000 (hereinafter referred to as “the Act”). The purpose of this legislation is to address Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person.

This document serves as the Information Manual of mySolutions CC in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

## **COMPANY OVERVIEW**

mySolutions CC conducts business by virtue of the provision of financial and rural support services, personnel administration and property management services.

## **SCOPE OF THE MANUAL**

The scope of this manual will serve to provide a reference regarding the records held by mySolutions CC.

**ADMINISTRATION OF THE ACT**  
Section 51(1)(a)

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**GUIDE FOR REQUESTERS ON HOW TO USE THE ACT**  
Section 51(1)(b)

The Human Rights Commission (HRC) is responsible for compiling a guide that will facilitate ease of use of the Act for requesters. This Guide will be available from the South African Human Rights Commission. 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  
Phone: +27 (11) 484-8300  
Fax: +27 (11) 484-0582  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

**AUTOMATIC AVAILABILITY OF CERTAIN RECORDS**  
Section 51(1)(c)

Records lodged in terms of Government requirements with various statutory bodies, including the Registrar of Companies.

**RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION**  
Section 51(1)(d)

Records are kept in accordance with such other legislation as is applicable to mySolutions CC which includes, but is not limited to, the following legislation:

- ◆ The Occupational Health and Safety Act No. 85 of 1993;
- ◆ The Value-Added Tax Act No. 89 of 1991;
- ◆ Income Tax Act No. 58 of 1962;
- ◆ Companies Act No. 61 of 1973;
- ◆ Basic Conditions of Employment Act No. 75 of 1997;
- ◆ Employment Equity Act No. 55 of 1998;
- ◆ Labour Relations Act No. 66 of 1995;
- ◆ The Compensation for Occupational Injuries and Diseases Act No. 130 of 1993;
- ◆ The Unemployment Insurance Act No. 63 of 2001;
- ◆ The Skills Development Levies Act No. 9 of 1999;
- ◆ The Regional Services Councils Act No. 109 of 1985.

**RECORD SUBJECTS AND CATEGORIES**  
Section 51(1)(e)

**Chief Executive's Office**

The Chief Executive's Office records comprise the following main categories:

- ◆ Statutory Records
- ◆ Administration Records
- ◆ Research Records
- ◆ Sponsorship Records

**Tax**

Tax records comprise the following main categories:

*Income Tax Act No. 58 of 1962*

- ◆ Income tax returns
- ◆ Correspondence with South African Revenue Services (SARS)
- ◆ Correspondence from SARS
- ◆ Income tax opinions by tax advisors

*Value-Added Tax Act No. 89 of 1991*

- ◆ Value-Added Tax (VAT) invoices and credit notes
- ◆ VAT returns
- ◆ Vat opinions by tax advisors
- ◆ Correspondence with SARS
- ◆ Correspondence from SARS
- ◆ Administrative Records

### **Manpower Data Centre**

The Manpower Data Centre's records comprise the following main categories:

- ◆ Records of service
- ◆ General correspondence

### **Information Technology**

The Information Technology Department's records comprise the following main categories:

- ◆ Central Computer Repository documentation
- ◆ General correspondence

### **Finance and Administration**

Finance and Administration's records comprise the following main categories:

- ◆ Accounting Records
- ◆ Financial Statements
- ◆ Investment Records
- ◆ General Correspondence
- ◆ Management Reports
- ◆ Transactional Records
- ◆ Building and Property Records
- ◆ Insurance Records\
- ◆ Audit appointment letters
- ◆ Correspondence with auditors
- ◆ Audit management letters
- ◆ Audit reports

### **Company Secretary**

The Company Secretary provides company secretarial services to the Group. The company secretary's records comprise the following main categories:

*In terms of the Companies Act No. 61 of 1973:*

- ◆ Contracts and Agreements
- ◆ Property Records
- ◆ General Correspondence

- ◆ Company and Share Registration Records
- ◆ Statutory Records, inclusive of the following:
  - Certificate of Incorporation
  - Memorandum and Articles of Association
  - Documentation lodged with the Registrar of Companies
  - Notices to members
  - Minutes of meetings of members
  - Resolutions of members, including special resolutions
  - Directors' consent forms to act as directors
  - Register of directors and officers
  - Register of directors' interests in contracts
  - Minutes of directors' meetings
  - Directors' resolutions
  - Papers for directors' meetings
  - Attendance register of directors' meetings
  - Minutes of board committee meetings
  - Attendance register of board committee meetings

#### **Corporate Services Department**

The Corporate Services Department's records comprise the following main categories:

- ◆ Administration Records
- ◆ Legal Records
- ◆ Contracts and Agreements
- ◆ General Correspondence

#### **Human Resources (HR) Department**

The Human Resources Department's primary objective is to develop and implement a competitive human resource strategy that will support the Company. Human Resources records comprise the following main categories:

*Basic Conditions of Employment Act No. 75 of 1997*

- ◆ Employee Records
  - Letters of Appointment

- Payroll Records
- Leave Records
- Correspondence with Employees
- Standard Terms and Conditions of Employment

*Employment Equity Act*

- Employment Equity Policy/Records
- Employee Records

*Labour Relations Act*

- Employee Records
- Labour Relations Records
- Industrial Relations Correspondence

- ◆ General Correspondence
- ◆ General Company & HR Policies and Procedures
- ◆ Training Records
- ◆ Pension/Provident Fund Records
- ◆ Employee Benefit Records
- ◆ Statutory Records
- ◆ Contracts
- ◆ PAYE Records

*Occupational Health and Safety Act No. 85 of 1993*

- ◆ Workmen's Compensation Records
- ◆ General Correspondence

*Unemployment Insurance Act No. 63 of 2001*

- ◆ UIF Records

*Skills Development Levies Act No. 9 of 1999*

- ◆ Skills Development Records

## ACCESS REQUEST PROCEDURE

### Section 51(1)(e)

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by the Group.

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

#### **Note:**

If it is reasonably suspected that the requester has obtained access to the Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

### Completion of Access Request Form

In order for the Group to respond to requests in a timely manner, the Access Request Form should be completed, taking due cognisance of the following *Instructions on Completion of Forms*:

- ◆ The Access Request Form must be completed in the English Language.
- ◆ Type or print in BLOCK LETTERS an answer to every question.
- ◆ If a question does not apply, state "N/A" in response to that question.
- ◆ If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- ◆ If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio.
- ◆ When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

### Submission of Access Request Form

The completed Access Request Form must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated in Section 51(1)(a).

An initial, **non-refundable R50.00 request fee (excluding VAT)** is payable on submission. This fee is **not applicable** to Personal Requesters, referring to any person seeking access to records that contain their personal information.

### Payment of Fees

Payment details can be obtained from the contact person as indicated in Section 51(1)(a) and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

#### **Note:**

If the request for access is successful, an **access fee** will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (refer attached). The access fee must be paid prior to access being given to the requested record.

## Notification

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

### Notification of Extension Period (if required)

The requesters may be notified whether an extension period is required for the processing of their requests, including:

- ◆ The required extension period, which will not exceed an additional 30-day period;
- ◆ Adequate reasons for the extension; and
- ◆ Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

### Payment of Deposit (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- ◆ The amount of the deposit payable (if applicable); and
- ◆ That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

### ***Please note:***

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

### Decision on Request

If no extension period or deposit is required, the requesters will be notified, within 30 days, of the decision on their requests.

If the request for access to a record is **successful**, the requester will be notified of the following:

- ◆ The amount of the access fee payable upon gaining access to the record (if any);
- ◆ An indication of the form in which the access will be granted;
- ◆ Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is **not successful**, the requester will be notified of the following:

- ◆ Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- ◆ That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

### **Third Party Information**

If access is requested to a record that contains information about a third party, the Group is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

### **Grounds for Refusal**

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

- ◆ Disclosure of the record (containing trade secrets, financial, commercial, scientific, technical or any other confidential information) would harm the commercial or financial interests of the Group;
- ◆ The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- ◆ Protecting personal information that the Group holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- ◆ Protecting commercial information that the Group holds about a third party or the Group (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- ◆ 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 security of property or means of transport;
- ◆ If disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- ◆ If disclosure of the record would prejudice or impair the protection of the safety of the public;
- ◆ Disclosure of the record would put the Group at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- ◆ The record is a computer programme; and
- ◆ The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

### **Records that cannot be found or do not exist**

If the Group 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 to locate the record.