

OB-MOTION MANAGEMENT (PTY) LTD

(Registration Number 2010/017802/07)

MANUAL

in terms of

Section 51 of The Promotion of Access to Information Act

2 of 2000

Compilation Date: November 2011

Last Updated: August 2015

1. Introduction

On 9 March 2001, the Promotion of Access to the Act, No. 2 of 2000 (“the Act”) became operative, giving effect to the section 32(2) Constitutional right of access to information.

One of the main requirements specified in the Act, is the compilation of an information manual that provided information on both the types and categories of records held by a private body. This manual is intended to fulfill this requirement.

Accordingly, this manual provides a reference to the records of OB-Motion Management (Pty) Ltd (OBmotion) holds and the process that needs to be adopted to access such records.

2. Definitions

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- **“Act”** means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- **“Information Officer”** means the person acting on behalf of OBmotion and discharging the duties and responsibilities assigned to the “head” of OBmotion by the Act. The Information Officer is duly authorized to act as such and such authorisation has been confirmed by the “head” of OBmotion in writing;
- **“Manual”** means this manual published in compliance with Section 51 of the Act;
- **“OBmotion”** means OB-Motion Management (Pty) Ltd, Registration number 2010/017802/07;
- **“Personnel”** means any person who works for or provides services to or on behalf of OBmotion and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of OBmotion. This includes without limitation, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.



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- **“Record”** means any recorded information, regardless of form of medium, which is in the possession or under the control of OBmotion , irrespective of whether it was created by OBmotion;
- **“Request”** means a request for access to a record of OBmotion;
- **“Requestor”** means any person, including a public body or an official thereof, making a request for access to a record of OBmotion and includes any person acting on behalf of that person; and
- **“SAHRC”** means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic person.

Terms as defined in the Act shall have the same meaning in this manual.

3. Overview

OBmotion is an entity that provides bookkeeping, accounting, payroll, tax services and various other business related solutions.

4. Availability of the Manual

A copy of this manual is available to the public for inspection by sending a request for a copy to the Information Officer by email.

5. Contact Details Section 51(1)(a)

Company Name	OB-Motion Management (Pty) Ltd
Company Type	Private Company
Company Registration Number	2010/017802/07
Physical Address	27 Troy Blouvalk Close Raslouw Centurion 0157



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Postal Address	P.O. Box 9605 Centurion 0046
Telephone	+27 12 751 3266
Fax	+27 86 527 7516
Website	www.obmotion.co.za
Designated Information Officer	Armand Oberholzer
Email Address	info@obmotion.co.za

6. Guide for Requesters on how to use the Act Section 51(1)(b)

The SAHRC has compiled a guide to facilitate ease of use of the Act for requestor. The guide is available from SAHRC. Their details are reflected below:

The South African Human Rights Commission
PAIA Unit
The Research and Documentation Department
Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300
Fax: +27 11 484 0582

Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

7. Records Automatically available to the Public Section 51(1)(c)

The Minister must publish a notice of records that are automatically available by notice in the Government Gazette according to section 15(2) of the PAIA Act.



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8. Records held in Accordance with other Legislation Section 51(1)(d)

No	Ref	Act
1	No 75 of 1997	Basic Conditions of Employment Act
2	No 53 of 2003	Broad-based Black Economic Empowerment Act
3	No 69 of 1984	Close Corporations Act
4	No 71 of 2008	Companies Act
5	No 130 of 1993	Compensation for Occupational Injuries and Disease Act
6	No 68 of 2008	Consumer Protection Act
7	No 55 of 1998	Employment Equity Act
8	No 36 of 2005	Electronic Communications Act
9	No 25 of 2002	Electronic Communications and Transactions Act
10	No 58 of 1962	Income Tax Act
11	No 66 of 1995	Labour Relations Act
12	No 85 of 1993	Occupational Health and Safety Act
13	No 2 of 2000	Promotion of Access to Information Act
14	No 9 of 1999	Skills Development Levies Act
15	No 28 of 2011	Tax Administration Act
16	No 63 of 2001	Unemployment Insurance Act
17	No 89 of 1991	Value added Tax Act



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Please note that while OBmotion made every effort to identify all pertinent legislation, we cannot guarantee that all legislation has been included. Should you be aware of any specific legislation that should be included and which has been omitted, please contact the Information Officer of OBmotion. Your assistance in this regard is appreciated.

9. Records subject and categories Section 51(1)(e)

We hold records in the categories listed below. **The fact that we list a record type here does not necessarily mean that we will disclose such records,** and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act.

Finance and Administration

- Accounting Records;
- Annual Financial Statements;
- Asset Registers;
- Agreements;
- Budgets;
- Banking Records;
- General Correspondence;
- Debtors/creditors statements and invoices;
- Management Reports;
- Tax Records and Returns.

Human Resources

- Payroll Records;
- Personnel Information;
- General Terms of Employment;
- Letters of Employment;
- Leave Records;
- PAYE Records and Returns;
- Policies and Procedures;
- Medical Aid;
- Returns to UIF.



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Operations

- Agreements;
- Codes of Conduct;
- Commercial Information;
- General Correspondences;
- Insurance Documentation;
- Legal Compliance Records;
- Licenses (Software & Vehicles);
- Marketing Information;
- Membership Certificates;
- Policies;
- Vehicle Registration Documents.

Secretarial Services

- Applicable statutory documents applicable to a Private Company;
- Annual Returns;
- Minute Book;
- Administration Records.

Client Related Documentation

- Client Annual Financial Statements
- Client Correspondence
- Client Contracts
- Client Statutory and Tax Records
- Client Business Information
- Legal Documentation
- Working Papers
- Client Personnel Details
- Client Payroll Files
- Any records a Customer has provided;
- Any record generated by or within OBmotion pertaining to customer;
- Any records a third party has provided to OBmotion, either directly or indirectly.



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10. Access request procedure Chapter 3

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record fall within a certain category as specified within Part 3 Chapter 4 of the Act.

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

Completion of Access Request Form Section 53

In order to facilitate a timely response to requests for access, all requesters should take note of the following when completing the Access Request Form.

- The Access Request Form must be completed (Annexure A);
- Proof of identity is required to authenticate the identity of the requester. Therefore in addition to the access form, requestors will be required to supply a copy of their identification document;
- 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 questions state "nil" in response to that question;
- If there is insufficient space on a printed form, additional information may be provided on an additional attached folio;
- When the use of an additional folio is required, precede each answer with the applicable title;
- The requester must provide sufficient detail to enable the Information Officer to identify the record;



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- The requester should also indicate which form of access is required and 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/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 the 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 information officer of OBmotion.

Submission of Access Request Form Section 54

- The completed Access Request Form together with a copy of the identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the contact person as indicated above;
- The requester must pay the required request fee of R57.00 (Fifty Seven Rand Only)(Inclusive of VAT) before further processing the request [Section 54 (1)];
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. [Section 54 (2)(a)];
- If the preparation for the record requested requires more than the prescribed hours 6 (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted [Section 54 (2)(b)];
- The requester may lodge an application to the court against the tender/payment of the request fee and/or deposit [Section 54 (3)(b)];
- If a deposit has been paid in respect of a request for access which is refused, then the Information Officer concerned must repay the deposit to the requester [Section 53(4)];
- The access fee must be paid prior to access being given to the requested record [Section 54(5)];



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Payment of Fees

- Payment details can be obtained from the Information Officer as indicated above and 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.
- If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees (Annexure B). [Section 54(6)]

Notification Section 57

- OBmotion will within 30 days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect;
- The 30 day period within which OBmotion has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days,
 - ◆ if the request is for a large volume of information,
 - ◆ Or the request requires a search or information held at another office,
 - ◆ Or the information cannot reasonably be obtained within the original 30 day period.
- OBmotion will notify the requester in writing should an extension be sought.

Grounds for refusal of access to records Chapter 4

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - ◆ Trade secrets of that party,
 - ◆ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party,



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- ◆ Information disclosed in confidence by a third party to OBmotion if the disclosure could put that third party to a disadvantage in negotiations or commercial competition;
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The Commercial Activities of OBmotion which may include
 - ◆ Trade secrets of OBmotion;
 - ◆ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of OBmotion.

11. Request for access to information about third parties

If you request for access to a record that contains information about a third party, we are obliged to attempt to contact this third party to inform them of the request and to give them an opportunity to respond by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishes reasons for the support or denial of access, our Information Officer will consider these reason in determining whether access should be granted. You may appeal against a refusal of access by our information Officer. Please refer to Part 4 of the Act for further details on the Appeal Process.

A handwritten signature in black ink, appearing to be 'R. Obo', written over a horizontal line.

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**Annexure A
FORM C**

**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
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 for 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:			
	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		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* (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? A Postage is payable.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

Annexure B

**Table of Fees in respect of Private Bodies
(These prices are Exclusive of VAT)**

Ref	Charges	Cost
1.	Electronic PDF copy of the Manual	Free
2.	Request Fee (Other than a personal requestor)	R 50.00
3.	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R 0.75
4.	For every photocopy of an A4-size page or part thereof	R 1.10
5.	Record on Compact Disc	R 70.00
6.	Transcription of Visual Images: A4 page	R 40.00
7.	Copy of Visual Images	R 60.00
8.	Transcription of Audio record: A4 page	R 20.00
9.	Copy of Audio record	R 30.00
10	To search for a record that must be disclosed, R30.00 per hour or part of an hour reasonably required for such search.	
11.	Where a copy of a record needs to be posted the actual postal fee is payable.	

Deposits

Where a private body receives a request for access to information held on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to 1/3 (one third) of the amount of the applicable access fee.