

Sage Pastel Accounting



sage

Promotion of Access to Information Act,
2000 (Act 2 of 2000)

Manual

Promotion of Access to Information Act, 2000 (Act 2 of 2000) Manual

This **Manual of Sage Pastel, a division of Sage South Africa (PTY) LTD** (registration number 2003/015693/07) and its South African subsidiaries (collectively referred to as “the Company”) in terms of section 51(1) of the Promotion of Access to Information Act 2 of 2000 (“the Act”).

Purpose

The purpose of this document is to serve as the Manual of the Company as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records.

Acknowledgement

Sage Pastel wishes to acknowledge the following people in the production of this manual.

Content Developer, Layout and Design: Gerhard van der Berg

Project Manager: Avril Zanato

Quality Controller: Martin Blaauw

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Contact Person and Address Details of the Company

(as required in terms of section 51(1)(a))

The responsibility for the administration of, and compliance with the Act, has been delegated by the Chief Executive Officer (CEO) of Sage Pastel to the Training Material Development Manager. Requests related to the provisions of the Act should be directed as follows:

Contact Person:	Avril Zanato
Designation:	Training Manager
Postal Address:	PO Box 781893 Sandton 2146
Street Address:	Sage Technology Park 102 Western Services Road Gallo Manor Ext. 6 Johannesburg 2191
Telephone Number:	+ 27 (0)11 304 3000 + 27 (0)11 304 3415
Fax Number:	+ 27 (0)11 304 3671
Email Address:	avril.zanato@pastel.co.za
Web Address:	www.pastel.co.za

Guide on how to use the Act

(as required in terms of section 51(1)(b))

The South African Human Rights Commission has compiled a guide, in terms of section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act.

This guide was published in the first half of 2005 and access to it, and to any amended versions thereof, can be found on the website of the South African Human Rights Commission at www.sahrc.org.za, or a hard copy can be obtained from the South African Human Rights Commission offices at 29 Princess of Wales Terrace, Cnr York and St Andrews Streets, Parktown, Johannesburg.

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 Number:	+27 (0)11 484 8300
Fax Number:	+27 (0)11 484 0582
Email Address:	PAIA@sahrc.org.za
Web Address:	www.sahrc.org.za

Categories of records available

(as required in terms of section 51(1)(c))

The following categories of records are automatically available without a person having to request access in terms of this Act:

- Statutory records – all companies (public or private)
 - Memorandum of association
 - Articles of association
 - Certificate of incorporation
 - Certificate to commence business
 - Register of directors
 - Form CM5 reservation of name
 - Form CM7 shortened form of name
 - Form CM8 defensive names
 - Form CM9 change of name
 - Form CM11 increase in authorised capital
 - Form CM15 allotment of shares
 - Form CM14A repurchase of shares
 - Form CM18 registration of court orders
 - Form CM19 redemption of preference shares

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- Form CM21 where records are kept if not at registered office
 - Form CM22 registered office
 - Form CM25 waive period of notice of meeting
 - Form CM26 special resolutions
 - Form CM27 consent to act as director
 - Form CM29 directors and officers
 - Form CM31 appointment/resignation of auditors
 - Form CM32 change of year end
 - Form CM45 conversion of one type of company to the other
 - Form CM52 exemption to lodge annual financial statements
- Corporate communications
 - Press releases
 - Analyst presentations
 - Corporate mission statement
 - Brochures and promotional literature giving information of products and services
 - Human resources
 - Employment equity returns to the Department of Labour
 - Work skills development plan submitted to FASSET
 - Company Investments
 - List of subsidiary companies, associates and joint ventures
 - Employee benefits
 - Discovery Health Medical Aid
 - Discovery Provident Fund

(The above are separate entities and, as such, information pertaining to these entities must be requested directly from them.)

- Auditors
 - The Company's auditors are:

**Pricewaterhouse Coopers
2 Eglin Road
Sunninghill
Johannesburg
2157**
- Information available on the Company's website(s).

Records available in accordance of legislation

(as required in terms of section 51(1)(d))

Records are available in accordance with the following current South African legislation (only to the extent that the relevant statute makes disclosure of records compulsory):

- Basic Conditions of Employment Act, No. 75 of 1997
- Broad Based Black Economic Empowerment Act, No. 53 of 2003
- Companies Act, No. 61 of 1973
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Copyright Act, No. 98 of 1987
- Electronic Communications and Transactions Act, No. 2 of 2000
- Employment Equity Act, No. 55 of 1998
- Financial Advisory and Intermediary Services Act, No. 37 of 2002
- Financial Intelligence Centre Act, No. 38 of 2001
- Income Tax Act, No. 58 of 1962
- Labour Relations Act, No. 66 of 1995
- Occupational Health and Safety Act, No. 85 of 1993
- Promotion of Access to Information Act, No. 2 of 2000
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Protected Disclosures Act, No. 26 of 2000
- Patents Act, No. 57 of 1987
- Regulation of Interception of Communications and Provisions of Communication Related Information Act, No. 70 of 2002
- Sales and Service Matters Act, No. 25 of 1964
- Skills Development Act, No. 97 of 1997
- Skills Development Levy Act, No. 9 of 1999
- Trade Marks Act, No. 194 of 1993
- Transfer Duty Act, No. 40 of 1949
- Unemployment Insurance Act, No. 63 of 2001
- Value-added Tax Act, No. 89 of 1991

Detail to facilitate a request for access to records

(as required in terms of section 51(1)(e))

In order to facilitate a request for access to a record, the Company has in its possession the following categories of records on the subject matters referred to hereunder:

Category	Records
Administration:	Software operating licenses Minutes of directors meetings Minutes of management meetings Minutes of employment equity meetings Minutes of sub-committee meetings (Risk, Audit, Remuneration) Correspondence
Human Resources:	Staff recruitment policies Employment contracts Remuneration records and policies Provident fund rules and minutes of meetings of Trustees.

Operations:	Sales records Production records Legal agreements and commercial contracts
Finance:	Financial statements Management Accounts Annual financial statements Invoices Delivery notes Stock records

Certain of the above-mentioned records are of a confidential nature and only accessible to authorised persons.

Access requests procedure and prescribed fees

A request for access to records must be made on the prescribed Form (a copy of which is attached hereto) and should be sent to the address, fax number or electronic mail address of the contact person set out in section 1. An initial, non-refundable request fee of R57.00 (inclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. an individual seeking access to records pertaining to those individuals themselves. In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record. A request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

- Notification of extension period (if required)

Applicants must take note that in terms of the Act the 30 days period mentioned above may be extended for a further period of not more than 30 days under certain circumstances (details will be provided together with the notification of such extension);

- Access fee and/or deposit

The applicant will be informed of the access fee (if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

- Decision on request

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised.

- Grounds for refusal

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

- Protecting personal information that the Company hold about an individual, including a deceased person, from unreasonable disclosure;

- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, or technical information that may harm the commercial or financial interests of the Company 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 record 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;
 - The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
 - Disclosure of the record would put the Company 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 of the Company.
- Records that cannot be found or do not exist

If the Company 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 and locate the record.

- Third party information

If access is requested to a record that contains information about a third party, the Company 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 of denial of access, our designated contact person, the details of which appear in section 1, will consider these reasons in determining whether access should be granted, or not.

All remedies in law

All remedies in law available regarding an act or failure to act in respect of a right or duty conferred or imposed by this Act, including the manner of lodging:

- i) an internal appeal (Section 75); and
- ii) an application with a court against a decision by the information officer of a public body, a decision on internal appeal or a decision of the head of a private body (Section 78).

Notes

According to the Act if one is refused access to information, they have a right to make an internal appeal (for more information on this refer to Section 75 which outlines a manner of making an internal appeal and all the fees required). Should an internal appeal fail one can take the matter to court (for more information see Section 78). Therefore this information must be made available in the Information Manual in a clear and simple language.

5 FEES

- a) A request for access to a record, other than record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** has been paid.
- b) 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 the record.
- c) You will be notified of the required amount to be paid as the **access fee**.
- d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from paying fees: _____

6A FORM OF ACCESS TO RECORD

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 under certain circumstances. In such a case you will be informed whether 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:

Copy of record* Inspection of record

2. If the record consists of visual images:

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images Copy of the images* Transcription of the images*

3. If the record consists of recorded information that can be produced in sound:

Listen to the soundtrack (audio cassette) Transcription of soundtrack* (written or printed document)

4. If the record is held on compute or in an electronic or machine-readable form:

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

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? **Postage is payable.**

Yes	No
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Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.

In which language would you prefer the record? _____

6B In the event of disability

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate in the form in which the record is required.

Disability: _____	Form in which record is required: _____
_____	_____
_____	_____

7 PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. **The requester must sign all additional folios.***

1. Indicate the right to be exercised or protected: _____

2. Explain why the record requested is required for the exercise or protection of the aforementioned right:

8 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

You must:

1. Complete all necessary spaces.
2. Sign the access request form.
3. Sign additional folios completed.

Send with this application:

1. R57.00 request fee (if not personal requester).
2. Any additional folios completed.
3. Copy of Identity Document.