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... OF COURSE WE CAN!

PAIA

2015/171734/07
Adaptive Consulting (PTY) Ltd
MANUAL
In terms of
Section 51 of
The Promotion of Access to Information Act
2 of 2000
(The "ACT")

SOUTH AFRICA
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Company Reg: 2105/171734/07



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INDEX

1. NTRODUCTION	3
2. DEFINITIONS	3
3. OVERVIEW OF ADAPTIVE CONSULTING	4
4. CONTACT DETAILS OF INFORMATION OFFICER (Section 51(1)(a))	4
5. GUIDE TO THE ACT (Section 51(1)(b) READ WITH SECTION 10)	5
6. AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS (Section 51(1)(c))	6
7. RECORDS AVAILABLE IN TERMS OF LEGISLATION (Section 51(1)(d)).	6
8. SCHEDULE OF RECORDS (Section 51(1)(d)) (EXAMPLE)	7
9. FORM OF REQUEST (Section 51(1)(e))	7
10. OTHER INFORMATION AS MAY BE PRESCRIBED (Section 51(1)(f))	7
11. ACCESS: PROCEDURE, AVAILABILTY AND PRESCRIBED FEES	8
ANNEXURE 1	9
ANNEXURE 2	12

1. INTRODUCTION

This manual has been prepared in accordance with section 51 of the ACT and aims to facilitate a request for access to a record held by a private body that is required for the exercise or protection of any right.

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;
- “ADAPTIVE” means Adaptive Consulting as more fully described in the overview hereunder.
- “Information Officer” means the person acting on behalf of ADAPTIVE CONSULTING and discharging the duties and responsibilities assigned to the head of ADAPTIVE CONSULTING by the ACT. The Information Officer is duly authorised to act as such, and such authorisation has been confirmed by the “head” of ADAPTIVE CONSULTING in writing;
- “Manual” means this manual published in compliance with Section 51 of the ACT;
- “Record” means any recorded information, regardless of form or medium, which is in the possession or under the control of ADAPTIVE CONSULTING, irrespective of whether or not it was created by ADAPTIVE CONSULTING;
- “Request” means a request for access to a Record of ADAPTIVE CONSULTING;
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of ADAPTIVE CONSULTING 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 persons.

Unless otherwise stated, terms defined in the ACT shall have the same meaning in this Manual.

3. OVERVIEW OF ADAPTIVE CONSULTING

ADAPTIVE CONSULTING (PTY) Ltd is a private company incorporated in terms of the company laws of South Africa. ADAPTIVE CONSULTING conducts business by developing online training for clients.

Adaptive Consulting (PTY) LTD, a South African-based consultancy with more than 10 years of experience developing custom learning solutions. Over the years, we've built, supported or contributed to many successful eLearning solutions, so we have come to know what works and what doesn't, especially for organizations that are just starting to build their training presence. Our products and services are a way for us to help you and your business, by leaving the technical details to us and allowing you to focus on what's really important.

Services available include:

- LMS customisations
- Bespoke E-learning
- Instructional Design
- Website development
- E-commerce development

Offerings provided include

- Adaptive Online Academy
- E- learning Strategies
- Induction and Orientation Programmes
- Product Training
- Systems Training

4. CONTACT DETAILS OF INFORMATION OFFICER (Section 51(1)(a))

Information Officer:	Ross Haydock
Designation:	Chief Executive Officer
Postal Address:	84 Kinfauns Street Sydenham Gauteng 2129
Street Address:	84 Kinfauns Street Sydenham Gauteng 2129
Telephone Number:	+27 11 484 2997
Fax Number:	
Email:	info@adaptive.za.com
Website:	http://www.adaptive.za.com

5. GUIDE TO THE ACT (Section 51(1)(b) READ WITH SECTION 10)

- 5.1 The ACT (section 51(1)(b)) grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a complaint, the public body must be acting in the public interest.
- 5.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the ACT.
- 5.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights.
- 5.4 The guide is available on the SAHRC website, at <http://www.sahrc.org.za>.

The contact details of the Commission are:

Postal Address:	Private Bag 2700 Houghton 2041
Physical Address:	2nd Floor Braampark Forum 3 33 Hoofd Street Braamfontein
Telephone Number:	+27 11 877 3600 (Switchboard) +27 11 877 3750 (Gauteng Office) +27 11 877 3803
Fax Number:	+27 11 403 0668 (Gauteng Office) +27 11 403 0625
Email:	section51.paia@sahrc.org.za
Website:	http://www.sahrc.org.za

6. AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS (Section 51(1)(c))

The following Records are automatically available without a person having to request access in terms of the ACT:

- The web page www.adaptive.za.com is accessible to anyone who has access to the Internet. The ADAPTIVE CONSULTING website hosts the following categories of information:
 - Services
 - Learning Products
 - Website Design Packages
 - Corporate Information
 - News
 - Terms and Conditions

7. RECORDS AVAILABLE IN TERMS OF LEGISLATION (Section 51(1)(d)).

(Please note that each entity needs to assess which legislation is applicable to it and thereafter list such legislation, below is just an example for ease of reference. The list is not exhaustive)

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 37 of 2002	Financial Advisory and Intermediary Services Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 68 of 2008	Consumer Protection Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access to Information Act
12	No 30 of 1996	Unemployment Insurance Act

8. SCHEDULE OF RECORDS (Section 51(1)(d)) (EXAMPLE)

<u>Records</u>	<u>Subject</u>
Public Affairs	<ul style="list-style-type: none">• Public Product Information• Public Corporate Records• Media Releases
Financial	<ul style="list-style-type: none">• Financial Statements• Financial and Tax Records (Company & Employees)• Asset Register• Management Accounts
Marketing	<ul style="list-style-type: none">• Marketing Information• Public Customer Information:<ul style="list-style-type: none">○ Product Brochures○ Owner Manuals• Field Records• Performance Records• Product Sales Records• Marketing Strategies• Customer Database• Dealer Franchise Documents

9. FORM OF REQUEST (Section 51(1)(e))

To facilitate the processing of your request, kindly:

9.1 Use the prescribed form (Annexure 1). The prescribed form is also available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

9.2 Address your request to the Information Officer.

9.3 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d)
 - (i) The postal address and fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

10. OTHER INFORMATION AS MAY BE PRESCRIBED (Section 51(1)(f))

Not available.

11. ACCESS: PROCEDURE, AVAILABILITY AND PRESCRIBED FEES

11.1 How to request a Record (Section 53)

- Requests for access to Records must be made to the Information Officer in the prescribed form (Annexure 1), at the address, fax number or electronic mail address referred to in 4 above. Failure to make use of the prescribed form could result in your Request being refused or delayed.
- A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining to him/ herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identity, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/ she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested Record is required for the exercise or protection of that right.
- If a Request is made on behalf of a person, the Requestor must then submit proof, to the satisfaction of the Information Officer, of his/ her authority to make the Request. Failure to do so will result in the Request being rejected.

11.2 Decision on Request (Section 56)

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
 - If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee (s).
 - In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised that he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- The Requestor may lodge an internal appeal or on application to court against the tender or payment of the Request fee.

11.3 Availability

This manual is available on the ADAPTIVE CONSULTING website, www.adaptive.za.com, alternatively at:

84 Kinfauns Street
Sydenham
Gauteng
2129

During office hours.

11.4 Fees

The fees payable in respect of access to Records are attached as Annexure 2.

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY FORM C

(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 Information Officer: Adaptive Consulting in respect of _____ (specify company or operating division, if applicable)

If you are aware of the division within ADAPTIVE CONSULTING that holds the Record/s you are Requesting, please indicate this fact clearly. Where you are unsure of the division name, please give as much detail to facilitate our search for the Record/s concerned. Please note that your failure to specify a division name will not invalidate your Request, but it may cause unavoidable delays.

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 name and Surname:

Identity Number:

Postal Address:

Telephone Number:

Fax 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 Requestor must sign all the additional folios.

1. Description of the Record or relevant part of the Record:

2. Reference number, if available:

3. Any further particulars of the Record:

E. Fees

- (a) A Request for access to a Record, other than a Record containing personal information about you, will be processed only after a Request fee has been paid.
- (b) You will be notified of the amount payable 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 of payment of the fee (if any):

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 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 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 Records consists of Records, words or information which can be reproduced in sound:			
Listen to the soundtrack (Audio cassette)		Transcription of soundtrack* (Written or printed)	
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* (USB drive 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

G. Particulars of right to be exercised or protected

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

1. Indicate which right is to be exercised or protected:

2. Explain why the requested Record is required for the exercising 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 REQUESTOR / PERSON ON WHOSE BEHALF REQUEST IS MADE

FEES PAYABLE

(as prescribed)

1. Copy of manual.

The fee for a copy of the manual is R1,10 for every photocopy of an A4-size page or part thereof.

2. Reproduction fees

The fees for preparation of Records referred to in regulation 11(1) are as follows:

	Rand
(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) Electronic media, i.e. diskette	70,00
(ii) Compact disc	7,50
(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

3. Request fee

The Request fee payable by a Requestor, other than a personal Requestor, referred to in Regulation 11(2) is 50,00

4. Access fees

The access fees payable by a Requestor referred to in regulation 11(3) are as follows:

(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) Electronic media, i.e., diskette	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
(f) To search for and prepare the Record for disclosure for each hour or part of an hour reasonably required for such search and preparation	30, 00

For purposes of section 22(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 Requestor.

The actual postage is payable when a copy of a Record must be posted to a Requestor.