



an **EOH** company

**FREETHINKING BUSINESS CONSULTANTS (PTY) LIMITED**

MANUAL PREPARED IN TERMS OF SECTION 51

of

**The Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as the "Act")  
for assistance in requesting information from:**

**Freethinking Business Consultants (Pty) Ltd  
("Freethinking")**

**Every private body specified in the Act, including a private company as defined in the  
Companies Act 61 of 1973, must lodge a copy of this manual with the South African Human  
Rights Commission (hereinafter referred to as "SAHRC")**

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Annexure 1-2 – Prescribed Forms

#### **A. Contact details for the head of the private body**

Name of private body	Freethinking Business Consultants (Pty) Ltd
Name of head of private body	Derrick Cooks
Registered street address	Hyde Park Lane Business Park Corner Jan Smuts and Hyde Lane Hyde Park Grosvenor Gate Ground Floor Johannesburg GAUTENG
Postal address	PO Box 2722 CRESTA 2118
Telephone number	011 325-0326
Fax number	086 6723477
E-mail address	COOKS@FREETHINKING.CO.ZA
Person duly authorized to assist the head of the private body with duties imposed by the Act	Derrick Cooks

#### **B. South African Human Rights Commission guide**

The SAHRC is required to compile a guide to assist people in exercising their rights under the Act. For further assistance, contact the SAHRC on:

**Address:** PAIA Unit, The Research and Documentation Department, Private Bag  
2700, Houghton, 2041

**Telephone:** (011) 484 8300

**Facsimile:** (011) 484 0582

**Web site:** [www.sahrc.org.za](http://www.sahrc.org.za)

**E-mail:** [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

#### **C. Information available in terms of other legislation (Section 51(1) (d))**

Freethinking holds information in terms of the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1977
- Banks Amendment Act No. 19 of 2003
- Companies Act, No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Employment Equity Act, No. 55 of 1998
- Financial Intelligence Centre Act No 38 of 2011
- Income Tax Act, No. 68 of 1962
- Insolvency Act, No. 24 of 1963
- Labour Relations Act, No. 66 of 1978
- Occupational Health and Safety Act, No. 85 of 1993
- Skills Development Act, No. 97 of 1988
- Skills Development Levies Act, No. 9 of 1999
- Unemployment Contribution Act, No. 4 of 2002
- Unemployment Insurance Act, No. 30 of 1966
- Value Added Tax Act, No. 89 of 1991

**D. Information forming part of the records (Section 51(1) (e))**

**6.1 Administration and management**

- Statutory records
- Administrative records
- Risk, security and insurance records
- Commercial contracts

**6.2 Finance**

- Accounting records
- Salaries and wages records
- Creditor's and debtor's records
- Taxes and levies records
- Operational expenditure records
- Financial statements
- Asset inventories

**6.3 Clients**

- Client database
- Client service records
- Client accounts
- Client files

**6.4 Information technology**

Infrastructure and systems

**6.5 Services offered**

- Business Management and consulting services

**E. Accessing a record held by Freethinking**

- The request must be made to the head of Freethinking at the above contact details.
- Any request for access to records in terms of the Act must be completed on the prescribed form in terms of the Act and regulations as shown in Appendix 1.
- The requester must provide sufficient detail on the request form to enable the head of Freethinking to identify the record and the requester. The requester should also indicate what form of access is required.
- The requester must identify the right that he or 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 a request is made on behalf of a person, the requester must then submit proof of the capacity in which the request is being made.
- The head of Freethinking must notify the requester by notice, requiring the requester to pay the prescribed fee (if any) before processing the request. The prescribed fee is in the Regulations of the Act.
- The head of Freethinking will then make a decision in accordance with the provisions of the Act, whether to grant the request or not and notify the requester of the decision.
- If the request is granted, a further fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.
- Legal remedies are available to a requester who believes that there has been a failure to comply with the Act. The requester may lodge an appeal or an application to court.
- Section 54 of the Act provides for a private body to require a request fee to be paid by a requester before processing a request. Information in regard to the fees payable is set out in Annexure 2.

**F. Availability of the manual**

Freethinking's manual is available for inspection free of charge at the registered address of the Company. A copy of the manual is also available from SAHRC.

**G. Information available without having to request access(Section 51(1)(c))**

Freethinking's web site: [www.freethinking.co.za](http://www.freethinking.co.za) is available to anyone with access to the Internet.

**ANNEXURE "1"**

**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/Designated Person: \_\_\_\_\_

**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 attaché 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 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
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**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*
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**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)
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**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)
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* If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable</b>	YES	NO
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**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 the \_\_\_\_ day of \_\_\_\_\_ 2005.

**WITNESS:**

1. \_\_\_\_\_

2. \_\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER/PERSON  
ON WHOSE BEHALF REQUEST IS MADE**



**ANNEXURE "2"**

**CHARGE SHEET FOR ACCESS TO INFORMATION ACT 2 OF 2000 REQUESTS**

<b>REQUESTER'S DETAILS</b>	<b>PREPARED BY:</b>
<b>Name:</b>	<b>Name:</b>
<b>Address:</b>	<b>Date:</b>
	<b>Signature</b>
<b>Ref No:</b>	<b>Approved</b>

<b>ACCESS FESS FOR REPRODUCTION</b>		
1.	For every photocopy of an A4-size page or part thereof	R1.10
2.	For every photocopy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
3.	For a copy in a computer-readable form on stifty disc	R7.50
4.	For a copy in a computer-readable form on compact disc	R70.00
5.	For a transcription of visual images for an A4-size page or part thereof	R40.00
6.	For a copy of visual images	R60.00
7.	For a transcription of an audio record for an A4-size page or part thereof	R20.00
8.	For a copy of an audio record	R30.00
<b>ACCESS FEE FOR TIME SPENT</b>		
1.	The time reasonably spent required to search for the record for disclosure and preparation	R30.00/hr or part thereof
<b>REQUEST FEE</b>		
1.	For a request for access to a record by a person other than a personal requester	R50.00
<b>DEPOSIT</b>		

1.	One third of the access fee is payable as a deposit by the requester	
2.	Six hours as the hours to be exceeded before a deposit is payable	
<b>POSTAL FEE</b>		
1.	When a copy of a record must be posted to the requestor	
	(the actual cost thereof)	
<b>APPEAL FEES</b>		
1.	For lodging an internal appeal by a requester against the refusal of his/her request for access to a record	R50.00
<b>VAT</b>		
1.	Private bodies registered under the Value Added Tax Act, 1991, may add VAT to all the above-mentioned fees	
	<b>TOTAL</b>	