

# INFORMATION MANUAL

FOR

## DIAL DIRECT INSURANCE LTD

(Hereinafter referred to as "Dial Direct")

*Prepared in accordance with section 51 of the Promotion of Access to Information Act  
Act 2 of 2000*

### 1. INTERPRETATION

In this manual, clause headings are for convenience and shall not be used in its interpretation unless the context clearly indicates a contrary intention –

- 1.1 an expression which denotes -
  - 1.1.1 any gender includes the other genders;
  - 1.1.2 a natural person includes an artificial or juristic person and vice versa;
  - 1.1.3 the singular includes the plural and vice versa;
- 1.2 the following expressions shall bear the meanings assigned to them below and cognate expressions bear corresponding meanings -
  - 1.2.1 "Act" - Promotion of Access to Information Act No. 2 of 2000, as amended from time to time including the regulations promulgated in terms of the Act;
  - 1.2.2 "business day" - any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;
  - 1.2.3 "manual" - this manual together with all of its annexures, as amended from time to time;

- 1.2.4 "head" – the chief executive officer of Dial Direct;
- 1.2.5 "information officer" - the person duly authorised by the head and appointed by Dial Direct to facilitate or assist the head with any request in terms of the Act;
- 1.2.6 "Dial Direct" – DIAL DIRECT INSURANCE Ltd (registration number: 1995/008764/06), a "private body" for purposes of the Act;
- 1.3 any reference to any statute, regulation or other legislation shall be a reference to that statute, regulation or other legislation as at the signature date, and as amended or substituted from time to time;
- 1.4 if any provision in a definition is a substantive provision conferring a right or imposing an obligation on any party then, notwithstanding that it is only in a definition, effect shall be given to that provision as if it were a substantive provision in the body of this manual;
- 1.5 a reference to a party shall include a reference to that party's successors and assigns;
- 1.6 a reference to a document includes a reference to an amendment or supplement to or to a replacement or novation of that document;
- 1.7 where any term is defined within a particular clause other than this, that term shall bear the meaning ascribed to it in that clause wherever it is used in this manual;
- 1.8 where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.9 any reference to days (other than a reference to business days), months or years shall be a reference to calendar days, months or years, as the case may be;

1.10 the use of the word "including" followed by a specific example/s shall not be construed as limiting the meaning of the general wording preceding it and the *eiusdem generis* rule shall not be applied in the interpretation of such general wording or such specific example/s; and

1.11 insofar as there is a conflict in the interpretation of or application of this manual and the Act, the Act shall prevail.

## 2. INTRODUCTION

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ('the Constitution') provides:

- (1) *Everyone has the right of access to –*
  - (a) *any information held by the state; and*
  - (b) *any information that is held by another person and that is required for the exercise or protection of any rights.*
- (2) *National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.*

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), was assented to on 3 February 2000 to give effect to section 32 of the Constitution, that is giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

The Minister of Justice and Constitutional Development exempted private bodies from compiling and submitting section 51 manuals on 1 September 2003. All private bodies with the exception of public companies were thus exempted from submitting the manual from 1 September 2003 until 31 Dec 2005.

### 3. **PURPOSE OF THE MANUAL**

This manual is intended to foster a culture of transparency and accountability within the Financial Services Industry as a whole, by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to –

- Limitations aimed at the reasonable protection of privacy;
- Commercial confidentiality; and
- Effective, efficient and good governance;

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

### 4. **WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT**

4.1. Any person who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that -

- (1) *A requester must be given access to any record of a private body if –*
  - (a) *that record is required for the exercise or protection of any rights;*
  - (b) *that person complies with the procedural requirements in this Act relating to a request for access to that record; and*
  - (c) *access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.*

4.2. A requester is any person making a request for access to a record of Dial Direct.

There are two types of requesters -

#### 4.2.1. PERSONAL REQUESTER

Personal requester is a requester who is seeking access to a record containing personal information about the requester.

Dial Direct will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information.

The prescribed fee for reproduction of the information requested will be charged.

#### 4.2.2. OTHER REQUESTER

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Dial Direct is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

### 5. **HUMAN RIGHTS COMMISSION GUIDELINE**

5.1. In terms of section 10 of the Act, the Human Rights Commission must compile a guide by 14 August 2003. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

5.2. The South African Human Rights Commission's contact details are as follows -

The South African HUMAN RIGHTS COMMISSION,  
at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT),  
Private Bag X2700, HOUGHTON, 2041;  
Telephone Number: (011) 484-8300;  
Facsimile Number: (011) 484-1360;

The above guide is available from website: [www.sahrc.org.za](http://www.sahrc.org.za);

E-mail Address: [PIAI@sahrc.org.za](mailto:PIAI@sahrc.org.za).

## 6. PROCEDURES FOR OBTAINING ACCESS

### 6.1. CONTACT DETAILS

Any person who wishes to request any information from Dial Direct with the object of protecting or exercising a right may contact the information officer whose contact details are as follows -

#### 6.1.1. POSTAL ADDRESS

The Information Officer  
Dial Direct Insurance Ltd  
P.O. Box 109  
Auckland Park  
2006

#### 6.1.2. PHYSICAL ADDRESS

Investment Place  
Block B  
2<sup>nd</sup> Avenue off 2<sup>nd</sup> Road  
Hyde Park  
2196

Tel: (011) 428-1311  
Fax (011) 429-1321  
e-mail address: [tom@upstream.co.za](mailto:tom@upstream.co.za)

### 6.2. PRESCRIBED ACCESS FORM

6.2.1. In terms of section 53, a request for access to a record of Dial Direct must be made in the prescribed form (attached hereto as **Appendix 1**) to Dial Direct at the address, fax number or electronic mail address given above. The form requires the requestor to provide the following information:

- sufficient information to enable the information officer to identify the requestor;
- sufficient information to enable the information officer to identify the record(s) requested;

- the form of access required;
- the requestor's postal address or fax number;
- identification of the right sought to be exercised or protected;
- an explanation on why the record is required to exercise or protect that right;
- the manner in which the requestor wishes to be informed of the decision on the request, if in a manner in addition to written notification; and
- if the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the information officer.

6.2.2. Dial Direct will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that the above time periods not be complied with.

6.2.3. The requester shall be informed whether access has been granted or denied in writing.

6.2.4. If, in addition, the requester requires the reasons for the decision in any other manner, he must state the manner and the particulars so required.

6.2.5. If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

6.2.6. The requester must pay the prescribed fee, before any further processing can take place.

6.2.7. Requestors please note that all of the information as listed above should be provided, failing which the process will be delayed while the private body requests such additional information. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requestor.

6.2.8. Records held by Dial Direct may be accessed by requests only once the prerequisite requirements for access have been met.

6.3.           PRESCRIBED FEES

6.3.1.           Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees -

6.3.1.1.        REQUEST FEE

This is a non- refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered.

6.3.1.2.        ACCESS FEE

This is paid by all requestors only when access is granted. This fee is intended to re-imburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor.

6.3.2.           The information officer must give written notice to a requestor other than a personal requestor of the request fee and amount to be paid before the request may be further processed.

6.3.3.           If in the information officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the information officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

6.3.4.           The notice given by the information officer must advise the requestor that s/he has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

6.3.5.           The Information Officer shall withhold a record until the requester has paid the fees as indicated in **Appendix 2**, attached hereto.

6.3.6.           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.

7.               **TYPES OF RECORDS**



7.1. RECORDS THAT ARE AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 51(1)(C) OF THE ACT

The following records are automatically available without a person having to request access in terms of the Act.

7.1.1. STATUTORY RECORDS

- Memorandum of association;
- Articles of association;
- Certificate of incorporation;
- Certificate to commence business;
- Register of directors;
- Form CM5 – reservation of name;
- Form CM8 – defensive names;
- Form CM9 – change of name;
- Form CM15 – allotment of shares;
- Form CM22 – registered office;
- Form CM25 – waive period of notice of meeting;
- Form CM26 – special resolutions;
- Form CM27 – consent to act as a director;
- Form CM29 – directors and officers;
- Form CM31 – appointment/resignation of auditors; and
- Form CM32 – change of year-end.

7.1.2. CORPORATE COMMUNICATIONS

- Corporate policies;
- Corporate overview presentation;
- Presentations; and
- Corporate mission statement.

7.1.3 HUMAN RESOURCES

- Employment Equity returns to the Dept of Labour;
- Work skills development plan submitted to Insurance SETA;

- Personnel records are available to the employee whose file it is;
- Records of disciplinary hearings and related matters are available to the employee concerned;
- The company's policies and procedures;
- The company's staff handbook; and
- Standard Terms and Conditions of Employment applicable to all Staff.

#### 7.1.4. INTELLECTUAL PROPERTY

- Dial Direct's copyright, designs, logos, trademarks (collectively "intellectual property").

#### 7.2. RECORDS WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION 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 Act makes disclosure of records compulsory) –

- The Occupational Health and Safety Act No. 29 of 1996;
- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988;
- The Compensation for Occupational Injuries and Disease Act No. 130 of 1993;
- Intellectual Property Laws Amendments Act No. 38 of 1997;
- Income Tax Act No. 95 of 1967
- The Value Added Tax Act No. 89 of 1991;
- The Income Tax Act No. 58 of 1962;
- The Companies Act No. 61 of 1973
  - All documents of incorporation of Dial Direct are lodged at the offices of the Registrar of Companies, and may be inspected there. The documents include the memorandum and articles of association of the company, as well as the relevant forms.
  - Special resolutions are lodged with the Registrar of Companies, and are therefore available for inspection.
  - Registers of the directors' and officials' interests in contracts entered into by the company are kept at the registered office of the company, and are available for inspection.

- Basic Conditions of Employment Act No. 75 of 1997;
- Employment Equity Act No. 55 of 1998, as a designated employer, Dial Direct has lodged copies of employment equity plans at the Department of Labour in terms of the Employment Act no 55 of 1998;
- The Labour Relations Act No. 66 of 1985;
- Skills Development Levies Act No. 9 of 1999;
- Skills Development Act No. 97 of 1998, as a designated employer, Dial Direct attends to the continuous and regular payment of it's skills development levies in terms of the Skills Development Act No. 97 of 1998;
- Usury Act No 73 of 1968;
- The Pension Funds Act No. 24 of 1956;
- The National Credit Act;
- The Competition Act No. 89 of 1998;
- The Electronic Communications and Telecommunications Act 25 of 2002;
- The Short Term Insurance Act 53 of 1998; and
- The Financial Advisory and Intermediary Services Act 37 of 2002.

The aforementioned records are not automatically available without a request in terms of the Act, as contemplated in paragraph 6 hereof. The Information officer will take into considerations section 8 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.

### 7.3. RECORDS HELD BY DIAL DIRECT AND AVAILABLE AS CONTEMPLATED IN SECTION 51(1)(e) OF THE ACT

#### 7.3.1 STRATEGIC RECORDS

- Administration Records;
- Internal Reports and Communications; and
- Strategic Plans and Supporting Documentation

#### 7.3.2 COMPANY SECRATERIAL

- Contracts and Agreements;
- Property Records;

- Intellectual Property Rights Records (Trademarks, Patents, Registered Designs and Copyright);
- Investment Records;
- Share Registration Records;
- Statutory Records;
- Minute Books;
- Internal Reports and Communications;
- List of Suppliers;
- List of Debtors and Creditors;
- Insurance Policies;
- Lease Agreements;
- Office Building Structures;
- Tender Contracts;
- Employees travel records;
- Internal Policies and procedures; and
- General correspondence.

#### 7.3.3. FINANCE

- Tax Records;
- Corporate and Subject Records;
- Administrative Records; and
- Internal Reports and Communications.

#### 7.3.4 INTERNAL AUDIT

The purpose of Internal Audit's is to provide the management within Dial Direct with independent assurance that risks are being appropriately managed nationally. Internal Audit records comprise the following categories -

- Risk Management Records;
- General Correspondence;
- Audit Practice Records;
- Compliance Records;
- General Administration Records; and
- Audit Reports and Supporting Working Papers.

#### 7.3.5. ACCOUNTING

The Accounting department maintains financial and management accounts for Dial Direct. Corporate Account records comprise the following main categories -

- Accounting Records;
- Investment Records;
- General Correspondence;
- Management Reports;
- Transactional Records;
- VAT Records;
- PAYE Records;
- Tax Records;
- Consolidation Records;
- Internal Reports and Communications;
- A list of the company's creditors and debtors;
- Salary information;
- Bank account information; and
- Fixed assets register.

#### 7.3.6. LEGAL

The Legal department provides assistance with all corporate legal matters material to the Legal department records comprise the following categories -

- Bills and Legislation;
- Intellectual Property Documentation/ Licences
- Powers of Attorney;
- Working Files;
- General Correspondence;
- Copies of Agreements;
- Statutory Records
- Litigation Records;
- Legal Records, Contracts and Documentation;
- Internal Reports and Communications;
- Various Business Contracts;
- Compliance and legal risk management documentation; and
- Legal Opinions and Research.

### 7.3.7. PROCUREMENT

- Procurement Policies and Procedures;
- Procurement Forms;
- Provider/Supplier Lists;
- Provider/Supplier Agreements and Service Level Standards; and
- Administrative Records.

### 7.3.8. HUMAN RESOURCES

- Employee's personal details;
- Job Profiles;
- Division and Cost Centres;
- Remuneration;
- Various Employee Contracts;
- Medical Aid
- Employee Benefits;
- Employment equity records;
- Disciplinary records;
- Job competency profile;
- Employee performance contract;
- Training records / Skills development plans;
- Internal Policies and Procedures;
- General correspondence; and
- Employee Assistance Programme Reports and Evaluations.

### 7.3.9. CALL CENTRE

- Management Records;
- Administration Files;
- Various Consumer & Entity Data Records;
- Procurement of Data Records including scanning and court agent records;
- Consulting Documentation;
- Quality Assurance Policies, Procedures and Reports;
- Data Compliance Records; and

- Logistics Documentation
- Call Centre Quality Assurance Procedures; and
- Call Centre Data and Records.

7.3.10. ICT (Information Communication Technology)

These records relate to developing, implementing and supporting ICT policies, standards and best practice in Dial Direct and comprise the following main categories:

- General Correspondence;
- Policy Records;
- Facilities Records;
- Project Management Records;
- Helpdesk Records; and
- Intranet Communication.

7.3.11. MARKETING

- Marketing Records;
- Administration Files;
- Company brochures and publications;
- Documents relating to public relation events;
- Advertising Material;
- Company media releases;
- Documentation for Insurance, Special Projects, Value Added Product Initiatives marketing information;
- Project Management Records; and
- Research and Development Records.
- Industry, delivery, size and product –specific data
- Client Lists;
- Budgets; and
- Management Information Statistics

8. **INFORMATION REQUESTED ABOUT A THIRD PARTY**

8.1. The private body may possess records pertaining to other parties, including without limitation, contractors, suppliers, subsidiary/holding/sister companies,

joint venture companies, service providers. Alternatively, such other parties may possess records which can be said to belong to the private body. The following records fall under this category -

- Personnel, customer or private body records which are held by another party as opposed to being held by the private body; and
- Records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors / suppliers. Section 71 of the Act makes provision for a request for information or records about a third party.

8.2. In considering such a request, Dial Direct will adhere to the provisions of sections 71 to 74 of the Act.

The attention of the requester is drawn to the provisions of Chapter 5, Part 3 of the Act in terms of which Dial Direct is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head or the request liaison officer by referring the matter to the High Court.

If the request is for a record pertaining to a third party, the information officer must take all reasonable steps to inform that third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be in the fastest means reasonably possible, but if orally, the information officer must thereafter give the third party a written confirmation of the notification. The third party may within 21 days thereafter either make representation to the private body as to why the request should be refused, alternatively grant written consent to the disclosure of the record. The third party must be advised of the decision taken by the information officer on whether to grant or decline the request, and must also be advised of his/her/its right to appeal against the decision by way of application to court within 30 days after the notice.

## 9. **DECISION-MAKING PROCESS**

9.1 In terms of Section 55, the information officer will take all reasonable steps to find a record that has been requested. If the record cannot be found or does not



exist, the information officer must notify the requestor by way of affidavit or affirmation that it is not possible to give access to the record. This is deemed to be a refusal of the request. If, however, the record is later found, the requestor must be given access if the request would otherwise have been granted.

9.2 Section 56 provides that the information officer must within 30 days of receipt of a correctly completed request notify the requestor of the decision as to whether or not to grant the request. If the request is -

- Granted: the notification must state the applicable access fee required to be paid, together with the procedure to be followed should the requestor wish to apply to court against such fee, and the form in which access will be given.
- Declined: the notification must include adequate reasons for the decision, together with the relevant provisions of the Act relied upon, and provide the procedure to be followed should the requestor wish to apply to court against the decision.

9.3 The information officer may extend the period of 30 days by a further period not exceeding 30 days if -

- the request is for a large number of records or requires a search through a large number of records;
- the request requires a search for records located in a different office of the private body not situated in the same city;
- consultation between divisions of the private body, or with another private body is required; or
- the requestor consents to the extension.

9.3.1 The requestor must be notified within the initial 30 day period in writing of the extension, together with reasons therefore, and the procedure involved should the requestor wish to apply to court against the extension.

9.3.2 The information officer's failure to respond to the requestor within the 30 day period constitutes a deemed refusal of the request.

9.4 Section 59 provides that the information officer may sever a record and grant access only to that portion which the law does not prohibit access to.

9.4.1 If access is granted, access must be given in the form that is reasonably required by the requestor, or if the requestor has not identified a preference, in a form reasonably determined by the information officer.

## 10 **GROUNDINGS FOR REFUSAL OF A REQUEST**

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely –

10.1 Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However Section 63(2) does provide exceptions to this.

10.2 Section 64 states that a request must be refused if it relates to records containing third party information pertaining to -

- trade secrets;
- financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party; or
- information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition.

The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

10.3 Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

10.4 In terms of section 66, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to -

- endanger the life or physical safety of an individual;

- prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property
- The private body may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

10.5 Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

10.6 Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary. Dial Direct may refuse access to a record if the record -

- contains trade secrets of Dial Direct;
- contains financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of Dial Direct;
- contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice Dial Direct in commercial competition; or
- consists of a computer program owned by Dial Direct.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

10.7 Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage. Disclosure is discretionary if such research pertains to Dial Direct itself.

10.8 Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would -

- reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- if the public interest in the disclosure clearly outweighs the harm.

## 11 **REMEDIES AVAILABLE WHEN DIAL DIRECT REFUSES A REQUEST FOR INFORMATION**

### 11.1 INTERNAL REMEDIES

Dial Direct does not have internal appeal procedures. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the Information Officer.

### 11.2 EXTERNAL REMEDIES

A requestor that is dissatisfied with the information officer's refusal to grant access to any information may, within 30 days of notification of the decision, apply to court for relief. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.

It should be noted that notwithstanding any provision in this Act, the court may examine the record(s) in question. No record may be withheld from the court on any grounds. The court may not, however, disclose the contents of the record(s).

The court is empowered to grant any order that is just and equitable, including:

- confirming, amending or setting aside the information officer's decision
- requiring the information officer to take any action, or refrain from taking any action as identified by the court within a specified period;
- granting an interdict, interim or special relief, declaratory order or compensation; or costs.

## 12 **AVAILABILITY OF THE MANUAL**

This manual is made available in terms of Regulation Number R. 187 of 15 February 2002.

A copy of the manual is available from the Human Rights Commission of South Africa. The manual will also be available on the website of Dial Direct, at [www.dialdirect.co.za](http://www.dialdirect.co.za)

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#### **DISCLAIMER**

The manual does not purport to be exhaustive of or to comprehensively deal with every procedure provided for in the Act. A requester is advised to familiarise him/her/itself with the provisions of the Act before lodging any request with Dial Direct.

**APPENDIX 1**

**REQUEST FOR ACCESS TO RECORDS OF DIAL DIRECT**

*(In terms of Section 53 (1) of the Act and Regulation 10)*

**A. Particulars of Dial Direct ("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 to the record, if any, will be determined partly by the form in which access is requested.

<b>1. If the record is in written or printed form -</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If the record consists of visual images -</b> (this includes photographs, slides, video recordings, computer generated images, sketches, etc.)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound -</b>			
<input type="checkbox"/>	listen to the soundtrack (audio cassette)	<input type="checkbox"/>	transcription of soundtrack* (written or printed document)
<b>4. If record is held on computer or in an electronic or machine-readable form</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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? <b>A postal fee is payable.</b>	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 of \_\_\_\_\_ 2007

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF REQUEST IS MADE

\_\_\_\_\_

## APPENDIX 2

### FEES IN RESPECT OF PRIVATE BODIES

In respect of documents pertaining to categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

#### Reproduction Fees -

- For every photocopy of an A4-size page or part thereof R1,10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0,75
- For a copy in a computer-readable form on –
  - Stiffy disc R7,50
  - Compact disc R70,00
- A transcription of visual images, for an A4-size page or part thereof R40,00
- For a copy of visual images R60,00
- A transcription of an audio record, for an A4-size page or part thereof R20,00
- For a copy of an audio record R30,00

#### Request Fees -

Where a requester submits a request for access to information held by Dial Direct on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before Dial Direct will further process the request received.

#### Access fees -

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are -

- For every photocopy of an A4-size page or part thereof R1,10
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0,75
- For a copy in a computer-readable form on -
  - Stiffy disc R7,50
  - Compact disc R70,00
- A transcription of visual images, for an A4-size page or part thereof R40,00
- For a copy of visual images R60,00
- A transcription of an audio record, for an A4-size page or part thereof R20,00
- For a copy of an audio record R30,00
- To search for a record that must be disclosed R30,00  
(Per hour or part of an hour reasonably required for such search.)
- Where a copy of a record needs to be posted the actual postal fee is payable.

#### **Deposits -**

Where Dial Direct 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 of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to  $\frac{1}{3}$  (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.

**APPENDIX 3**

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS**

*(In terms of Section 52 of the Act and Regulation 9A)*

DESCRIPTION OF CATEGORIES OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 52 (1) (a) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.	MANNER OF ACCESS TO RECORDS AS CONTEMPLATED BY SECTION 52 (1) (b) OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.
<b>FOR INSPECTION IN TERMS OF SECTION 52 (1) (a) (i)</b>	
<p><b>1. Corporate Communications</b></p> <ul style="list-style-type: none"> <li>▪ Media releases;</li> <li>▪ Advertising;</li> </ul> <p><b>2. Intellectual Property</b></p> <ul style="list-style-type: none"> <li>▪ Copyright, designs, logos, trademarks etc.</li> </ul>	<p><b>Corporate Communications</b></p> <ul style="list-style-type: none"> <li>▪ Website</li> </ul> <p><b>Intellectual Property</b></p> <ul style="list-style-type: none"> <li>▪ Website</li> </ul>
<b>FOR PURCHASING IN TERMS OF SECTION 52 (1) (a) (ii)</b>	
<p><b>3. Statutory Records</b></p> <ul style="list-style-type: none"> <li>▪ Mandatory company documents filed with the Registrar of Companies</li> </ul> <p><b>4. Corporate Communications</b> (not available on the website)</p> <ul style="list-style-type: none"> <li>▪ Media releases;</li> <li>▪ Advertising;</li> </ul> <p><b>5. Human Resources</b></p> <ul style="list-style-type: none"> <li>▪ Internal employment policies and procedures;</li> <li>▪ Staff handbook;</li> <li>▪ Mandatory reports filed with the Department of Labour; the Financial Services Board; Insurance SETA etc.</li> </ul> <p><b>6. Intellectual Property</b> (not available on the website)</p> <ul style="list-style-type: none"> <li>▪ Copyright, designs, logos, trademarks etc.</li> </ul>	<p><b>Statutory Records</b></p> <ul style="list-style-type: none"> <li>▪ Upon written request to the Information Officer or from the Registrar of Companies directly</li> </ul> <p><b>Corporate Communications</b></p> <ul style="list-style-type: none"> <li>▪ Upon written request to the Information Officer</li> </ul> <p><b>Human Resources</b></p> <ul style="list-style-type: none"> <li>▪ Upon written request to the Information Officer or directly from the relevant government agency</li> </ul> <p><b>Intellectual Property</b></p> <ul style="list-style-type: none"> <li>▪ Upon written request to the Information Officer or directly from CIPRO</li> </ul>

<b>AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52 (1) (a) (iii)</b>	
<p><b>7. Corporate Communications</b></p> <ul style="list-style-type: none"> <li>▪ Media releases;</li> <li>▪ Advertising;</li> </ul> <p><b>8. Intellectual Property</b></p> <ul style="list-style-type: none"> <li>▪ Copyright, designs, logos, trademarks etc.</li> </ul>	<p><b>Corporate Communications</b></p> <ul style="list-style-type: none"> <li>▪ Website</li> </ul> <p><b>Intellectual Property</b></p> <ul style="list-style-type: none"> <li>▪ Website</li> </ul>