

In The City – Urban Living Spaces CC

(Trading as ITC Hospitality Group)

*Manual in terms of section 51 of the
Promotion of Access to Information, Act 2 of 2000*

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

Private Body Section 51 Manual Of

In The City – Urban Living Spaces CC

(Registration number: 2009/185098/23)

1. Introduction

The purpose of the Promotion of Access to Information Act, Act 2 of 2000 ("the Act") is to give 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; and to provide for matters connected therewith. This right to access information is subject to fair limitations, including, but not limited to, limitations aimed at protecting privacy and must be reasonable and justifiable. The right to access information must also be handled in conjunction with other rights and therefore take into account all the rights in the Bill of Rights.

2. Contact Particulars

Head of business: JF le Grange & SM Cleary (Co-Owners)

Information officer: JF le Grange

Postal address: P. O. Box 1030
Cape Town
8000

Physical address: Nr 2A The Wellington
96 Longmarket Street
Cape Town
8001

Telephone number: 021 465 8243

E-mail address: info@inthecity.co.za

Fax number: 021 465 8253

Website: www.inthecity.co.za

3. Guide in Terms of Section 10 of The Act

A person wanting to exercise his/her rights in terms of The Act may obtain a copy of the guide from the Human Rights Commission.

This will include a description of:

- the objects of the Act;
- the relevant contact details of each public and private body (as far as possible);
- the procedures that need to be followed in order to request such information;
- support that can be offered by the Human Rights Commission and officers of public bodies;
- how to obtain access to the manual of a private body;
- details relating to the fees in order to obtain such information.

This guide will be published in the Government Gazette in all the official languages and will also be available for inspection by the general public at the offices of the Human Rights Commission as from August 2003.

Contact details of 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 nmlefe@sahrc.org.za dmalesa@sahrc.org.za svanrensborg@sahrc.org.za

4. Facilitation of a Request for Access to Information

Information which is not readily available as indicated in this manual may be requested in accordance with the procedure prescribed in terms of the Act. Copies of the prescribed forms to be completed for submitting a request are available from **In The City – Urban Living Spaces CC**.

5. Information Available in Terms of Other Legislation

Information is available in terms of certain provisions of the following legislation:

- 5.1 Administration of Estates Act 66 of 1965
- 5.2 Basic Conditions of Employment Act 75 of 1997
- 5.3 Companies Act 71 of 2008
- 5.4 Consumer Affairs (Unfair Business Practices) Act 71 of 1998
- 5.5 Credit Agreements Act 75 of 1980
- 5.6 Currency and Exchanges Act 9 of 1933
- 5.7 Customs and Excise Act 91 of 1964
- 5.8 Arbitration Act 42 of 1965

- 5.9 Banks Act 94 of 1990
- 5.10 Close Corporations Act 69 of 1984
- 5.11 Competition Act 89 of 1998
- 5.12 Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- 5.13 Copyright Act 98 of 1978
- 5.14 Criminal Procedure Act 51 of 1977
- 5.15 Custody and Administration of Estates Act 85 of 1992
- 5.16 Debt Collectors Act 114 of 1998
- 5.17 Deeds Registries Act 47 of 1937
- 5.18 Employment Equity Act 55 of 1998
- 5.19 Financial Intelligence Centre Act 38 of 2001
- 5.20 Financial Relations Act 65 of 1976
- 5.21 Harmful Business Practices Act 71 of 1988
- 5.22 Income Tax Act 58 of 1962
- 5.23 Insolvency Act 24 of 1936
- 5.24 Intellectual Property Laws Amendments Act 38 of 1997
- 5.25 Long-term Insurance Act 52 of 1998
- 5.26 Occupational Health and Safety Act 85 of 1993
- 5.27 Pension Funds Act 24 of 1956
- 5.28 Prevention of Organised Crime Act 121 of 1998
- 5.29 SA Reserve Bank Act 90 of 1999
- 5.30 Skills Development Levy Act 9 of 1999
- 5.31 Stamp Duties Act 77 of 1968
- 5.32 Tax on Retirement Funds Act 38 of 1996
- 5.33 Transfer Duty Act 40 of 1949
- 5.34 Unemployment Insurance Act 30 of 1966
- 5.35 Usury Act 73 of 1968
- 5.36 Finance Act 35 of 2000 and 6 of 1997
- 5.37 Financial Services Board Act 97 of 1990
- 5.38 Insider Trading Act 135 of 1998
- 5.39 Inspection of Financial Institutions Act 80 of 1998
- 5.40 Labour Relations Act 66 of 1995
- 5.41 National Environmental Management Act 107 of 1998
- 5.42 Prescription Act 68 of 1969
- 5.43 Protection Business Act 99 of 1978
- 5.44 Short Term Insurance Act 53 of 1998
- 5.45 Skills Development Act 97 of 1998
- 5.46 Trust Property Control Act 57 of 1988
- 5.47 Unit Trusts Control Act 54 of 1981
- 5.48 Value Added Tax Act 89 of 1991

6. Information Automatically Available

The following categories of records are automatically available for inspection, purchase or photocopying:

- 6.1 Booklets
- 6.2 Pamphlets / Brochures
- 6.3 Pricelists
- 6.4 Marketing and promotional material
- 6.5 Newsletters
- 6.6 Posters
- 6.7 Reports
- 6.8 Website

7. Information Available in Terms of The Act

The subject on which the business holds records and the categories on each subject are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may or must be refused in accordance with section 62 to 69 of The Act.

7.1 Accounting Records

- 7.1.1 Annual financial statements and working papers
- 7.1.2 Subsidiary ledgers (receivables, payables, etc.)
- 7.1.3 Customer and supplier statements and invoices
- 7.1.4 Cash books and petty cash books
- 7.1.5 Tax returns and assessments
- 7.1.6 Lease or instalment sale agreements
- 7.1.7 Insurance records
- 7.1.8 Auditor's reports
- 7.1.9 Inventory records
- 7.1.10 Management reviews
- 7.1.11 Credit agreements
- 7.1.12 General ledger
- 7.1.13 Bank statements, cheque books, cheques
- 7.1.14 Deposit slips
- 7.1.15 Fixed asset register
- 7.1.16 VAT returns
- 7.1.17 Budgets and business plans
- 7.1.18 Internal auditors' reports
- 7.1.19 Systems documentation
- 7.1.20 Capital expenditure
- 7.1.21 Investment records

7.2 Distribution and Transportation (if applicable)

- 7.2.1 Permits and licenses
- 7.2.2 Transportation rights
- 7.2.3 Transportation system delivery plan and routing
- 7.2.4 Transportation, warehouse and storage contracts

7.3 Environment, Health and Safety (if applicable)

- 7.3.1 Biological monitoring and medical surveillance records and results of biological tests for lead exposure of employees
- 7.3.2 Dates of medical surveillance reports in respect of lead
- 7.3.3 Details of air emission discharges
- 7.3.4 Details of aqueous discharges
- 7.3.5 Details of solid waste discharges
- 7.3.6 Emergency response plans
- 7.3.7 Employee medical surveillance records in respect of hazardous chemicals and substances
- 7.3.8 Employee public health emergency action plans
- 7.3.9 Environmental impact assessments
- 7.3.10 Environmental management programs and systems
- 7.3.11 Industrial hygiene programs, data and audits
- 7.3.12 Medical surveillance records related to asbestos work
- 7.3.13 Noise exposure records
- 7.3.14 Permits, licenses, approvals and registrations for operations of sites and business
- 7.3.15 Records of assessment and air monitoring and asbestos inventory
- 7.3.16 Records of assessment and air monitoring for lead exposure
- 7.3.17 Records of investigations and tests in respect of hazardous chemicals and substances
- 7.3.18 Records of risk assessments and monitoring results in respect of hazardous biological agents
- 7.3.19 Records of training given to employees in respect to asbestos exposure
- 7.3.20 Records of training given to employees in respect to lead exposure

- 7.3.21 Records of types of work carried out with asbestos
- 7.3.22 Records of types of work carried out with lead
- 7.3.23 Records of waste water discharges
- 7.3.24 Records of waste water storage and disposal
- 7.3.25 Waste water assessment and monitoring records
- 7.3.26 Records of work with lead prior to employment
- 7.3.27 Records of medical surveillance, working hours and remuneration in respect of mine employees
- 7.3.28 Safety management systems, data and audits
- 7.3.29 Water quality monitoring programme records

7.4 Fixed Property (if applicable)

- 7.4.1 Building plans
- 7.4.2 Mortgage bonds or other encumbrances
- 7.4.3 Leases
- 7.4.4 Title deeds

7.5 Information

- 7.5.1 Agreements
- 7.5.2 Capacity and utilisation of current systems
- 7.5.3 Development or investment plans
- 7.5.4 Hardware
- 7.5.5 Intranet
- 7.5.6 Systems support, programming and development
- 7.5.7 LAN Installations
- 7.5.8 Software packages
- 7.5.9 Audits
- 7.5.10 Client database
- 7.5.11 Disaster recovery
- 7.5.12 Internet
- 7.5.13 Licenses
- 7.5.14 Operating Systems
- 7.5.15 Telephone exchange equipment
- 7.5.16 Telephone lines, leased lines and data lines

7.6 Insurance (if applicable)

- 7.6.1 Claim records
- 7.6.2 Insurance policies
- 7.6.3 Details of coverage, limits and insurers

7.7 Intellectual Property

- 7.7.1 Agreements relating to intellectual property, e.g. license agreements, secrecy agreements, research and development agreements, use agreements, joint venture agreements, joint development agreements and consulting agreements
- 7.7.2 Copyrights
- 7.7.3 Litigation and other disputes involving intellectual property
- 7.7.4 Patents, patent applications and inventions
- 7.7.5 Designs, trademarks, trade names and protected names

7.8 Legal, Agreements and Contracts (if applicable)

- 7.8.1 Acquisition or disposal documentation
- 7.8.2 Agreements with contractors, suppliers and clients
- 7.8.3 Agreements with customers

- 7.8.4 Agreements with governmental agencies
- 7.8.5 Agreements with shareholders, officers or directors
- 7.8.6 Complaints, pleadings, briefs and other documents pertaining to actual, pending or threatened litigation, arbitration or any other legal matters
- 7.8.7 Settlement agreements
- 7.8.8 Restraint agreements
- 7.8.9 Distributor, dealer or agency agreements
- 7.8.10 Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements
- 7.8.11 Material agreements relating to provision of services or materials
- 7.8.12 Material licenses, permits and authorisations
- 7.8.13 Contracts, including lease agreements and finance agreements
- 7.8.14 Sale agreements
- 7.8.15 Warranty agreements

7.9 Personnel Records (if applicable)

- 7.9.1 Arbitration awards
- 7.9.2 Collective agreements
- 7.9.3 Disciplinary records
- 7.9.4 Attendance register
- 7.9.5 Disability schemes
- 7.9.6 Employee evaluation and performance records
- 7.9.7 Employee information records
- 7.9.8 Employee share purchase plan
- 7.9.9 Employment contracts
- 7.9.10 Expense accounts
- 7.9.11 Group life
- 7.9.12 Health and safety records
- 7.9.13 Incentive schemes
- 7.9.14 IRP 5 and IT 3 certificates
- 7.9.15 Leave applications
- 7.9.16 Medical aid records
- 7.9.17 Organisational design
- 7.9.18 Pension fund information
- 7.9.19 Policies and procedures
- 7.9.20 Records of foreign employees
- 7.9.21 Recruitment and appointments
- 7.9.22 Salary and wage registers
- 7.9.23 Scholarships and bursaries
- 7.9.24 Staff records after employment
- 7.9.25 Tax returns of employees
- 7.9.26 Training and development
- 7.9.27 UIF, PAYE and SDL returns
- 7.9.28 Employee loans
- 7.9.29 Employment applications
- 7.9.30 Employment equity plan
- 7.9.31 Funeral insurance scheme
- 7.9.32 Group personal accident
- 7.9.33 Housing scheme
- 7.9.34 Industrial training records
- 7.9.35 Letters of appointment
- 7.9.36 Maternity leave policy
- 7.9.37 Micro loan scheme
- 7.9.38 Payroll
- 7.9.39 Personnel file
- 7.9.40 Provident fund information
- 7.9.41 Records of strikes, lockouts or protest action
- 7.9.42 Relocation policy

- 7.9.43 Salary slips and wage cards
- 7.9.44 Staff loan schemes
- 7.9.45 Study assistance schemes
- 7.9.46 Time records
- 7.9.47 UIF cards
- 7.9.48 Workmen's Compensation Documents

7.10 Sales and Marketing (if applicable)

- 7.10.1 Brochures, newsletters and marketing material
- 7.10.2 Domestic and export orders
- 7.10.3 Products
- 7.10.4 Customers
- 7.10.5 Service and product information
- 7.10.6 Media releases
- 7.10.7 Public relations policies and procedures
- 7.10.8 Sale

7.11 Statutory Business Records (If applicable)

- 7.11.1 Certificate of Change of Name
- 7.11.2 Certificate to Commence Business
- 7.11.3 Directors' attendance register
- 7.11.4 Memorandum and Articles of Association
- 7.11.5 Minutes of directors' meetings
- 7.11.6 Proxy documents
- 7.11.7 Register of Allotments
- 7.11.8 Register of directors and officers
- 7.11.9 Resolutions
- 7.11.10 Shareholders' register
- 7.11.11 Cooperation agreements
- 7.11.12 Minute books
- 7.11.13 Certificate of Incorporation
- 7.11.14 Dividend register
- 7.11.15 Index of Members
- 7.11.16 Minutes of shareholders' meetings
- 7.11.17 Other minute books
- 7.11.18 Proxy forms used at Court convened meetings
- 7.11.19 Register of debenture holders and mortgages
- 7.11.20 Register of directors' shareholding
- 7.11.21 Shareholders' agreements
- 7.11.22 Founding Statement and amendments
- 7.11.23 Resolutions passed at meetings

8. Requesting procedures

Section 53 determines that a request for access to a record of a private body must be made in the prescribed form (see attached form C). This form is also available at the offices of In The City – Urban Living Spaces CC, or can be accessed on www.sahrc.org.za. The request must be addressed to the head of the private body or his duly appointed and authorised representative. The completed request form must be sent to the address or fax number provided in this manual, and marked for the attention of the Information Officer.

The person submitting the request must provide sufficient information on the request form, in order for the head of the business to identify the record as well as the person requesting the information. The requester must also indicate in which form the access must be provided, and also

the way in which he/she wants to be notified of the result of the request, and provide the necessary contact details.

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 submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head.

The head of a private body to whom a request for access is made, must by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request. The tariff for a private body is R50,00. The requester may appeal to a court against the payment of the request tariff.

A requester whose request for access to a record of a private body has been granted must pay a fee for reproduction and for search and preparation contemplated, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure.

The head of the business will then make a decision regarding the request and notify the requester in the prescribed way regarding the outcome of the request.

9. Availability of the Manual

Copies of this manual are available for inspection, free of charge, at the offices of In The City – Urban Living Spaces CC and from the South African Human Rights Commission.

10. Note

Access to certain records may or must be refused based on grounds as indicated in the Act.

Reasons for the head of a private body to refuse a request for access to a record include, but are not limited to:

- the unreasonable disclosure of personal information about a third party, including a deceased individual;
- financial, commercial, scientific or technical information, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party;
- if its disclosure would constitute an action for breach of a duty of confidence owed to a third party in terms of an agreement;
- research information.

THIS MANUAL, WHICH HAS BEEN PREPARED IN TERMS OF SECTION 51 OF THE ACT, HAS BEEN APPROVED BY ME.

(FULL SIGNATURE AND DATE)

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. Details of Private body

The Head: _____

B. Details of person requiring access to information

- a) The details of the person requesting the access to the records must be completed below.
- b) Provide an address or fax number in the Republic where the information must be sent.
- c) Proof of capacity in which the request is being made, if applicable, must be attached.

Full names and Surname: _____

Identity number: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which a request is done, if done on behalf of another person: _____

C. Particulars of person on whose behalf request is made

This Section must only be completed if this request is done on behalf of another person.

Full name 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. _____ D
description of record or relevant part of record: _____

2. _____ R
reference number, if available: _____

3. _____ A
 ny further information relating to the 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 appropriate box in the table 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 format:						
	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 images	
3. If record consists of recorded words of information which can be reproduced in sound:						
	Listen to the soundtrack				Transcription of soundtrack	
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					Yes	No

or transcription to be posted to you? **Postage is payable.**

G. Particulars of right exercised or to be 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. _____ I
Indicate which right is to be exercised or protected: _____

2. _____ E
Explain why the record 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 _____

SIGNATURE OF REQUESTER / PERSON
ON WHO'S BEHALF REQUEST IS MADE

FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is **R1.10** for every photocopy of an A4-size page or part thereof.

2. The fees for reproduction referred to in regulation 11(1) are as follows:

	R	
a) or every photocopy of an A4-size page or part thereof	1.10	F
b) or every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75	F
c) in a computer-readable form on		For a copy
i) tiffy	7.50	s
ii) compact disc	70.00	c
d) or a transcription of		F
i) visual images, for an A4-size page or part thereof	40.00	v
ii) or a copy of visual images	60.00	F
e) For a transcription of		
i) an audio record, for an A4-size page or part thereof	20.00	
ii) For a copy of an audio record	30.00	

3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is

	T	
	50.00	

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

		T
1)) For every photocopy of an A4-size page or part thereof	1.10	a
a) or every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0.75	F
b) or a copy in a computer-readable form on		F
i) tiffy	7.50	s
ii) compact disc	70.00	c
c) or a transcription of		F
i) visual images, for an A4-size page or part thereof	40.00	v
ii) or a copy of visual images	60.00	F
d) or a transcription of		F
i) audio record, for an A4-size page or part thereof	20.00	a
ii) or a copy of an audio record	30.00	F

- e) To search for and prepare the record for disclosure, **R30.00** for each hour or part of an hour reasonably required for such search and preparation. T

- 2) For purposes of section 54(2) of the Act, the following applies: F
 - a) Six hours as the hours to be exceeded before a deposit is payable; and S
 - b) One third of the access fee is payable as a deposit by the requester. O

- 3) The actual postage is payable when a copy of a record must be posted to a requester. T