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FALCONER MANAGEMENT (PTY) LTD T/A FALCONER DESIGN

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act

2/2000

(the "ACT")

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1. INTRODUCTION

FALCONER MANAGEMENT (PTY) LTD trading as FALCONER DESIGN is an Interior Design company specialising in Commercial and Hospitality projects.

2. COMPANY CONTACT DETAILS (SECTION 51 (1) (A))

Persons designated/duly authorised persons:

Directors: Ian Graham Falconer
Paolo Falconer
Roberto Falconer

Office Manager: Roberto Falconer

Postal Address: P.O. Box 440, Umhlanga Rocks, 4320

Street Address: Retail 12, Beacon Rock, 21 Lighthouse Road, Umhlanga

Telephone Number: 031 207 3988

Email: Roberto@falconer.co.za

Website: www.falconer.co.za

3. THE ACT (SECTION 51 (1) (B))

- 3.1.** The ACT 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 request, the public body must be acting in the public interest.
- 3.2.** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3.** 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. The Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041
Telephone Number: +27-11-877 3600
Fax Number: +27-11-403 0625
Website: www.sahrc.org.za

4. APPLICABLE LEGISLATION (SECTION 51 (1) (C))

No	Ref	Act
1	No 95 of 1967	Income Tax Act
2	No 89 of 1991	Value Added Tax Act
3	No 61 of 1973	Companies Act
4	No 25 of 2002	Electronic Communications and Transactions Act
5	No 2 of 2000	Promotion of Access of Information Act
6	No 98 of 1978	Copyright Act
7	No 30 of 1996	Unemployment Insurance Act

5. SCHEDULE OF RECORDS (SECTION 51(1) (D))

The subjects on which the business holds records and the categories on each subject are as listed below. Please note that a requestor 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.

5.1. ACCOUNTING RECORDS

- Annual financial statements
- General ledger
- Subsidiary ledgers (receivables, payables)
- Bank statements, cheque books, cheques, proof of electronic payments
- Customer and supplier statements and invoices
- Cash books and petty cash books
- Tax returns and assessments
- VAT returns
- Lease or instalment sale agreements
- Insurance record
- Reviewer's reports
- Systems documentation
- Capital expenditure
- Credit agreement
- Record of liabilities
- Record of loans to related parties
- Record of liabilities and obligation
- Record of property held

5.2. FIXED PROPERTY

- Building plans
- Mortgage bonds or other encumbrances
- Title deeds

5.3. INSURANCE

- Details of coverage, limits and insurers
- Insurance policies

5.4. LEGAL, AGREEMENTS AND CONTRACTS

- Agreements with contractors, suppliers and clients
- Contracts and finance agreements

5.5. PERSONNEL RECORDS

- Employee evaluation and performance records
- Employee information records, including date of birth, previous experience and contact details
- Employee remuneration
- Employment contracts
- Industrial training records
- IRP 5
- Leave applications
- Payroll
- UIF, PAYE and SDL returns
- Workmen's Compensation documents

5.6. STATUTORY COMPANY RECORDS

- Annual Statutory Returns to CIPC
- Certificate of Incorporation
- Notice of directors' meetings
- Minutes of directors' meetings
- Register of directors and officers
- Register of directors' shareholding
- Registration Certificate
- Resolutions
- Shareholders' register

5.7. TAX

- Income tax returns
- Provisional tax returns
- Tax assessments
- Documents relating to objections and appeals
- Records relating to taxable gain or assessed capital loss
- VAT documents
- Records of importation goods and documents
- Documentary proof substantiating the zero rating of supplies

ALL DOCUMENTS ARE AVAILABLE ON REQUEST AND ARE NOT AUTOMATICALLY AVAILABLE.

6. FORM OF REQUEST (SECTION 51 (1) (E))

6.1. Form of Request:

- The requestor must use the prescribed form to make the request for access to record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requestor must provide sufficient details on the request form to enable the head of the private body to identify the record and the requestor. The requestor should also indicate which form of access is required. The requestor should also indicate if it requires notice of the decision of the head of the private body in any manner, other than in writing.

- The requestor must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or the protection of that right.
- If a request is made on behalf of another person, the requestor must submit proof of the capacity in which the requestor is making the request to the satisfaction of the head of the private body.

6.2. Fees:

- A requestor who seeks access to a record containing personal information about the requestor is not required to pay the request fee. Every other requestor, who is not a personal requestor, must pay the required request fee.
- The head of the private body must by notice, request the requestor to pay the prescribed fee, if any, before further processing the request.
- The requestor may lodge an application to court relating to the payment of the request fee.
- After the head of the private body has made a decision on the request, the requestor must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction and preparation and for any time in excess of the prescribed hours required to search and prepare the record for disclosure.

7. PRESCRIBED FEES (SECTION 51 (1) (F))

The following applies to requests (other than personal requests):

- 7.1. A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 7.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.3. A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4. Records may be withheld until the fees have been paid.
- 7.5. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.

8. AVAILABILITY OF THE MANUAL

Copies of this manual are available for inspection, free of charge, at the offices of **FALCONER MANAGEMENT (PTY) LTD T/A FALCONER DESIGN** and from the South African Human Rights Commission.

Section 51(1)(f)

FEES IN RESPECT OF REQUESTS FOR INFORMATION 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:
 - (a) For every photocopy of an A4-size page or part thereof R 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 R 0,75
 - (c) For a copy in a computer-readable form on -
 - (i) stiffer disc R 7,50
 - (ii) compact disc R 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00
 - (ii) For a copy of visual images R 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00
 - (ii) For a copy of an audio record R 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - (1)(a) For every photocopy of an A4-size page or part thereof R 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 R 0,75
 - (c) For a copy in a computer-readable form on -
 - (i) stiffer disc R 7,50
 - (ii) compact disc R 70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00
 - (ii) For a copy of visual images R 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00
 - (ii) For a copy of an audio record R 30,00
 - (f) 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.
 - (2) For purposes of section 54(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 requester.
 - (3) The actual postage is payable when a copy of a record must be posted to a requester.

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. Particulars of 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. |
| (b) | You will be <i>notified</i> of the amount required to be paid as the request fee. |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> 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 for 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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If record consists of visual images 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*
3. If record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
4. If record is held on computer or in an electronic or machine-readable form:			
<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? Postage is payable.			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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE