



SOLIDARITEIT
SOLIDARITY

Issue 1: Updated 17 June 2021

**MANUAL COMPILED IN TERMS OF
SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT
ACT NO. 2 OF 2000**

SOLIDARITY



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig

Deel van die Solidariteit Beweging



1. INTRODUCTION

The Promotion of Access to Information Act of 2000 (hereinafter referred to as “the Act”) was enacted with a view to giving effect to section 32(1) of the Constitution, which provides that any person has the right of access to any information that is held by a public or private body. If the record of a private body is requested, the requester must provide proof that the record is required for the exercise or protection of a right.

One of the most important requirements specified in the Act is the compilation of a manual providing information on the types and categories of records held by the public or private body. The term “private body” also includes any former or existing juristic person.

This document serves as the information manual in terms of the Act to give an indication of the records that are held and the process that should be followed in requesting access to such records.

2. ADMINISTRATION OF THE ACT

Details of the contact person who will deal with all requests in terms of the Act with regard to any of Solidarity’s activities are as follows:

Contact person:

Mr Dawid Durie



www.solidariteit.co.za



SOLIDARITEIT
SOLIDARITY

Cor. DF Malan and Eendracht Streets

Kloofsig

Centurion

PO Box 11760

Centurion

0046

TEL: 012 644 4300

FAX: 012 664 6493

CELL: 0861 25 24 23

3. GUIDE FOR USING THE ACT (Section 10)

The South African Human Rights Commission (SAHRC) is responsible for publication of a guide to facilitate the use of the Act by requesters. This guide is available from the South African Human Rights Commission in the 11 official languages.

Address enquiries to:

The South African Human Rights Commission:

PAIA Unit

Department of Research and Documentation

Postal address: Private Bag 2700



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig

Deel van die Solidariteit Beweging



SOLIDARITEIT
SOLIDARITY

Houghton

2041

Email: PAIA@sahrc.org.za

Website: www.sahrc.org.za

4. VOLUNTARY DISCLOSURE (Section 52(1) of the Act)

Solidariteit is not obliged to publish a notice in terms of section 52(1) of the Act and so far has elected not to do so.

5. AUTOMATIC AVAILABILITY OF CERTAIN RECORDS (Section 51(1)(c))

- Annual financial statements, including:
 - o Annual accounts
 - o Auditor's report
 - o Interim reports
- Information on the website itself
- Solidariteit's Constitution

6. SUBJECTS AND CATEGORIES THAT ARE AUTOMATICALLY AVAILABLE IN TERMS OF THE ACT (Section 52)



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig



1. Legal information

- Certificate of registration
- Certificates of change of name
- Copies of the forms submitted to the Registrar of Labour Relations, Department of Employment and Labour
- Constitution
- Register of office-bearers
- Register of members

2. Financial and accounting records

- Accounting records (including account books)
- Administrative records
- Internal and external audit reports
- Supporting schedules and documents for account books

3. Tax records

- Income tax returns and other documentation
- PAYE records
- Regional Services Council records
- Records of skills development levies
- Records of value-added tax



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig

4. Legal records

- Documentation regarding litigation or arbitration
- General agreements
- Collective agreements

5. Employee records

- Contracts of employment
- Policies and procedures
- Attendance registers
- Employee records
- Code of conduct

7. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION (Section 51(1)(d))

Where applicable, information is available in accordance with other legislation, including but not limited to the following:

- Basic Conditions of Employment Act, No. 75 of 1997
- Bills of Exchange Amendment Act, No. 56 of 2000



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig



- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993
- Consumer Affairs (Unfair Business Practices) Act, No 71 of 1988
- Consumer Protection Act, No. 68 of 2008
- Copyright Act, No. 98 of 1978
- Electronic Communications and Transactions Act, No. 25 of 2002
- Employment Equity Act, No. 55 of 1998
- Income Tax Act, No. 58 of 1962
- King IV Code on Corporate Governance [DWIR1]
- Labour Relations Act, No. 66 of 1995
- Merchandise Marks Act, No. 17 of 1941
- Occupational Health and Safety Act, No. 85 of 1993
- Pension Funds Act, No. 24 of 1956
- Prevention of Organised Crime Act, No. 121 of 1998
- Promotion of Equality and Prevention of Unfair Discrimination Act, No. 4 of 2000
- Regulation of Interception of Communications and Provision of Communication-related Information Act, No. 70 of 2002
- Skills Development Levies Act, No. 9 of 1999
- Skills Development Act, No. 97 of 1998
- South African Revenue Service Act, No. 34 of 1997
- Tax on Retirement Funds Act, No. 38 of 1996
- Trade Marks Act, No. 194 of 1993
- Unemployment Insurance Contributions Act, No. 4 of 2002
- Unemployment Insurance Act, No. 63 of 2001



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig

- Value-Added Tax Act, No. 89 of 1991

8. PROCEDURE FOR REQUEST FOR ACCESS (Section 51(1)(e))

The purpose of this section is to provide requesters with sufficient guidelines to be followed in order to facilitate a request for access to records held.

It is important to note that a request for access to information may be refused if the request does not comply with the procedural requirements of the Act. Furthermore, successful completion and submission of an access request form does not automatically grant access to the record requested.

Remark: If there is a reasonable presumption that the requester has obtained access to Solidarity's records by submitting substantially false or misleading information, legal action may be taken against such requester.

Submission of access request form

- The completed access request form must be submitted via ordinary mail, email or fax and must be addressed to the contact person as indicated in section 51(1)(a).
- An initial, non-refundable request fee of R57,00 (VAT included) is payable on submission.



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig

Remark: This fee does not apply to personal requesters, in other words, any person who wants to access records containing their personal information.

Payment of fees

- Payment details may be obtained from the contact person as indicated in section 51(1)(a), and payment may be made by a direct deposit or by postal order (no credit card payments are accepted).
- Proof of payment must be produced.

Remark: If the request for access is successful, access fees will be required for the request, reproduction and/or preparation of the record(s) and such fees will be calculated on the basis of the prescribed fees (reference attached). The access fees must be paid before access to the record requested can be given.

Notification

- Requests will be received by the contact person as indicated in section 51(1)(a), and the requester will be notified within 30 days of receipt of the completed access request form. These requests will then be evaluated by the appropriate entities and persons involved. [DWIR2]

Subsequent notifications may include the following:

- Notification of period of extension (if necessary).
- The requesters may be notified whether a period of extension is necessary for processing their requests, including:



www.solidariteit.co.za



- The required period of extension, which may not exceed an additional period of 30 days.
 - Sufficient reasons for the extension.
- Note that the requester may submit an application to the court against the extension and the procedure, including the period, for submitting the application.

Payment of deposit (if applicable)

- The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors, such as the volume and/or format of the information requested and the time required to trace and compile the record(s).
- The notification includes:
 - The amount of the deposit payable (if applicable); and
 - That the requester may submit an application to the court against the payment of the deposit and the procedure, including the period, for submitting the application.

Remark: If access to the record requested is refused, the deposit will be refunded in full to the requester.

Decision on the request

If no period of extension or deposit is required, the requestor will be notified of the decision on the request within 30 days.

If the request for access to a record is successful, the requester will be notified of the following:



www.solidariteit.co.za



- The amount of the access fee payable to obtain access to the record (if any).
- An indication of the form in which access will be given.

Please note that the requester may submit an application to the court against payment of the access fee and the procedure, including the period, for submission of the application.

If the request for access to a record is not successful, the requester will be notified of the following:

- Adequate reasons for the refusal (see below for third party information and grounds for refusal).
- That the requester may submit an application to the court against the refusal of the request and the procedure, including the period, for submission of the application.
- Information of third parties.
- If access is requested to a record that contains information on a third party, Solidarity will be obliged to try to contact such third party to inform him of the request. This will give the third party an opportunity to react by agreeing to the access or by furnishing reasons why access should be refused.
- If the third party gives reasons for supporting or refusing access, the designated contact person will consider such reasons to determine whether or not access should be given.



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig



9. GROUNDS FOR REFUSAL

Solidarity may lawfully refuse to give access to a record that falls within a certain category. The grounds on which Solidarity may refuse access include but are not limited to:

- Protection from unreasonable disclosure of personal information Solidarity has about a third person (who is a natural person), including a deceased person.
- Protection of commercial information Solidarity has about a third party or Solidarity (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party).
- If disclosure of the record will result in violation of a duty of trust towards a third party in terms of an agreement.
- If disclosure of the record will endanger the life or physical safety of an individual.
- If disclosure of the record will or may harm the protection of a person in terms of a witness protection scheme.
- If disclosure of the record will or may harm the protection of the safety of the public.
- If the record is privileged to be submitted in legal proceedings, unless the legal privilege has been waived.
- If disclosure of the record (containing trade secrets, financial, commercial, scientific or technical information) will harm the commercial or financial interests of Solidarity.



www.solidariteit.co.za



- If disclosure of the record will harm Solidarity in contractual or other negotiations or in commercial competition.
- If the record is a computer program.
- If the record contains information on research being conducted on behalf of a third party or Solidarity.

10. AVAILABILITY OF THE MANUAL

The manual is available for inspection at the offices of Solidarity. The manual may be downloaded from the website of Solidarity at <https://solidariteit.co.za>.

11. COMPLETION OF THE ACCESS REQUEST FORM

To allow Solidarity to respond to requests in a timely manner, the access request form should be completed, taking into account the following instructions on how to complete the form:

The access request form must be completed in English or Afrikaans.

- Type or fill in a response to every question in **BLOCK LETTERS**.
- If a question is not applicable, state “**N/A**” in reply.
- If there is nothing to disclose in replying to a specific question, state “**Nil**” in reply.



www.solidariteit.co.za



SOLIDARITEIT
SOLIDARITY

- If the space on a printed form is insufficient to answer a question, an additional sheet of paper may be used to furnish additional information.
- When an additional sheet of paper is used, every response on it must be preceded by the title applicable to the question.
- Every additional page must be signed by the 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]

Particulars of private body

The Head: _____



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig



A. Particulars of person requesting access to the record

- a. *Particulars of the person requesting access to the record must be furnished below.*
- b. *The postal and/or email address and/or fax number in the Republic to which the information is to be sent, must be furnished.*
- c. *Proof of the capacity in which the request is submitted, if applicable, must be attached.*

Full names and surname																					
Identity number	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																				
Postal address																					
Telephone number	<p>(.....).....</p> <p>Fax number: (.....)</p>																				
Email address:																					





Capacity in which request is submitted, if it is done on behalf of another person:

B. Particulars of person on whose behalf the request is submitted

This part must be completed ONLY if a request for information is submitted on behalf of another person.

Full names and surname													
Identity number:													

C. Particulars of record

*Furnish full particulars of the record to which access is requested, including the reference number if it is known to you, to enable tracing of the record. If the space provided is insufficient, please continue on a separate sheet of paper and attach it to this form. **The requester has to sign all additional pages.***

D. Description of the record or the applicable part of the record:



www.solidariteit.co.za



SOLIDARITEIT
SOLIDARITY

E. Reference number, if available:

F. Any further particulars of the record:

G. Fees

A request for access to a record other than a record containing personal information of yourself will be processed only once request fees have been paid.

You will be notified of the amount to be paid as request fees.

*The **fees payable for access to the record** depends on the format in which access is requested and the reasonable time required to trace and prepare the record.*

If you qualify for exemption of payment of any fees, please state the reason for such exemption.

Reason for exemption from payment of fees:



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig

Format of access to record

If, owing to a disability, you are unable to read, view or listen to the record in the format to which access in 1 to 4 below is provided for, please state your disability and indicate in what format the record is requested.

Disability	
Format in which the record is requested	

PLEASE NOTE:

Complying with your request for access in a specific format may depend on the format in which the record is available.

Access to the format requested may be refused in certain circumstances. In such a case you will be notified whether access will be given in a different format.

The fees payable for access to the record, if any, will in part be determined by the format in which access is requested.

1. If the record is in written or printed form:

www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig



Copy of record*	YES/NO
Inspection of record	YES/NO
2. If the record consists of visual images: (This includes photos, slides, video recordings, computer generated images, sketches, etc.)	
Viewing of the images	YES/NO
Copy of the images*	YES/NO
Transcription of the images	YES/NO
3. If the records consist of recorded words or information that can be reproduced as sound:	
Listen to the soundtrack (sound cassette)	YES/NO
Transcription of the soundtrack (written or printed document)	YES/NO
*If you are requesting a copy or transcription of a record (as above), do you want the copy or transcription to be posted to you?	
Yes	NO





Postage payable

E. Particulars of right to be exercised or protected

*If the space provided is insufficient, please continue on a separate sheet of paper and attach it to this form. **The requester must sign all additional pages.***

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

G. Explain why the record requested is required to exercise or protect the said right:

Notification of decision concerning request for access

You will be notified in writing whether your request has been granted or refused. Should you prefer being notified in a different way, please specify the way and give the necessary information for your request to be given effect to.



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office

T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za

H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig



How do you want to be notified of the decision concerning your request for access to the record?

Signed at on this the day of
..... 20.....

SIGNATURE OF REQUESTER/PERSON ON WHOSE BEHALF THE REQUEST IS
MADE



www.solidariteit.co.za

Solidariteit Hoofkantoor | Solidarity Head Office
T: 012 644 4300 | C: 0861 25 24 23 | E: diens@solidariteit.co.za
H.v. DF Malanrylaan en Eendrachtstaat, Kloofsig | Cnr DF Malan and Eendracht Streets, Kloofsig