

ILLOVO PARALEGAL COLLEGE OF EDUCATION (PTY) LTD

MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 ("The Act")

1. INTRODUCTION

The Act gives effect to the constitutional right of access to any information held by the state or by any other person where such information is required for the exercise or protection of any right. To this end, the Act requires public and private bodies to compile manuals that provide information on records held by such public and private bodies.

IPCE is a private body for purposes of the Act and this document serves as its manual in terms of the Act.

IPCE is a private company and incorporated in terms of the company laws of the Republic of South Africa under registration number 2012/172716/07.

The main business of IPCE is education.

2. PARTICULARS IN TERMS OF SECTION 51

2.1. Contact Details - [Section 51(1)(a)]

The Chief Information Officer of Gen2 is:

Zaheer Ebrahim Mahomed

Postal address:

P.O. Box 508

Crown Mines

2025

Physical address:

14 Glenhove Road

Corner 8th Street

Melrose Estate

2196

Telephone Number:

011 012 4820

E-mail: info@ipce.co.za

2.2. The Section 10 Guide [Section 51(1)(b)]

The South African Human Rights Commission will compile a guide on the use of the Act. This guide will be available from the South African Human Rights Commission at the following address:

Private Bag X2700, Houghton 2041

Tel: (011) 484-8300

Fax: (011) 484-0582

E-mail: paia@sahrc.org.za

Website: www.sahrc.org.za

2.3. Records Automatically Available - [Section 51(1)(c)]

No records are automatically available to the public.

2.4. Records available in accordance with other legislation [Section 51(1)(d)]

IPCE has records available in accordance with the following legislation:

- The Value Added Tax Act 89 of 1991;
- Income Tax Act 58 of 1962;
- Companies Act 71 of 2008;
- Basic Conditions of Employment Act 75 of 1997;
- Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- Skills Development Levies Act 55 of 1998;
- Unemployment Insurance Act 30 of 1966; and

- Skills Development Act 97 of 1998.

2.5. A Description of the Subjects of the Records Held by IPCE and the Categories in which these Subjects are Classed- [Section 51(1)(e)]

2.5.1. Companies Act Records

- Documents of incorporation
- Memorandum of incorporation
- Minutes meetings
- Records relating to the appointment of officers
- Share Register and other statutory registers and returns

2.5.2. Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

2.5.3. Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances

2.5.4. Personnel Documents

- Employment contracts
- Disciplinary records
- Salary records
- Leave records
- Policies and procedures

2.5.5. Commercial records

- Contracts
- General documentation

3. The processes and procedures for requesting information or records- [Section 51(1)(e)]

The requester must use the prescribed form to make the request for access to a record. The request must be made to the Managing Director whose contact details are set out above. The request must be made to the electronic mail address set out above.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requestor should also indicate which form of access is required. The requestor should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requestor is making the request, to the satisfaction of the Managing Director.

The Information Officer shall notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.

In the event that IPCE refuses to give the requester access to requested records, the requester may lodge an application with a court of law for IPCE to be ordered to give the requester access to the requested records. If the court orders IPCE to grant the requester access to the requested records, the requester must pay a further access fee for the

reproduction, the search, preparation and time taken to provide the records, in excess of the prescribed hours to search and prepare the record for disclosure.

4. Grounds for Refusal of Access to Records - [Part II Chapter 4]

4.1. IPCE may refuse a request for information or record if that information or record relates to:

(a) mandatory protection of the privacy of a third party who is a natural person, which involves the unreasonable disclosure of personal information of that natural person;

(b) mandatory protection of the commercial information of a third party, if the record contains;

(i) trade secrets of that third party;

(ii) financial, commercial, scientific or technical information which the disclosure could likely cause harm to the financial or commercial interests of that third party;

(iii) information disclosed in confidence by a third party to IPCE if the disclosure could put that third party at a did advantage in negotiations or commercial competition.

(c) mandatory protection of confidential information of third parties if it is protected in terms of any agreement;

(d) mandatory protection of the safety of individuals and the protection of property;

(e) mandatory protection of records which would be regarded as privileged in legal proceedings;

(f) the commercial activities of IPCE, which may include -

(i) trade secrets;

(ii) financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of IPCE;

(iii) information which, if disclosed could put IPCE at a disadvantage in negotiations or commercial competition;

(iv) a computer program which is owned by IPCE and which is protected by copyright.

(g) The research information of IPCE or a third party, if its disclosure would disclose the identity of the researcher or the subject matter of the research and would place the research at a serious disadvantage.

IPCE shall refuse requests for information where such requests are frivolous or vexatious or involve an unreasonable diversion of resources.

5. Other Information as may be prescribed- [Section 51(1)(f)]

No information has been prescribed.

6. Availability of the Manual- [Section 51(3)]

This manual has been made available to the Human Rights Commission, in accordance with paragraph 9(1) of the Regulations promulgated in terms of the Act and is published on the website of IPCE.

7. Prescribed Fees in respect of Private Bodies

Fees have been prescribed in the Regulations promulgated in terms of the Act and must be paid by a requester before any records requested can be made available to the requester. IPCE reserves the right to require a requester to pay higher fees if the Regulations in terms of the Act are changed to permit higher fees.

8. Prescribed Form

The prescribed form is available here:

http://www.justice.gov.za/forms/form_paia.htm

Version: 29 October 2018.
