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21 Dreyer Street
Claremont
7708 Cape Town

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CMA Info cc

MANUAL

In terms of Section 51 of the Promotion of Access to Information
Act 2 of 2000

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1. THE PURPOSE

The purpose of this document is to serve as the Manual of

CMA info cc Registration Number 2005/085875/23

as required in terms of the Act, and to provide a reference of the records held and the procedures which need to be followed to request access to such records.

Any request for documents/information or difficulties using this manual should be made to our Information Officer(s).

2. INTRODUCTION

CMA Info cc is a company who supplies deeds office information on by subscription on the world wide web. Its client base is made up predominantly of those who have a working business interest in property.

3. COMPANY CONTACT DETAILS [Section 51 (1) (a)]

Persons designated / duly authorised persons:

Principal: A Loubser

Information Officer J Meyer

Postal Address: C/O Space, Sunclare, 21 Dreyer Street, Claremont 7708 Cape Town

Street address: C/O Space, Sunclare, 21 Dreyer Street, Claremont 7708 Cape Town

Telephone number: 021 671 0518

Email: Privacy@cmainfo.co.za

4. THE ACT [Section 51 (1) (b)]

4.1 The Act grants a requester access to the records of a private body, if the record is acquired 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.

4.2 Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariffs are dealt with in paragraphs 6 and 7 of the Act.

4.3 Requesters are referred to the Guide in terms of Section 10, which has been compiled by the South Africa Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

4.4 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

5. APPLICABLE LEGISLATION [Section 51 (1) (d)]

No.	Ref	Act
1	61 of 1973	Companies Act
2	98 of 1978	Copyright Act
3	55 of 1998	Employment Equity Act
4	95 of 1967	Income Tax Act
5	66 of 1995	Labour Relations Act
6	89 of 1991	Value Added Tax Act
7	24 of 2013	Protection of Personal Information Act
8	75 of 1997	Basic Conditions of Employment Act
9	69 of 1984	Close Corporations Act
10	25 of 2002	Electronic Communications and Transactions Act
11	2 of 2000	Promotion of Access to Information Act
12	30 of 1996	Unemployment Insurance Act

6. SCHEDULE OF RECORDS [Section 51 (1) (c)]

Access to certain records held by CMA info cc (in terms of Sections 51(1)(c) and 51(1)(e))

RECORDS	SUBJECT	AVAILABILITY
Public Affairs	<ul style="list-style-type: none"> Public Product Information Public Corporate records Media releases 	Freely available on company website at www.cmainfo.co.za
Financial	<ul style="list-style-type: none"> Annual reports Contractual agreements Asset register Statutory records PAYE records Policies and procedures 	Request in terms of PAIA.
Marketing	<ul style="list-style-type: none"> Market information Public Customer Information: <ul style="list-style-type: none"> Product Brochures Owner Manuals 	Limited information available on website. (see above)
	<ul style="list-style-type: none"> Subscription Forms 	Available at www.cmainfo.co.za

7. PROCEDURE FOR REQUEST FOR ACCESS (SECTIONS 53)

- 7.1 The requester must comply in full with all the procedural requirements as set out in the Act and this Manual, relating to the request for access to a record. Failure to do so will result in the request being refused.
- 7.2 The requester must complete the prescribed form enclosed herewith as **Appendix 1**, and submit same together with payment of the request fee (if applicable) and a deposit (if applicable) to the Authorised Person at the postal or physical address, facsimile number or electronic mail address under **SECTION I** above.
- 7.3 The prescribed form must be completed with enough particulars to at least enable the Authorised Person to identify:
- The records requested;
 - The identity of the requester;
 - Which form of access to the records is required, should the request be granted; and
 - The postal address or facsimile number of the requester.
- 7.4 The requester must identify the nature of the right for which purpose access to the records is required. If the right is not clearly defined, the Authorised Person may refuse access to the record requested.
- 7.5 The requester must indicate if the requester, in addition to being informed in writing whether access to the record has been granted, wishes to be informed of the decision of the request in any other manner. If so, he/she/it must state the manner with full particulars.
- 7.6 If the request is made on behalf of another person, then in such event, the requester must submit proof of the capacity in terms of which the requester is making the request to the reasonable satisfaction of the Authorised Person.
- 7.7 Should an individual be unable to complete the prescribed form because of illiteracy, disability or any other reason, such individual may submit the request orally to the Authorised Person.
- 7.8 The requester must pay the prescribed fee (if applicable) before any further processing can take place.
- 7.9 The requester will be informed within 30 days after receipt of the request of the decision whether or not to grant the request.

- 7.10 The 30 day period may be extended with a further period of not more than 30 days if the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities, or the records are not located at the building, or consultations amongst divisions or another private body or third party are required.
- 7.11 Should the request be granted, the written notice must state the access fee (if any) to be paid upon access, the form in which access will be given and that the requester may lodge an application with a Court against the access fee to be paid or the form of access granted, and the procedure for lodging such application.
- 7.12 Should the request be refused, the notice must state adequate reasons for the refusal, including the provisions of the Act relied upon, and state that the requester may lodge an application with a Court against the refusal of the request, and the procedure (including the period) for lodging the application.

8. PRESCRIBED FEES [Section 54]

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

- 8.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- 8.2 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);
- 8.3 A requestor may lodge an application with a court against the tender / payment of the request fee and/or deposit.
- 8.4 Records may be withheld until the fees have been paid.
- 8.5 The fee structure is attached to this document and marked Appendix 2.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS (CHAPTER 4 OF THE ACT)

Apart from Section 7 of the Act, and subject to Section 70 of the Act, the main grounds to refuse a request for information as contemplated by the Act relates to:

- 9.1 Protection of the privacy of a third party, if that third party is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

9.2 Protection of commercial information of a third party as defined by the Act, if the record contains:

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

9.3 Protection of confidential information if the disclosure would constitute a breach of a duty or confidence to a third party in terms of an agreement;

9.4 Protection of safety of individuals and protection of property;

9.5 Protection of records which would be regarded as privileged in any legal proceedings, unless the person so entitled to privilege waives the privilege (Section 67);

9.6 Protection of commercial activities of CMA info cc which may include:

- trade secrets;
- financial, commercial, scientific or technical information, disclosure of which could cause harm to the financial or commercial interests;
- information which, if disclosed, could put CMA info cc at a disadvantage in negotiations or commercial competition;
- a computer programme owned , and which is protected by copyright; and
- the research information or a third party on behalf of CMA info cc if the disclosure would expose the third party, CMA info cc the researcher or the subject matter of the research and would place the research at a serious disadvantage.

10. RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If CMA info cc has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

11. THIRD PARTY INFORMATION

11.1 If access is requested to a record that contains information about a third party, the information officer is obliged to attempt to contact this third party to inform them of the request. This

enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied.

- 11.2 In the event of the third-party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

12. REMEDIES AVAILABLE IN REFUSAL OF A REQUEST FOR INFORMATION (PART 4 OF THE ACT)

- 12.1 CMA info cc does not have internal appeal procedures and as such, the decision made by the Authorised Person is therefore final.
- 12.2 Therefore, should the requester be dissatisfied with the Authorised Person's decision to refuse access, that person may within 30 days after notification of the refusal apply to a Court for the appropriate relief.
- 12.3 Should a third party be dissatisfied with the Authorised Person's decision to grant a request for information relating to that third party, it (the third party) may within 180 days of notification of such decision, apply to a Court for the appropriate relief.

13. OTHER INFORMATION AS MAY BE PRESCRIBED UNDER SECTION 51(1)(f) OF THE ACT (SECTION V)

The Minister of Justice and Constitutional Development has not made any regulation in this regard.

14. AVAILABILITY OF THE MANUAL UNDER SECTION 51(3) OF THE ACT (SECTION VI)

This manual is available for inspection during office hours, at no cost, at our offices.

Should you wish to obtain a copy of this manual, or part thereof, such copy can be obtained from either:

- Our head office, at the prescribed fee as set out in Item 1 of Part III of the Fee Schedule or
- it can be downloaded from our website at www.CMAInfo.co.za
- From SAHRC www.sahrc.org.za

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

- | |
|--|
| <p>(a) <i>The particulars of the person who requests access to the record must be given below.</i></p> <p>(b) <i>The address and e-mail address within the Republic to which the information is to be sent must be given.</i></p> <p>(c) <i>Proof of the capacity in which the request is made, if applicable, must be attached.</i></p> |
|--|

Full names and surname: _____

Identity number: _____

Postal address: _____

Telephone number: _____ Fax number: _____

Email address: _____

Capacity in which request is made, when made on behalf of another person: _____

C. Particulars of person on whose behalf request is made

<p><i>This section must be completed ONLY if a request is made on behalf of another person.</i></p>

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 requestor must sign all 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 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

<p><i>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.</i></p>					
Disability: _____ _____ _____		Form in which record is required: _____ _____ _____			
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>					
1. If the record is in written or printed form:					
	Copy of record*				Inspection of record
2. If record consists of visual images:					
	View the images		Copy of the images*		Transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:					
	Listen to the soundtrack (audio cassette)				Transcription of soundtrack* (written or printed document)
4. If record is held on computer or in 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 or transcription to be posted to you? Postage is payable.				YES	NO

G. Particulars of right to be exercised or protected

*If the space provided is inadequate, please continue on a separate folio and attach it to this form. **The requestor 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 in 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 _____ 20____.

SIGNATURE OF REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE

APPENDIX 2

SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Physical Address
33 Hoofd Street
Braampark Forum 3
Braamfontein
2198

Postal Address
Private Bag X 2700
Houghton
2041

Tel: (011) 877 3600

Fax: 011 403 0625



NOTICE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION 2 OF 2000 RE: FEES ASSOCIATED WITH PAIA REQUESTS ARE DETERMINED BY THE REGULATIONS ONLY AND NOT THROUGH OTHER APPLICABLE LAWS OR POLICIES

This Notice serves to state that the South African Human Rights Commission (the Commission) hereby confirms that the costs associated with all requests made under the Promotion of Access to Information Act 2 of 2000 (PAIA) are determined by the Regulations relating to PAIA only, and not by any other laws or regulations. Therefore, any demands made by a public or private body for the payment of additional fees with respect to PAIA requests are invalid.

The Commission is an independent public body currently mandated under PAIA to monitor the implementation of the Act. In accordance with its responsibilities to ensure compliance with PAIA, the Commission issues this notice to bring clarity to all interested parties that it is *only* the Minister of Justice and Constitutional Development who has the power to make decisions regarding fees associated with PAIA requests. The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors.

1. The Promotion of Access to Information Act

PAIA gives effect to the constitutional right to access of information, as provided for under section 32 of the Constitution. Although responding to requests and reproducing records in an accurate and orderly manner takes time and resources, section 9 of the Act specifically calls for the establishment of mandatory mechanisms and procedures to ensure that access to records of both public and private bodies is "as swiftly, *inexpensively* and effortlessly as reasonably possible." [emphasis added]. Furthermore, section 92 of the Act grants the Minister of Justice and Constitutional Development the power to make regulations pertaining to fees associated with requests made to both public and private bodies.

2. Regulations to PAIA

In February 2002, the Minister of Justice and Constitutional Development published a schedule of fees for PAIA requests in the Gazette, which provided for the following:

Fees for Requesting Records

Requesters are required to pay a fee for requesting access to records from both public and private bodies. The fee for requesting records from a public body is R35, while the fee for requesting records from a private body is R50. It is important to note that people who are requesting access to their personal information are exempt from paying a fee. Furthermore, people who earn less than R14,712 per annum (if single) and R27,192 per annum (if married or have a life partner), are also exempt from paying the request fees.

Fees for Accessing Records

Requesters are also required to pay fees for accessing the records of public and private bodies, which include fees associated with the search for, preparation of, and reproduction of documents. The breakdown of fees for requests to both public and private bodies are as follows:

Public Bodies:

- Copy per A4 page – 60 cents
- Printing per A4 page – 40 cents
- Copy on a CD – R40
- Transcription of visual images per A4 page – R22
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R12
- Copy of an audio recording – R17
- Search and preparation of the record for disclosure – R15 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

Private Bodies:

- Copy per A4 page – R1.10
- Printing per A4 page – 75 cents
- Copy on a CD – R70
- Transcription of visual images per A4 page – R40
- Copy of a visual image – R60
- Transcription of an audio recording per A4 page – R20
- Copy of an audio recording – R30
- Search and preparation of the record for disclosure – R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation
- Actual postage fee

3. Registered VAT Vendors

The Commission further confirms that Value-Added Tax (VAT) is only payable by institutions who have registered as VAT vendors, as required under section 23 of the Value-Added Tax Act of 1991.

Sincerely,

Advocate L M Mushwana
Chair of the South African Human Rights Commission

Transforming society. Securing rights. Restoring dignity

Chairperson: ML Mushwana; Deputy Chairperson: P Govender; Commissioners: L Mokate, B Malatji, J Love, D Titus
Chief Executive Officer: K Ahmed