

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

FOR

MFX Options & Solutions (Pty) Ltd



CONTENT

PREAMBLE	3
INTRODUCTION TO MFX OPTIONS & SOLUTIONS (PTY) LTD.....	3
SECTION A: PARTICULARS IN TERMS OF THE SECTION 51 MANUAL	4
1. Contact details [Section 51(1)(A)]	4
2. The Section 10 Guide on how to use the Act [Section 51(1)(B)] ..	5
3. Records available in terms of any other legislation [Section	
51(1)(D)]	6
4. Access to the records held [Section 51(1)(C) and 51(1)(E)]	7
i) Records available without application in terms of the Act [Section	
51(1)(c)]	7
ii) Records that may be requested [Section 51(1)(e)]	7
iii) The request procedure	8
5. Other information as may be prescribed [Section 51(1)(F)]	10
6. Availability of the manual [Section 51(3)]	10
ANNEXURE A	11
ANNEXURE B	16
ANNEXURE A - PART III	17

SECTION 51 MANUAL FOR MFX OPTIONS & SOLUTIONS (Pty) Ltd

Information Manual in terms of Section 51 of the Promotion of Access to Information Act No 2 of 2000

PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000 ("The Act") was promulgated in March 2001. The Act was put in place in order to actively promote a society in which the people of South Africa have effective access to information, which enables them to more fully exercise and protect their rights. The promulgation of the Act was also designed to foster a culture of transparency and accountability in public and private bodies, as defined. This manual has been prepared in accordance with Section 51 of The Promotion of Access to Information Act, No 2 of 2000.

INTRODUCTION TO MFX OPTIONS & SOLUTIONS (PTY) LTD

Company registration number: 2004/003103/07

MFX Options and Solutions (Pty) Ltd is a specialist management consulting company that provides:

- Value-adding strategic consulting services for small businesses, large businesses and multi-national corporations.
- Marketing solutions and strategies, with measurable outcomes.
- Empowerment of employees through effective training and skills transfer to effectively carry out business strategies.
- Simplistic and understandable products, which incorporate custom-designed financial and remuneration processing solutions; and financial support services for small businesses.

We as a private company have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession that will assist them in the exercise and protection of their rights.

Inside these pages you will be able to view the categories of information which we possess. You will also be shown the correct procedure to follow should you require access to any of this information.

A copy of this manual is also available on our website <http://www.mfxsa.co.za>.

SECTION A: PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. **Contact details [Section 51(1)(A)]**

Company Name

MFX Options & Solutions (Pty) Ltd

Contact Person

Ms Janine Rothwell

Designation

Director

Physical Address

19 Fenns Oak
Girdwood Avenue
Boskriun
2154
Johannesburg

Postal Address

PO Box 461
Bromhof
2154
Johannesburg

Telephone Number

(011) 793 5656

Fax Number

(011) 793 3518

Email Address

janine@mfxsa.co.za

2. The Section 10 Guide on how to use the Act [Section 51(1)(B)]

Section 10 of Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or to protect any right in terms of this Act.

The Guide is available from the South African Human Rights Commission.
Please direct any queries to:

**The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department**

Postal address

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

3. *Records available in terms of any other legislation [Section 51(1)(D)]*

- Companies Act No 61 of 1973.
- Value Added Tax Act No 89 of 1991.
- Employment Equity Act No 55 of 1998.

4. Access to the records held [Section 51(1)(C) and 51(1)(E)]

i) Records available without application in terms of the Act [Section 51(1)(c)]

The Records mentioned in Point 3 are available in the Public Domain and are available on request from the Information Officer. The prescribed fee for copying will be applied.

The list of records that are freely available and which need not be requested in terms of this Act are:

MFX Options and Solutions (Pty) Ltd Company profile
Map to MFX Options and Solutions (Pty) Ltd

ii) Records that may be requested [Section 51(1)(e)]

We hold the following categories of information:

a) Company Information

MFX Options and Solutions (Pty) Ltd Company registration documentation
MFX Options and Solutions (Pty) Ltd VAT Registration
MFX Options and Solutions (Pty) Ltd PAYE, SDL and UIF Registration

b) Accounting Information

Books of account including ledgers
Delivery notes, orders, invoices and vouchers

c) Information Technology

Hardware
Telephone and fax lines
Operating systems
Software packages
Agreements and licenses

d) Insurance

Insurance Policies
Details of insurance coverage, limits and insurers.

e) Personnel Records

List of employee names, ID Numbers and contact details
Contracts of employment
Remuneration policies

f) Moveable Property

Asset Register

g) Statutory Company Information

Annual Financial Statements: Annual accounts
Annual Financial Statements: Auditor's report
Books of Account regarding information required by the Companies Act, 1973
Register of Directors
Register of Directors' shareholding

h) Statutory Employee Records

Date of birth of each employee
Salary and Wages register
Time worked by each employee

i) Taxation

Copies of all Income Tax Returns and other tax returns and documents

iii) The request procedure

Access to these records [point 3 (ii)] will be determined according to the procedures of the Act. The request must be submitted according to the form on Annexure A. These forms are available from:

Information Officer

Janine Rothwell

Postal Address

PO Box 461
Bromhof
2154
Johannesburg

Telephone

(011) 793 5656

Fax

(011) 793 3518

Email

janine@mfxsa.co.za

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form. Please contact the offices of MFX Options and Solutions (Pty) for banking details as **no** information will be provided unless proof of payment or confirmation of deposit has been received.

You may also be called upon to pay the additional fee prescribed by regulation for searching for and compiling the information, which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

Form of request:

- The requester must use the prescribed form (Annexure A) to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or email address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester 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 protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body [s 53(2)(f)].

Fees:

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of the private body must 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 [s 54(1)].
- The fee that the requester must pay to the private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

5. Other information as may be prescribed [Section 51(1)(F)]

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

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

The 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 available for inspection on *MFX Options and Solutions (Pty)* premises and the web site: <http://www.mfxsa.co.za>

ANNEXURE A

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. i) 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, email and/or fax number in 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: _____

_____ Code _____

Telephone number: Code _____ Number _____

Facsimile number: Code _____ Number _____

Email address: _____

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

B. ii) Particulars of company/organisation, etc. requesting access to the record

- (a) *The particulars of the company/organisation, etc. requesting access to the record must be given below.*
(b) *The address, email 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 name of company/organisation: _____

Postal Address: _____

_____ Code _____

Telephone number: Code _____ Number _____

Facsimile number: Code _____ Number _____

Email address: _____

Provide brief description of company: _____

C. Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another 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 requestor 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 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 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 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 form:			
☐ 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 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 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 disk)		
* if you requested a copy of transcription of a record (above), do you wish the copy of the transcription to be posted to you?			
Postage is payable.			

G. Particulars of right be exercised or protected

*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. 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 _____

On this _____ day of _____ 20 _____.

SIGNATURE OF REQUESTER/PERSON ON
WHOSE BEHALF REQUEST IS MADE

SIGNATURE OF COMPANY REPRESENTATIVE
IF REQUEST FOR ACCESS IS FOR A COMPANY

**IN THE CASE OF A COMPANY REQUESTING ACCESS TO THE RECORD PLEASE PROVIDE
A COMPANY STAMP HEREUNDER**

ANNEXURE B

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure "A" of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

1. Copies of a manual

Should an individual require a copy of the private body's manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof and R2,20 for an A3 page.

2. Reproduction fees ¹

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure A to the Regulations.

3. Access Fees

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure A to the Regulations.

4. Other fees

- 4.1 A request fee of R50.00 is payable by a requestor who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee may be charged at a rate of R30.00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

1 Section 52(3) and Regulation (1)
2 Section 54(7) and Regulation 11(3)
3 Section 54(1) and Regulation 11(2)
4 Annexure A, Part III 4(1)(f)
5 Section 54(2)

ANNEXURE A - PART III 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) For every photocopy of an A4 size page or part thereof	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.....	0.75
c) For a copy in a computer readable form on:	
i) stiffy disc	7.50
ii) compact disc	70.00
d) i) For a transcription of visual images, for an A4 size page or part thereof	40.00
ii) For a copy of visual images	60.00
e) i) For a transcription of an audio record, for an A4 sized 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 R50.00
4. The access fees payable by a requester referred to in regulation 11 (3) are as follows:

	R
1. a) For every photocopy of an A4 size page or part thereof	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	0.75
c) For a copy in a computer readable form on:	
i) stiffy disc	7.50
ii) compact disc	70.00
d) i) For a transcription of visual images, for an A4 size page or part thereof	40.00
ii) For a copy of visual images	60.00
e) i) For a transcription of an audio record, for an A4 size page or part thereof	20.00
ii) For a copy of an audio record	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.