

SOFT CRAFT SYSTEMS (PTY) LTD

(Registration number: 2007/028582/07)

("the Company")

MANUAL

in terms of

THE PROMOTION OF ACCESS TO INFORMATION ACT

(Act 2 of 2000)

("the Act")

1. INTRODUCTION

- 1.1. This document has been prepared by the Company in compliance with section 51(1) of the Act.
- 1.2. This document is applicable to the Company, which for purposes hereof is deemed to include the Company's subsidiaries and associates whose details are listed on annexure "A" hereto.
- 1.3. It must be noted that the Act recognises certain limits to the right of access to information.
- 1.4. The execution by the Company of its obligations under the Act is undertaken by the head of the Company, assisted by an information officer, both of whose details are set out in paragraph 3 below.

2. COMPANY CONTACT DETAILS

2.1 **Postal Address:**

Suite EB03, East Block Ground Floor
Tannery Park, 23 Belmont Road
Rondebosch
7700
Cape Town
Western Cape
South Africa

2.2 **Physical address:**

Suite EB03, East Block Ground Floor
Tannery Park, 23 Belmont Road
Rondebosch
7700
Cape Town
Western Cape
South Africa

2.3 **Telefax and telephone numbers:**

Telephone number: (021) 686 0411
Telefax number: (021) 686 0413

2.4 **Website address:**

www.softcraft.co.za

3. CONTACT DETAILS OF THE HEAD OF THE COMPANY AND THE INFORMATION OFFICER

3.1 The head of the Company is the managing director Roland Selb.

3.2 The contact details of the head of the Company are as follows:

Telephone number: (021) 686 0411
Telefax number: (021) 686 0413
Email address: roland@softcraft.co.za

3.3 The information officer is Pierre Janssens.

3.4 The contact details of the information officer are as follows:

Telephone number: (021) 686 0411
Telefax number: (021) 686 0413
Email address: pierre@softcraft.co.za

4. HUMAN RIGHTS COMMISSION GUIDE

4.1. The Human Rights Commission has compiled a guide, as contemplated in section 10 of the Act, containing information to assist any person who wishes to exercise any right contemplated in the Act.

4.2. This guide is available from the Human Rights Commission at:

Address: Private Bag 2700, Houghton 2041;
Website: on the website at www.sahrc.org.za;
Telephone number: (011) 484 8300; or
Telefax number: (011) 484 0582.

5. RECORDS THAT ARE AUTOMATICALLY AVAILABLE IN TERMS OF A NOTICE PUBLISHED UNDER SECTION 51(1)(c) OF THE ACT

At this stage no notices have been published on the categories of records that are automatically available without a person having to request access in terms of the Act.

6. RECORDS HELD BY THE COMPANY AND AVAILABLE IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT

A requester may request the following information, to the extent to which access is permitted in terms of the following legislation:

Basic Conditions of Employment Act No. 75 of 1997
Closed Corporation Act No. 69 of 1984
Companies Act No. 61 of 1973
Companies Act No of 2008
Compensation of Occupational Injuries and Diseases Act No. 130 of 1993
Customs and Excise Act No. 91 of 1964
Electronic Communications and Transactions Act No. 25 of 2002
Employment Equity Act No. 55 of 1998
Income Tax Act No. 58 of 1962
Insolvency Act No. 24 of 1936
Labour Relations Act No. 66 of 1995
Medical Schemes Act No 131 of 1998
Occupational Health and Safety Act No. 85 of 1993
Patents Act No. 57 of 1978
Promotion of Access to Information Act No. 2 of 2000
Skills development Levies Act No. 9 of 1999
Trademarks Act No. 194 of 1993
Unemployment Insurance Act No. 30 of 1966
Value – Added Tax Act No. 89 of 1991

7. OTHER TYPES OF RECORDS HELD BY THE COMPANY AS CONTEMPLATED IN SECTION 51(1)(e)

Access to the records identified in annexure “B” hereto is not automatically available. A request must be made in terms of paragraph 8 below. Access and availability will be determined upon receipt of a request.

8. PROCEDURE FOR REQUESTING INFORMATION NOT AUTOMATICALLY AVAILABLE

- 8.1. A request must be made on the prescribed form. A copy of the form is attached marked annexure “C”. The form is also available from the website of the HRC or the website of the Department of Justice and Constitutional Development at www.doj.gov.za.
- 8.2. The prescribed form should be submitted to the information officer at his/her address, telefax number or email address, who will hand it to the head of the company or who will deal with the request himself.
- 8.3. The head of the company or the information officer shall, as soon as reasonable possible and within thirty (30) days after the request has been received, decide whether or not to grant the request.
- 8.4. The requester will be notified of the decision of the head of the company or the information officer.

- 8.5. If the request is granted, the requester shall be informed by the head of the company or the information officer thereof and of the following
 - 8.5.1.the access fee to be paid for the information;
 - 8.5.2.the format in which access will be given;
 - 8.5.3.the fact that the requester may lodge an appeal with a court of competent jurisdiction against the access fee charged or the format in which access is to be granted.
- 8.6. After permission is granted, actual access to the record requested will be given as soon as reasonably possible.
- 8.7. If the request for access is denied, the head of the company or the information officer shall advise the requester in writing in a notice of refusal. The notice of refusal shall state:
 - 8.7.1.adequate reasons for the refusal;
 - 8.7.2.that the requester may lodge an appeal with a court of competent jurisdiction against the refusal of the request (including the period) for lodging such appeal.
- 8.8. If the head of the company or the information officer fails to respond within thirty (30) days after a request has been received, it is deemed, in terms of section 58 read together with section 56(1) of the Act, that the head of the company or the information officer has refused the request.
- 8.9. The head of the company may decide to extend the period of thirty (30) days (“original period”) for one or more further periods of not more than thirty (30) days if:
 - 8.9.1.the request is for a large number of records; or
 - 8.9.2.the search for the records is to be conducted at premises not situated in the same town or city as the head office of the company; or
 - 8.9.3.consultation among divisions or departments, as the case may be, of the company is required; or
 - 8.9.4.the requester consents to such an extension in writing; or
 - 8.9.5.the parties agree in any other manner to such an extension.
- 8.10. Should the company require an extension of time, the requester shall be informed of the reasons for the extension.
- 8.11. The requester may lodge an appeal with a court of competent jurisdiction against any extension or against any procedure set out in this section.

9. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

- 9.1. The Company may refuse a request for information on any one or more of the following bases:
- 9.2. mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 9.3. mandatory protection of the commercial information of a third party, if the record contains:
 - 9.3.1. trade secrets of that third party;
 - 9.3.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; and
 - 9.3.3. information disclosed in confidence by a third party to the Company, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 9.4. mandatory protection of confidential information of third parties if it is protected in terms of any agreement or legislation;
- 9.5. mandatory protection of the safety of individuals and the protection of property;
- 9.6. mandatory protection of records which would be regarded as privileged in legal proceedings;
- 9.7. the commercial activities of the Company, which may include:
 - 9.7.1. trade secrets of the Company;
 - 9.7.2. financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of the Company;
 - 9.7.3. information which, if disclosed, could put the Company at a disadvantage in negotiations or commercial competition;
 - 9.7.4. a computer program which is owned by the Company and which is protected by copyright;
- 9.8. the research information of the Company or a third party, if its disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- 9.9. requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

10. INFORMATION OR RECORDS NOT FOUND

- 10.1. If a requested record cannot be found or if the records do not exist, the head of the company or the information officer must, by way of an affidavit or an affirmation, notify the requester that it is not possible to give access to the requested record.
- 10.2. The affidavit or affirmation must provide a full account of all the steps taken to find the record or to determine the existence thereof, including details of all communications by the head of the company or the information officer with every person who conducted the search.
- 10.3. This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act.
- 10.4. If the record should later be found, the requester must be given access to the record in the manner stipulated by the requester in the prescribed form unless access is refused by the head of the company or the information officer.

11. INFORMATION REQUESTED ABOUT A THIRD PARTY

- 11.1. Section 71 of the Act makes provision for a request for information or records about a third party.
- 11.2. In considering such a request, the company will adhere to the provisions of Section 71 to 74 of the Act.
- 11.3. The attention of the requester is drawn to the provisions of Chapter 5 of Part 3 of the Act in terms of which the company is obliged, in certain circumstances, to advise third parties of requests lodged in respect of information applicable to or concerning such third parties. In addition, the provisions of Chapter 2 of Part 4 of the Act entitle third parties to dispute the decisions of the head of the company or the information by referring matters to any court of competent jurisdiction.

12. ACCESS TO HEALTH RECORDS

If the head of the Company or the information officer receives a request from a person for access to a medical record of that person and is of the opinion that the disclosure of the record to the requester might cause serious harm to such person's physical or mental health or well-being:

- 12.1. the head of the Company or the information officer may, before granting access, consult with a health practitioner who has been nominated by the requester; and
- 12.2. grant access to the medical record to the requester only after the requester has been counselled by such nominated health practitioner.

13. COST OF ACCESS OR REPRODUCTION OF RECORDS

- 13.1. The fees for reproduction referred to in regulation 11(1) of the regulations promulgated under the Act are as follows:
 - 13.1.1. for every A4-size photocopy R1.10

- | | | |
|---------|---|---------|
| 13.1.2. | for every printed A4-size page | R0.75 |
| 13.1.3. | for a copy on a stiffy disk | R7.50 |
| 13.1.4. | for a copy on a compact disc | R70.00 |
| 13.1.5. | for a transcript of visual images, per A4 size page or part thereof | R40.00 |
| 13.1.6. | for a copy of visual images | R60.00 |
| 13.1.7. | for a transcript of an audio record, per A4 size page or part thereof | R20.00 |
| 13.1.8. | for a copy of an audio record | R30.00 |
| | | |
| 13.2. | The request fee payable by a requester, other than a personal requester referred to in section 54(1) of the Act, is | R50.00. |
| | | |
| 13.3. | The access fees payable by a requester referred to in regulation 11(3) of the regulations promulgated under the Act are as follows: | |
| 13.3.1. | for every A4-size photocopy | R1.10 |
| 13.3.2. | for every printed A4-size page | R0.75 |
| 13.3.3. | for a copy on a stiffy disk | R7.50 |
| 13.3.4. | for a copy on a compact disc | R70.00 |
| 13.3.5. | for a transcript of visual images, per A4 size page or part thereof | R40.00 |
| 13.3.6. | for a copy of visual images | R60.00 |
| 13.3.7. | for a transcript of an audio record, per A4 size page or part thereof | R20.00 |
| 13.3.8. | for a copy of an audio record | R30.00 |
| 13.3.9. | to search for and prepare the record for disclosure (for each hour or part of an hour reasonably required for such search and preparation). | R30.00 |
| | | |
| 13.4. | The above fees exclude VAT. | |
| | | |
| 13.5. | If the head of the company or the information officer is of the opinion that more than six (6) hours will be required to search, reproduce and/or prepare the information requested, a deposit shall be payable by the requester in an amount of one third of the access fees payable as set out above. | |

Annexure A

1. PERSONNEL RECORDS

"Personnel" refers to any person who works for or provides services to or on behalf of Soft Craft and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Soft Craft and includes, without limitation, directors (executive and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

- Personal records provided by personnel;
- Records provided by a third party relating to personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records and other internal records;
- Correspondence relating to personnel; and
- Training schedules and material.

2. CLIENT RELATED RECORDS

A "client" refers to any natural or juristic entity that receives services from Soft Craft.

3. PRIVATE BODY RECORDS

These records include, but are not limited to, the records which pertain to Soft Craft's own affairs.

- Financial records;
- Operational records;
- Databases;
- Information Technology;
- Marketing records;
- Internal correspondence;
- Product records;
- Statutory records;
- Internal Policies and Procedures; and
- Records held by officials of Soft Craft.

4. OTHER PARTY RECORDS

- Personnel, customer or private body records which are held by another party, as opposed to the records held by Soft Craft itself.
- Records held by Soft Craft pertaining to other parties, including without limitation, financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about Soft Craft's contractors / suppliers.

- Soft Craft may possess records pertaining to other parties including, but not limited to, contractors, suppliers, sister and subsidiary companies, joint venture companies and service providers and such other parties may possess records that can be said to belong to Soft Craft.

5. RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION

- Soft Craft, as an employer, is subject to the provisions of:
- The **Labour Relations Act 66 of 1995**, as may be amended from time to time. Section 189(3) of this Act requires an employer to disclose in writing all relevant information related to dismissals based on operational requirements including, but not limited to:
 - The reasons for the proposed dismissals;
 - The alternatives that the employer considered before proposing the dismissals, and the reasons for rejecting each of those alternatives;
 - The number of employees likely to be affected and the job categories of which they are employed;
 - The proposed method for selecting which employees to dismiss;
 - The time when, or the period during which the dismissals are likely to take effect;
 - The severance pay proposed;
 - Any assistance that the employer proposes to offer to the employees likely to be dismissed;
 - The possibility of the future employment of the employees who are dismissed;
 - The number of employees employed with the employer; and
 - The number of employees that the employer has dismissed for reasons based on its operational requirements in the preceding 12 months
- The **Employment Equity Act 55 of 1998**, as may be amended from time to time. Section 25(1), (2) and (3) provide that an employer must display at the workplace where it can be read by employees a notice in the prescribed form informing them about the provisions of the Employment Equity Act. In terms of sub-section 25(2) a designated employer must in each of its workplaces, place in prominent places that are accessible to all employees:
 - The most recent reports submitted by that employer to the Director General;
 - Any compliance order, arbitration award or order of the Labour Court concerning the provisions of this Act in relation to that employer; and
 - Any other document concerning this Act as may be prescribed. In terms of section 25(3) an employer who has an employment equity plan must make a copy of the plan available to its employees for copying and consultation; and

The Basic Conditions of Employment Act 75 of 1997, as may be amended from time to time. It provides that an employer must supply an employee when the employee commences employment with particulars of work. In terms of sub-section 2 when any matter changes the written particulars must be revised to reflect the change and the employee must be supplied with a copy of the document reflecting the change. In terms of section 29(4) the written particulars must be kept by the employer for a period of 3 years after termination of employment.

Annexure C

FORM FOR APPLICATION OF INFORMATION

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)

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: _____

Tel 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 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 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 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 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 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*

1. 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 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 (tick applicable box)

Yes

No

F. 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?

Name (Print)

Signature

Signed at _____ this _____ day of _____ 20__