

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

FOR

AFTERGUARD

Also referred to as “the Company”

Registration Number: 2006/039121/07

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1. **INTRODUCTION TO THE PRIVATE BODY**

AFTERGUARD ADVISORS (PROPRIETARY) LIMITED is a private company which provides corporate advisory services to corporate entities and individuals.

2. **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

2.1. **Contact details [*Section 51(1)(a)*]**

Name of Company: **Afterguard Advisors (Proprietary) Limited**

Directors: **Antony Peter Stiles**

Information Officer: **Antony Peter Stiles**

Registered Physical Address: **Unit 3, Canal Edge 3
Cnr Waterfront & Fountain Road
Tyger Waterfront
7530**

Postal Address: **P O Box 3209
Tyger Valley
7536**

Telephone No: **+27 21 941 6680**

Facsimile No: **+27 21 917 1914**

E-mail Address: nobby@afterguard.co.za

Website: **N/A**

2.2. **The section 10 Guide on how to use the Act [*Section 51(1)(b)*]**

The Guide will be available from the South African Rights Commission. Kindly direct any queries as follows:

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

Postal Address: **South African Human Rights Commission
Promotion of Access to Information Act Unit
Private Bag 2700, Houghton, 2041**

Telephone No: **+27 11 877 3600 or +27 11 484 8300**

E-mail Address: PAIA@sahrc.co.za / info@sahrc.co.za

Website: www.sahrc.co.za

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

- Pension Funds Act No 24 of 1956
- Income Tax Act No 58 of 1962
- Value Added Tax Act No 89 of 1991
- Labour Relations Act No 66 of 1995
- Basic Conditions of Employment Act No 75 of 1997
- Employment Equity Act No 55 of 1998
- Skills Development Act No 97 of 1998
- Skills Development Levies Act No 9 of 1999
- Unemployment Insurance Act No 63 of 2001
- Unemployment Contributions Act No 4 of 2002
- Promotion of Access to Information Act No 2 of 2000
- Financial Intelligence Centre Act No 38 of 2001
- Financial Advisory & Intermediary Services Act No 37 of 2002
- Electronic Communications Act 36 of 2005
- Companies Act No 71 of 2008
- Consumer Protection Act No 68 of 2008

2.4. **Access to the records held by the private body in question [Section 51(1)(c) and 51(1)(e)]**

2.4.1. **No records are available without request for access [Section 51(1)(c)]**

2.4.2. **Records that may be requested (if applicable) [Section 51(1)(e)]**

The Company holds the information/documents listed herein below:

2.4.2.1.

Companies Act Records

- Documents of incorporation
- Memorandum and Articles of Association, which will become a Memorandum of Incorporation in due course
- Minutes of Board Meetings
- Records pertaining to the appointment of directors, auditor, company secretary, public officer and other officers (where applicable)
- Share register and other statutory registers
- Group organogram

2.4.2.2.

Financial Records

- Annual financial statements
- Tax returns
- Accounting records (journals & ledgers)
- Banking records (cheques, EFT records, deposit slips)
- Bank statements
- Register of fixed assets
- Rental agreements
- Invoices

2.4.2.3.

Income Tax Records

- PAYE records
- Documents issued to employees for income tax purposes
- Salaries and wages records
- Records of payments made to SARS on behalf of employees
- Workmen's compensation
- All other statutory compliances –
 - VAT
 - Skills development levies

- UIF
- Income Tax
- Provisional Tax
- STC

2.4.2.4. Other personnel documents and records

- Employment contracts
- Medical aid records
- Disciplinary records
- Salary records
- SETA records
- Leave records
- Job descriptions

2.4.2.5. Company Intellectual Property and Records

- Details relating to the operational and commercial interests of the Company
- Commercial contracts
- Corporate governance reports

2.4.2.6. Information Technology

- Agreements
- Pastel Accounting Systems
- Hardware register
- Software licenses register
- Internet Service Provider

2.4.3. **The procedures for requesting access to information**

Form of request:

- The requester must use the prescribed form 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 e-mail address of the body concerned [s53(1)].

- The requested 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 [s53(2)(a); (b) & (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 [s53(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 [s53(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 to the private body:

- 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 [s54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s54(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 production, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure (s54(6)).

2.5. **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 to date.

2.6. **Availability of the Manual [Section 51(3)]**

- This manual is available for inspection at the offices of the Company free of charge.
- Copies of the manual are available with the SAHRC.

2.7. **Form C and Fees**

- Form C and the fees pamphlet is annexed to this manual.
- Form C and the fees pamphlet can be obtained from the website of the Department of Justice & Constitutional Development

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

<http://www.justice.gov.za/paia/paia.htm>

Signed at BELLVILLE on 10 NOVEMBER 2016



Signature: Information Officer

A P STILES

Name