

ACCESS TO INFORMATION

PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000 (The Act) SECTION 51 MANUAL FOR SPEARHEAD IT INDUSTRIES (Pty) LTD TRADING AS SPEARHEAD IT INDUSTRIES PTY (LTD)



SPEARHEAD IT INDUSTRIES (PTY) LTD

TABLE OF CONTENTS

Preamble

Introduction to Spearhead IT Industries (Pty) Ltd

Particulars in Terms of Section 51

1. Contact details
2. The Guide as described in Section 10
3. Categories of records of SPEARHEAD IT INDUSTRIES PTY (LTD) which are available without having to request access in terms of the Act in terms of Section 52(2)
4. Records available in terms of any other legislation
5. How to request a record - a description of the subjects of the records
 - 5.1 How to request a record
 - 5.2 Categories of records held by SPEARHEAD IT INDUSTRIES PTY (LTD)
6. Other information as may be prescribed
7. Availability of the Manual
8. Fees in respect of private bodies
9. Prescribed request forms
 - A. Particulars of private body
 - B. Particulars of person requesting access to the record
 - C. Particulars of person on whose behalf request is made
 - D. Particulars of person requesting access to the record
 - E. Fees
 - F. Form of access to record
 - G. Particulars of right to be exercised or protected
 - H. Notice of decision regarding request for access

PREAMBLE

The Promotion of Access to Information Act No. 2 of 2000 ("the Act") came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights.

INTRODUCTION TO SPEARHEAD IT INDUSTRIES (Pty) LTD TRADING AS SPEARHEAD IT INDUSTRIES PTY (LTD)
Spearhead I.T. Industries was established in August 2000 as a CC, trading as The Solutions Company. Our early focus was Linux product driven. We developed a close relationship with SuSE Linux in Germany, and in 2002 - 2003, were responsible for business development, distribution and telephonic support of the product in Africa and the Middle East.

We converted to a Pty in 2003, still trading as The Solutions Company. SuSE Linux was going through many changes up until 2005, when it was acquired by Novell. As a result, much instability was caused in the supply chain of the product. This suited our business plan, as together with growth in clientele and business partners, we were able to position ourselves as an Information Technology Services provider, with a much wider range of product offerings.

Spearhead IT Industries (PTY) Ltd assist SME's and Corporates in their IT decision making by offering a variety of services and products that are tailored to our Clients' needs. Together with our Strategic Business Partners, we are positioned to offer and implement multi-platform systems and technology that adapt to your business requirements.

PARTICULARS IN TERMS OF SECTION 51

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

The Directors of SPEARHEAD IT INDUSTRIES PTY (LTD) have duly authorized Quintus van Dyk to deal with all matters in connection with requests for information in Terms of the Promotion of Access to Information Act, 2 of 2000.

Full Name: Spearhead IT Industries (Pty) Ltd.
Registration No: 2003/009597/07
Postal address: SUITE #27, PRIVATE BAG X22, TYGER VALLEY, 7536, SOUTH AFRICA
Street address: First Floor, Edward II Building, Edwards Street, Bellville, 7530
Telephone: +27 (0) 21 910 8180
Facsimile: 0866 738689
E-mail: Information Officer: Quintus van Dyk, info@spearheadit.co.za

2. THE GUIDE AS DESCRIBED IN SECTION 10. [Section 51 (l)(b)]

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act. The guide will be available from the Human Rights Commission. Please direct any queries to: The Human Rights Commission: Postal Address: The Human Rights Commission Promotion of Access to Information Act Unit Research and Documentation Department Private Bag 2700 HOUGHTON 2041 Telephone: 011 4848300 Facsimile: 011 484-0582 Website: <http://www.sahrc.org.za> E-mail: PAIA@sahrc.org.za

3. CATEGORIES OF RECORDS OF SPEAHEAD IT INDUSTRIES PTY (LTD) WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2). [Section 51(1)(c)]
No notice of such records has been made to the Minister.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION. [Section 51(1)(d)]
No notice of such records has been made to the Minister.

5. HOW TO REQUEST A RECORD. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD SPEARHEAD IT INDUSTRIES PTY (LTD) AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSIFIED. [Section 51(1) (e)]

5.1 How to request a record [See pro forma request form in Section 9] • Section 53 prescribes that 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, or his duly authorized deputy. This request must be made to the address, fax number or electronic mail address of the body concerned. • 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 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 a 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. • 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. • The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee. • If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The head of the private body will then make a decision on the request and notify the requester in the required form.

5.2 Categories of records held by SPEAHEAD IT INDUSTRIES PTY (LTD)

A. STATUTORY COMPANY INFORMATION

1. Certificate of Incorporation
2. Certificate of Change of Name
3. Memorandum and Articles of Association
4. Certificate to Commence Business
5. Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meeting
6. Proxy Forms
7. A Register of Allotments – after a person ceased to be a member
8. Register of Members
9. Index of Members
10. Register of Mortgages and Debentures and Fixed Assets
11. Register of Directors' shareholdings
12. Register of Directors and Certain Officers
13. Directors' Attendance
14. A Branch Register
15. Annual Financial Statements including:
 - i. Annual accounts
 - ii. Directors' reports
 - iii. Auditor's reports
16. Books of Account regarding information required by the Companies Act, 1973
17. Supporting schedules to books of account and ancillary books of account

B. ACCOUNTING RECORDS

1. Books of Account including journals and ledgers

C. STATUTORY EMPLOYEE RECORDS

1. Employees' names and occupations
2. Time worked by each employee
3. Remuneration paid to each employee
4. Date of birth of each employee
5. Wages register
6. Attendance register
7. Employment equity plan
8. Salary and wages register
9. Staff records (after date of employment ceases)

D. OTHER EMPLOYEE RECORDS

1. Employee contracts
2. Incentive schemes
3. Study assistance schemes
4. Maternity leave policy

E. MOVABLE PROPERTY

1. Asset register

F. TAXATION

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

G. TESTAMENTS

PROCEDURE FOR REQUESTING ACCESS TO THE ABOVE INFORMATION

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.

6. OTHER INFORMATION AS MAY BE PRESCRIBED [Section 51(1)(f)]

Not applicable.

7. AVAILABILITY OF THE MANUAL. [Section 51(3)]

This manual is available from the South African Human Rights Commission (see details above), SPEARHEAD IT INDUSTRIES PTY (LTD) (see details above).

8. 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:

- (a) For every photocopy of an A4-size page or part thereof R1,10
- (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form R0,75
- (c) For a copy in a computer-readable form on -
 - (i) stiffer disc R7,50
 - (ii) compact disc R70,00
- (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
- (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00

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:

- (1)
 - (a) For every photocopy of an A4-size page or part thereof R1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form R0,75
 - (c) For a copy in a computer-readable form on -
 - (i) stiffer disc R7,50
 - (ii) compact disc R70,00
 - (d)
 - (i) For a transcription of visual images, for an A4-size page or part thereof R40,00
 - (ii) For a copy of visual images R60,00
 - (e)
 - (i) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - (ii) For a copy of an audio record R30,00
 - (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.

9. PRESCRIBED REQUEST FORM 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 Director: Spearhead IT Industries (Pty) Ltd. trading as SPEARHEAD IT INDUSTRIES PTY (LTD)

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: Telephone 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:
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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*
 - 3. If record consists of recorded words or information which can be reproduced in sound: listen to the sound track (audio cassette) transcription of sound track*(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. YES NO

G. 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:

Signed at _____ this _____ day of _____ 20 SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE