

SECTION 51 MANUAL FOR MSB MICRO SYSTEMS CC

MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000

This manual has been prepared in accordance with the PAIA Act. It provides information regarding the procedures required in order to obtain records from MSB Micro Systems.

January 2012

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PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details and authorised officer

Name of Company	MSB Micro Systems cc
Registration Number	CK 2002/004312/23
Postal Address	PO Box 1655; Bromhof; 2154
Street Address	Unit G26 Lifestyle Riverfront Office Park Bosbok Road Randpark Ridge Ext. 5 Randburg Gauteng South Africa
Telephone Number	+27 (0)11 791 4700
Facsimile Number	0861 111 419
Authorised Officer	Jeanne Stemmet
e-mail Address	info@msbmicro.com

2. The Section 10 Guide on How to Use the Act

The guide on how to use the Act [Section 51(1)(b)] as read with Section 10 of the Act has been compiled by the SAHRC. The guide is made available upon request. Please direct queries to:

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

Postal Address	Private bag 2700 Houghton 2041
Facsimile Number	+27 (0)11 484 7146
Website	www.sahrc.org.za
e-mail Address	PAIA@sahrc.org.za
Telephone Number	+27 (0)11 791 4700
Physical Address	2nd Floor Braampark Forum 3 33 Hoofd Street Braamfontein

3. Records That Are Automatically Available [Section 51(1)(c)]

Statutory Records

Certain records are automatically available without a person having to request access in terms of PAIA. Please contact CIPRO (Companies and Intellectual Property Registration Office) with regards with legal documents which are readily available.

- Closed Corporation Act No. 69 of 1984
- Labour Relations Act 66 of 1995

- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injury and Health Diseases Act No. 130 of 1993
- Income Tax Act No. 95 of 1967
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

4. Records Available According to Legislation [Section 51(1)(d)]

- Closed Corporation Act No. 69 of 1984
- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injury and Health Diseases Act No. 130 of 1993
- Income Tax Act No. 95 of 1967
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

5. Access to the documents of the company according to legislation [Section 51(1)(e)]

Companies Act Records

- Memorandum and Articles of Association
- Minutes of Meetings
- Records relating to the appointment of members and officers

Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Electronic Banking Records
- Asset Register
- Rental Agreements
- Invoices

Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

Personnel Documents and Records

- Employment Contracts
- Medical Aid Records
- Pension Fund Records
- Disciplinary Records
- Salary Records
- SETA Records
- Disciplinary Code
- Leave Records
- Training Records
- Training Manuals

6. Request Procedure

The requester must use the prescribed form (Form C) 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 electronic mail address of the body concerned [Section 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. The requester must also indicate their postal address. [Section 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 [Section 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 [Section 53(2)(f)]

7. 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 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 [Section 54(3)(b)]

After the head of the private body has made a decision regarding the request, the requester must be notified in the required form. 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 [Section 54(1)]

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 [Section 54(6)].

8. 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.

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

The manual can be found at the head office of MSB Micro Systems or on the website www.msbmicro.com. Copies are also available from the SAHRC.