



Promotion of Access to Information Act Manual

*In terms of section 51 of the Promotion of Access to Information Act
Act 2 of 2000*

December 2011

Table of contents

1 The Manual	4
1.1 Introduction.....	4
1.2 Scope.....	4
1.3 Contact Details	5
1.4 General Information	5
1.5 Access to routinely available information	5
1.5.1 General Information	6
1.5.2 Brochures.....	6
1.6 Policy with regard to confidentiality and Access to Information	7
2 Who may request access to information	7
3 Guidance to requestors	7
4 Records available in terms of other legislation	8
4.1 Unlimited requestors.....	8
4.2 Limited requestors	8
5 Procedure	10
5.1 Prescribed access form.....	10
5.2 Proof of identity	10
5.3 Prescribed fees	10
5.3.1 Reproduction fees.....	11
5.3.2 Request fee	11
5.3.3 Access fee.....	11
5.3.4 Deposit	12
5.3.5 Appeal fee	12
6 Granting or refusal of requests	12
7 Appeal	12
8 Records of the Entities	13
9 Availability of Manual	13
10 Useful references	13
Annexure A	14
A) Particulars of Public Body	14
B) Particulars of person requesting access to the record	15
C) Particulars of person on whose behalf request is made.....	15
D) Particulars of record.....	16
E) Fees.....	16

F) Form of access to record 17

G) Particulars of right to be exercised or protected 18

H) Notice of decision regarding request for access 18

1 The Manual

1.1 Introduction

The Promotion of Access to Information Act, 2000 [Act No. 2 of 2000] (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa.

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

This document serves as the manual of the companies listed below (“the HOT group of companies”) in compliance with the requirements of the Act. The entities covered by this manual are:

- HOTGROUP CC
- HOTSURE Consultants and Administrators CC
- HOTEYE (Pty) Ltd

A copy of this manual is accessible in PDF (Portable Document Format) from the HOT group of companies’ websites: www.hotgroup.co.za / www.hotsure.co.za / www.hoteye.co.za.

1.2 Scope

This manual (“the Manual”) has been prepared by HOTSURE Consultants and Administrators CC. It is published in accordance with the requirements of section 51 of the Promotion of Access to Information Act, 2000 and is aimed at facilitating access to records held by the group.

- Specifically, the Manual provides information on:
- The contact details of the information officer, who will deal with a person’s request;
- The structure and functions of the group;
- The subjects and categories of records that are held by the group;
- Records that are automatically available, without a person having to request access;

- Records that are available in terms of any other legislation; and
- The procedure that needs to be followed to obtain access to a record.

1.3 Contact Details

The information officer of the HOT group of companies has been duly appointed by the Directors of the different entities to ensure compliance with the requirements of the Act. Contact details for the information officer are as follows:

Contact person	Ulricke Meintjes
Postal address	PO Box 15071 Lyttelton 0140
Physical address	330 Hans Strydom Avenue Lyttelton 0157
Telephone number	0861 468 225
Facsimile number	086 640 5744
Email	ulricke@hotsure.co.za

1.4 General Information

Names of private bodies	HOTGROUP CC HOTSURE Consultants and Administrators CC HOTEYE (Pty) Ltd
Postal address	PO Box 15071 Lyttelton 0140
Physical address	330 Hans Strydom Avenue Lyttelton 0157
Telephone number	0861 468 225
Facsimile number	086 640 5744
Website	www.hotgroup.co.za

1.5 Access to routinely available information

The HOT group of companies routinely makes available to the public certain information on its functions and activities. This information will continue to be available without having to make a formal request under the Act.

1.5.1 General Information

General Information on the HOT group of companies are available on the website www.hotgroup.co.za. The HOT group of companies' websites are generally available to anyone who has access to the Internet. The websites have the following categories:

- ✓ About
- ✓ Products
 - HOTSTOCK
 - HOTGAME
 - HOTMOBILE
 - HOTGUARD
 - HOTBuddy
 - HOTShop Online
- ✓ Information
 - Promotions
 - Loyalty rewards
 - Brochures
 - Pricelists
 - Legal
 - Disclaimer
 - Terms of Use
 - Service Agreement
- ✓ Outlets
 - Local Sales Network
 - HOTShop Online
 - Dealer Application
- ✓ Contact Information
 - Call Centre
 - HOTSURE
 - HOTGROUP

1.5.2 Brochures

Information brochures on various subjects are available from time to time from the HOT group of companies. These will be provided on request provided that copies are still available. The HOT group of companies reserves the right to limit quantities and to charge applicable fees. Address your request for brochures to:

Postal address: The Information Officer
HOT group of companies
P O Box 15071
Lyttelton
0140

Physical address: 330 Hans Strydom Avenue
Lyttelton
Pretoria
0157

Telephone: 0861 468 225
Fax: 086 640 5744
E-mail: info@hotgroup.co.za

1.6 Policy with regard to confidentiality and Access to Information

The HOT group of companies will protect the confidentiality of information provided to it by individuals or others, subject to the HOT group of companies' obligations in terms of any applicable law.

2 Who may request access to information

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- A personal requestor, that is a person who requests information about him / herself;
- An agent requestor, that is a person requesting information on behalf of someone else;
- A third party requestor, that is a person requesting information about someone else; or
- A public body, requests information in the public interest.

3 Guidance to requestors

The South African Human Rights Commission compiled a guide ("the Guide") that includes the following:

- A description of the objectives of the Act;
- The relevant information of every private body as applicable;

- The manner and form in which requests must be lodged;
- The remedies available to requestors should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access; and
- A reference to any regulations passed.

The Guide has been published in all eleven official languages in both a printed version and electronic PDF (Portable Document Format) version on the South African Human Rights Commission website.

It is not intended to repeat in the Manual all the information found in the Guide as the Guide may be readily obtained directly from the South African Human Rights Commission or from the Commission's website www.sahrc.org.za.

You may also request any additional information, to assist you in making a request, from the South African Human Rights Commission at:

South African Human Rights Commission; PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Human Rights Advice Line: 0860 120 120

Fax: (011) 484 1360

Website: www.sahrc.org.za

4 Records available in terms of other legislation

4.1 Unlimited requestors

Certain legislation mandates the HOT group of companies to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of the Companies Act, No. 61 of 1973 any person may have access to specified financial information.

4.2 Limited requestors

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act, 1997 (Act No. 75 of 1997)
- Companies Act, 1973 (Act No. 61 of 1973)
- Compensation of Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993)
- Competition Act, 1998 (Act No. 89 of 1998)
- Consumer Affairs Act, 1999 (Act No. 23 of 1999)
- Credit Agreements Act, 1980 (Act No. 75 of 1980)
- Criminal Procedure Act, 1977 (Act No. 51 of 1977)
- Debt Collectors Act, 1998 (Act No. 114 of 1998)
- Electronic Communications and Transactions Act, 2000 (Act No. 2 of 2000)
- Employment Equity Act, 1998 (Act No. 55 of 1998)
- Firearms Control Act, 2000 (Act No 60 of 2000)
- Income Tax Act, 1962 (Act No. 58 of 1962)
- Insider Trading Act, 1998 (Act No. 135 of 1998)
- Insolvency Act, 1936 (Act No. 24 of 1936)
- Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992)
- Labour Relations Act, 1995 (Act No. 66 of 1995)
- Magistrates Court Act, 1944 (Act No. 32 of 1944)
- Medical Schemes Act, 1998 (Act No. 131 of 1998)
- Merchandise Marks Act, 1941 (Act No. 17 of 1941)
- National Health Act, 2003 (Act No. 61 of 2003)
- National Environmental Management Act, 1998 (Act No. 107 of 1998)
- Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
- Pension Fund Act, 1956 (Act No. 24 of 1956)
- Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)
- Prevention of Organised Crime Act, 1998 (Act No. 121 of 1998)
- Skills Development Act, 1997 (Act No. 97 of 1997)
- Skills Development Levies Act, 1999 (Act No. 9 of 1999)
- South African Qualifications Authority Act, 1995 (Act No. 58 of 1995)
- Supreme Court Act, 1959 (Act No. 59 of 1959)
- Trade Marks Act, 1993 (Act No. 194 of 1993)
- The Hazardous Substance Act, 1973 (Act No. 85 of 1973)
- Unemployment Insurance Act, 2001 (Act No. 63 of 2001)
- Value Added Tax Act, 1991 (Act No. 89 of 1991)
- Wages Act, 1957 (Act No. 5 of 1957)
- Workmen's Compensation Act, 1941 (Act No. 30 of 1941)

5 Procedure

5.1 Prescribed access form

In order to facilitate your access to a record you need to complete the attached prescribed access form as set out in “Annexure A” hereto. Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.

It is also 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.

5.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their South African identification document or any other legally acceptable means of identification.

PLEASE NOTE: Driver’s licenses and temporary identity documents will NOT be accepted as sufficient proof of identity.

5.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- **Reproduction fee:** this fee is payable with respect to all records that are automatically available;
- **Request fee:** this fee is an administration fee that must be paid by all requestors, except personal requesters (a personal requester is a requester seeking access containing information about the requestor him / herself), before the request is considered and is not refundable;
- **Access fee:** which is payable once access to a record is granted, this fee is intended to re-imburse the HOT group of companies for the costs involved in searching and preparing the record for delivery;
- **Deposit:** which is payable if the HOT group of companies receives a request for access to information about a person other than the requestor himself / herself and where the preparation of the record will take more than six hours.

5.3.1 Reproduction fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

	Rand
• For every photocopy of an A4–size page or part thereof:	1.10
• 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
• For a copy in a computer-readable form on -	
➤ Diskette:	7.50
➤ Compact disc (CD Rom):	70.00
• For a transcription of visual images, for and A4-size page or part thereof:	40.00
• For a copy of visual images:	60.00
• For a transcription of an audio record, for an A4-size page or part thereof:	20.00
• For a copy of an audio record:	30.00

5.3.2 Request fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requestor him / herself.

5.3.3 Access fee

The applicable fees (excluding VAT) for access which will be payable are:

	Rand
• For every photocopy of an A4–size page or part thereof:	1.10
• 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
• For a copy in a computer-readable form on -	
➤ Diskette:	7.50
➤ Compact disc (CD Rom):	70.00
• For a transcription of visual images, for and A4-size page or part thereof:	40.00
• For a copy of visual images:	60.00
• For a transcription of an audio record, for an A4-size page or part thereof:	20.00
• For a copy of an audio record:	30.00
• To search for and prepare the record for disclosure, per each hour or part of an hour reasonably required for such search and preparation:	30.00

- Where a copy of the record needs to be posted the actual postage is payable

5.3.4 Deposit

Where the HOT group of companies receives a request for access to information about a person other than the requestor himself / herself and the Information Officer is of the opinion that the search for and preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the estimated amount of the applicable access fee is payable.

5.3.5 Appeal fee

The appeal fee payable in respect of the lodging of an internal appeal by a requester against the refusal of his or her request for access is R50.00 (excluding VAT).

6 Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of the private body; and
- Mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

7 Appeal

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available at this time will be to approach a court of law.

8 Records of the Entities

Entities:

The entities covered by this manual are:

- HOTGROUP CC
- HOTSURE Consultants and Administrators CC
- HOTEYE (Pty) Ltd

Records available:

- Contracts and agreements
- Customers
- Employee
- Financial
- General correspondence
- Internal correspondence
- Operational
- Products
- Taxation
- Technology

9 Availability of Manual

As indicated, the manual is available for inspection, free of charge, on the companies' websites at www.hotgroup.co.za / www.hotsure.co.za / www.hoteye.co.za.

Copies may also be requested from the South African Human Rights Commission.

10 Useful references

Websites:

The Human Rights Commission	www.sahrc.org.za
The Promotion of Access to Information Act	www.gov.za
HOTGROUP CC	www.hotgroup.co.za
HOTSURE Consultants and Administrators CC	www.hotsure.co.za
HOTEYE (Pty) Ltd	www.hoteye.co.za

Annexure A

Prescribed form for access to a record

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

[Regulation 10]

FOR OFFICE USE:

Reference number:

Request received by Information officer:

Name and Surname: _____

Date: _____

Place: _____

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION OFFICER OR HIS/HER DEPUTY

A) Particulars of Public Body

Postal address: The Information Officer
HOT group of companies
P O Box 15071
Lyttelton
0140

Physical address: 330 Hans Strydom Avenue
Lyttelton
Pretoria
0157

Telephone: 0861 468 225

Fax: 086 640 5744

E-mail: info@hotgroup.co.za

B) Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be recorded below.*
(b) Furnish an address and/or fax number in the Republic of South Africa to which information must be sent.
(c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Postcode:

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 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 therefore.

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) Your indication as to the required form of access depends 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 -	
<input type="checkbox"/>	copy of record*
<input type="checkbox"/>	inspection of record

2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)	
<input type="checkbox"/>	view the images
<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>	transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound -	
<input type="checkbox"/>	listen to the soundtrack (audio cassette)
<input type="checkbox"/>	transcription of soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form -	
<input type="checkbox"/>	printed copy of record*
<input type="checkbox"/>	printed copy of information derived from the record*
<input type="checkbox"/>	copy in computer readable form* (diskette 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?

YES

NO

Please note that postage is payable.

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 thereof 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____
(place) (day) (month) (year)

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE