

**SECTION 51 MANUAL FOR**  
**EMPOWERisk PROPRIETARY LIMITED**  
**Registration Number 2001/013094/07**

**INTRODUCTION**

This manual has been prepared in terms of Section 51 of the Promotion of Access to Information Act 2 of 2000 ("the Act"). The Act was enacted to give effect to the Constitution right of access to any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

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

**1. Contact details**

Karl Bailey  
66 Park Lane  
Sandton  
Johannesburg  
2196

Private Bag X9966  
Sandton  
Johannesburg  
2146

Telephone: 011 883 8775  
Fax: 086 672 9573  
Email: kbailey@empowerisk.co.za  
Website: www.empowerisk.co.za

**2. SECTION 10 GUIDE ON HOW TO USE THE ACT**

A guide has been compiled by the South African Human Rights Commission in terms of Section 10 of the Act which contains all the information required by a person wishing to exercise any right contemplated in terms of the Act. The guide is available from the South African Human Rights Commission at any of their offices or on their website: <http://www.sahrc.org.za>.

**The South African Human Rights Commission:**

PAIA Unit  
Research and Documentation Department  
Postal address:  
Private Bag X2700  
Houghton  
2041

Telephone: +27 11 484-8300  
Fax: +27 11 484-7146  
Website: www.sahrc.org.za  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

**3. RECORDS WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT**

Records that are automatically available to the public are those records that are lodged in terms of legislative requirements with various statutory bodies.



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**4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION**

Information is available in terms of the following legislation, if and when applicable:

- a. Promotion of Access to Information Act 2 of 2000, as amended;
- b. Labour Relations Act 66 of 1995, as amended;
- c. Employment Equity Act 55 of 1998, as amended;
- d. Basic Conditions of Employment Act 75 of 1997, as amended;
- e. Occupational Health and Safety Act 85 of 1993, as amended;
- f. Compensation for Occupational Injuries and Diseases Act 130 of 1993, as amended;
- g. Companies Act 71 of 2008, as amended;
- h. Consumer Protection Act 68 of 2008, as amended;
- i. Unemployment Insurance Act 63 of 2001, as amended;
- j. Value Added Tax Act 89 of 1991, as amended;
- k. Income Tax Act 58 of 1962, as amended;
- l. Skills Development Act 97 of 1998, as amended;
- m. Skills Development Levies Act 9 of 1999, as amended; and
- n. Electronic Communications and Transactions Act 25 of 2002, as amended.

**5. TYPES OF RECORDS THAT MAY BE REQUESTED**

The requestor may request access to the following types of documents:

**COMPANIES ACT RECORDS**

- a. Documents of incorporation;
- b. Memorandum of incorporation;
- c. Records relating to the appointment of directors/ auditor/ secretary/ other officers;
- d. Share register; and
- e. Minutes of shareholder meetings.

**FINANCIAL RECORDS**

- a. Annual financial statements;
- b. Tax returns;
- c. Accounting records;
- d. Banking records;
- e. Bank statements;
- f. Paid cheques;
- g. Electronic banking records;
- h. Asset register;
- i. Rental agreements; and
- j. Invoices.

**INCOME TAX RECORDS**

- a. PAYE records;
- b. Documents issued to employees for income tax purposes;
- c. Records of payments made to SARS on behalf of employees; and
- d. All other statutory compliance documents.



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#### **PERSONNEL DOCUMENTS AND RECORDS**

- a. Employment contracts;
- b. Employment Equity Plan (if applicable);
- c. Medical Aid records;
- d. Pension Fund or Provident Fund records;
- e. Disciplinary records;
- f. Salary records;
- g. SETA records (if applicable);
- h. Leave records; and
- i. Training Manuals.

Please note that a request for access to these documents is not automatic and the request may be denied on the grounds available to the Company in terms of the Act.

#### **6. ACCESS TO RECORDS AND FORM OF REQUEST**

- 6.1. The requester must use the prescribed form, being Form C (attached hereto as annexure A) to make the request for access to a record. The request must be made to the head of the private body and can be made to the postal or physical address, by fax or by electronic mail.
- 6.2. The requester must provide sufficient detail on the form to enable the head of the private body to identify the record requested and the identity of the requester.
- 6.3. 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.
- 6.4. 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.
- 6.5. 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.

#### **7. FEES**

- 7.1. 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 fee, being R50.00 plus VAT.
- 7.2. 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.
- 7.3. 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 in accordance with Annexure A.

#### **8.**



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**AVAILABILITY OF THE MANUAL**

The manual is available for inspection at the offices of EMPOWERisk and a copy thereof is available from the South African Human Rights Commission and on the company's website (if any).



**D Viljoen**  
Director

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**ANNEXURE A**

**REQUEST FORM FOR ACCESS TO RECORD OF PRIVATE BODY**

**1. Particulars of private body: EMPOWERisk Proprietary Limited**

**Registration number: 2001/013094/07**

Karl Bailey  
66 Park Lane  
Sandton  
2196  
Johannesburg

Private Bag X9966  
Sandton  
2146  
Johannesburg

Telephone: 011 883 8775  
Fax: 086 672 9573  
Email: kbailey@empowerisk.co.za  
Website: www.empowerisk.co.za

**2. Particulars of person requesting access to the record**

- The particulars of the person who requests access to the record must be given.
- The address and/or fax number and/or e-mail address in the Republic of South Africa to which the information is to be sent must be given.
- 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:

**3. 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:

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Identity number:

**4. Particulars of record**

- 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.
- If the provided space is inadequate, please continue on a separate annexure and attach it to this form.
- The requester must sign all annexures.

Description of record or relevant part of the record:

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Reference number, if available:

Any further particulars of record:

**5. Fees**

**Request fee:**

Where a requester submits a request for access to information held by an organisation on a person other than the requester himself, a request fee in the amount of R 50.00 plus VAT is payable up-front before the institution will further process the request received.

**Access fee:**

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54(8) of the Act.

- *A request for access to a record, other than record containing personal information about yourself, will be processed only after a request fee has been paid.*
- *You will be notified of the amount required to be paid as the request fee (currently R 50.00 plus VAT).*
- *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.*
- *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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**6. 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**

- *Compliance with your request in the specified form may depend on the form in which the record is available.*
- *Access in the form requested may be refused in certain circumstances. In such instances you will be informed if access will be granted in another form.*
- *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
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**2. If record consists of visual images:**

(photographs, slides, video recordings, computer-generated images, sketches, etc.)

View the images	Copy of the images*	Transcription of the images*
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**3. If record consists of recorded words or information which can be reproduced in sound:**

Listen to the soundtrack	Transcription of soundtrack*
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**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*
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Listen to the soundtrack	Transcription of soundtrack*
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\*If you requested a copy or transcription of a record, do you wish the copy or transcription to be posted to you?

**A postal fee is payable**

YES

NO

**7. 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.*

Indicate which right is to be exercised or protected:

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Explain why the requested record is required for the exercising or protection of the aforementioned right:

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**8. Notice of decision regarding request for access:**

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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?

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Signed at \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
**SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF REQUEST IS MADE**

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**ANNEXURE B**

**REPRODUCTION FEES**

Where a private body has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

The applicable fees for reproduction:

• For every photocopy of an A4-size page or part thereof	R 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	R 0.75
• For a copy in a computer-readable form on a compact disc	R70.00
• A transcription of visual images, for an A4-size page or part thereof	R40.00
• For a copy of visual images	R60.00
• A transcription of an audio record, for an A4-size page or part thereof	R20.00
• For a copy of an audio record	R30.00
• To search for a record that must be disclosed, R30, 00 per hour or part of an hour reasonably required for such search.	
• Where a copy of a record needs to be posted the actual postal fee is payable.	

**Deposits:**

Where a private body receives a request for access to information held on a person other than the requester and the information officer upon receipt of the request is of the opinion that the preparation of the required record for disclosure will take more than 6 (six) hours, a deposit equal to 1/3 of the amount of the applicable access fee is payable by the requester.