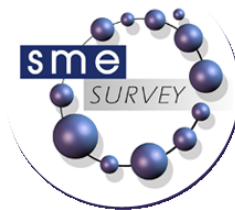


**PROMOTION OF ACCESS TO INFORMATION ACT
ACT 2 OF 2000 (“The Act”)**

MANUAL IN TERMS OF SECTION 51 OF THE ACT

FOR



SME SURVEY (PTY) LTD

(Registration Number: 2003/012316/07)

INDEX

- 1. INTRODUCTION 3
- 2. DEFINITIONS 3
- 3. OVERVIEW OF SME SURVEY (PTY) LTD..... 4
- 4. CONTACT DETAILS 4
- 5. AVAILABILITY OF THIS MANUAL 5
- 6. HOW TO REQUEST ACCESS TO RECORDS HELD BY SME SURVEY..... 5
- 7. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT..... 6
- 8. VOLUNTARY DISCLOSURE..... 6
- 9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION 6
- 10. RECORDS HELD BY SME SURVEY 7
- REPRODUCTION FEES..... 10
- REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY 11

1. INTRODUCTION

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

2. DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have meanings assigned to them hereunder, namely -

- "**Act**" means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- "**Information Officer**" means the person acting on behalf of **SME Survey (Pty) Ltd** and discharging the duties and responsibilities assigned to the "head" of **SME Survey (Pty) Ltd** by the Act.
- "**Manual**" means this manual published in compliance with Section 51 of the Act;
- "**SME Survey (Pty) Ltd**" means **SME Survey (2003/012316/07)**
- "**Personnel**" means any person who works for or provides services to or on behalf of **SME Survey** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **SME Survey**. This includes without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as consultants and contract workers;
- "**Record**" means any recorded information, regardless of form of medium, which is in the possession or under the control of **SME Survey**, irrespective of whether it was created by **SME Survey**;
- "**Request**" means a request for access to a record of **SME Survey**;
- "**Requestor**" means any person, including a public body or an official thereof, making a request for access to a record of **SME Survey** and includes any person acting on behalf of that person; and
- "**SAHRC**" means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic persons.

Terms of defined in the Act shall have the same meaning in this Manual.

3. OVERVIEW OF SME SURVEY (PTY) LTD

SME Survey is the original representative survey of small, medium and micro enterprises (SMEs) in South Africa. Since 2003, SME Survey conducts South Africa's largest annual study of the impact of business factors on the competitiveness and success of SMEs.

The research component is supported by a PR and marketing campaign managed by Coolcumba Communications; this creates SME Survey brand awareness, communicates the key findings in the form of press releases and positions the key sponsors that support SME Survey year-on-year.

SME Survey's vision is to maintain its position as the original and largest annual SME research and marketing provider in South Africa; offering project stakeholders strategic information, education and networking platforms for them to communicate with SME business decision-makers in South Africa.

4. CONTACT DETAILS

[Section 51(1)(a)]

Name of Private Body	SME Survey (Pty) Ltd
Designated Information Officer	Debbie Whittaker
Email address of Information Officer	debbiew@coolcumba.com
Postal Address	PO Box 730 Cramerview 2060
Street Address	Office 119A Bryanpark Shopping Centre Grosvenor Road Bryanston Gauteng 2021
Phone Number	(011) 300-1600
Fax Number	(086) 694-4341

5. AVAILABILITY OF THIS MANUAL

[Section 51(1)(b)]

A manual has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right contemplated by PAIA.

A copy of this Manual is available on our website (www.smesurvey.co.za) or by sending a request for a copy to the Information Officer by email. The Manual is also available for inspection at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St Andrews Street, Parktown and on its website at (www.sahrc.org.za). This Manual will be updated from time to time, as and when required.

6. HOW TO REQUEST ACCESS TO RECORDS HELD BY SME SURVEY

Requests for access to records held by **SME Survey** must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under "regulations"). You can submit a request without paying the request fee, but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for above [Section 53(1)]

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed [Section 53(2)(a), (b) and (c)].

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 [Section 53(2)(d)].

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 Information Officer of **SME Survey** [Section 53(2)(f)].

The list detailing the prescribed fees in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure 1.

The standard form that must be used for the making of requests is attached as Annexure 2. Not using this form could cause your request to be refused (if you do not provide

sufficient information or otherwise) or delayed.

Kindly note that all requests to **SME Survey** will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by **SME Survey** does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

7. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

Please contact the SAHRC to obtain the guide. Their details are reflected below:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484 8300

Fax: +27 11 484 0582

Website: www.sahrc.org.co.za

E-mail: paia@sahrc.org.za

8. VOLUNTARY DISCLOSURE

[Section 51(1)(c)]

SME Survey has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that information relating to **SME Survey** is freely available (without being obliged thereto), at the **SME Survey** Offices. Certain other information relating to **SME Survey** is also made available at **SME Survey's** offices from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

9. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

[Section 51(1)(d)]

Information is available in terms of the following legislation, if and where applicable, to the persons or entities specified in such legislation:

- Basic Conditions of Employment Act, 75 of 1997;
- Closed Corporations Act, 69 of 1984, as amended;
- Companies Act, 71 of 2008;
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
- Competition Act, 89 of 1998;
- Consumer Affairs (Unfair Business Practices) Act, 71 of 1988;
- Consumer Protection Act;
- Copyright Act, 98 of 1978;
- Debtor Collectors Act, 114 of 1998
- Electronic Communications & Transactions Act, 25 of 2002;
- Employment Equity Act, 55 of 1998;
- Financial Intelligence Centre Act, 38 of 2001;
- Income Tax Act, 58 of 1962;
- Insolvency Act, 24 of 1936;
- Labour Relations Act, 66 of 1995;
- Occupational Health and Safety Act, 85 of 1993;
- Promotion of Access to Information Act 2 of 2000;
- Protection of Personal Information Bill, 2009;
- Skills Development Act, 97 of 1998;
- Skills Development Levies Act, 9 of 1999;
- South African Reserve Bank Act, 90 of 1989;
- Stamp Duties Act, 77 of 1968;
- Unemployment Contributions Act, 4 of 2002;
- Unemployment Insurance Act, 63 of 2001;
- Value Added Tax Act, 89 of 1991

10. RECORDS HELD BY SME SURVEY

[Section 51 (1)(c)(e)]

SME Survey maintains records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be

evaluated on a case by case basis in accordance with the provisions of the Act.

Please note further that many of the records held by us are those of third parties, such as customers and employees and we take the protection of third party confidential information very seriously. Please **ensure that requests for such records are carefully motivated to avoid rejection.**

10.1 Internal records

The following are records pertaining to **SME Survey's** own affairs and those of its divisions, subsidiary and associated companies:

This information is defined as operational information needed in the day to day running of the company and is of little use to persons outside the company. Examples of such information are: company policies, contracts, employee records and general accounting records.

10.2 Personnel Records

Personnel refers to any person who works for or provides services to or on behalf of **SME Survey** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **SME Survey**. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Other internal records and correspondence.

10.3 Customer records

Please be aware that **SME Survey** is very concerned about protecting the confidential information of our customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to **SME Survey** or a third party acting for

or on behalf of **SME Survey**;

- Contractual Information;
- Personal records of customers;
- Credit and financial information and other research conducted by **SME Survey** in respect of its customers;
- Confidential, privileged, contractual and quasi-legal records of customers;
- Records generated by or within **SME Survey** pertaining to customers, including transactional records;

10.4 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to **SME Survey**. The following records fall under this category:

- Personnel, customer, or **SME Survey** records which are held by another party as opposed to being held by **SME Survey**; and
- Records held by **SME Survey** pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

REPRODUCTION FEES

Where an institution 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 AS REFERRED TO ABOVE IS:

For every photocopy of an A4-size page or part thereof	R1.10
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
For a copy in a computer-readable form on:	
- 3,5" magnetic disc	R7.50
- Optical 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

Request fees:

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R50.00 is payable up-front before the institution will further process the request received.

Access fees:

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).

The applicable access fees which will be payable are:

For every photocopy of an A4-size page or part thereof	R1.10
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
For a copy in a computer-readable form on:	
- 3,5" magnetic disc	R7.50
- Optical 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 (per hour or part of an hour reasonably required for such search)	R30.00
Where a copy of a record needs to be posted, the actual postal fee is payable	

Deposits:

Where **SME Survey** receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations to the Act.

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000 Regulation 4)

A. Particulars of Private Body

The Information Officer: in respect of _____
(specify company, if applicable)

B. Particulars of Person requesting access to the record

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

Full Name and Surname: _____
Identity Number: _____
Postal Address: _____
Telephone Number: _____
Fax Number: _____
E-mail address: _____
Capacity in which request is made, when made on behalf of another person

C. Particulars of person of whose behalf request is made:

This section must be completed only if a request for information is made on behalf of another person

Full Name 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 the Record or relevant part of the record:

2. Reference number, if available:

3. Any further particulars of the record:

E. Fees:

- (a) 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.
- (b) You will be notified of the amount of the request fee.
- (c) The **fee payable for access** to a record depends on the form in which the 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 of payment of the fee (if any):

F. Form of Access to the 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 the record consists of visual images: (This includes photographs, slides, video recording, 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 the 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 the 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* (3,5" magnetic or optical 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?		
A postal fee is payable	<input type="checkbox"/> YES	<input type="checkbox"/> NO

G. Particulars of right to be exercised or protected:

*If the provided space is inadequate, please continue of 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 requested record is required for the exercising 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 _____

SIGNATURE OF REQUESTER/PERSON
ON WHOSE BEHALF REQUEST IS MADE