



MANUAL
For

SEYALEMOYA COMMUNICATIONS (Pty) Ltd
t/a OFM
(Reg. Nr 1996/008441/07)

Prepared in terms of the requirements of the
PROMOTION OF ACCESS OF INFORMATION ACT

No 2 of 2000

(hereinafter referred to as "the Act")

The manual may be amended from time to time and as soon as any amendments have been finalised, the updated version of the manual will be made public.

1. Introduction

The Act gives effect to the constitutional right of access to any information held by the state or any information that is held by another person, which is required for the exercise, or protection of any rights. The Act sets out the requisite procedures associated with any such requests for information.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In that context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where its release would pose a threat to the protection of privacy, commercial confidentiality and exercising of efficient governance.

2. Contact Details [Section 51(1)(a)]

Information Officer: Mr Gary Stroebel (CEO)

General Information:

Address: MTN Building
Nelson Mandela Street
Bloemfontein
9301

Postal Address: P.O. Box 7117
Bloemfontein
9300

Phone number: 051 – 5050900

Fax number: 051 – 5050905

E-mail address: gary@ofm.co.za

3. Guide on how to use the Act [Section 51(1)(b), as read with Section 10]

The Human Rights Commission will in due course compile a guide, in terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide, as soon as it is published, will be described in a revised version of this Manual and information will be provided on how to obtain access to it. It is understood that the guide is to contain such information as may reasonably be required by any

person who wishes to exercise any right contemplated in the Act.
Therefore, any queries relating to this guide should be directed to:

The South African Human Rights Commission
Private Bag 2700
Houghton
2041

Tel: (+27 11) 484 8300
Fax: (+27 11) 484 0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

4. Records

- 4.1. Records available in terms of Section 52 of the Act
Seyalemoya Communications (Pty) Ltd keep
information/documents in accordance with the following
legislation (please note that this is not an exhaustive list)

Basic Conditions of Employment Act No. 75 of 1997
Companies Act No. 61 of 1973
Compensation for Occupational Injuries and Health Diseases Act
No. 130 of 1993.
Credit Agreements Act No. 75 of 1980
Employment Equity Act No. 55 of 1998
Income Tax Act No. 95 of 1967
Insolvency Act No. 24 of 1936
Labour Relations Act No. 66 of 1995
Occupational health and Safety Act No. 85 of 1993
Pension Funds Act No. 24 of 1996
Skills Development Levies Act No. 9 of 1999
Skills Development Act No. 97 of 1998
Unemployment Contributions Act No. 63 of 2001

- 4.2. Records that are held at Seyalemoya Communications (Pty) Ltd.
[Section 51(1)(e)]

Seyalemoya Communications (Pty) Ltd hold the
information/documents listed below:
Details relating to the operational, technical and financial
interests
News and Programme content for 3 months
Commercial Contracts
Standard Employment Contracts
Occupational Injury Administration
Bi-annual Employment Equity Report & Policy
Skills Development Report

Human Resources (information of past, present and prospective employees and directors)
Annual Staff Development Implementation Plan and Report
Provident Fund Records

It is recorded that any and all documents/information requested pertaining to the aforementioned should only be made available to the requester subject to the provisions of the Act. None of the information held by Seyalemoya Communications (Pty) Ltd is automatically available without a person having to request access in terms of and subject to the provisions of the Act.

4.3. The request procedure

Form of request:

The requester must use the prescribed Form C(a copy of which is attached) 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 e-mail address of the body concerned [s 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 [s 53(2)(a), (b) and (c)].

The requester must identify the right 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 [s 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 [s 53(2)(f)].

In terms of section 63 of the Act, the information officer of Seyalemoya Communications (Pty) Ltd must refuse a request for access to a record of the company if the record contain trade secrets, financial, operational, programming, news and technical information of which the disclosure could harm the interests of Seyalemoya Communications (Pty) Ltd.

In accordance with the above mandatory refusal grounds, the Information Officer will make a decision whether to accede to a request for access to information.

Any search, reproduction and document preparation necessitated by requests for information will be undertaken in accordance with the prescribed fees.

5. The Access fee and or Deposit

Please note that an initial, non-refundable request fee of R57.00(inclusive of vat) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individual themselves.

The applicant will be informed of the access fee(if any) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

6. Other information as may be prescribed [s 51(1)(f)].

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

7. Availability of the manual [s 51(3)]

In addition to the availability of this Manual at the South African Human Rights Commission, copies can be obtained from the Information Officer of Seyalemoya Communications (Pty) Ltd.

FORM C**REQUEST FOR ACCESS TO RECORD**

(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 Managing Director: Mr LB Johnstone
Seyalemoya Communications (Pty) Ltd t/a OFM
PO Box 7117
Bloemfontein
9300

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD OF PRIVATE BODY

*(a) 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.
© Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names & surname:	
Identity number:	
Capacity in which request is made.	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if a request is made on behalf of another person

Full names & surname:	
Identity number:	
Capacity in which request is made.	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

D. PARTICULARS OF RECORD

(a) Provide full particulars of the record to which access is requested, including the reference number if it 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 attaché it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of record	
2. Reference number, if available	
3. Any Further particulars of record	

E. 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. Indicated which right is to be exercised or protected	
2. Explain why the record requested is required for the exercise of protection of the aforementioned right	

F. 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 therefore.*

Reason for exemption of payment for the fee.

G. 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 _____ on this _____ day of
_____ 200__.

Signature of requester/
person on whose behalf request is made