

**PROATIA MANUAL OF  
SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd**  
Registration Number 1986/03270/07

Prepared in accordance with Section 51 of

The Promotion of Access to Information Act, No 2 of 2000.

**1. INTRODUCTION**

**1.1 Main business of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd**

SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd is a distributor of electronic & electrical components.

**1.2 Purpose of the Act**

To give effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights; and to provide for matters connected therewith.

**Recognising that:**

- The system of government in South Africa before 27 April 1994, amongst others, resulted in a secretive and unresponsive culture in public and private bodies which often led to an abuse of power and human rights violations;
- Section 8 of the Constitution provides for the horizontal application of the rights in the Bill of Rights to juristic persons to the extent required by the nature of the rights and the nature of those juristic persons;
- Section 32(1)(a) of the Constitution provides that everyone has the right of access to any information held by the State;
- Section 32(1)(b) of the Constitution provides for the horizontal application of the right of access to information held by another person to everyone when that information is required for the exercise or protection of any rights;
- National legislation must be enacted to give effect to this right in section 32 of the Constitution;

**And bearing in mind that:**

- The State must respect, protect, promote and fulfill, at least, all the rights in the Bill of Rights which is the cornerstone of democracy in South Africa;
- The right of access to any information held by a public or private body may be limited to the extent that the limitations are reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom as contemplated in section 36 of the Constitution;
- Reasonable legislative measures may, in terms of section 32(2) of the Constitution, be provided to alleviate the administrative and financial burden on the State in giving effect to its obligation to promote and fulfill the right of access to information;

**And in order to:**

- Foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information;
- Actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

**PART 1**

**Section 51(1)(a) of the Act**

**2. Contact details**

**Postal address:** P.O. Box 2617, Florida, 1710.

**Physical address:** 17 Wright St, Industria West, Johannesburg.

**Phone number:** (011) 247-1300

**Fax number:** (011) 474-8214

**E-mail address:** sales@screenvision.co.za

**PART 2**

**Section 51(1)(b) of the Act**

**3. The section 10 Guide on how to use the Act**

The Guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

**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.za

E-mail: paia@sahrc.org.za.

**PART 3**

**Section 51(1)(d) of the Act**

**4. Records available in terms of any other legislation**

SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd keeps information in terms of the following legislation in so far that it may be required to do so:

- Administration of Estates Act No. 66 of 1965
- Arbitration Act No. 42 of 1965
- Basic Conditions of Employment No. 75 of 1997
- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries and Health Diseases Act No.130 of 1993

- Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- Copyright Act No. 98 of 1978
- Credit Agreements Act No. 75 of 1980
- Currency and Exchanges Act No. 9 of 1933
- Debtor Collectors Act No. 114 of 1998
- Employment Equity Act No. 55 of 1998
- Finance Act No. 35 of 2000
- Financial Services Board Act No. 97 of 1990
- Financial Relations Act No. 65 of 1976
- Harmful Business Practices Act No. 23 of 1999
- Income Tax Act No. 95 of 1967
- Insolvency Act No. 24 of 1936
- Insurance Act No 27 of 1943
- Intellectual Property Laws Amendments Act No. 38 of 1997
- Labour Relations Act No. 66 of 1995
- Long Term Insurance Act No. 52 of 1998
- Medical Schemes Act No. 131 of 1998
- Occupational Health & Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Post Office Act No. 44 of 1958
- Protection of Businesses Act No. 99 of 1978
- Regional Services Councils Act No. 109 of 1985
- SA Reserve Bank Act No. 90 of 1989
- Short Term Insurance Act No. 53 of 1998
- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Stamp Duties Act No. 77 of 1968
- Tax on Retirement Funds Act No. 38 of 1996
- Trade Marks Act No. 194 of 1993
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Usury Act No 73 of 1968
- Value Added Tax Act No. 89 of 1991.

#### **PART 4**

#### **Section 51(1)(c),(d),(e) and (f)**

#### **5. Records that are voluntary available**

- Company brochures and other advertising material on the products of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd

#### **6. Records that may be requested**

This includes but is not limited to the following:

- Financial records
- Operational records
- Databases
- Information technology
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures
- Records held by officials of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd

#### **7. The request procedures**

##### **7.1 Form of request**

- The requester must use the prescribed form which is available at the physical address, to make the request for access to a record. This must be made to the head of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd. This request must be made to the address, fax number or electronic mail address of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd 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) 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 [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 SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd [s 53(2)(f)].

##### **7.2 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 head of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd 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 [s 54(1)].

- The fee that the requester must pay to SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd has made a decision on the request, the requester must be notified in the required form.
- 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 [s 54(6)].

#### **8. Other information as may be prescribed**

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

### **PART 5**

#### **9. Grounds for refusal of access to records**

Notwithstanding compliance with section 50, the request may be declined in accordance with one of the prescribed grounds in terms of the Act, namely:

9.1 Section 63 of the Act prohibits the unreasonable disclosure of the personal information of natural-person third parties to requestors. This includes the personal information of deceased persons. However Section 63(2) does provide exceptions to this.

9.2 Section 64 states that a request must be refused if it relates to records containing third party information pertaining to:

- Trade secrets;
  - Financial, commercial, scientific or technical information where disclosure would be likely to cause harm to the commercial or financial interests of that third party;
- or
- Information supplied in confidence by the third party, the disclosure of which could reasonably be expected to put the third party at a disadvantage in contractual or other negotiations, or prejudice the third party in commercial competition. The information must, however, be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

9.3 Section 65 prohibits disclosure of information if such disclosure would constitute a breach of any duty of confidentiality owed to a third party in terms of an agreement.

9.4 In terms of section 66, a private body must refuse a request for access to a record of the body if disclosure could reasonably be expected to:

- Endanger the life or physical safety of an individual;
- Prejudice or impair the security of a building, structure or system, including but not limited to a computer or communication system, means of transport or any other property.
- The private body may also refuse a request for access to information which would prejudice methods, systems, plans or procedures for the protection of an individual in accordance with a witness protection scheme or safety of the public.

9.5 Section 67 mandates the refusal of a request if the record is privileged from production in legal proceedings, unless the person entitled to the privilege has waived the privilege.

9.6 Section 68 pertains to records containing information about the private body itself and unlike the other provisions pertaining to decline of a request, is not mandatory, but rather discretionary.

SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd may refuse access to a record if the record:

- Contains trade secrets of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd
- Contains financial, commercial, scientific or technical information, the disclosure of which would be likely cause harm to the commercial or financial interests of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd
- Contains information which, if disclosed, could reasonably be expected to put the private body at a disadvantage in contractual or other negotiations, or prejudice SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd in commercial competition; or
- Consists of a computer program owned by SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd.

Notwithstanding the above, the information must be released if it pertains to the results of product or environmental testing, the disclosure of which would reveal a serious public safety or environmental risk.

9.7 Section 69 prohibits the disclosure of information about research where disclosure is likely to expose the third party, the person conducting the research on behalf of the third party, or the subject matter of the research to serious disadvantage.

Disclosure is discretionary if such research pertains to SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd itself.

Notwithstanding any of the above-mentioned provisions, section 70 provides that a record must be disclosed if its disclosure would:

- Reveal evidence of a substantial contravention of or failure to comply with the law, imminent and serious public safety or environmental risk; and
- If the public interest in the disclosure clearly outweighs the harm.

### **PART 6**

#### **Section 51(3) of the Act**

#### **10. Availability of the manual**

The manual is available for inspection at the offices of SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd free of charge.

Copies are available with the SAHRC and on SCREENVISION SPECIAL TECHNOLOGY (Pty) Ltd's website ([www.screenvision.co.za](http://www.screenvision.co.za)).