

# MEDHOLD MEDICAL (PTY) LIMITED

## SECTION 51 MANUAL

*This document has been compiled in accordance with Section 51 of the Promotion of Access to Information Act 2 of 2000 (PAI Act), herein after referred to "PAI ACT", any reference to "section", or "sub section", is a reference to a section in the Promotion of Access to Information Act 2 of 2000.*

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### **Right of access to records: Section 50(1)(a-c)**

Company Information will only be distributed to a requester subject to Section 50 of the Promotion of Access to Information Act 2 of 2000 (PAI Act). Consequently, information will only be provided if all the below conditions are met:

- a). the record(s) so requested is/are required for the exercise or protection of any right(s), and
- b). the requestor complies with the procedural requirements of the PAI Act relating to a request for the access to that record, and
- c). access to that record is not refused in terms of Section 63 - 70 of the PAI Act, subject to any consents or waivers of such protections.

Sections 63 - 70 of the PAI Act address the following:

S.63: *Mandatory protection of privacy of third party who is a natural person.*

S.64: *Mandatory protection of commercial information of a third party.*

S.65: *Mandatory protection of certain confidential information of a third party.*

S.66: *Mandatory protection of safety of individuals, and protection of property.*

S.67: *Mandatory protection of records privileged from production in legal proceedings.*

S.68: *Commercial information of private body.*

S.69: *Mandatory protection of research information of third party, and protection of research information of private body.*

S.70: *Mandatory disclosure in public interest.*

### **Contact Information – Company Secretary of Private Body: Section 51(1)(a)**

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Physical/street Address: 68 Rigger Road, Spartan, Kempton Park, 1620

Telephone Number: + 27 11 975 0633

Fax Number: + 27 11 975 2011

E- Mail address: c.baird@medhold.co.za

cc - m.stephens@medhold.co.za

## **Guide as to use of PAI Act: Section 51(1)(b)**

*(with reference to Section 10 of the PAI Act)*

A Guide has been compiled in terms of Section 10 of PAI Act by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAI Act. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St. Andrews Street, Parktown and on its website at [www.sahrc.org.za](http://www.sahrc.org.za).

## **Latest notice in terms of Section 52(2)**

At this stage no notice/s has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAI Act.

## **Records available in terms of relevant legislation: Section 51(1)(d)**

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 71 of 2008
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax Act 58 of 1962
- Skills Development Act 9 of 1999

## **Subject and Categories of records: Section 51(1)(e)**

### **1. Companies Act records**

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
- Share Register and other statutory registers

### **2. Financial records**

- Annual Financial Statements

- Tax Returns
- Accounting Records
- Banking Records
- Bank Statements
- Paid Cheques
- Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

### **3. *Income tax records***

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen's Compensation

### **4. *Personnel documents and records***

- Employment contracts
- Employment Equity Plan
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records
- Training Manuals

### **Process of request for access to records: Section 51(1)(e)**

- The requester must complete Form C or Form D, whichever is applicable and submit the respective form together with the request fee, to the head of the private body.
- The applicable form must be submitted to the head of the private body to his address, fax number, and electronic mail address.
- The form must:
  - provide sufficient particulars to enable the head of the private body to identify the requester, and
  - provide sufficient particulars to enable the head of the private body to identify the record/s requested, and

- indicate which form of access is required, and
- specify a postal address, fax number or email address of the requester within the Republic of South Africa, and
- identify the right that the requester 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, and
- if, in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in that other manner, and
- if, the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body, as well as provide sufficient particulars to enable the head of the private body to identify the person on which the requester is acting.

#### **Prescribed fees: Section 54**

The fees applicable and payable by a requestor, other than a personal requester and subject to any notice per Section 54(8), in terms of the Act are as follows:

*S.54(1): Request fee*

*S.54(6) Reproduction fee*

*S.54(7) Access fee*

- The fees payable are in accordance with the fees published by the Department of Justice and Constitutional Development from time to time. Fee structures are available on the website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of
- Deposits may be requested in accordance with Section 54(2), (subject to limits set from time to time), should the time required to complete the request exceed the prescribed hours as set by the PAI Act for completing such request, subject to applicable exemptions.
- Records requested may be withheld until the requestor concerned has paid the applicable fees

*The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za/>*

### **Other applicable sections**

The below Sections of the PAI Act, are document and are applied in accordance with compliance standards were applicable.

S.55: *Records that cannot be found or do not exist*

S.56: *Decision on request and notice thereof*

S.57: *Extension of period to deal with request*

S.58: *Deemed refusal of request*

S.59: *Severability*

S.60: *Forms of access*

S.61: *Access to health or other records*



**C D Baird**  
**Company Secretary**