

MANUAL

of

AGRI SA GROUP

and its Affiliates

**Prepared in accordance with section 51 of the Promotion of Access
to Information Act, no 2 of 2000 (Private body)**

1. INTRODUCTION

The Promotion of Access to Information Act, no 2 of 2000 (the Act) was enacted on 3 February 2000, giving 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. Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. The Act sets out the requisite procedural issues attached to such a request.

2. PURPOSE OF THE MANUAL

This manual is intended to foster a culture of transparency and accountability within the Agricultural Industry as a whole, by giving effect to the right to information that is required for the exercise or protection of any right and to 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 their rights.

In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies.

Section 9 of the Act however recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

- Limitations aimed at the reasonable protection of privacy
- Commercial confidentiality; and
- Effective, efficient and good governance;

And in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

This manual sets out to provide a generic manual to the agricultural industry to deal with the requests in a conforming manner, which will enable the requestors to obtain the records which they are entitled to in a quick, easy and accessible manner.

This manual may be adapted by the individual role players in the agricultural industry to specifically meet their needs.

Wherever reference is made to “institution” in this manual, it will refer to the private bodies within the agricultural industry, for whom this manual is drafted.

PART I

3. CONTACT DETAILS

Information officer:	Willie Jacobs
Postal address:	Private Bag X180 Centurion 0001
Physical address:	Block A, Inkwazi Office Park, 1249 Embankment Road, 0046
Telephone no:	012 – 643-3400
Fax no:	012 – 663-3178
E-mail:	wjacobs@agrisa.co.za

GENERAL INFORMATION

Name of Private Body:	Agri SA Group
Website:	www.agrisa.co.za

PART II

4. GUIDE OF SOUTH AFRICAN HUMAN RIGHTS COMMISSION

A Guide on how to use the Act is available from the South African Human Rights Commission. The guide will contain such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide should be directed to:

The South African Human Rights Commission

at PAIA Unit (THE RESEARCH AND DOCUMENTATION DEPARTMENT).

Private Bag X2700, Houghton, 2041

Telephone no: 011 – 484-8300

Fax No: 011 – 484-1360

Website: www.sahrc.org.za

E-mail address: PIAI@sahrc.org.za

PART III

5. RECORDS KEPT BY AGRI SA IN TERMS OF LEGISLATION

Records held in terms of the following laws are kept by Agri SA:

- 5.1** Basic Conditions of Employment Act, no 75 of 1997;
- 5.2** Compensation for Occupational Injuries and Diseases Act, no 130 of 1993;
- 5.3** Employment Equity Act, no 55 of 1998;
- 5.4** Income Tax Act, no 95 of 1967;
- 5.5** Labour Relations Act, no 66 of 1995;
- 5.6** Medical Schemes Act, no 131 of 1998;
- 5.7** Occupational Health and Safety Act, no 85 of 1993;
- 5.8** Pension Funds Act, no 24 of 1956;
- 5.9** Skills Development act, no 97 of 1998;
- 5.10** Skills Development Levies Act, no 9 of 1999;
- 5.11** Tax on Retirement Funds Act, no 38 of 1996;
- 5.12** Trade Marks Act, no 194 of 1993;
- 5.13** Unemployment Insurance Act, no 63 of 2001;
- 5.14** Value Added Tax Act, no 89 of 1991.

6. RECORDS OF AGRI SA GROUP

The information is classified and grouped according to records relating to the following subjects and categories:

It is recorded that the accessibility of the documents listed herein below, may be subject to the grounds of refusal set out hereinafter.

- 6.1** Personal records of personnel, Conditions of employment and other personnel-related contractual records, including :
 - 6.1.1** Conditions of service;
 - 6.1.2** Leave register;
 - 6.1.3** Personal records;
 - 6.1.4** Grievance- and disciplinary procedures;
 - 6.1.5** Training information;
 - 6.1.6** Rules of medical aid and record of contributions

- 6.2** Financial records, such as:
 - 6.2.1** Budget;
 - 6.2.2** Financial statements;
 - 6.2.3** Bookkeeping records;
 - 6.2.4** Invoices;
 - 6.2.5** Cheques

- 6.3** Administrative records, such as:
 - 6.3.1** Annual reports;
 - 6.3.2** Agendas and Minutes of meetings;
 - 6.3.3** Membership-information;
 - 6.3.4** Contracts;
 - 6.3.5** Trade marks

Access to agendas, minutes and membership-information is limited to members of Agri SA.

- 6.4** Webpage: The information on Agri SA's webpage www.agrisa.co.za is accessible to anyone who has access to the internet;

PART IV

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for Agri SA to refuse a request for information relates to the –

- 7.1** mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- 7.2** mandatory protection of the commercial information of a third party, if the record contains –

- 7.2.1** trade secrets of that third party;
 - 7.2.2** financial, commercial scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party;
 - 7.2.3** information disclosed in confidence by a third party to Agri SA, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition;
- 7.3** mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
 - 7.4** mandatory protection of the safety of individuals and the protection of property;
 - 7.5** mandatory protection of records which would be regarded as privileged in legal proceedings;

Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

8. REMEDIES AVAILABLE WHEN AGRI SA REFUSES A REQUEST FOR INFORMATION

8.1 Internal Remedies

Agri SA does not have internal appeal procedures. As such, the decision made by the information officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused, and the requestor is not satisfied with the answer supplied by the information officer.

8.2 External Remedies

A requestor that is dissatisfied with the information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the information officer's decision to grant a request for information, may within 30 days of notification of the decision, apply to a Court for relief. For purposes of the Act, the Courts that have jurisdiction over these applications are the

Constitutional Court, the High Court or another court of similar status.

9. REQUEST PROCEDURE

- 9.1** The requester must comply with all the procedural requirements contained in the Act relating to the request for access to a record.
- 9.2** The requester must complete the prescribed form (available on request), and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address as stated in 3 above.
- 9.3** The prescribed form must be filled in with enough particularity to at least enable the Information Officer to identify-
- 9.3.1** The record or records requested;
 - 9.3.2** The identity of the requester;
 - 9.3.3** Which form of access is required, if the request is granted;
 - 9.3.4** The postal address or fax number of the requester.
- 9.4** The requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. In addition, the requester must clearly specify why the record is necessary to exercise or protect such a right.
- 9.5** Agri SA will process the request within 30 days, unless the requestor has stated special reasons which would satisfy the Information officer that circumstances dictate that the above time periods not be complied with.
- 9.6** The requester shall be informed whether access granted or denied in writing. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required.
- 9.7** If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer.

9.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

9.9 The requester must pay the prescribed fee, before any further processing can take place.

10. ACCESS TO RECORDS HELD BY AGRISA

10.1 Records held by Agri SA may be accessed by requester only once the prerequisite requirements for access have been met.

10.2 A requester is any person making a request for access to a record of Agri SA. There are two types of requesters:

9.2.1. Personal Requester

9.2.1.1 A personal requester is a requester who is seeking access to a record containing personal information about the requester;

9.2.1.2 Agri SA will voluntarily provide the requested information, or give access to any record with regard to the requester's personal information. The prescribed fee for reproduction of the information requested will be charged.

9.2.2. Other Requester

This requester (other than a personal requester) is entitled to request access to information on third parties. However, Agri SA, is not obliged to voluntarily grant access. The requester must fulfil the prerequisite requirements for access in terms of the Act, including the payment of a request and access fee.

10. FEES

10.1 The Act provides for two types of fees, namely:

10.1.1 A request fee, which will be a standard fee; and

- 10.1.2** An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs.
- 10.2** When the request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing of the request.
- 10.3** If the search for the record has been made and the preparation
- 10.4** of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.
- 10.5** The Information Officer shall withhold a record until the requester has paid the fees as indicated under item 12.
- 10.6** A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the record for disclosure including making arrangements to make it available in the request form.
- 10.7** If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

11. DECISION

- 11.1** Agri SA will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons (if required) to that effect.
- 11.2** The 30 day period within which Agri SA has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty days if the request is for a large number of information or the request requires a search for information held at another office of Agri Sa and the information cannot reasonably be obtained within the

original 30 day period. Agri SA will notify the requester in writing should an extension be sought.

12. REPRODUCTION FEES

Where Agri SA 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 are:

	R
* For every photocopy of an A4-size page or part thereof	1,10
* For every printed copy of an Z4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
* For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
* A transcription of visual images, for an A4-size page or part thereof	40,00
* For a copy of visual images	60,00
* A transcription of an audio record, for an A4-size page or part thereof	20,00
* For a copy of an audio record	30,00

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:

	R
* For every photocopy of an A4-size page or part thereof	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	0,75
* For a copy in a computer-readable form on	
- Stiffy disc	7,50
- Compact disc	70,00
* Transcription of visual images, for an A4-size page or part thereof	40,00
* For a copy of visual images	60,00
* A transcription of an audio record, for an A4 size page or part thereof	20,00
* For a copy of an audio record	30,00
* To search for a record that must be disclosed (Per hour or part of an hour reasonably required for such search)	30,00

Where a copy of a record needs to be posted the actual postal fee is payable.

13. AVAILABILITY OF THE MANUAL

This manual is available for inspection at the offices of Agri SA free of charge. Copies can be obtained from the South African Human Rights Commission or from the Government Printer. A copy is also available on the organisation's website.