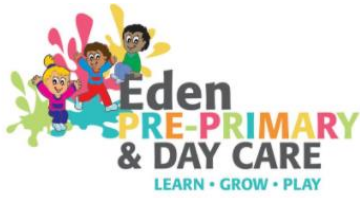




# PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

The Directors have compiled this manual, to comply with the provisions of the Act, and to foster a culture of transparency and to ensure that members of the public have effective access to information in our possession, which will assist them in the exercise and protection of their rights.

*“PAIA”  
MANUAL*



044 873 0712  
info@edenpreprimary.co.za  
26 Market Street  
George, 6530

**Name of company: EDEN PRE PRIMARY AND DAY CARE (PTY) LTD**

**Registration Number: 2015/118524/07**

**MANUAL**

**in terms of**

**The Promotion of Access to Information Act**

**2/2000**

**(the "ACT")**

**13 JUNE 2021**



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**1. INTRODUCTION**

Eden Pre Primary and Day Care (Pty) Ltd currently conducts business in the Basic Education Sector.



We are a private Pre-Primary and Day Care Centre based in George since 1996 for age groups from 1 year old up to Grade R. We also have After Care services with transport options available from all major Primary Schools in George.

**2. COMPANY CONTACT DETAILS**

<b>Registered address</b>	26 Market Street, George, 6529
<b>Physical address</b>	35 Boekenhout Street, Loerie Park, George, 6529
<b>Postal address</b>	35 Boekenhout Street, Loerie Park, George, 6529
<b>Telephone number</b>	072 5931733
<b>Email address</b>	bertusconradie@absamail.co.za
<b>Website</b>	N/A
<b>Director / Member</b>	Conradie Trust represented by Bertus Conradie
<b>Public information officer</b>	Bertus Conradie 35 Boekenhout Street, George 072 5931733

**3. THE ACT**

- 3.1 The ACT grants a requester access to records of the private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2 Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7.



**3.3** Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The contact details of the Commission are:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone Number:	+27-11- 877 3600
Email: paia@sahrc.org.za	Website: www.sahrc.org.za

#### **4. APPLICABLE LEGISLATION TO EDEN PRE PRIMARY AND DAY CARE (PTY) LTD - UNDERLINED.**

##### **RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SEC 51 (1) (d)]**

Administration of Estates Act No. 66 of 1965  
Agricultural Produce Agents Act No. 12 of 1992  
Armaments Development and Production Act No. 57 of 1968  
Atmospheric Pollution Prevention Act No. 45 of 1965  
Banks Act No. 94 of 1990  
**Basic Conditions of Employment Act No. 75 of 1997**  
Broad Based Black Economic Empowerment Act 53 of 2003  
Close Corporations Act 69 of 1984  
Collective Investment Schemes Control Act 45 of 2002  
**Companies Act No 71 of 2008**  
Compensation for Occupational Injuries and Diseases Act No. 130 of 1993  
Competition Act No. 89 of 1998  
**Constitution of South Africa Act 108 of 1996**  
Consumer Protection Act No 68 of 2008  
Co-operatives Act No. 91 of 1981  
Copyright Act 98 of 1987  
Correctional Services Act No. 111 of 1998  
Credit Agreements Act No.75 of 1980  
Custody and Administration of Securities Act No. 85 of 1992  
Customs and Excise Act No. 91 of 1964  
Cybercrimes Act 19 of 2020  
Debt Collectors Act No. 114 of 1998  
Deeds Registries Act 47 of 1937  
Defence Act No. 44 of 1957  
Designs Act No. 195 of 1993  
**Electronic Communications and Transactions Act 2 of 2000**  
**Employment Equity Act No.55 of 1998**

**Employment of Educators Act No. 76 of 1998**

Environment Conservation Act 73 of 1989  
Estate Agency Affairs Act No. 112 of 1976  
Explosives Act No. 26 of 1956  
Financial Advisory and Intermediary Services Act 37 of 2002  
Financial Intelligence Centre Act No. 38 of 2001  
Financial Markets Control Act No. 55 of 1989  
Firearms Control Act 60 of 2000  
Formalities in Respect of Leases of Land Act 18 of 1969  
Health Professions Act No. 56 of 1974  
Housing Act No. 107 of 1997  
Immigration Act No. 13 of 2002

**Income Tax Act No. 58 of 1962**

Insider Trading Act No. 135 of 1998

**Insolvency Act No. 24 of 1936**

**Labour Relations Act No. 66 of 1995**

Legal Deposit Act No. 54 of 1997  
Liquor Act No. 27 of 1989  
Long-term Insurance Act No. 52 of 1998  
Machinery and Occupational Safety Act No. 6 of 1983  
Mine Health and Safety Act No. 29 of 1996  
Mineral and Petroleum Resources Development Act 28 of 2002  
Minerals Act No. 50 of 1991  
Mutual Banks Act No. 124 of 1993  
National Credit Act No 34 of 2005  
National Building Regulations and Buildings Standards Act 103 of 1997  
National Environmental Management Act No. 107 of 1998  
National Key Points Act No. 102 of 1980  
National Nuclear Regulator Act No. 47 of 1999  
National Payment System Act No. 78 of 1998  
National Road Traffic Act No. 93 of 1996  
National Water Act No. 36 of 1998  
Nuclear Energy Act No. 46 of 1999  
Nursing Act No. 50 of 1978

**Occupational Health and Safety Act No. 85 of 1993**

Patents Act 57 of 1987  
Prescription Act No. 68 of 1969  
Prevention of Organised Crime Act No. 121 of 1998

**Promotion of Access to Information Act 2 of 2000**

Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000  
Protected Disclosures Act 26 of 2000  
Public Finance Management Act No. 1 of 1999  
Road Transportation Act No. 74 of 1977

**Regulation of Interception of Communications and Provisions of Communication Related Information Act 70 of 2002**



Sales and Service Matters Act 25 of 1964  
Sectional Titles Act No. 95 of 1986  
Security Officers Act No. 92 of 1987  
Security Services Act 36 of 2004  
Short-term Insurance Act No. 53 of 1998  
**Skills Development Act 97 of 1997**  
Skills Development Levy Act 9 of 1999  
South African Medicines and Medical Devices Regulatory Authority Act No. 132 of 1998  
South African Police Service Act No. 68 of 1995  
South African Reserve Bank Act 90 of 1989  
Space Affairs Act No. 84 of 1993  
Stamp Duties Act No. 77 of 1968  
Stock Exchange Control Act No. 1 of 1985  
Stock Exchanges Control Act No. 1 of 1985  
**The National Education Policy Act No. 27 of 1996**  
**The South African Schools Act No. 84 of 1996**  
Tobacco Products Control Act 12 of 1999  
Trade Marks Act 194 of 1993  
Transfer Duty Act No. 40 of 1949  
**Unemployment Insurance Act No. 63 of 2001**  
**Unemployment Contributions Act no 4 of 2002**  
Unit Trusts Control Act No. 54 of 1981  
**Value-added Tax Act No. 89 of 1991**  
Witness Protection Act No. 112 of 1998

#### **RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION [SEC 51 (1) (d)]**

The Company keeps records in terms of the following legislation, all of which are available, subject to the legislation and the Act:

#### **Companies Act No. 61 of 1973, as amended**

#### **SECTION NUMBER AND TO WHOM WHAT RECORDS ARE AVAILABLE**

9: Any person who pays the prescribed fee has the right to inspect and obtain copies of this company's documents lodged at the Companies Registration Office.(CIPC previously CIPRO)

67: A member, who requests (and make the necessary payment) a copy of the company's Memorandum and Articles of Association.

113: The register of members of a company is open to inspection by a member or his agent and by any person upon payment for inspection. Copies must be furnished where a request has been made for copies and payment tendered therefore.

130: The provisions of Section 113 (see above) apply to the registers required to be kept in terms of Section 127 and 128 - register of pledges, cessions, bonds and debentures

206: Members of a company are entitled to inspect the company's minute books.

240: The provisions of Section 113 (see above) are to apply to the register of interests in contracts of directors and officers.



286: The directors of a company are obliged to lay the Annual Financial Statements before the Annual General Meeting of the company.

302: A company has a duty to send its Annual Financial Statements to its members prior to the Annual General meeting. In the case of a Public Company a copy must be lodged with CIPC.

309: A member or debenture holder of a company has the right to be furnished on demand, a copy of the last Annual Financial Statements, Provisional Annual Financial Statements and of the last Interim report of the company.

### **Basic Conditions of Employment Act No. 75 of 1997**

#### **SECTION NUMBER AND TO WHOM WHAT RECORDS ARE AVAILABLE**

29: New employees upon commencement of employment will be supplied with specified particulars (inter alia), the name and address of the employer, the name and address of the employee, the employee's occupation description, the place of work, the wage/salary that employee will earn, the deductions that will be made, rates for overtime work, any cash payments or payments in kind to which the employee is entitled, the leave to which the employee is entitled, the notice period for termination of employment) in writing.

78: All employees have the right to inspect any record kept in terms of this Act that relates to his/her employment.  
Employment Equity Act No. 55 of 1998

#### **SECTION NUMBER AND TO WHOM WHAT RECORDS ARE AVAILABLE**

18: When a designated employer engages in consultation in terms of Chapter 3 of the Act, the employer must disclose to the consulting parties all the relevant information that will allow the parties to consult effectively.

41: The Minister of Labour must keep a register of designated employers that have submitted the Employment Equity Plans. The register is a public document.

### **Labour Relations Act No. 66 of 1995**

#### **SECTION NUMBER AND TO WHOM WHAT RECORDS ARE AVAILABLE**

16: An employer must disclose to a Trade Union representative all relevant information that will allow the Trade Union representative to perform effectively, the functions referred to in S14 (4). Whenever an employer is consulting or bargaining with a representative Trade Union, the employer must disclose to the representative Trade Union all relevant information that will allow the representative Trade Union to engage effectively in consultation or collective bargaining. The employer must notify the trade Union representative or the representative Trade Union in writing, if information disclosed in terms of sub-sections (2) or (3) is confidential. Sub-section (5) excludes certain information for disclosure by the employer.

25: Sub-section (7) provides that CIPC must provide a certified copy of, or extract from, any of the documents referred to in sub-section (6) to any persons who have paid the prescribed fees. Sub-section 6 refers to the auditor's report.

83: Regular meetings between the workplace forum and the employer must be held, whereat the employer must present a report on its financial and employment situation, its performance in the short term and in the long term.

89: An employer must disclose to the workplace forum all relevant information that will allow the workplace forum to engage effectively in consultation and joint decision making. Certain information is excluded from disclosure.

90: Any documented information that is required to be disclosed by the employer in terms of S89 must be available on request to the members of the workplace forum for inspection.

189: The employer must disclose in writing to the other consulting party all relevant information pertaining to dismissals based on operational requirements.





204: An employer must give a copy of a collective agreement, arbitration award or determination to an employee who has paid the prescribed fee and, free of charge, on request, to an employee who was a Trade Union representative or member of a workplace forum.

205: An employer must keep the records that the employer is required to keep in compliance with every applicable collective agreement, arbitration award or determination made in terms of the Wage Act. The employer must submit these records in their original form or in a reproduced form and respond to a demand made at any reasonable time, to any agent of a Bargaining Council, Commissioner or any other person whose function in terms of this Act include the resolution of disputes. An employer must also keep records of the prescribed details of any strike, lock-out or protest action involving its employees and submit these records in the prescribed manner to CIPC.

## **5. ACCESS TO RECORDS AND AVAILABILITY**

Where applicable, the head of Eden Pre Primary and Day Care (Pty) Ltd;

(a) must, during office hours and upon request, make available for public inspection a copy of the manual;

(b) may not charge a fee for a public inspection referred to in paragraph (a); and

(c) may, in respect of a copy of the manual or part thereof made available in a manner other than that contemplated in paragraph(a), charge the fee prescribed in Item 1 of Part III of Annexure A and the actual postage if a copy must be posted.”

### **RECORDS HELD BY EDEN PRE PRIMARY AND DAY CARE (PTY) LTD:**

We hold records in the categories listed below. The fact that we list a record type here does not necessarily mean that we will disclose such records, and all access is subject to the evaluation processes outlined herein, which will be exercised in accordance with the requirements of the Act

The following is a list of documents that could be held by Eden Pre Primary and Day Care (Pty) Ltd. This information can be defined as operational information needed in the day to day running of the company and is generally of little to no use to persons outside the company. (Examples of such information are: Requisitions, internal phone lists, company policies, contracts, employee records and general accounting records).

**Access to these documents may be protected by professional privilege, confidentiality, privacy or other reasonable grounds of refusal.**

## **CATEGORY AND SUBJECT/DESCRIPTION**

### **INFORMATION TECHNOLOGY**

- ♣ Network and the systems on IT, CD'S, IT literature and instruction manuals
- ♣ System documentation and manuals
- ♣ Project and implementation plans
- ♣ Telephone Lines



### **FINANCIAL RECORDS**

1. Annual Financial Statements
2. Tax Returns
3. Accounting Records
4. Banking Records
5. Bank Statements
6. Electronic banking records
7. Invoices

### **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

UIF

Workmen's Compensation

### **PERSONNEL DOCUMENTS AND RECORDS**

- Employment contracts
- Name and contact details
- Identity number and identity documents including passports
- Employment history and references
- Banking and financial details
- Details of payments to third parties (deductions from salary)
- Employment Equity Plan (if applicable)
- Medical Aid records (if applicable)
- Pension Fund records (if applicable)
- Disciplinary records
- Salary records
- SETA records
- Leave records
- Training records
- Training Manuals

### **GENERAL**

- School policy documents
- School Fees
- Pupil and Staff Records



- General Correspondence and miscellaneous agreements
- Information relating to transactions of a financial nature (e.g. invoices and payments)
- Marketing Information
- Client Information
- Employee Records
- Personnel guidelines, policies and procedures
- Employment Equity Records
- Labour Relations Records
- Statutory HR Records
- Insurance

### **INTERNAL RECORDS**

The following are records pertaining to “the company’s” own affairs:

- Memoranda and Articles of Association – MOI, Share Certificates
- Close Corporation registration forms
- Letter of Authority & Trust Deed
- Operational records
- Intellectual property
- Marketing records;
- Internal correspondence;
- Service records;
- Statutory records
- Internal policies and procedures – where applicable
- Minutes of meetings – where applicable
- Records held by officials of “the entity”

### **Purpose of processing personal information for each category of data subject**

- Performing duties in terms of any agreement
- Purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- Communicating
- Payment of invoices;
- Verifying and updating information
- Recovering any debt consumers may owe
- Conducting Business

## **6. FORM OF REQUEST**

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

- Indicate which form of access is required,
- Specify a postal address or fax number of the requester in the Republic,
- 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,
- 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 the other manner,
- 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.

## **7. PRESCRIBED FEES**

The following applies to requests (other than personal requests):

7.1 A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;

7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);

7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;

7.4 Records may be withheld until the fees have been paid.

7.5 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/>

Signed on this 12th day of JUNE 2021, at GEORGE.



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Bertus Conradie  
Information Officer

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY  
(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 Head:

**B. Particulars of person requesting access to the record**

- |                                                                                                         |
|---------------------------------------------------------------------------------------------------------|
| (a) The 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 must be given. |
| (c) Proof of the capacity in which the request is made, if applicable, must be attached.                |

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

**C. Particulars of person on whose behalf request is made**

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
----------------------------------------------------------------------------------------------------------------------------

Full names 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 record or relevant part of the record:
- 2 Reference number, if available:
- 3 Any further particulars of record:

**E. 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 for exemption.

Reason for exemption from payment of fees:

**F. Form of access to 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
Form in which record is required:	
Mark the appropriate box with an X.	
NOTES: (a) Compliance with your request in the specified form may depend 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 for 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:**

	copy of record*	inspection of record
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**2. If record consists of visual images**

this includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	view the images		copy of the images"		transcription of the images*	
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>						
	listen to the soundtrack audio cassette		transcription of soundtrack* written or printed document			
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>						
	printed copy of record*		printed copy of information derived from the record"		copy in computer readable form* (stiffy or 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? Postage is payable.					YES	NO

**G 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. Indicate which right is to be exercised or protected:
2. Explain why the record requested is required for the exercise 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 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?

**SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE**