



BREYTENBACHS

IMMIGRATION CONSULTANTS

PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

Compiled in accordance with the requirements of the Promotion of Access to Information Act No. 2 of 2000

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1. INTERPRETATION

1.1. Breytenbachs Immigration Consultants (Pty) Ltd is defined as a private body in terms of the Act.

1.2. In this Manual an expression which denotes:

1.2.1. any gender includes the other genders;

1.2.2. a natural person includes a juristic person and vice versa; and

1.2.3. the singular includes the plural and vice versa.

1.3. Unless the context indicates a contrary intention, the following words and expressions shall bear the meanings assigned to them and cognate words and expressions shall bear corresponding meanings:

1.3.1. **“the Act”** the Promotion of Access to Information Act No 2 of 2000 and the Regulations to the Act;

1.3.2. **“BIC”** Breytenbachs Immigration Consultants (Pty) Ltd is a professional company which renders Immigration services to the United Kingdom and services related to British citizenship and passports, including advice and representation to individual clients, businesses, and organisations and includes all listed offices within South Africa, any reference to BIC includes reference to “we” / “us” / “our”;

1.3.3. **“Constitution”** the Constitution of the Republic of South Africa, 1996;

1.3.4. **“Information Officer”** the individual appointed in terms of the Protection of Personal Information Act No. 4 of 2013;

1.3.5. **“Manual”** this Manual prepared in accordance with section 51 of the Act;

1.3.6. **“Record”** any recorded information regardless of form or medium in the possession or under the control of BIC;

1.3.7. **“Requester”** any person or entity requesting access to a record held by BIC;

- 1.3.8. **“Request for Access”** a request for access to BIC in terms of the Act in respect of records held by BIC;
- 1.3.9. **“SAHRC”** the South African Human Rights Commission;
- 1.3.10. **“Section 10 Guide”** the guide compiled by the South African Human Rights Commission in terms of section 10 of the Act;

2. INTRODUCTION

- 2.1 This Manual has been prepared in accordance with section 51 of the Act. The aim of the Manual is to assist potential Requesters in requesting access to information (documents or records) from BIC as contemplated under the Act.
- 2.2 The Manual may be amended from time to time and as soon as any amendments have been effected, the latest version of the Manual will be published and distributed in accordance with the Act.
- 2.3 A Requester is invited to contact the Information Officer should he or she require any assistance in respect of the use or content of this Manual. The definitions provided in this Manual are solely for the purpose of this Manual and are not to be taken as applicable to the Act.

3. CONTRACT DETAILS IN TERMS OF SECTION 51(1)(a)

Information Officer:	Phillip Venter
Physical address:	Spaces, Blys Bridge Office Park, Ground Floor & First Floor, Building 14 Block B, Corner Of Olievenhoutsbosch & Jean Avenue, Centurion, Pretoria, 0157, South Africa
Telephone number:	+27 12 460 9959
E-mail address:	phillip@bic-immigration.com
Website:	https://bic-immigration.com/

4. SECTION 10 GUIDE TO THE ACT IN TERMS OF SECTION 51(1)(b)

- 4.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request for access to information with the Firm, the public body must be acting in the public interest.
- 4.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided and gazetted by the Minister from time to time. The applicable forms and tariffs are specified in the Act.
- 4.3. Requesters are referred to the Section 10 Guide to the Act which has been compiled by the SAHRC.
- 4.4. This Section 10 Guide which will contain information which will be of assistance to the requester for the purposes of exercising their Constitutional Rights.
- 4.5. This guide is available from the SAHRC at:

Postal Address:	Private Bag X2700 Houghton, 2041
Physical Address:	Braampark Forum 3, 33 Hoofd Street, Braampark, Johannesburg, 2017
Telephone number:	+27 11 877 3600
Fax number:	+27 11 403 0684
E-mail:	PAIA@sahrc.org.za
Website:	www.sahrc.org.za

5. SECTION 51(1)(c) NOTICE(S) IN TERMS OF SECTION 52(2)

- 5.1. BIC has not issued any notices in terms of the provisions of section 52(2) of the Act and all Requests for Access to information should be made in accordance with the procedure set out in paragraph 7 of this manual.
- 5.2. Save for marketing and publicity material, all records held by BIC are deemed to be confidential and any request for access to information will be balanced against, *inter alia*, the principles of legal professional privilege, and the limitations to the right of access of information set out in section 36 of the Constitution and sections 5 and 62 of the Act.

6. RECORDS OF BIC WHICH ARE AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d)

6.1. The Schedule of Records as contained in **Appendix 1** of this Manual details the records that are held and/or processed by BIC for the purposes of the Act. Access to such records may not be granted if they are subject to the grounds of refusal which are specified in paragraph 11 below.

6.2. List of applicable legislation:

6.2.1. BIC also retains records which are required in terms of legislation other than the Act.

6.2.2. Certain legislation provides that private bodies shall allow certain persons access to specified records, upon request. Legislation that may be consulted to establish whether the Requester has a right of access to a record other than in terms of the procedure set out in the Act are set out in **Appendix 2**.

7. SECTION 51(1)(e) REQUEST PROCEDURE FOR ACCESS TO RECORDS OF BIC

7.1. To enable BIC to process a request for access to information, a Requester must comply with all the procedural requirements as contained in section 53 of the Act.

7.2. A Requester must complete the prescribed form attached as **Appendix 3** and submit the completed form as well as confirmation of payment of the applicable fee / deposit for the attention of the Information Officer.

7.3. A Requester must ensure that they provide clear, sufficient, and unambiguous details to enable BIC to ascertain;

7.3.1. The identity of the requester (If the requester is represented by an agent, sufficient proof showing authority to represent the requester and the identity of the agent);

7.3.2. The Record/s requested;

7.3.3. The right that the Requester is seeking to exercise or protect with an explanation of the reason the Record is required to exercise or protect the right;

7.3.4. The form of access required;

7.3.5. The postal address or fax number of the requester in the Republic; and

7.3.6. If the Requester wishes to be informed of the decision in any manner (in addition to a written decision) the manner and particulars thereof.

7.4. Upon receipt of a Request for Access, the Information Officer will consider the request and notify the Requester of her decision by way of a sworn affidavit, within the time periods stipulated in the Act, stating clearly whether the request is granted or refused and advising the Requester of external remedies which they may pursue to dispute the Information Officer's decision.

8. INFORMATION REQUESTED ABOUT A THIRD PARTY

8.1. Where any information relating to a third party is requested from BIC by a Requester, BIC will notify the third party of the request.

8.2. The third party will have an opportunity to grant his / her / its consent to the disclosure of the Record or to make representations as to why the requested record should not be disclosed to the Requester.

8.3. Where BIC decides to grant access to the Record, it will notify all affected third parties who will be entitled to approach a competent court by way of application in relation to such decision.

9. FEE SCHEDULE IN TERMS OF SECTION 54

9.1. When the Request for Access is received by the Information Officer, the Information Officer will by notice require the Requester to pay the prescribed fee before a request will be processed.

9.2. If the preparation of the Record requested requires more than the prescribed hours, a deposit shall be paid (of not more than one third of the access fee which would be payable if the Request for Access is granted).

9.3. The Information Officer may withhold access to the Record until the requisite fees have been paid.

9.4. If a Request for Access is granted, an access fee must be paid before such information is made available to the Requester.

- 9.5. If a deposit has been paid in respect of a Request for Access which is refused, the Information Officer will repay the deposit to the Requester.
- 9.6. The prescribed fees are set out in **Appendix 4**.
- 9.7. Personal requests will not be subject to a fee.

10. DECISION TO GRANT ACCESS TO RECORDS

- 10.1. BIC will decide whether to grant or decline the Request for Access within 30 days of receipt thereof and must give notice to the Requester with reasons (if required) to that effect.
- 10.2. The period referred to above may be extended for a further period of not more than 30 days if the Request for Access is for many records or the Request for Access requires a search for records held at another office of BIC and the records cannot reasonably be obtained within the initial 30-day period.
- 10.3. BIC will notify the Requester in writing should an extension of time as contemplated above be required.
- 10.4. If, in addition to a written reply from the Information Officer, the Requester wishes to be informed of the decision on the Request for Access in any other manner, the Requester must state the manner and particulars so required.

11. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF CHAPTER 4

BIC may, subject to the exclusions contained in section 7 and 70 of the Act, refuse a Request for Access in the following circumstances:

- 11.1. the mandatory protection of the privacy of a third party who is a natural person, including a deceased person, where such disclosure of personal information would be unreasonable;
- 11.2. the mandatory protection of the commercial information of a third party, if the Record contains:
 - 11.2.1 trade secrets of that third party;
 - 11.2.2 financial, commercial, scientific, or technical information of the third party, the disclosure of which could likely cause harm to the financial or commercial interests of that third party; and/or

- 11.2.3 information disclosed in confidence by a third party to BIC, the disclosure of which could put that third party at a disadvantage in contractual or other negotiations or prejudice the third party in commercial competition;
- 11.3. the mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- 11.4. the mandatory protection of the safety of individuals and the protection of property;
- 11.5. the mandatory protection of records that would be regarded as privileged in legal proceedings;
- 11.6. the protection of the commercial information of BIC, which may include:
 - 11.6.1 trade secrets;
 - 11.6.2 financial, commercial, scientific or technical information, the disclosure of which could likely cause harm to the financial or commercial interests of BIC;
 - 11.6.3 information which, if disclosed, could put BIC at a disadvantage in contractual or other negotiations or prejudice BIC in commercial competition; and/or
 - 11.6.4 computer programs which are owned by BIC, and which are protected by copyright and intellectual property laws;
- 11.7. the mandatory protection of research information of BIC or a third party, if such disclosure would place the research or the researcher at a serious disadvantage; and
- 11.8. requests for records that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources.

12. INFORMATION OR RECORDS NOT FOUND

- 12.1. Where BIC has taken all reasonable steps to find a record, but such record is not found, or is found not to exist, BIC will provide notification of this to the Requester in the form of a sworn affidavit.
- 12.2. The sworn affidavit will provide a full account of all steps taken by BIC to find the record or to determine the existence thereof.

12.3. If the requested record is later found by BIC, the Requester shall be notified and furnished with the requested document in the manner stipulated by the Requester in the application for access to information previously lodged by the Requester (this will apply to instances where BIC does not object to disclosing the requested information).

12.4. Where the requested record is later found but the Information Officer objects to disclosing the record to the Requester on the grounds set out in Chapter 4 of the Act, the Information Officer shall notify the Requester of the decision and advise the Requester of the available external remedies.

13. REMEDIES AVAILABLE TO THE REQUESTER UPON REFUSAL OF A REQUEST FOR ACCESS IN TERMS OF SECTION 78

13.1. BIC has not adopted an internal appeal procedure. As such, the decision made by the Information Officer is final, and Requesters will have to exercise such external remedies at their disposal if the Request for Access is refused.

13.2. A Requester may apply to a court within 180 days of notification of the decision for appropriate relief.

14. AVAILABILITY OF THE MANUAL IN TERMS OF SECTION 51(3)

14.1. This Manual is made available in terms of the Act and is available at: <https://bic-immigration.com/>.

14.2. This Manual is further available at the offices of SAHRC and at the offices of BIC for inspection during normal business hours. No fee will be levied for inspection as contemplated in this clause.

14.3. Copies of the Manual can be obtained from the Information Officer. A fee will be levied for copies of the Manual in accordance with Appendix 4.

DESCRIPTION OF THE SUBJECTS ON WHICH BIC HOLDS RECORDS, AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT AS REQUIRED BY SECTION 51(1)(E) OF THE ACT

Note: the accessibility of these records may be subject to the grounds of refusal set out in this Manual.

DEPARTMENT	DESCRIPTION OF RECORDS HELD
MANAGEMENT	<ul style="list-style-type: none"> – Documents pertaining to the directorship of BIC; – Resolutions of the Directors of BIC; – Minutes of meetings of the Directors of BIC; and – Minutes of meetings of committees and sub-committees of BIC.
FINANCE	<ul style="list-style-type: none"> – Financial Records and Tax Records; – Insurance Records; – Annual Financial Statements and Reports; – Banking details, Bank Accounts and Bank Statements; – Asset Registers; – Debtors / Creditors Statements and Invoices; – General Ledgers and Subsidiary Ledgers; – Remittances; – Auditors Reports; and – Banking Records for business accounts.
MARKETING	<ul style="list-style-type: none"> – Publications; – Marketing Brochures; and – Employee Profiles.
HUMAN RESOURCES	<ul style="list-style-type: none"> – Staff training material; – List of Employees; – Correspondence relating to employees; – Employee records including personal details, disciplinary records, performance, and internal evaluation records; – Unemployment Insurance Fund contribution records; – Payroll records; – BEE Statistics; – PAY Records and Returns; – Leave Records; – Workplace and Union Agreements; – Employment Equity Reports;

	<ul style="list-style-type: none"> - UIF Returns; - IRP5's - Health and Safety Records.
ADMINISTRATION	<ul style="list-style-type: none"> - Supplier lists, Agreements, and details of suppliers; and - Operational documents.
LEGAL SERVICES	<ul style="list-style-type: none"> - Opinions/Advise to clients; - Correspondence with clients; - Records regarding client related matters; and - Correspondence with third parties.
LIBRARY	<ul style="list-style-type: none"> - Precedents of case law and legal documents; and - Other legal resources, including domestic and international sources.
INFORMATION TECHNOLOGY	<ul style="list-style-type: none"> - Records relating to computer software used by BIC including software, license, and support and maintenance agreements; - Audit trails; - Data documentation; - Information policies; - Equipment registers; - Back up files; and - User access records.
INTELLECTUAL PROPERTY	<ul style="list-style-type: none"> - Copy rights; and - Software licenses.
MOVEABLE AND IMMOVABLE PROPERTY	<ul style="list-style-type: none"> - Agreements of lease or sale of moveable property; and - Agreements of lease of immovable property.
MISCELLANEOUS	<ul style="list-style-type: none"> - Internal correspondence; and - Marketing agreements.
CORPORATE GOVERNANCE	<ul style="list-style-type: none"> - Codes of conduct; - Policies; and - Legal Compliance Records.

LIST OF APPLICABLE LEGISLATION:

1.	Basic Conditions of Employment Act 75 of 1997
2.	Broad-Based Black Economic Empowerment Act 53 of 2003
3.	Companies Act 71 of 2008
4.	Compensation for Occupational Injuries and Diseases Act 130 of 1993
5.	Competition Act 89 of 1998
6.	Constitution of South Africa Act 108 of 1996
7.	Consumer Protection Act 68 of 2009
8.	Copyright Act 98 of 1987
9.	Currency and Exchanges Act 9 of 1933
10.	Designs Act 95 of 1993
11.	Electronic Communications and Transactions Act 2 of 2000
12.	Employment Equity Act 55 of 1998
13.	Formalities in Respect of Leases of Land Act 18 of 1969
14.	Income Tax Act 58 of 1962
15.	Labour Relations Act 66 of 1995
16.	National Building Regulations and Building Standards Act 103 of 1997
17.	National Credit Act 34 of 2005
18.	Occupational Health and Safety Act 85 of 1993
19.	Promotion of Access to Information Act 2 of 2000
20.	Protection of Personal Information Act 4 of 2013
21.	Sales and Service Matters Act 25 of 1964
22.	Short-Term Insurance Act 53 of 1998
23.	Skills Development Act 97 of 1997
24.	Skills Development Levies Act 9 of 1999
25.	South African Reserve Bank Act 90 of 1989
26.	Unemployment Insurance Act 63 of 2001
27.	Unemployment Insurance Fund Contributions Act 4 of 2002
28.	Value-Added Tax Act 89 of 1991

ACCESS REQUEST FORM - RECORDS OF A PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000)

[Regulation 10]

COMPLETION OF ACCESS REQUEST FORM: INSTRUCTIONSNote:

1. The Access Request Form must be completed.
2. Proof of identity is required to authenticate the identity of the Requester. Attach a copy of the Requester's identification document.
3. Type or print an answer to every question in BLOCK LETTERS.
4. If a question does not apply, state "N/A".
5. If there is nothing to disclose in reply to a question, state "nil".
6. When there is insufficient space on a printed form, additional information may be provided on an attached folio, and each answer on such folio must reflect the applicable title.

1. The Information Officer:

Information Officer:	Phillip Venter
Physical address:	Spaces, Byls Bridge Office Park, Ground Floor & First Floor, Building 14 Block B, Corner Of Olievenhoutsbosch & Jean Avenue, Centurion, Pretoria, 0157, South Africa
Telephone number:	+27 12 460 9959
E-mail address:	phillip@bic-immigration.com
Website:	https://bic-immigration.com/

2. Particulars of the Requester (if natural person):

- 2.1 The particulars of the person who requests access to the record must be given below.
- 2.2 The address and/or fax number in the Republic to which the information is to be sent must be given.
- 2.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Identity number:	
Physical address:	
Postal address:	
Fax number:	
Telephone number:	
E-mail address:	

Capacity in which the request is made, when made on behalf of another person (attach letter of authorisation in support of the request):

3. Particulars of the Requester (if a legal entity):

- 3.1 The particulars of the entity that requests access to the record must be given below.
- 3.2 The address and/or fax number and/or email address in the Republic to which the information is to be sent.
- 3.3 Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:	
Registration number:	
Physical address:	
Postal address:	
Telephone number:	
Fax number:	
Email address:	

4. Particulars of person on whose behalf request is made:

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

Full names and surname:	
Identity number:	
Physical address:	
Postal address:	
Telephone number:	
Fax number:	
E-mail address:	

5. Particulars of the Record:

- 5.1 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.
- 5.2 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.

Description of Record or relevant part of the Record:

Reference number, if available:

Any further particulars of Record:

6. Fees:

- 6.1 A request for access to a Record, other than a Record containing personal information about yourself, will be processed only after a non-refundable request fee of R57.00 has been paid.
- 6.2 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.
- 6.3 You will be notified of the amount required to be paid as the access fee.
- 6.4 If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:

7. Form of access to Record:

- 7.1 Compliance with your request in the specified form may depend on the form in which the Record is available.
- 7.2 Access in the form requested may be refused under certain circumstances. In such a case you will be informed whether access will be granted in another form.
- 7.3 The fee payable for access to the Record, if any, will be determined partly by the form in which access is requested.

Mark the appropriate box with an "X".

If the Record is in written or printed form	Copy of the Record	
	Inspection of the Record	
If the Record consists of visual images: (Photographs, slides, video recordings, computer-generated images, sketches, etc.)	View the images	
	Copy of the images	
	Transcription of the images	
If Record consists of recorded information that can be reproduced in sound:	Listen to the soundtrack (audio cassette)	
	Transcription of soundtrack (written or printed document)	

If Record is held on computer or in an electronic or machine-readable form:	Printed copy of Record	
	Printed copy of information derived from Record	
	In readable form* (flash drive / compact disc)	
*If you are requesting a copy or transcription of a Record (above), do you wish the copy or transcription to be posted to you? <i>Postage is payable</i> – kindly provide address below if “yes”		
Yes		No

In which language would you prefer the Record? <i>*Note that if the Record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>	
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8. In the event of disability:

If you are prevented by a disability to read, view or listen to the record, state your disability and indicate in which form the Record is required.

Disability:

Form in which the Record is required:

9. Particulars of right to be exercised or protected:

- 9.1 If the provided space is inadequate, please continue on a separate folio and attach it to this form.
- 9.2 The Requester must sign all the additional folios.

Indicate which right is to be exercised or protected:

Explain why the Record requested is required for the exercise or protection of the aforementioned right:

10. 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 _____ 20____

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

FEE SCHEDULE AS PER THE REGULATIONS TO THE ACT

1. The fee for a copy of the Manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The **fees for reproduction** referred to in Regulation 11(1) of the Act are as follows:

a)	For every photocopy of an A4-size page or part thereof	R1,10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
c)	For a copy in a computer-readable form on -	
	i) a CD (compact disc)	R70,00
	ii) a Stiffy disc	R7,50
d)	i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	ii) For a copy of visual images	R60,00
e)	i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	ii) For a copy of an audio record	R30,00

3. The **request fee** payable by a Requester, other than a personal Requester, referred to in regulation 11(2) is R50,00.
4. The **access fees** payable by a Requester referred to in regulation 11(3) are as follows:

a)	For every photocopy of an A4-size page or part thereof	R1,10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0,75
c)	For a copy in a computer-readable form on -	
	i) a CD (compact disc)	R70,00
	ii) a Stiffy disc	R7,50
d)	i) For a transcription of visual images, for an A4-size page or part thereof	R40,00
	ii) For a copy of visual images	R60,00
e)	i) For a transcription of an audio record, for an A4-size page or part thereof	R20,00
	ii) For a copy of an audio record	R30,00
f)	To search for and prepare the record for disclosure, R30,00 for each hour	R30,00

	or part of an hour reasonably required for such search and preparation	
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5. For purposes of section 54(2) of PAIA, the following applies:
 - 5.1. Should the time limit allocated, of six hours, be exceeded a deposit is payable; and
 - 5.2. One third of the access fee is payable as a deposit by the Requester.

6. The actual postage is payable when a copy of a record must be posted to a Requester.