



Smollan Holdings Proprietary Limited

51 Section Manual

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OUR MANUAL

IN TERMS OF SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 (THE "ACT")

INTRODUCTION

The Promotion of Access to Information Act No 2 of 2000 (the "Act") came into effect on 9 March 2001 and gives effect to the constitutional right of access to any information held by the State and other bodies required for the purpose of exercising or protecting any right.

It seeks to promote a culture of transparency and accountability in South Africa and promote a society in which the public is enabled to more fully exercise and protect their rights.

The Act establishes that any requestor of any record of a private body has a statutory right to access that information, provided that the following criteria are met:

- the record requested is required for the exercising or protection of any legal right
- the procedural requirements are complied with
- access is not refused on any grounds stipulated in the Act

SCOPE

The Act requires that we, as a private body as defined in Part 1 Introductory Provisions Chapter 1 under definitions and interpretation, compile a manual giving information to the public regarding the procedure to be followed in requesting information from us for the purpose of exercising or protecting rights. The manual provides the following information:

- the function of the entity
- contact details of the Information Officer
- categories of records available without a request in terms of the Act
- categories of records available in terms of other legislation
- procedures to facilitate the request for access to a record
- subjects and categories of records held

This manual applies to all the private bodies in **Smollan Holdings Proprietary Limited** as listed in Annexure 1

The reference in this manual to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information other than in terms of the Act.

SECTION A
INTRODUCTION TO THIS PRIVATE BODY

Refer to Annexure 1 for a list of the private bodies in Smollan Holdings Proprietary Limited and a description of their main business.

SECTION B
OUR DETAILS

Smollan Holdings Proprietary Limited
[Refer to Annexure 1 for list of private bodies within the group]

Physical address	Hathorn House 27 Hathorn Avenue Maryvale, 2192 Gauteng
Postal address	P O Box 51537 Raedene, 2124, Gauteng
Telephone number	+27 (0)11 640 8000
Fax number	+27 (0)11 485 2425
Head/Chief Executive Officer	D L Smollan
Designated Information Officer	M Chandler
Email address of Information Officer	chandlerm@smollan.co.za
Website	www.smollan.co.za

SECTION C
THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

Section 51(1)(b)

This guide on how to exercise your rights in terms of the Act has been prepared by the South African Human Rights Commission. It includes the following information:

- the objects of the Act
- particulars of the Information Officer and Deputy Information Officer , where appointed, of every public body
- particulars of every private body as are practicable
- the manner and form of requests for access to information
- assistance available from Information Officers and South African Human Rights Commission in terms of the Act
- all remedies in law should a body fail to act in compliance with the Act, including how to lodge an internal appeal and Court application
- fees payable in relation to any requests made
- any regulations passed

This guide can be obtained from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit: Research and Documentation Department

Postal address	Private Bag 2700 Houghton, 2041 Gauteng
Telephone	+27 (0)11 484 8300
Fax	+27 (0)11 484 0582
Website	www.sahrc.org.za
E-mail	PAIA@sahrc.org.za

SECTION D
CATEGORIES OF RECORDS OF SMOLLAN HOLDINGS PROPRIETARY LIMITED
WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS
IN TERMS OF THE ACT, I.E. VOLUNTARY DISCLOSURE

Section 51(1)(c)

Smollan Holdings Proprietary Limited is not obliged to publish a notice in terms of Section 52(2) of the Act and, to date, has not elected to do so. Nevertheless **Smollan Holdings Proprietary Limited** does make certain information freely available to the public in various brochures, press releases and publications. Certain information is also made available to employees of **Smollan Holdings Proprietary Limited** which is not generally made available to the public. To avoid confusion these items are not listed here but may be obtained by **Smollan Holdings Proprietary Limited's** employees from **Ms. M Chandler**.

Access to this information need not be requested in terms of the Act.

SECTION E
RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Section 51(1)(d)

Certain legislation provides that any person may have access to specified information, upon request, irrespective of who that person is.

Other information provides that certain persons may have access to specified information, upon request. Legislation that may be consulted in this regard is:

Arbitration Act No 42 of 1965
Basic Conditions of Employment Act No 75 of 1997
Broad-Based Black Economic Empowerment Act No 53 of 2003
Companies Act No 71 of 2008
Compensation for Occupational Injuries and Diseases Act No 130 of 1993
Constitution of Republic of South Africa 1996
Currency and Exchanges Act No 9 of 1933
Electronic Communications and Transactions Act No 25 of 2002
Employment Equity Act No 55 of 1998
Income Tax Act No 21 of 1994
Labour Relations Act No 66 of 1995
National Environmental Management Act No 70 of 1998
National Environmental Management Waste Act No 59 of 2008
National Road Safety Act No 9 of 1972
National Road Traffic Act No 93 of 1996
Occupational Health and Safety Act No 85 of 1993
Prevention and Combating of Corrupt Activities Act No 12 of 2004
Promotion of Equality and Prevention of Discrimination Act No 4 of 2000
Protection of Information Act No 84 of 1982

Protection of Personal Information Act No 4 of 2003
Regional Services Councils Act No 109 of 1985
Regulation of the Interception of Communications and Provision of
Communication-Related Information Act No 70 of 2002
Skills Development Levies Act No 9 of 1999
Skills Development Act No 97 of 1998
Tobacco Products Control Act No 83 of 1993
Unemployment Insurance Contributions Act No 4 of 2002
Unemployment Insurance Act No 63 of 2001
Value Added Tax Act No 89 of 1991
Public Holiday Act No 36 of 1994
Workmens Compensation Act No 30 of 1941

SECTION F
HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS ON WHICH WE HOLD
RECORDS AND THE CATEGORIES OF RECORDS HELD ON EACH SUBJECT

Section 51(1)(e)

1. How to request a record

Requests for access to records held by **Smollan Holdings Proprietary Limited** must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under “regulations”). For the convenience of requesters, copies of these forms are included in the version of this Manual and available at our offices (Annexure 2).

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. Requesters are required to provide a certified copy of their identity document or other legally acceptable identification document.

The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

It is vital that the requester identifies **the right that he or she is seeking to exercise or protect** and **provides an explanation of why the requested record is required for the exercise or protection of that right**. Requests failing to provide this information will not be considered.

There are four different capacities under which requests may be made. Requesters may be classified as follows:

- personal requester, requesting information about himself
- agent requester, requesting information on behalf of someone else
- third party requester, requesting information about someone else

- public body, requesting information in the public interest

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 our Information Officer.

If a requester does not use the standard form (Annexure 2), the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.

Please note that requesters are also required to pay the prescribed fees and any deposits where applicable. **The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) is attached as Annexure 3.**

The Act provides for four types of prescribed fees:

- reproduction fee with respect to information readily available
- request fee payable by all requesters of information, except personal requesters
- access fee payable once access has been granted
- deposits are payable in situations where preparation of documents requested is expected to exceed six hours

The head of the private body must notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester may lodge an internal appeal or an application to Court against the tender or payment of the request fee.

The head of the private body will then make a decision on the request and notify the requester in the required form and within the time limits prescribed by the Act.

If the request is granted, then a further access fee must be paid for the reproduction and the search and preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Requesters will be notified within 30 days of a decision to refuse their request to access information. This period may be extended by 30 days should additional time be required. The requester will be notified of any extension required during the initial 30 day period.

In terms of the Act, the requests may be refused on the following grounds:

- mandatory protection of privacy of third party who is a natural person
- mandatory protection of commercial information of a third party
- mandatory protection of certain confidential information of third party
- mandatory protection of safety of individuals and property
- commercial information of a private body
- mandatory protection of research information of third party and private body

Kindly note that all requests to **Smollan Holdings Proprietary Limited** will be evaluated and considered in accordance with the Act. Publication of the Manual and describing the categories and subject matter of information held by **Smollan Holdings Proprietary Limited** does not give rise to any rights to access such information or records, except in terms of the Act.

The remedy available to requesters with regard to the refusal of any requests for access to information is to approach a Court of Law.

2. Subjects and categories of records held by **Smollan Holdings Proprietary Limited**

We maintain records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

Please note further that many of the records held by us are those of third parties, such as clients and employees, and we take the protection of third party confidential information very seriously. Requests for access to these records will be considered very carefully. **Please ensure that requests for such records are carefully motivated.**

2.1 Internal records

The following are records pertaining to **Smollan Holdings Proprietary Limited's** own affairs:

- Memorandum of Incorporation;
- Financial records including accounts, invoices, reconciliations, credit/debit notes, journals, ledgers, balance sheets, income statements, trial balances, payment schedules, cheque runs, cash flow statements, tax records, reconciliation files and management packs;

- Operational records;
- Intellectual property;
- Marketing records including presentations and proposals;
- Internal correspondence;
- Service records;
- Statutory records;
- Internal policies and procedures;
- Minutes of meetings;
- Publications including the quarterly staff journal - @ The Rockface
- Travel records including travel agent invoices, foreign exchange orders, vehicle insurance declarations, travel insurance declarations, any corporate agreements with the airlines, hotels and vehicle rental companies, travel booking confirmations, cellular telephone contracts;
- Corporate stationery and mail;
- General administration records including general correspondence, lease agreements, copies and correspondence relating to various insurance policies, working papers, architects drawings, building plans, documentation relating to PABX, voicemail and security systems, office equipment contracts;
- Pricing and deal records;
- Information system records including records pertaining to the network and systems thereon, various compact discs and hard discs, information technology literature and instruction manuals;
- Charters, Codes of Conduct and Policies (both internal and external) to which **Smollan Holdings Proprietary Limited** and its personnel subscribe; and
- Records held by officials of **Smollan Holdings Proprietary Limited**.

2.2 Personnel records

For the purposes of this section, “personnel” means any person who works for or provides services to or on behalf of **Smollan Holdings Proprietary Limited** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **Smollan Holdings Proprietary Limited**. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff as well as consultants and contract workers.

Personnel records include the following:

- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records including contracts of employment, remuneration structuring documentation, employment equity plan and related reports, workplace skills plan and related reports, personnel files, loan and bursary agreements, all employment applications, forms relating to new employee appointments, vacation employment applications, confidentiality undertakings, training manuals;
- Employment policies and procedures in respect of all processes including disciplinary and grievance procedure documents;
- Internal performance evaluation and disciplinary records; and
- Salary and wage records including payroll records, UIF, PAYE, Regional Services Council levies, Workmens Compensation, Staff Assurance Provident Fund, Staff Funeral Benefits, Life Cover records, Staff Provident Fund documentation and Medical Aid Scheme records, information brochures and publications;
- Other internal records and correspondence.

2.3 Client-related records

Client-related information includes the following:

- Contracts with the client and between the client and other persons;
- Any records a client has provided to **Smollan Holdings Proprietary Limited** or a third party acting for or on behalf of **Smollan Holdings Proprietary Limited** (including financial, legal, tax, operational, employee and similar records);
- Working papers and notes;
- Any research conducted by **Smollan Holdings Proprietary Limited** in respect of its clients or research derived by **Smollan Holdings Proprietary Limited** from its clients and their activities;
- Records, reports, designs and the like generated by **Smollan Holdings Proprietary Limited**, which concerns a client; and
- Records generated by or within **Smollan Holdings Proprietary Limited** pertaining to the client, including transactional records.

2.4 Other parties

Records are kept in respect of other parties, including without limitation, joint ventures and consortia to which **Smollan Holdings Proprietary Limited** is a party, contractors and sub-contractors, suppliers, service providers and providers of information regarding general market conditions. In addition, such other parties may possess records which can be said to belong to **Smollan Holdings Proprietary Limited**. The following records fall into this category:

- Personnel, client or **Smollan Holdings Proprietary Limited** records which are held by another party as opposed to being held by **Smollan Holdings Proprietary Limited**; and
- Records held by **Smollan Holdings Proprietary Limited** pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party and records third parties have provided about the contractors or suppliers.

2.5 Other records

We hold further records, including:-

- Information relating to **Smollan Holdings Proprietary Limited's** own commercial activities;
- Procurement and administration for **Smollan Holdings Proprietary Limited**; and
- Research information belonging to **Smollan Holdings Proprietary Limited** or carried out on behalf of a third party.

SECTION G OTHER INFORMATION AS MAY BE PRESCRIBED

Section 51(1)(f)

No such information has been prescribed.

AVAILABILITY OF THE MANUAL

Section 51(1)(3)

This manual is available from the South African Human Rights Commission (see details under Section C) and from **Smollan Holdings Proprietary Limited** (see details under Section B).

ANNEXURE 1

LIST OF PRIVATE BODIES IN SMOLLAN HOLDINGS PROPRIETARY LIMITED

NAME OF PRIVATE BODY	REGISTRATION NUMBER	MAIN BUSINESS
Smollan Holdings Proprietary Limited	1981/001679/07	Investment Holding Company
Fieldmarketing Group Proprietary Limited	1982/006485/07	Diversified Services Company
TDFS Operations Proprietary Limited	2000/010528/07	Diversified Services Company
Direct Insight Consulting Proprietary Limited	2007/010982/07	Business Consulting
F G Knights Proprietary Limited	2009/014582/07	FMCG Sales and Merchandising
The Harding Group Free State Proprietary Limited	2009/004987/07	Manufacturers' Representative Agents
Harding Trend Sales Proprietary Limited	2009/007766/07	Merchandising Sales
Smollan Sales and Marketing Proprietary Limited	1971/012582/07	Diversified Services Company
Lottery Fieldmarketing Proprietary Limited	1999/002437/07	Diversified Services Company
Pioneer Foods Instore Proprietary Limited	1988/004036/07	Diversified Services Company
Foodservice Alliance Proprietary Limited	1999/007141/07	Diversified Services Company
Smollan Cape Proprietary Limited	1971/002747/07	Diversified Services Company
Metcash Fieldmarketing Proprietary Limited	1965/009535/07	Diversified Services Company

NAME OF PRIVATE BODY	REGISTRATION NUMBER	MAIN BUSINESS
Q/BIC Business Intelligence Centre Proprietary Limited	1999/020391/07	Call Centre Company
Smollan Talent Solutions Proprietary Limited	1981/001818/07	Diversified Services Company
Smollan Group SA Proprietary Limited	1993/003901/07	Diversified Services Company
Retail Installation Company Proprietary Limited	2000/006179/07	Diversified Services Company
Thinking Corporation Proprietary Limited	1999/020925/07	Dormant
Parmalat Fieldmarketing Services Proprietary Limited	2000/005053/07	Diversified Services Company
Smollan Diversified Services Proprietary Limited	1997/010934/07	Diversified Services Company
Smollan Properties Proprietary Limited	1985/005243/07	Property Holding Company
Frontline Marketing Services Proprietary Limited	1980/002902/07	Diversified Services Company
The Adwarehouse Proprietary Limited	2004/001161/07	Warehousing Company
Alternative Logistics Proprietary Limited	2004/001153/07	Courier Company
R3 Telephone Solutions Proprietary Limited	2005/029663/07	Telephone Bill Reporting Company
Trimso Proprietary Limited	2003/031714/07	Software Development Company
Compass Communications Proprietary Limited	2006/015162/07	Promotions Company

NAME OF PRIVATE BODY	REGISTRATION NUMBER	MAIN BUSINESS
Research and Planning Intelligence Proprietary Limited	1999/014782/07	Research Company
Sharespec Finance Proprietary Limited	1972/000487/07	Diversified Services Company
Fredsmol Securities Proprietary Limited	1981/004503/07	Investment Company
Liguori Agencies Proprietary Limited	2010/023065/07	Sales Merchandising and Promotions Representative
RCA Marketing Proprietary Limited	2011/011670/07	Retail Sales Agent
Sea Shadow Trade and Invest 189 Proprietary Limited	2011/008030/07	Diversified Services Company
Tshimedzwa Investment Holdings Proprietary Limited	2008/015518/07	Investment Company
Turnover Trading 337 Proprietary Limited	2013/073388/07	Dormant
POD Communications Worldwide Proprietary Limited	2012/029376/07	Retail Advertising

ANNEXURE 2

FORM C (of Regulation 10)

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 Smollan Holdings Proprietary Limited

Information Officer Ms. M Chandler

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 ONLY if a request for information is made on behalf of another 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:	
Mark the appropriate box with an X			
NOTES:			
(i) Compliance with your request in the specified form may depend on the form in which the record is available.			
(ii) 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.			
(iii) The fee payable for access to 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:			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
2. If the record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images*
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the images*
3. If the record consists of recorded words or information which can be reproduced in sound:			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcription of soundtrack* (written or printed document)
4. If the record is held on computer or in an electronic or machine-readable form:			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	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 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?

Signed at _____ this _____ day of _____ 20_____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

ANNEXURE 3

FEES IN RESPECT OF PRIVATE BODIES

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) are as follows:

R

a)	For every photocopy of an A4-size page or part thereof	1.10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form	0.75
c)	For a copy in a computer-readable form on -	
	i) stiffy disc	7.50
	ii) compact disc	70.00
d)	i) For a transcription of visual images, for an A4-size page or part thereof	40.00
	ii) For a copy of visual images	60.00
e)	i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
	ii) For a copy of an audio record	30.00

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:

R

a)	For every photocopy of an A4-size page or part thereof	1.10
b)	For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0.75
c)	For a copy in a computer-readable form on -	
	i) stiffy disc	7.50
	ii) compact disc	70.00

	R
d) i) For a transcription of visual images, for an A4-size page or part thereof	40.00
ii) For a copy of visual images	60.00
e) i) For a transcription of an audio record, for an A4-size page or part thereof	20.00
ii) For a copy of an audio record	30.00
f) To search for and prepare the record for disclosure, R30.00 for each hour or part of an hour reasonably required for such search and preparation	
5) For purposes of Section 54(2) of the Act, the following applies:	
a. Six hours as the hours to be exceeded before a deposit is payable; and	
b. 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.	