

# Promotion of Access to Information Manual

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## Manual of AFFIRMATIVE PORTFOLIOS (PTY) LTD.

Reg No. 2015/155978/07

### Prepared in accordance with the Promotion of Access to Information Act No. 2 of 2000 (“the Act”)

#### 1. INTRODUCTION

1. The Act gives effect to the constitutional right of access to information held by the State, as well as private bodies, subject to justifiable limitation.
2. Section 51 of the Act, provides that a private body must compile a manual, dealing with and/or outlining *inter alia* the subject and categories of records held by the private body, as well as sufficient detail to facilitate a request for access to a record of the body.

#### 2. COMPANY AND CONTACT DETAILS

Company Name	AFFIRMATIVE PORTFOLIOS (PTY) LTD.
Postal Address	PO Box 5017, Pencarrow Park,4019
Street Address	1 <sup>st</sup> Floor Unit 6 Pencarrow Park, La Lucia Ridge Office Estate, La Lucia Ridge, 4319
Telephone numbers	031-5666474
Fax Numbers	031-5666493
Email Address	<a href="mailto:durban@affirm.co.za">durban@affirm.co.za</a>
Information Officer	Neil Bell
Telephone number	031 – 5666474
Fax Number	086 – 6058490

#### 3. COMPANY PROFILE

AFFIRMATIVE PORTFOLIOS (PTY) LTD. is a generalist personnel recruitment agency. The Company maintains a large database of candidates for administration, marketing, technical and unskilled staff. The Company undertakes assignments with its clients to find suitable candidates for permanent employment, temporary employment, call centres and general workers (unskilled, semi-skilled and skilled). In addition, the company offers HR services in Independent Payroll Solutions, Response Handling and Verification checks

#### 4. DESCRIPTION OF RECORDS AVAILABLE IN ACCORDANCE WITH ANY OTHER LEGISLATION

1. Basic conditions of the Employment Act No.75 of 1997.
2. Compensation for Occupational Diseases Act No. 130 of 1993
3. Employment Equity Act of 1998, as amended
4. Income Tax Act No. 58 of 1962
5. Occupational Health and Safety Act No. 85 of 1993
6. Promotion of Access to Information Act No. 02 of 2000
7. Skills Development Act No.97 of 1998
8. Skills Development Levies Act No. 9 of 1999
9. Unemployment Insurance Act No. 63 of 2001
10. Value Added Tax Act No 89 of 1991
11. Labour Relations Act of 1995 as amended
12. Regional Services Council Act 109 of 1985
13. Unemployment Contributions Act 4 of 2002
14. Employment Tax Incentive Act 26 of 2013
15. Broad-Based Black Economic Empowerment Act 53 of 2003

#### 5. SUBJECTS AND CATEGORIES OF RECORDS

<b>Marketing Records</b>	<ul style="list-style-type: none"><li>▪ market information</li><li>▪ media releases and advertising</li><li>▪ sales records</li><li>▪ customer/client database</li><li>▪ customer/client information</li></ul>
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<b>Financial Records</b>	<ul style="list-style-type: none"> <li>▪ audited financial statements</li> <li>▪ tax records</li> <li>▪ management accounts</li> <li>▪ assets inventory</li> </ul>
<b>Administration Records</b>	<ul style="list-style-type: none"> <li>▪ staff recruitment policies</li> <li>▪ employee records</li> <li>▪ employment contracts</li> <li>▪ policies and procedures</li> <li>▪ remuneration records</li> <li>▪ performance records</li> <li>▪ skills requirements</li> <li>▪ minutes of management meetings</li> <li>▪ minutes of staff meetings</li> <li>▪ correspondence</li> </ul>
<b>Client Records</b>	Records of clients of AFFIRMATIVE PORTFOLIOS (PTY) LTD, containing information relating to inter alia, contact information, contractual agreements, account information, general correspondence and client staffing requirements
<b>Candidate Records</b>	Records of candidates of AFFIRMATIVE PORTFOLIOS (PTY) LTD, containing information relating to inter alia, contact information, contractual information, experience and qualifications of candidates, account information, general correspondence

## 6. INFORMATION REQUEST PROCEDURE

To request a document in terms of the Act, the requester must use the prescribed form, as prescribed in the Act, and which is available from the Department of Justice and Constitutional Development Website ([www.doj.gov.za](http://www.doj.gov.za)) or attached hereto.

This must be submitted to the Information Officer of AFFIRMATIVE PORTFOLIOS (PTY) LTD. The requester must provide sufficient detail to enable the company to identify the record and the requester. The requester must identify the right that he/she 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 the request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request.

In terms of Section 63 of the Act, the head of AFFIRMATIVE PORTFOLIOS (PTY) LTD, must refuse a request for access to a record if its disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual. Furthermore, the Information Officer of AFFIRMATIVE PORTFOLIOS (PTY) LTD must refuse a request for access to a record of the company if the record contains; trade secrets, financial, commercial, scientific and technical information, the disclosure of which could harm the interests of AFFIRMATIVE PORTFOLIOS (PTY) LTD. Similarly, in terms of section 64 of the Act, the above refusal grounds apply in respect of the commercial and other information of third parties held by AFFIRMATIVE PORTFOLIOS (PTY) LTD. Access to such records will require the written permission of the third party concerned before AFFIRMATIVE PORTFOLIOS (PTY) LTD will permit access to view.

In accordance with the above mandatory refusal grounds, the Information Officer will make a decision whether to accede to a request for access to information.

Any requester who is unhappy with the Information Officer's refusal to grant access to any information, may within 30 days of notification of the decision, apply to court for relief.

Any search, reproduction, and document preparation necessitated by requests for information will be undertaken in accordance with the prescribed fees, which can be found on the website of the Department of Justice and Constitutional Development, cited above.

## 7. MANUAL AVAILABILITY

In addition to the availability of this manual at the South African Human Rights Commission, this manual is also available from the Information Officer of AFFIRMATIVE PORTFOLIOS (PTY) LTD or on the companies web site [www.affirmativeportfolios.co.za](http://www.affirmativeportfolios.co.za). In this regard, any transmission costs/postage will be for the account of the requester.

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## FORM C

### 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 for information is made on behalf of another person.
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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.<br>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 <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.           |
| (b) | You will be <i>notified</i> of the amount required to be paid as the request fee.  |
| (c) | The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. |
| (d) | If you qualify for exemption <i>of</i> the payment of any fee, please state the reason for exemption.  |

Reason for exemption from payment of fees:

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## 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:	
(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.	

<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images</b> 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.

- 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:

## 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