



**CAPE ENVIRONMENTAL
ASSESSMENT PRACTITIONERS
(PTY) LTD**

T/A

CAPE EAPRAC

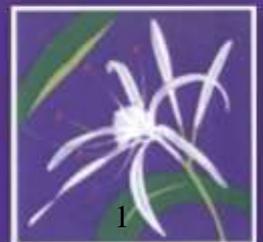
**Manual in terms of Section 51 of The Promotion
of Access to Information Act 2/2000**

**DATE OF COMPILATION: 15 DECEMBER 2020
DATE OF REVISION: 12 JANUARY 2021**

Cape EAPrac
Cape Environmental Assessment Practitioners

Tel: +27 44 874 0365 PO Box 2070, George 6530
Fax: +27 44 874 0432 17 Progress Street, George

www.cape-eaprac.co.za



Company Reg No: 2008/004627/07

CAPE ENVIRONMENTAL ASSESSMENT PRACTITIONERS (PTY) LTD

T/A CAPE EAPRAC

MANUAL

in terms of

Section 51 of

The Promotion of Access to Information Act

2/2000

(the "ACT")

INDEX

1. INTRODUCTION.....	4
2. COMPANY CONTACT DETAILS (Section 51 (1) (a)).....	4
3. THE ACT (Section 51(1) (b)).....	4
4. APPLICABLE LEGISLATION Section 51 (1) (c))	5
5. SHEDULE OF RECORDS (Section 51 (1) (d))	5
6. FORM OF REQUEST (Section 51 (1) (e))	6
7. PRESCRIBED FEES (Section 51 (1) (f)).....	6
ANNEXURE 1: FORM C	7
ANNEXURE 2: FEE BREAKDOWN.....	10

1. INTRODUCTION

Cape Environmental Assessment Practitioners (Pty) Ltd trading as Cape EAPrac conducts business as Environmental Assessment Practitioners (EAPs) and implements legislation under the National Environmental Management (NEMA, Act 107 of 1998), National Environmental Management: Waste Act (NEM:WA, Act 59 of 2008) and the National Environmental Management: Air Quality Act (NEM:AQA, Act 39 of 2004).

2. COMPANY CONTACT DETAILS (Section 51 (1) (a))

Persons designated/duly authorised persons:

Directors: Ms L van Zyl (Managing)

Mr DJ Jeffery

Office Manager/CEO: Ms L van Zyl

Postal Address: PO Box 2070, George 6530

Street Address: 17 Progress Street, Dormehlsdrift, George 6529

Telephone Number: (044) 874 0365

Fax Number: (044) 874 0432

Email: louise@cape-eaprac.co.za

3. THE ACT (Section 51(1) (b))

3.1 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, 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 of the Act.

3.3 Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

4. APPLICABLE LEGISLATION Section 51 (1) (c))

The following Acts are applicable in terms of the PAIA and do not reflect the legislation applicable to the work undertaken by Cape EAPrac.

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 75 of 1997	Basic Conditions of Employment Act
9	No 25 of 2002	Electronic Communications and Transactions Act
10	No 2 of 2000	Promotion of Access of Information Act
11	No 30 of 1996	Unemployment Insurance Act
12	No 4 of 2013	Protection of Personal Information Act

5. SCHEDULE OF RECORDS (Section 51 (1) (d))

The South African Constitution places an obligation on public and private bodies to allow access to records held by them. As Cape EAPrac is a private body, the provision of information to a Requester will be subject to the demonstration that the information is needed for the exercise or protection of other rights.

<u>Records</u>	<u>Subject</u>	<u>Availability</u>
Public Affairs	<ul style="list-style-type: none">• Public Product Information• Public Records	Freely available on web site www.cape-eaprac.co.za
Financial	<ul style="list-style-type: none">• Financial Statements• Financial and Tax Records (Company & Employees)• Asset Register• Management Accounts	Request in terms of PAIA. Not available. Request in terms of PAIA Request in terms of PAIA
Marketing	<ul style="list-style-type: none">• Marketing Information• Public Customer Information• Field Records• Sales Records• Marketing Strategies• Customer Database	Available on web site Available on web site Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA Request in terms of PAIA

6. FORM OF REQUEST (Section 51 (1) (e))

To facilitate the processing of a request, kindly:

- 6.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za.
- 6.2 Address the request to the Head of the Company (CEO).
- 6.3 Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required, i.e. hard copy or digital copy;
 - (d) (i) The postal address or fax number of the requester in the Republic;
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
 - (e) The right which 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. PRESCRIBED FEES (Section 51 (1) (f))

Please refer to the Fee schedule (Appendix 1) and the prescribed form C (Appendix 2) both of which is also available from the SAHRC website.

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

- 7.1 A requestor is required to pay the prescribed request fees to the COMPANY (currently R35-00) before a request will be processed;
- 7.2 An access fee as listed on the SAHRC website www.sahrc.org.za is also payable. 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.

SOUTH AFRICAN HUMAN RIGHTS DISCLAIMER

The South African Human Rights Commission reserves all rights and makes no warranty, either express or implied, with respect to the information and/or promotional material contained herein and is not responsible for any expenses, inconvenience, damage (whether special or consequential) or claims arising out of posting, time and costs incurred and or associated with this information and will not be liable for the latter. Specific exemption from any liability is claimed with regard to the following:

- The SAHRC does not endorse any third party private service provider and will not bear any costs related to your transaction to compile the manual on your behalf.
- Submission to the SAHRC is free and the SAHRC does not charge any fees for advice or administration however all cost to lodge manuals is at the relevant private entities own cost e.g. registered mail etc.
- Manuals are subject to review and comment with the possibility of manuals being rejected on the basis of not meeting the minimum requirements and the SAHRC is not liable for the amendment costs if any and resubmission if any of any manuals.

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 <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 <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 of</i> 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 <i>of</i> 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.	
<p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

1. If the record is in written or printed form:					
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record		
2. If 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 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 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.			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
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?

Signed at..... This..... day of20.....

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

FEE BREAKDOWN

The breakdown of fees for accessing records of a private body are:

Activity	Fee
Copy per A4 Page	R1.10
Printing per A4 page	75 cents
Copy on a CD	R70
Transcription of visual images per A4 page	R40
Copy of a visual image	R60
Transcription of an audio recording per A4 page	R20
Copy of an audio recording	R30
Search and preparation of the record for disclosure	R30 per hour or part thereof, excluding the first hour, reasonably required for the search and preparation.