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PROMOTION OF ACCESS TO INFORMATION ACT

SECTION 51 MANUAL



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INTRODUCTION

This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely -

- “Act” means the Promotion of access to Information Act, Act 2 of 2000, as amended from time to time;
- “Birchwood” means the Birchwood Hotel and OR Tambo Conference Centre (Pty) Ltd as more fully described in the overview hereunder;
- “Guide” refers to the guide drafted and made available by the Information Regulator to inform the Requester on how to access Records
- “Information Regulator” means the regulator with the powers and functions set out in s40 of the Protection of Personal Information Act (4 of 2013);
- “Information Officer” means the person acting on behalf of Birchwood and discharging the duties and responsibilities assigned to the head of Birchwood by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of Birchwood in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Record” means any recorded information, regardless of form or medium, which is in the possession or under the control of Birchwood, irrespective of whether or not it was created by Birchwood;
- “Request” means a request for access to a Record of Birchwood;
- “Requestor” means any person, including a public body or an official thereof, making a Request for access to a Record of Birchwood and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.

Unless a contrary intention clearly appears, words signifying:-

- the singular includes the plural and vice versa;
- any one gender includes the other genders and vice versa; and
- natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.



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OVERVIEW OF BIRCHWOOD HOTEL

Birchwood Hotel and OR Tambo Conference Centre (Pty) Ltd is a private company incorporated in accordance with the company laws of South Africa.

The Birchwood Hotel and OR Tambo Conference Centre operates 665 hotel rooms and 60 conference rooms with banquet facilities and restaurants. It is a large, unique property, which caters for groups ranging in size from small corporate events to large convention groups up to 3000 delegates.

1. CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

The Board has delegated their powers to the CEO Kevin Clarence, as Information Officer, whose details appear hereunder for purposes of dealing with all matters in connection with Requests for information on Birchwood's behalf and to ensure compliance with the Act.

Information Officer name:	Kevin Clarence
Postal address:	PO Box 1106 OR Tambo International Airport 1627
Street address:	Viewpoint Road Bartlett Boksburg
Telephone:	+27 11 897 0000
E-mail:	informationofficer@birchwoodhotel.co.za
Website:	www.birchwoodhotel.co.za

2. GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act. The guide is available on the SAHRC website, <http://www.sahrc.org.za>. The SAHRC can be contacted directly at:

The South African Human Rights Commission: PAIA Unit

Postal address:	Private Bag X2700, HOUGHTON, 2041
Physical address:	2nd Floor, Braampark, Forum 3, 33 Hoofd Street, Braamfontein
Telephone:	+27 11 877 3600 (Switchboard) +27 11 877 3750 (Gauteng Office) +27 11 887 3803



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Facsimile: +27 11 403 0668 (Gauteng Office)
+27 11 403 0625
E-mail: section51.paia@sahrc.org.za
Website: <http://www.sahrc.org.za>

The Information Regulator will be assuming the obligations of the SAHRC from 1 July 2021 and as such any matters that would have been addressed by the SAHRC will be addressed by the Information Regulator. The Information Regulator can be contacted at –

JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O Box 31533, Braamfontein, Johannesburg, 2017
Complaints email: complaints.IR@justice.gov.za
General enquiries email: inforeg@justice.gov.za.

Any complaints can be directed to the above contacts.

The Guide developed by the Information Regulator and which applies after 1 July 2021 is available on the business website in all official languages as well as in two official languages on site at the business address.

3. AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

These records shall be reviewed at least monthly or when there are changes required. The following Records are automatically available without a person having to request access in terms of the Act:

- The web page www.birchwoodhotel.co.za is accessible to anyone who has access to the Internet. The Birchwood's website hosts the following categories of information:
 - Information of facilities and services rendered on property
 - Room rates and special offers
 - Attractions in the surrounding areas
 - Property location, map and hotel contact details
 - Photograph gallery of the facilities

4. RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)]

Records are kept in accordance with the following legislation (which is not an exhaustive list):

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Businesses Act, 1991



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- Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993
- Copyright Act, 1978
- Deeds Registries Act, 1937
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998
- Financial Markets Act, 2012
- Foodstuffs, Cosmetics and Disinfectants Act, 1972
- Harmful Business Practices Act, 1999
- Immigration Act, 2002
- Income Tax Act, 1962
- JSE Listings Requirements
- Labour Relations Act, 1995
- Liquor Acts
- Gauteng Liquor Act, 2003
- Long Term Insurance Act, 1998
- Medical Schemes Act, 1956
- Occupational Health and Safety Act, 1993
- Pension funds Act, 24 of 1956
- Prevention of Organised Crime Act, 1998;
- Protected Disclosures Act, 2000
- Securities Services Act, 2004
- Short Term Insurance Act, 1998
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Trademarks Act, 1993
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991

5. CATEGORIES OF RECORDS HELD AND SUBJECT TO REQUEST

5.1 Statutory and Legal

- statutory registers
- annual reports
- statutory Records & returns, including incorporation documents, memorandum of incorporation and share register
- minutes of meetings
- contractual and legal agreements
- intellectual property: trademark certificates



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- licences
- copyrights & designs
- health and safety records

5.2 Human Resources

- HR policies & procedures
- employment equity plan and report
- skills development plan and report
- employee records
- benefits
- IR disciplinary and grievance procedures and hearings, including CCMA Records
- Union negotiation Records
- incentive scheme rules

5.3 Administration, Finance & Accounting:

- accounting records
- auditors reports
- tax returns
- VAT returns
- policies & procedures

5.4 Retirement Fund

- pension and provident fund rules
- correspondence
- statutory records and returns

5.5 Insurance

- policies, including coverage, limits and insurers
- claim records

5.6 Information technology

- hardware
- software packages
- licences
- IT policies and procedures
- operating systems

5.7 Sales and Marketing

- customer records



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- credit application forms
- statements of account
- terms & conditions
- marketing material and media releases: brochures, newsletters and advertising materials

5.8 Assets

- leases

5.9 Operational information

This information can be defined as information needed in the day-to-day running of the organization. (Examples of such information are: internal telephone lists, address lists, company policies, company procedures, employee handbook, administration manual, industry related statistical data, guest database, historical guest histories, guest reservation data, management information reports and lease agreements.)

6. OTHER INFORMATION AS MAY BE PRESCRIBED [SECTION 51(1)(f)]

Not applicable.

7. ACCESS: PROCEDURE, AVAILABILITY AND FEES

7.1 How to Request a Record (Section 53)

- A Request for access to a Record as contemplated in 53(1) of the Act, must be made on a form that corresponds substantially with Form 2 of Annexure A, to the Information Officer. The Information Officer must, if a Request for access to a Record is made orally as a result of illiteracy or a disability of a requester, complete Form 2 of Annexure A to the Regulations on behalf of the Requester and provide a copy thereof to the Requester. Failure to make use of the prescribed form could result in a Request being refused or delayed. A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining him/herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identity, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to why the requested Record is required for the exercise or protection of that right.



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- If a Request is made on behalf of a person, the Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

7.2 Decision on Request (Section 56)

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
 - If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s)
 - In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised the he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application
- The Requestor may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

7.3 Availability

This Manual is available on the Birchwood's website, www.birchwoodhotel.co.za, alternatively at Birchwood Hotel and OR Tambo Conference Centre, Viewpoint Road, Bartlett, Boksburg, during office hours.

7.4 Fees

The fees payable in respect of access to Records are attached as Annexure 2.



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ANNEXURE 1

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. *Proof of identity must be attached by the requester.*
2. *If requests made on behalf of another person, proof of such authorisation, must be attached to this form.*

TO: The Information Officer

(Address)

E-mail address:

Fax number:

Mark with an "X"

☐ Request is made in my own name
 ☐ Request is made on behalf of another person.

PERSONAL INFORMATION				
Full Names				
Identity Number				
Capacity in which request is made <i>(when made on behalf of another person)</i>				
Postal Address				
Street Address				
E-mail Address				
	Tel. (B):		Facsimile:	



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Contact Numbers	Cellular:	
Full names of person on whose behalf request is made (<i>if applicable</i>):		
Identity Number		
Postal Address		

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		

PARTICULARS OF RECORD REQUESTED

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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)

Description of record or relevant part of the record:	
Reference number, if available	



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Any further particulars of record	
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>	
Record is in written or printed form	
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Record consists of recorded words or information which can be reproduced in sound	
Record is held on a computer or in an electronic, or machine-readable form	
FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	



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MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED <i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	



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

FEES	
a)	A request fee must be paid before the request will be considered.
b)	You will be notified of the amount of the access fee to be paid.
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	

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication (Please specify)

Signed at _____ this _____ day of _____, 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

Reference number:	
Request received by: (State Rank, Name And Surname of Information Officer)	
Date received:	
Access fees:	
Deposit (if any):	

Signature of Information Officer



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ANNEXURE 2

FEES PAYABLE

1. Copy of manual

The fee for a copy of the manual is R1,10 for every photocopy of an A4-size page or part thereof.

2. Reproduction fees

The fees for preparation of Records referred to in regulation 11(1) are as follows:

	Rand
(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) Electronic media, i.e. diskette	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

3. Request fee

The Request fee payable by a Requestor, other than a personal Requestor, referred to in Regulation 11(2) is R50,00.

4. Access fees

The access fees payable by a Requestor referred to in regulation 11(3) are as follows:

	Rand
(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) Electronic media, i.e. diskette	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
(f) To search for and prepare the Record for disclosure for each hour or part of an hour reasonably required for such search and preparation	30, 00

For purposes of section 22(2) of the Act, the following applies:

- Six hours as the hours to be exceeded before a deposit is payable; and
- One third of the access fee is payable as a deposit by the Requestor.

The actual postage is payable when a copy of a Record must be posted to a Requestor.