

**UMOYA COMMUNICATIONS (PTY) LTD**

**Trading as Algoa FM**

**REGISTRATION NUMBER: 1996/06708/07**

# **INFORMATION MANUAL**

## **In Terms Of**

Section 51(1) of the promotion of Access to Information Act 2 of 2000 ("The Act")

## **THE PURPOSE**

The purpose of this document is to serve as a Manual as required in terms of the Act, and to serve as reference as to the records held and the procedures that need to be followed to request access to such records

# INDEX

<b>CONTENTS</b>	<b>PAGE</b>
<b>Introduction</b>	<b>2</b>
<b>Particulars in Terms of the Section 51 Manual</b>	<b>3</b>
□ Contact Details	3.a
□ Section on how to use the Act	3.b
<b>Categories of Records Available</b>	<b>4</b>
<b>Records Available in Accordance with Legislation</b>	<b>5</b>
<b>Record Subjects and Categories</b>	<b>6</b>
<b>Access Request Procedure</b>	<b>8</b>
<b>Grounds of Refusal</b>	<b>10</b>

## **INTRODUCTION**

Access to information act is a new Legislation enacted, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body, the requester needs to prove that the record is required for the exercise or protection of a right.

One of the essential requirements specified in the Act is the compilation of a Manual that provides information on both types and categories of records held by the public or private body.

This document serves as the Information Manual of Umoya Communications (Pty) Ltd trading as Algoa FM.

## **COMPANY OVERVIEW**

Umoya Communications (Pty) Ltd trading as Algoa FM, is a commercial radio broadcasting company. It is a subsidiary of African Media Entertainment Limited, "AME", listed in the Media Sector of the Johannesburg Securities Exchange ("JSE") of South Africa.

## **PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

<b><u>Contact Details</u></b>	(Section 51(1)(a))
Contact Person:	Kevin Reed
Physical Address:	Shop 2, The Boardwalk 2 <sup>nd</sup> Avenue Summerstrand PORT ELIZABETH 6001
Postal Address:	P.O. Box 5973 Walmer 6070
Telephone:	(041) 505 9497
Fax:	(041) 583 1594
E-mail:	<a href="mailto:kevin.r@algoafm.co.za">kevin.r@algoafm.co.za</a>

## **GUIDE FOR REQUESTERS ON HOW TO USE THE ACT**

### Section 51(1)(b)

The Human Rights Commission (HRC) is responsible for facilitating the ease of use of the Act for requesters. This guide will be available from the South African Human Rights Commission.

#### **Please direct any queries to:**

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION:  
PAIA Unit  
The Research and Documentation Department

Postal Address:	Private Bag 2700 Houghton 2041
Phone:	+27(11) 484 8300
Fax:	+27(11) 484 0582
E-mail:	<a href="mailto:PAIA@sahrc.org.za">PAIA@sahrc.org.za</a>
Website:	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>

# **CATEGORIES OF RECORDS AVAILABLE**

(As required by Section 51(1)(c))

The following categories of records are automatically available without a person having for request access in terms of this Act

## **1. STATUTORY RECORDS**

- Register of Directors
- Reservation of Name
- Memorandum of Incorporation

## **2. COMPANY RECORDS AVAILABLE FOR INSPECTION e.g.**

*Financial Statements:* Annual Financial Statements  
All Accounting Records

## **RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION**

Records are available in accordance with the following legislation:

- ❖ Income Tax Act No. 58 of 1962
- ❖ The Value Added Tax Act No. 58 of 1962
- ❖ The Occupational Health and Safety Act No. 29 of 1996
- ❖ Basic Conditions of Employment Act No. 75 of 1997
- ❖ The Compensation for Occupation Injuries and Diseases Act No. 130 of 1993
- ❖ Skills Development Levies Act No. 9 of 1999
- ❖ Unemployment Insurance Act No. 63 of 2001
- ❖ The Medical Aid Schemes Act No. 131 of 1998
- ❖ The Labour Relations Act No. 66 of 1985
- ❖ Employment Equity Act No. 55 of 1998

# **RECORD SUBJECTS AND CATEGORIES**

(Section 51(1)(e))

## **CHIEF EXECUTIVE'S OFFICE**

The Chief Executive's Office Records comprise the following main categories:

- Administration Records

## **GROUP TAX – SOUTH AFRICA**

Group Tax provides advice to the group on all aspects of taxation. Group Tax records comprise the following Main Categories:

### **INCOME TAX ACT NO. 58 OF 1962**

- Income Tax Returns
- Correspondence with SARS

### **VALUE ADDED TAX ACT NO. 89 OF 1991**

- VAT Returns
- Administrative Records
- SARS Correspondence

## **ACCOUNTING AND INVESTMENTS**

The Accounting Department maintains financial and management accounts for the group and provides back office activities that support Cash Management. The Accounting Records comprise the following main categories:

- Accounting Records
  - Register of Fixed Assets
  - Half Yearly Interim Reports
- Financial Statements
- General Correspondence
- Risk Management Records
- Property Records
- Notices, Circulars
- Audit Reports

## **HUMAN RESOURCES (HR) / PAYROLL DEPARTMENT**

The Human Resource / Payroll Department's primary objective is to develop and implement a competitive human resource strategy that will support the organisation. Human Resource records comprise the following main categories:

- Employee Records
  - Letters of Appointment
  - Leave Records
  - Contracts
  - Payroll / Salary Details
  - PAYE Returns
  - UIF Returns
  - SDL Returns

## **COMPANY SECRETARY**

The Company Secretary provides company secretarial services to the organisation. The Company Secretary's records comprise the following:

- Minutes of Board Committee Meetings
- Attendance Registers
- Company Statutory Information



# THE ACCESS REQUEST PROCEDURE

## Section 51 (1)(e)

It is essential to note that an application for access to information can be refused in the case that the application does not comply with the requirements of the Act. Successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

### **NOTE:**

If it is reasonably suspected that the requester has obtained access to the Organisation's records through the submission of materially false or misleading information, legal action may be instituted against such a requester.

### **FORM OF REQUEST:**

- The requester must use the prescribed form to make the request for access to a record. This submission must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester, and state the necessary particulars to be so informed.
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right.
- 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 the head of the private body.

### **FEES:**

A requester seeking access to a record containing personal information about the requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- The head of a private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request.
- The fee that the requester must pay to the private body is R50-. The requester may lodge an application to the court against the tender or payment of the request fee.

- After the head of the private body has made a decision on the request, the requester must be notified on the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

### **AVAILABILITY OF THE MANUAL**

The manual is also available for inspection at the offices of Umoya Communications (Pty) Ltd, free of charge, and copies are available with the South African Human Rights Commission.

## GROUNDS OF REFUSAL

The Organisation may legitimately refuse to grant access to a requested record that falls within a certain category.

**Grounds on which the Organisation may refuse access include:**

- Disclosure of the record (containing trade secrets, financial, commercial or any other confidential information) would harm the commercial or financial interests of the group.
- Protecting personal information that the organisation holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure.
- If the disclosure of the record would endanger the life or physical safety of an individual;
- If the disclosure of the record would prejudice or impair the protection of the safety of the public;
- If the disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If the disclosure of the record would prejudice or impair the security of property or means of transport;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Protecting commercial information that the organisation holds about a third party or the organisation.