

# SCARLETT GROUP (PTY) Ltd

*Registration Number 2002/006785/07*



## PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

In terms of section 51 of the Promotion of Access to Information Act  
Act 2 of 2000

Copy Signed By:

Paul Scarlett,  
C.E.O. Scarlett Group PTY Ltd

A handwritten signature in black ink, appearing to be 'P. Scarlett', written over a horizontal line.

## **1 INTRODUCTION**

### **An Introduction to Scarlett Group PTY Ltd**

Scarlett Group is a private company whose main trading activity is under the name Palm House Luxury Guest House. The main activity of the business is to provide accommodation, food and beverage. The business also caters for Functions and conferences.

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 (“**the Constitution**”) provides:

- (1) Everyone has the right of access to –**
  - (a) any information held by the state; and**
  - (b) any information that is held by another person and that is required for the exercise or protection of any rights.**
- (2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.**

The Promotion of Access to Information Act, 2 of 2000 (“**the Act**”), was enacted on 3 February 2002 to give effect to section 32 of the constitution, that is giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of this Act, the private or public body to whom the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

## **2 WHO MAY REQUEST INFORMATION IN TERMS OF THE ACT**

Any person, who requires information for the exercise or protection of any rights, may request information from a private body. Section 50 of the Act states that;

- (1) A requester must be given access to any record of a private body if –**
  - (a) that record is required for the exercise or protection of any rights;**
  - (b) that person complies with the procedural requirements in this Act relating to a request for access to that record; and**
  - (c) access to that record is not refused in terms of any ground for refusal contemplated in Chapter 4 of this Part.**

### **3 PROCEDURES FOR OBTAINING ACCESS**

#### **3.1 Contact Details**

Any person who wishes to request any information from Scarlett Group (Pty) Limited with the object of protecting or exercising a right may contact the Information officer whose contact details are as follows;

**Registered Office:**

The Information Officer – Paul Scarlett  
Scarlett Group (Pty) Limited  
Tygerforum B  
53 Willie van Schoor Drive  
Tygervalley, Bellville  
Cape Town  
7530

**Physical Address:**

Scarlett Group (Pty) Limited  
PALM HOUSE  
10 Oxford Street, Upper Wynberg  
Cape Town  
7800

Tel: (021) 761 5009

Fax: (021) 761 8776

E-mail: [info@scarlettgroup.net](mailto:info@scarlettgroup.net)

Website: [www.palmhouse.co.za](http://www.palmhouse.co.za)

#### **3.2 Prescribed Access Form**

In terms of section 53, a request for access to a record of Scarlett Group (Pty) Limited must be made in the prescribed form to Scarlett Group (Pty) Limited at the address, fax number or electronic mail address given above.

If the request is made on behalf of a person, the submission of proof of the capacity in which the requestor makes the request, to the satisfaction of the information officer.

For a specimen of the request form see **ANNEXURE A** to the manual. The prescribed time periods will not commence until all pertinent information has been furnished on the private body by the requestor.

#### **3.3 Prescribed Fees**

Payment of fees is regulated in terms of section 54 of the Act. The Regulations to the Act provide for two types of fees:

- **Request fee:**

This is a non- refundable administration fee paid by all requestors with the exclusion of personal requestors. It is paid before the request is considered.

- **Access fee:**

This is paid by all requestors only when access is granted. This fee is intended to reimburse the private body for the costs involved in searching for a record and preparing it for delivery to the requestor. Scarlett Group (Pty) Limited may withhold a record until the request fee and the deposit (if applicable) have been paid. A schedule of the prescribed fees is attached as **ANNEXURE B** to the manual.

### **3.3.1 Requestor other than Personal Requestor**

The information officer must give written notice to a requestor other than a personal requestor of the request fee and amount to be paid before the request may be further processed.

If in the information officer's opinion the search for a record, or preparation of the record for disclosure will require more than the prescribed hours, the information officer may require the requestor to pay a deposit, not being more than one third of the access fee that would be payable if the request is granted. If the request is declined, the deposit must be repaid to the requestor.

The notice given by the information officer must advise the requestor that s/he has a right to apply to court against the payment of the request fee or deposit, and also advise of the procedure of the application.

### **3.3.2 Personal Requestor**

A personal requestor is described in terms of the Act as a requestor seeking access to a record containing information about the requestor.

A personal requestor is not liable to pay a request fee, is liable for payment of access fees in the event of a request being granted, but may not be required to pay a deposit before the granting of the record.

## **4 HUMAN RIGHTS COMMISSION GUIDELINE**

In terms of section 10 of the Act, the Human Rights Commission must compile a guide by 14 August 2003. This guide is intended to assist users in the interpretation of the Act. The guide will contain a description of the objects of the Act, the contact details of the information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a breach of any of the provisions of the Act.

More details on this Act may be requested from The South African Human Rights Commission's whose contact details are;

The South African Human Rights Commission (SAHRC)  
PAIA UNIT  
Private Bag 2700  
Houghton  
2041  
Tel: 011 484 8300  
Fax: 011 484 0582  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## **5 TYPES OF RECORDS**

### **5.1 Categories of records of Scarlett Group (Pty) Ltd which are available without a person having to request access in terms of the Act, i.e. voluntary disclosure.**

Scarlett Group (Pty) Ltd 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, Scarlett Group (Pty) Ltd does make certain information freely available to the public in various brochures, press releases, publications and on its Internet web site at [www.palmhouse.co.za](http://www.palmhouse.co.za). Certain information is also made available to employees of Scarlett Group (Pty) Ltd, which is not generally made available to the public. To avoid confusion, these items are not listed here but may be obtained from the information officer.

## 5.2 Records available in terms of other legislation

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

**Basic Conditions of Employment No. 75 of 1997**  
**Companies Act No. 61 of 1973 & Act No. 71 of 2008**  
**Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993**  
**Employment Equity Act No. 55 of 1998**  
**Income Tax Act No. 95 of 1967**  
**Labour Relations Act No. 66 of 1995**  
**Occupational Health & Safety Act No. 85 of 1993**  
**Pension Funds Act No. 24 of 1956**  
**Unemployment Contributions Act No. 4 of 2002**  
**Unemployment Insurance Act No. 63 of 2001**  
**Value Added Tax Act No. 89 of 1991**

### Financial Records:

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records Bank Statements Paid Cheques Electronic banking records
- Asset Register
- Rental Agreements
- Invoices

### Personnel Records:

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

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records
- Training records

### Customer-related records

#### Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - Workmen’s Compensation

**Internal records pertaining to Scarlett Group (Pty) Ltd's own affairs:**

- Memoranda of Articles of Association
- Financial records
- Operational records
- Marketing records
- Internal policies and procedures
- Statutory records

The Information officer will take into considerations section 8 of the manual to decide on whether or not access to any of the information stated above should be given to the requester.

**6 DECISION-MAKING PROCESS**

**6.1** The information officer will take all reasonable steps to find a record that has been requested.

**6.2** The information officer will respond within 30 days, or if need be 60 days.

We will advise you if we decline your request.

**7 THIRD PARTIES**

If the request is for a record pertaining to a third party, the information officer will need to communicate with the third party first before responding.

**8 GROUNDS FOR REFUSAL OF A REQUEST**

The information officer may, in certain circumstances, not be able to meet your request. If this is the case the information officer will inform you in writing of our refusal of your request and the reason for it.

**9 RIGHTS OF APPEAL**

A requestor that is dissatisfied 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. Likewise, a third party dissatisfied with the information officer's decision to grant a request may, within 30 days of notification of the decision, apply to court for relief.