



PROCEDURE FOR ACCESS TO RECORDS

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Addendum to MAL07QUY7.4 PROCEDURE : RECORDS

1. PURPOSE AND SCOPE

- 1.1 By applying the process outlined below, the shareholders will ensure that the INM complies with the requirements of the Promotion of Access to Information Act 2 of 2000, as amended by Act 54 of 2002 (the Act) in general, and more specifically with regard to:
 - o right of access to records to private bodies;
 - o manner of access;
 - o grounds for refusal of access to records; and
 - o publication and availability of certain records
- 1.2 In line with the principal of openness the verification manager will:
 - 1.2.1 Provide public access to, or disclosure of, verification information which deals with confidentiality, about the evaluation and verification process and about the verification status of any measured entity in order to gain confidence in the integrity and credibility of the B-BBEE verification process. Verification outcomes will be provided via the website www.BEEandYourBusiness.com
 - 1.2.2 Provide appropriate access to or disclosure of specific interested parties' non-confidential and non-proprietary information about the results of specific evaluations (such as evaluations in response to complaints) in order to gain and maintain public confidence.
- 1.3 The audit, complaint and appeal committees shall be granted full access to INM verified client records and Operations Manual documents by the verification administrator when requested.
- 1.4 Such documents may be provided in manual or electronic format under the care and control of the Administrator, upon written which is required to be completed on each occasion movement of a record occurs.
- 1.5 The Administrator is personally required to control the flow of documents to and from the committee members and will keep and the register of client file movement recording the movement of documents and their return date to the original record file.
- 1.6 SANAS are to be granted full access to INM Manual documents and verified client records upon request, either in electronic or manual format whether for reason of accreditation and audit purposes, or as otherwise required.

2. ACCESS TO INFORMATION PROCEDURE

The Act established the following statutory rights of requesters to any record of a private body if the following circumstances are met:

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- If the record is required for the exercise or protection of any legal rights of the person;
- The requester complies with all the procedural requirements; and
- The access is not refused in terms of any ground referred to in the Act.

2.1 Scope

This procedure is documented in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by INM in terms of the Act.

This procedure specifically provides information on the following:

- The contact details of the Information Officer who will deal with requests;
- The structure and activities of INM;
- The subjects and categories of records that are held;
- Records that are automatically available, without having to request access;
- Records that are available in terms of any other legislation; and
- The procedure that needs to be followed in order to obtain access to a record.

2.2 Access to routinely available information

INM may routinely make available to the public certain information on its functions and activities. This information will continue to be available without having to make a formal request under the Act.

2.3 General Information

General information on INM is available on internet website: www.BEEandYourBusiness.com
The website is generally available to anyone who has access to the Internet.

2.4 Policy with regard to confidentiality and Access to Information

The verification manager ensures that the confidentiality of information provided to it by Measured Entities, individuals or others, is properly protected subject to their obligations in terms of any applicable law.

2.5 Entry point for requests

Either of the shareholders of INM are to be regarded as the Chief Information Officer and will handle all requests in terms of the Act. Written requests in are to be addressed to:

The Chief Information Officer
1262 Embankment Rd, Centurion 0157
P O Box 10810, Centurion 0046

Telephone: 086 1444 544
Fax: 086 657 1282
E-Mail: admin@beeandyourbusiness.com

2.6 Who may request access to Information?

The Act provides that an individual may make a request for access to records of a private body. The requesters right of access to a record of a private body includes a right of access to a record containing personal information about the requester, or a person on whose behalf the request is made, and if this information is required for the protection of a right. Only requests for access, where the requester can furnish the Chief Information Officer with sufficient particulars as to the right the requester is seeking to protect, will be considered.

Requesters can be classified in accordance with the following categories:

- A personal requester, that is a person who requests information about him/herself;
- An agent requester, that is a person requesting information on behalf of someone else;
- A third party requester, that is a person requesting information about someone else; or

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- A public body, requests information in the public interest.

2.7 Records available in terms of other legislation

Unlimited requesters

Certain legislation mandates INM to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of the Companies Act, No 61 of 1973, any person may have access to specified financial information.

Limited requesters

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish to type of information or record and the person(s) having access thereto is as follows:

Basic Conditions of Employment Act 75 of 1997;
 Companies Act 61 of 1973;
 Compensation of Occupational Injuries and Diseases Act 130 of 1993;
 Competition Act 89 of 1998;
 Consumer Affairs Act 23 of 1999;
 Credit Agreements Act 75 of 1980;
 Criminal Procedure Act, Act 51 of 1977;
 Debt Collectors Act 114 of 1998;
 Electronic Communications and Transactions Act 2 of 2000;
 Employment Equity Act 55 of 1998;
 Firearms Control Act 60 of 2000;
 Income Tax Act 58 of 1962;
 Insider Trading Act 135 of 1998;
 Insolvency Act 24 of 1936;
 Interception and Monitoring Prohibition Act 127 of 1992;
 Labour Relations Act 66 of 1995;
 Magistrates Court Act 32 of 1944;
 Occupational Health and Safety Act 85 of 1993;
 Prevention of Organized Crime Act 121 of 1998;
 Skills Development Act 97 of 1997;
 Skills Development Levies Act 9 of 1999;
 Supreme Court Act 59 of 1959;
 Unemployment Insurance Act 63 of 2001 and
 Value Added Tax Act 89 of 1991.

2.8 Procedure

2.8.1 Prescribed access form

In order for INM to facilitate access to a record, the prescribed access form need to be completed by the requestor in full and a failure to do so may result in the process being delayed until such additional information is provided.

2.8.2 Proof of Identity

Proof of identity is required to authenticate the request and the requester. Therefore, in addition to the access form, requesters will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

2.8.3 Prescribed fees

A request will not be processed until the request fee has been paid. Requesters are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: This fee is payable with respect to all records that are automatically available;

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- Request fee: This fee is payable with respect to all records that are automatically available;
- Access fee: which is payable once access to a record is granted, this fee is intended to reimburse INM for the costs involved in searching and preparing the record for delivery;
- Deposit: Which is payable if INM receives a request for access to information about a person other than the requester himself or herself and where the preparation of the record will take more than six hours.

3. REPRODUCTION FEES

3.1 The applicable fees (excluding VAT) for reproduction as referred to above are:

- For every photocopy of an A4-size page or part thereof R2.00
- For every print of an A4-size page or part thereof held on a computer or in electronic form R2.00
- For a copy in a computer readable form:
 - Diskette: R20.00
 - Compact Disc: R100.00
 - A transcription of visual images, for an A4-size page or part thereof R50.00
- For a copy of visual images R50.00
- A transcription of an audio record, for an A4-size page or part thereof R50.00
- For a copy of an audio record R100.00

3.2 A request fee of R50.00 (exclusive of VAT) is payable upfront where a requester submits a request for access to information on any person other than the requester him/herself.

3.3 The applicable fees (excluding VAT) which will be payable are the same as those charged for reproduction.

- To search a record that must be disclosed, per hour or part of the hour that is reasonably required for such a search and preparation R100.00
- Where a copy of the record needs to be posted the actual postal fee will be applicable

3.4 Where INM receives a request for access to information about a person other than the requester himself/herself and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, the full fee of the amount of the applicable access fee is payable in advance.

4. GRANTING OR REFUSAL OF REQUESTS

4.1 All requests that meet the requirements set out above will be processed in accordance with the time limits as set out in the Act. Requesters should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of the private body; and
- Mandatory protection of research information of a third party and of the private body.

4.2 Requesters will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. In terms of the Act the 30 day period may be extended for a further 30 day period should more time be required to gather the information requested. The requester will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

5. APPEAL

In contrast with the provision in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available to a private body will be to approach a court of law.

5.1. Categories of Records Kept

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- Finances Audited Financial Statements
- Management Accounts
- Taxation Records
- Asset Register
- Banking Details
- Debtors / Creditors statements and invoices
- Secretarial Memorandums
- External Correspondence
- Minutes of Meetings
- Title Deeds
- Organogram
- Licences
- General Contracts and Agreements
- Shareholders Particulars
- Share Certificates
- Powers of Attorney
- Lease Agreements
- Insurance
- Email
- Human Resources Staff Records
- Code of Conduct
- Employment Contracts
- Policies and Procedures
- Health and Safety Records
- Marketing Trade Mark Documentation
- Statutory Records
- Market Information
- Public Customer Information
- Product Brochures
- Marketing Strategies and Plans
- Customer Database
- Verification Reports
- Verification Certificates
- Verified Client file with records of audit findings

6. FORMS

Document Access Request Form [FOM07ACS]

7. REFERENCES

SANAS R47-02

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