

MANUAL FOR

**BITTERSWEET TRADE AND INVEST 61 PROPRIETARY LIMITED  
("BITTERSWEET")**

PREPARED IN TERMS OF THE REQUIRMENTS OF

**THE PROMOTION OF ACCESS TO INFORMATION ACT No. 2 OF 2000  
("PAIA")**



**TABLE OF CONTENTS**

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2</b>	<b>BUSINESS AND CONTACT DETAILS.....</b>	<b>1</b>
<b>3</b>	<b>MANUAL AND GUIDELINES .....</b>	<b>1</b>
<b>4</b>	<b>RECORDS AVAILABLE IN TERMS OF SECTION 52(2) OF THE PAIA .....</b>	<b>2</b>
<b>5</b>	<b>RECORDS THAT ARE HELD AT THE OFFICES OF THE BUSINESS .....</b>	<b>2</b>
<b>6</b>	<b>INFORMATION REQUEST PROCEDURE .....</b>	<b>5</b>
<b>7</b>	<b>DENIAL OF ACCESS .....</b>	<b>5</b>
<b>8</b>	<b>FEES .....</b>	<b>6</b>
<b>9</b>	<b>MANUAL AVAILABILITY .....</b>	<b>6</b>



## 1 INTRODUCTION

- 1.1 The Promotion of Access to Information Act No. 2 of 2000 (“**PAIA**”) gives 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.
- 1.2 Specifically, section 51(1) of PAIA provides that within 6 (six) months after the commencement of this section (now the 31st August 2005) or within 6 (six) months after coming into existence of the private body concerned, the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.
- 1.3 In this context, a “**PRIVATE BODY**” is defined as any natural person who carries or has carried on any trade, business or profession, but only in such capacity or any partnership which carries or has carried on any trade, business or profession or any former or existing juristic person (e.g. any company, close corporation or business trust).
- 1.4 Bittersweet Trade and Invest 61 Proprietary Limited (“**BITTERSWEET**”) falls within the definition of a “private body” and this PAIA Manual has been compiled in accordance with the said provisions and to fulfil the requirements of the PAIA.
- 1.5 In terms of the PAIA, where a request for information is made to a body, there is an obligation to provide the information, except where the PAIA expressly provides that the information may not be released. In this context, Section 9 of the PAIA recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.
- 1.6 Accordingly, this PAIA Manual provides a reference to the records held by BITTERSWEET and the process that needs to be adopted to access such records.
- 1.7 **ALL REQUESTS FOR ACCESS TO INFORMATION (OTHER THAN INFORMATION THAT IS AVAILABLE TO THE PUBLIC) MUST BE ADDRESSED TO THE HEAD OF THE BUSINESS NAMED IN SECTION 2 OF THIS MANUAL.**

## 2 BUSINESS AND CONTACT DETAILS

<b>NAME OF BUSINESS</b>	BITTERSWEET TRADE AND INVEST 61 PROPRIETARY LIMITED
<b>REGISTRATION NUMBER</b>	2011/002924/07
<b>HEAD OF BUSINESS</b>	GRAEME ANTHONY LAZARUS
<b>POSITION</b>	MANAGING DIRECTOR
<b>POSTAL ADDRESS</b>	P O BOX 506, ISANDO, 1600
<b>STREET ADDRESS</b>	27 WRENCH ROAD, ISANDO, 1609
<b>PHONE NUMBER</b>	+27 11 977 5000
<b>FAX NUMBER</b>	+27 11 392 5885
<b>EMAIL ADDRESS</b>	<a href="mailto:INFO@RAMGROUP.CO.ZA">INFO@RAMGROUP.CO.ZA</a>
<b>WEBSITE</b>	<a href="http://WWW.RAMGROUP.CO.ZA">WWW.RAMGROUP.CO.ZA</a>

## 3 MANUAL AND GUIDELINES

- 3.1 Section 10 of the PAIA provides that the South African Human Rights Commission must compile simple and easily comprehensible guidelines on how to use the PAIA.
- 3.2 This Guide can be found at the following URL - [http://www.sahrc.org.za/sahrc/cms/publish/cat\\_index\\_40.shtml#11](http://www.sahrc.org.za/sahrc/cms/publish/cat_index_40.shtml#11).



3.3 Any enquires relating to this guide should be directed to the Chief Executive Officer of the South African Human Rights Commission, Private Bag 2700, Houghton, 2041. Telephone (011) 484 8300 or Fax (011) 484 1360.

3.4 **COPIES OF THE GUIDE ARE ALSO AVAILABLE AT THE FOLLOWING PLACES -**

3.4.1 The office of the Government Communications and Information Services;

3.4.2 Library of Parliament, Cape Town;

3.4.3 The South African Library, Cape Town;

3.4.4 Natal Society Library, Pietermaritzburg;

3.4.5 The State Library in Pretoria;

3.4.6 City Library Services, Bloemfontein;

3.4.7 The National Film, Video and Sound Archives, Pretoria;

3.4.8 Every Tertiary Education Institution established by or under any law.

3.5 **COPIES OF THE GUIDE ARE ALSO AVAILABLE IN ALL OFFICIAL LANGUAGES AT THE FOLLOWING OFFICES -**

3.5.1 All offices of public bodies;

3.5.2 All Magistrates' Offices;

3.5.3 All offices of the Department of Justice and Constitutional Development;

3.5.4 All Post Offices.

3.6 **THE GUIDE IS ALSO AVAILABLE AT ALL OFFICES AND ON THE WEBSITE OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION, [WWW.SAHRG.ORG.ZA](http://WWW.SAHRG.ORG.ZA).**

4 **RECORDS AVAILABLE IN TERMS OF SECTION 52(2) OF THE PAIA**

Not applicable.

5 **RECORDS THAT ARE HELD AT THE OFFICES OF THE BUSINESS**

5.1 The following is a list of records that are held at the business's office -

5.1.1 **ADMINISTRATION**

5.1.1.1 Attendance registers;

5.1.1.2 Correspondence;

5.1.1.3 Founding Documents;

5.1.1.4 Licences (categories);

5.1.1.5 Minutes of Management Meetings;

5.1.1.6 Minutes of Staff Meetings;

5.1.1.7 Shareholder Register;

5.1.1.8 Statutory Returns.

5.1.2 **HUMAN RESOURCES**

5.1.2.1 Conditions of Service;

5.1.2.2 Employee Records;

5.1.2.3 Employment Contracts;

5.1.2.4 Employment Equity Records;

5.1.2.5 General Correspondence;

5.1.2.6 Industrial and Labour Relations Records;



- 5.1.2.7 Information relating to Health and Safety Regulations;
- 5.1.2.8 Pension and Provident Fund Records;
- 5.1.2.9 Performance Appraisals;
- 5.1.2.10 Personnel Guidelines, Policies and Procedures;
- 5.1.2.11 Remuneration Records and Policies;
- 5.1.2.12 Salary Surveys;
- 5.1.2.13 Skills Requirements;
- 5.1.2.14 Staff Recruitment Policies;
- 5.1.2.15 Statutory Records;
- 5.1.2.16 Training Records.

5.1.3 **OPERATIONS**

- 5.1.3.1 Brochures on Company Information;
- 5.1.3.2 Client and Customer Registry;
- 5.1.3.3 Contracts;
- 5.1.3.4 General Correspondence;
- 5.1.3.5 Information relating to Employee Sales Performance;
- 5.1.3.6 Information relating to Work-In-Progress;
- 5.1.3.7 Marketing and Future Strategies;
- 5.1.3.8 Marketing Records;
- 5.1.3.9 Production Records;
- 5.1.3.10 Sales Records;
- 5.1.3.11 Suppliers' Registry.

5.1.4 **FINANCES**

- 5.1.4.1 Annual Financial Statements;
- 5.1.4.2 Asset Register;
- 5.1.4.3 Budgets;
- 5.1.4.4 Contracts;
- 5.1.4.5 Financial Transactions;
- 5.1.4.6 General Correspondence;
- 5.1.4.7 Insurance Information;
- 5.1.4.8 Internal Audit Records;
- 5.1.4.9 Management Accounts;
- 5.1.4.10 Purchase and Order Information;
- 5.1.4.11 Stock Records;
- 5.1.4.12 Tax Records (company and employee).

5.1.5 **INFORMATION TECHNOLOGY**

- 5.1.5.1 IT Policies and Procedures;
- 5.1.5.2 Network Diagrams;



5.1.5.3 User Manuals.

5.1.6 **STATUTORY RECORD**

At present these include records (if any) held in terms of -

- 5.1.6.1 Administration of Estates Act 66 of 1965;
- 5.1.6.2 Arbitration Act 42 of 1965;
- 5.1.6.3 Basic Conditions of Employment 75 of 1997;
- 5.1.6.4 Companies Act 61 of 1973;
- 5.1.6.5 Compensation for Occupational Injuries and Health Diseases Act 130 of 1993;
- 5.1.6.6 Consumer Affairs (Unfair Business Practices) Act 71 of 1988;
- 5.1.6.7 Copyright Act 98 of 1978;
- 5.1.6.8 Credit Agreements Act 75 of 1980;
- 5.1.6.9 Currency and Exchanges Act 9 of 1933;
- 5.1.6.10 Debtor Collectors Act 114 of 1998;
- 5.1.6.11 Employment Equity Act 55 of 1998;
- 5.1.6.12 Finance Act 35 of 2000;
- 5.1.6.13 Financial Advisory and Intermediary Services Act 37 of 2002;
- 5.1.6.14 Financial Intelligence Centre Act 38 of 2001;
- 5.1.6.15 Financial Services Board Act 97 of 1990;
- 5.1.6.16 Financial Relations Act 65 of 1976;
- 5.1.6.17 Harmful Business Practices Act 23 of 1999;
- 5.1.6.18 Income Tax Act 95 of 1967;
- 5.1.6.19 Insolvency Act 24 of 1936;
- 5.1.6.20 Intellectual Property Laws Amendments Act 38 of 1997;
- 5.1.6.21 Labour Relations Act 66 of 1995;
- 5.1.6.22 Long Term Insurance Act 52 of 1998;
- 5.1.6.23 Medical Schemes Act 131 of 1998;
- 5.1.6.24 Occupational Health & Safety Act 85 of 1993;
- 5.1.6.25 Pension Funds Act 24 of 1956;
- 5.1.6.26 Post Office Act 44 of 1958;
- 5.1.6.27 Protection of Businesses Act 99 of 1978;
- 5.1.6.28 Regional Services Councils Act 109 of 1985;
- 5.1.6.29 SA Reserve Bank Act 90 of 1989;
- 5.1.6.30 Short Term Insurance Act 53 of 1998;
- 5.1.6.31 Skills Development Levies Act 9 of 1999;
- 5.1.6.32 Skills Development Act 97 of 1998;
- 5.1.6.33 Stamp Duties Act 77 of 1968;
- 5.1.6.34 Stock Exchange Control Act 1 of 1985;
- 5.1.6.35 Tax on Retirement Funds Act 38 of 1996;



- 5.1.6.36 Trade Marks Act 194 of 1993;
- 5.1.6.37 Unemployment Contributions Act 4 of 2002;
- 5.1.6.38 Unemployment Insurance Act 63 of 2001;
- 5.1.6.39 Usury Act No 73 of 1968;
- 5.1.6.40 Value Added Tax Act 89 of 1991.

## 6 INFORMATION REQUEST PROCEDURE

- 6.1 The requester must use the prescribed form to make the request for access to a record. A request form is available from our offices or at [www.accesstoinfo.co.za](http://www.accesstoinfo.co.za).
- 6.2 The request must be made to the Head of Business named in Section 2 above. This request must be made to the address, fax number or electronic mail address of the business.
- 6.3 The requester must provide sufficient detail on the request form to enable the Head of Business to identify the record and the requester.
- 6.4 The requester should also indicate which form of access is required.
- 6.5 The requester should also indicate if any other manner should be used to inform the requester. If this is the case, please furnish the necessary particulars to be so informed.
- 6.6 The requester must identify the right that is sought to be exercised or to be protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.
- 6.7 If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of Head of Business aforesaid.
- 6.8 The prescribed request fee must be attached.
- 6.9 We will respond to your request within 30 (thirty) days of receiving the request by indicating whether your request for access has been granted or denied.
- 6.10 Please note that the successful completion and submission of a request for access form does not automatically allow the requestor access to the requested record.
- 6.11 Access will be granted to a record only if the following criteria are fulfilled -
  - 6.11.1 the record is required for the exercise or protection of any right and the requestor complies with the procedural requirements set out in the PAIA relating to a request; and
  - 6.11.2 access to the record is not refused in terms of any ground for refusal as contemplated in Chapter 4 of Part 3 of the PAIA.

## 7 DENIAL OF ACCESS

- 7.1 Access to any record may be refused under certain limited circumstances. These include -
  - 7.1.1 the protection of personal information from unreasonable disclosure concerning any natural person;
  - 7.1.2 the protection of commercial information held concerning any third party (for example trade secrets);
  - 7.1.3 the protection of financial, commercial, scientific or technical information that may harm the commercial or financial interests of any third party;
  - 7.1.4 disclosures that would result in a breach of a duty of confidence owed to a third party;
  - 7.1.5 disclosures that would jeopardize the safety or life of an individual;
  - 7.1.6 disclosures that would prejudice or impair the security of property or means of transport;
  - 7.1.7 disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme;
  - 7.1.8 disclosures that would prejudice or impair the protection of the safety of the public;
  - 7.1.9 disclosures that are privileged from production in legal proceedings unless the privilege has been waived;



- 7.1.10 disclosures of details of any computer programme;
  - 7.1.11 disclosures that will put BITTERSWEET at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
  - 7.1.12 disclosures of any record containing any trade secrets, financial, commercial, scientific, or technical information that would harm the commercial or financial interests of BITTERSWEET;
  - 7.1.13 disclosures of any record containing information about research and development being carried out or about to be carried out by BITTERSWEET.
- 7.2 If access to a record or any other relevant information is denied, our response will include -
- 7.2.1 adequate reasons for the refusal; and
  - 7.2.2 notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

## 8 FEES

- 8.1 The applicable fees are prescribed in terms of the Regulations promulgated under the PAIA.
- 8.2 There are two basic types of fees payable in terms of the PAIA -
  - 8.2.1 **REQUEST FEE**
    - 8.2.1.1 The non-refundable request fee of R50 (fifty-rand)(excluding VAT) is payable on submission of any request for access to any record.
    - 8.2.1.2 This does not apply if the request is for personal records of the requestor.
    - 8.2.1.3 No fee is Payable in such circumstances.
  - 8.2.2 **ACCESS FEE**
    - 8.2.2.1 The access fee is payable prior to being permitted access to the records in the required form.
    - 8.2.2.2 The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice number 187, Regulation 11.

## 9 MANUAL AVAILABILITY

- 9.1 This Manual is available at the offices of the South African Human Rights Commission.
- 9.2 The Manual is also available at [www.ram.co.za](http://www.ram.co.za) or [www.accesstoinfo.co.za](http://www.accesstoinfo.co.za).
- 9.3 Copies may also be obtained from the Head of Business of BITTERSWEET.
- 9.4 In respect of hard copies, any transmission costs or postage will be for the account of the requester.