

PROMOTION OF ACCESS TO INFORMATION MANUAL

(hereinafter referred to as the "Manual")

for



The South African Rugby Union

An incorporated association of persons
(hereinafter referred to as "SA Rugby")

prepared in accordance with section 51 of the **Promotion of Access to Information Act, No. 2 of 2000** (hereinafter referred to as "the Act").

The purpose of this Manual is, *inter alia*, to assist a requester with the process of requesting access to information held by SA Rugby.

INTRODUCTION

This Manual is published in terms of Section 51 of the Act.

The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information. This is information held by the State but also information held by any another person. A person that is entitled to exercise a right or who need information for the protection of any right, is entitled to access that information, subject to certain restraints.

Section 51 of the Act creates a general legal obligation on all citizens and juristic persons to provide information. There is no other duty to provide information unless an individual, for example, contracts to provide information or a specific act, such as the Companies Act, creates an obligation to provide information.

PURPOSE

The purpose of this manual is to facilitate requests for access to information of SA Rugby.

This manual does not comprehensively deal with every procedure provided for in the Act.

Requesters are advised to familiarise themselves with the provisions of the Act before making any requests to SA Rugby in terms of the Act.

SA Rugby makes no representation and gives no undertaking or warranty that the information in this manual or any information provided by it to a requester is complete or accurate, or that such information is fit for any purpose. All users of such information shall use such information entirely at their own risk, and SA Rugby shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from the use of this manual or of any information provided by SA Rugby or from or any error therein.

All users and requesters irrevocably agree to submit to the law of the Republic of South Africa and to the exclusive jurisdiction of the Courts of South Africa in respect of any dispute arising out of the use of this manual or any information provided by SA Rugby.

INFORMATION REQUIRED UNDER SECTION 51(1)(a) OF THE ACT

| | |
|--|---|
| Head of the Company or Designated Information Officer | Chief Executive Officer |
| Email address | legal@sarugby.co.za |
| Postal address | P.O. Box 15929, Panorama, Cape Town, 7506 |
| Street address | SARU HOUSE, Tygerberg Park, 163 Uys Krige Drive, Platteklouf, Cape Town, 7500 |
| Phone number | 021 928 7000 |
| Fax number | |
| Website | https://www.springboks.rugby/ |

SA RUGBY OVERVIEW

SA Rugby believes in the precepts of transparency, accountability, integrity.

DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

The guide described in section 10 of the Act was published in August 2003 and contains the information as prescribed in the Act. Any enquiries regarding the guide should be directed to the:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department
Postal address: Private Bag 2700
Houghton
2041
Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

NOTICE IN TERMS OF SECTION 52(1) and (2) OF THE ACT:

No notice has been published in terms of section 52(2) of the Act, and no documents and information held by SA Rugby are voluntarily made available automatically pursuant to 52(1) of the Act: a person must request access in terms of and subject to the provisions of the Act.

RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(d)

The following legislation creates the obligation to keep certain records:

- Basic conditions of Employment No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Companies 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 1955
- Occupational Health and Safety Act No. 85 of 1993
- Skills Development Act No. 97 of 1998
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act No. 89 of 1991

SUBJECTS AND CATEGORIES OF RECORDS HELD BY SA RUGBY: SECTION 51(1)(e)

The Act requires that sufficient detail be provided to facilitate a request for access to a record of SA Rugby. A description of the subjects on which SA Rugby holds records and the categories of the records held by each subject can be found in **Annexure "A"** of this manual. This list of subjects and categories of records that can be found in **Annexure "A"** forms an integral part of this manual.

DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(e)

1. Introduction

Access to information held by SA Rugby is not automatic and can be refused by SA Rugby on any of the grounds for refusal contemplated in Chapter 4 of Part 3 of the Act.

In order to request access to information held by SA Rugby, the person requesting access to such information (hereinafter referred to as the "requester") must not only identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right but must also comply with all the procedural requirements set out in the Act.

If the requester requests information on behalf of a **public body** (e.g. the state), the requester must identify that the request for information is in the public's interest by stipulating adequate reasons, and if the records are required to fulfil or protect any rights other than those of the public body.

2. **Procedural Requirements**

- In order to facilitate such a request for access to information, the requester needs to complete the *prescribed access form* attached hereto as **Annexure "B"**. Please note that the prescribed access form must be completed in full. If not, the process may be delayed until such additional information has been provided.
- *Proof of identity* is required to authenticate the request and the requester. Therefore, in addition to the prescribed access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable form of identification, as well as the mandate or resolution authorising them to make the request (where the request is made acting on behalf of a natural or juristic person).
- The request must be made to the Information Officer at SA Rugby's street address or the Information Officer's e-mail address (both of which are set out on page 2 above).
- The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record requested and the requester. When completing a request on the prescribed form, the requester should also indicate:
 - the preferred language;
 - whether the requester wishes to be informed of the decision in another manner in addition to a written reply; and
 - a legal@sarugby.co.za and postal address.
- If a request is made on behalf of another person, then the requester must show, to the reasonable satisfaction of the Information Officer, that he or she is duly authorised to make such application.
- If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request verbally.
- The form must be adequately completed, with sufficient information particularly so that the official of SA Rugby can identify:
 - from where and from whom the request is made;
 - what record is requested;
 - what the access fee will be, should access be granted.
- A request will not be processed until the *request fee* and a deposit of the access fee (if applicable) have been paid. The request fee is an administration fee that must be paid before the request is considered and is not refundable. However, a requester requesting information containing personal information about the requester is excluded from paying the request fee.
- The *access fee* is intended to reimburse SA Rugby for the costs involved in searching and preparing the record requested for delivery and is payable once access to the record requested is granted. Should this request for access to information be about a person other than the requester and SA Rugby is of the opinion that the preparation of the required record will take more than six hours, a deposit (which is 1/3) of the access fee is payable before the request will be processed by SA Rugby.

3. **Notification**

Requestors will be informed within 30 days whether:

- the request for access has been granted;
- the Information Officer has decided to refuse access to the information requested based on any of the grounds for refusal as contemplated in Chapter 4 of Part 3 of the Act; or
- the 30-day period is to be extended for a further 30-day period should more time be required to gather the requested information.

If the request for access to a record is successful, the requester will be notified of the following:

- the amount of the access fee payable upon gaining access to the record;
- an indication of the form in which the access will be granted; and
- that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is not successful, the requester will be notified of the following:

- adequate reasons for the refusal; and
- that the requester may lodge an application with a Court against the refusal of the request and the procedure, including the period, for lodging the application.

FEES

As set out above, there are two basic types of fees applicable in terms of the Act – “request” and “access” fees. The non-refundable request fee is payable on submission of the request for access to a record (unless the request is for personal information relating to the requester in which event there is no applicable fee) and the access fee is payable prior to the actual gaining of access to the records in the required form. The applicable fees are prescribed in terms of Part III of Annexure A as identified in Government Notice Number 187, Regulation 11, and are set out in **Annexure “C”** hereto.

POLICY WITH REGARD TO CONFIDENTIALITY AND ACCESS TO INFORMATION

SA Rugby will protect the confidentiality of information provided to it by third parties, subject to SA Rugby’s obligations to disclose information in terms of any applicable law or regulation or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, SA Rugby may be obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

RECORDS THAT CANNOT BE FOUND OR DO NOT EXIST

If SA Rugby has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record

AVAILABILITY OF MANUAL

The Manual is available for inspection, free of charge, at the offices of SA Rugby, as set out in page 2 of this manual, as well as SA Rugby’s website at www.springboks.rugby.

Information Officer

ANNEXURE "A"

SUBJECTS AND CATEGORIES OF RECORDS HELD BY SA RUGBY: SECTION 51(1)(e)

1. Companies Act Records

- Black Economic Empowerment Certificate
- Codes of Conduct
- Documents of Incorporation
- Legal Compliance Records
- Memorandum of Incorporation
- Minutes of the General Council
- Policies
- Records relating to the appointment of directors/ auditors/ secretary/ public office and other officers

2. Financial Records

- Accounting Records
- Annual Financial Statements
- Asset Register
- Auditors' Report
- Bank Statements
- Banking Records
- Detail of Auditors
- Electronic Banking Records
- Invoices
- Rental Agreements
- Tax Returns

3. Income Tax Records

- Documents issued to employees for income tax purposes
- PAYE Records
- Records of payments made to SARS on behalf of employees
- Value Added Tax Clearance Certificate
- All other statutory compliances:
 - Value Added Tax
 - Regional Services Levies
 - Skills Development Levies
 - Unemployment Insurance Fund
 - Workmen's Compensation

4. Personnel Documents and Records

- Attendance Registers
- Disciplinary Code
- Disciplinary Records
- Employment Contracts
- Employment Equity Plan
- Leave Records
- Particulars of Personnel
- Record of time worked by employees

- Records containing all employees' names and occupation
- Salary Records
-
- Sector Education and Training Authority Records
- Training Manuals
- Training Records

5. Supplier and Service Provider Records

- Supplier and merchant registration information
- Contracts
- Confidentiality agreements and non-disclosure agreements
- Communication
- Delivery records
- Financial and accounting information
- Contact information
- Consents
- Commissioned work and similar information

6. Immovable and Movable Property Records

- Agreements for the lease of movable property
- Other agreements for the purchase, ordinary sale, conditional sale, or hire of assets

7. Miscellaneous Records

- Suretyship agreements
- Third-party information that SA Rugby may be in possession of but access to which would be subject to the conditions set that relate to possession and use or to limitations relating to purpose.

ANNEXURE "B"

FORM C

Request for access to record of private body
(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))
[Regulation 10]

A Particulars of private body

The Head:

B Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be given below.
- (b) The address and/or fax number in the Republic to which the information is to be sent must be given.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname:

Identity number:

Postal address:

Fax number:

Telephone number:

E-mail address:

Capacity in which request is made, when made on behalf of another person:

C Particulars of person on whose behalf request is made

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname:

Identity number:

D Particulars of record

(a) 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.
(b) 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.

1 Description of record or relevant part of the record:

2 Reference number, if available:

3 Any further particulars of record:

E Fees

(a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
(b) You will be notified of the amount required to be paid as the request fee.
(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. ⁴

Reason for exemption from payment of fees:

F Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

| | |
|-------------|-----------------------------------|
| Disability: | Form in which record is required: |
| | |
| | |
| | |

Mark the appropriate box with an X.

NOTES:

- (a) Compliance with your request in the specified form may depend on the form in which the record is available.
- (b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.
- (c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

| | | | | | |
|---|---|--|--|--|--|
| 1 If the record is in written or printed form: | | | | | |
| | copy of record* | | inspection of record | | |
| 2 If record consists of visual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.): | | | | | |
| | view the images | | Copy the images* | | transcription of the images* |
| 3 If record consists of recorded words or information which can be reproduced in sound: | | | | | |
| | listen to the soundtrack (audio cassette) | | Transcription of soundtrack* (written or printed document) | | |
| 4 If record is held on computer or in an electronic or machine-readable form: | | | | | |
| | printed copy of record* | | printed copy of information derived from the record* | | copy in computer readable form* (stiffy or compact disc) |

G Particulars of right to be exercised or protected

If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requestor must sign all the additional folios.

1 Indicate which right is to be exercised or protected:

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

H Notice of decision regarding request for access

You will be notified in writing whether your request has been approved/denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Signed at _____ this _____ day of _____ 20 _____

Signature of requester/person on whose
behalf request is made

ANNEXURE "C"

PRESCRIBED FEES

Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requester.

Access Fee

The applicable fees (excluding VAT) which will be payable are:

| | |
|--|--------------|
| For every photocopy of an A4-size page or part thereof | Rand 1.10 |
| For every printed copy of an A4-size page or part thereof held on a computer or in electronic form | 0.75 |
| For a copy in a computer readable form: | 70.00 |
| • Compact disc | |
| A transcription of visual images, for an A4-size page or part thereof | 40.00 |
| For a copy of visual images | 60.00 |
| A transcription of an audio record, for an A4-size page or part thereof | 20.00 |
| For a copy of an audio record | 30.00 |
| To search a record that must be disclosed, per hour or part of the hour | 30.00 |

Postage fee

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.