

Access to information for Creative Event Solutions (Pty) Ltd t/a Radtrax Recreational Products

The Act:

**Creative Event Solutions (Pty) Ltd t/a Radtrax Recreational Products**

Registration Number: 2013/091483/07

here in after referred to as "**Radtrax**"

**Information Manual**

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No 2 of 2000.

Radtrax is an independent, South African Importer and Supplier of exclusive outdoor event structures for any occasion to the Corporate, Hospitality and Entertainment Industry as well as Retail Clientele.

**Radtrax Head Office:**

12 Station Road, Montague Gardens, Cape Town, 7441

**Radtrax Postal Address:**

12 Station Road, Montague Gardens, Cape Town, 7441

**Contact Details:**

Telephone: 0826555754

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

**1. BACKGROUND TO PROMOTION OF ACCESS TO INFORMATION ACT**

Section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa, No.108 of 1996 (the Constitution) provides that everyone has the right of access to any information:

(a) held by the State; and

(b) held by another person and that is required for the exercise or protection of any right.

The Promotion of Access to Information Act, No 2 of 2000 (the Act) was enacted on 3 February 2000, giving effect to the constitutional right of access to any information held by the State, and any information held by another person that is required for the exercise or protection of any right. Where a request is made in terms of the Act, the public body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released. Where a request is made in terms of the Act to a private body, that private body must disclose the information if the requester is able to show that the record is required for the exercise or protection of any rights, and provided that no grounds of refusal contained in the Act are applicable. The Act sets out the requisite procedural issues attached to information requests. In terms of Section 51 of the Act, Radtrax is required to compile a Manual, which provides information as prescribed in the Act.

**2. PURPOSE OF THE MANUAL**

This manual is intended to foster a culture of transparency and accountability by giving effect to the right to information held by a private body that is required for the exercise or protection of any right, and actively promoting a society in which the people of South Africa have access to information to enable them to exercise and protect their rights. Section 9 of the Act, recognizes that justifiable limitations of the right to access may be permitted. Such justifiable limitations include but are not limited to:

Reasonable protection of privacy;

Commercial confidentiality;

Effective, efficient and good governance;

The manual provides a generic format, which will enable requesters to obtain the records, which they are entitled to under the Act in a quick and accessible manner.

### **3. PART I**

#### **3.1. Contact Details and General Information - (Section 51(1) (A)) Radtrax**

Registration Number: 2013/091483/07

Chief Executive Officer: Paul van der Riet

Physical Address: 12 Station Road, Montague Gardens, Cape town, 7441. Postal: 12 Station Road, Montague Gardens, Cape town, 7441

Contact telephone: 0826555754

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

#### **3.2. Contact Details of the Information Officer - (Section 51(1) (B))**

As appointed by the Board of Directors of Radtrax:

The information officer: Mr. Paul van der Riet

(Attention: The Group CEO)

Physical Address: 12 Station Road, Montague Gardens, Cape town, 7441. Postal: 12 Station Road, Montague Gardens, Cape town, 7441

Contact telephone: 0826555754

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

**Email: [Paul@cevents.co.za](mailto:Paul@cevents.co.za)**

#### **3.3 Contact Details of Registered Auditors:**

Haak Fourie Snyman (Chartered Accountants S.A) PO Box 3918, Cape Town, 8000

Practice No.: 913111

Telephone Number: 27(21) 424 7346

Facsimile: 27(21) 423 3674

(Attention: Mr. E. Snyman)

Email: [haakfouriesnyman@new.co.za](mailto:haakfouriesnyman@new.co.za)

### **4. PART II**

#### **Guide of South African Human Rights Commission**

The South African Human Rights Commission has as yet not printed the guide as contemplated in Section 10 of the Act. The Guide will include information as may reasonably be required by a person who wishes to exercise any right as contemplated in the Act and accordingly contains information on how to use the Act including:

- the objects of the Act
  - particulars of every public and private body
  - the manner and form for requests
  - contents of the Regulations promulgated under the Act
- may be updated and published at earliest convenience and will be available accordingly

However the guide can be requested directly from the South African Human Rights Commission as per the following contact details:

**The South African Human Rights Commission**

The PAIA Unit (Research and Documentation Department)

Postal Address: Private Bag X2700, Houghton, 2041 Telephone Number: 27(0)11 484 8300

Facsimile: 27(0)11 484 1360

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [paia@sahrc.org.za](mailto:paia@sahrc.org.za) **5. PART III**

**Description Of The Subjects And Records of Radtrax available In Terms Of Any Other Legislation To Members Of The General Public - (Section 51 (1) (d))**

It is recorded that the accessibility of the documents herein below, may be subject to the grounds of refusal set out hereinafter. The documents as listed are not automatically readily available and every request will be reviewed on its merits. Furthermore some of the documents listed may not yet have been compiled at all and as such will not be available.

All information readily available may be obtained from the Radtrax Website at

[www.radtrax.co.za](http://www.radtrax.co.za)

**5. PART III**

List of parties/timetable/list of documents Correspondence from Radtrax Correspondence from the Company Legal Correspondence

Correspondence with the Accountants Legal Documents and contracts  
Fees and copy invoices  
Due Diligence Documentation

**5.2 Bookkeeping**

Accounting records  
Standard terms of business  
Client files (correspondence)  
Forms and applications  
Operational policies and procedures  
Operational reports and supporting documentation Compliance manual, procedures and reports  
Bank Account Records

**5.3 Suppliers and Trading Partners**

Sales and Purchase Agreements  
Lease Agreements  
Management Contracts  
Construction and Development Contracts

**5.4 Employment Benefits**

Engagement material/engagement letter Outsourcing and service agreements  
5.5 Human Resources  
Personnel Files\*

Payroll records  
Policies and procedures  
Forms and applications  
Standard letters and notices  
Benefit arrangements rules and records

\*Personnel refers to any person who works for, or provides services to or on behalf of Radtrax and receives or is entitled to receive remuneration and any other person who assists in carrying out or conducting the business of Radtrax.

## **5.6 Company Secretarial**

Minute books  
Closed Corporation registers  
Annual Financial Statements  
Memoranda and Articles of Association Correspondence  
Share certificates  
Corporation agreements  
Returns to Registrar of Closed Corporations Attendance registers for meetings Agendas for meetings

## **5.7 Marketing**

Advertising and marketing material (Brochures, leaflets, videos)

## **5.8 Group Compliance**

Group Compliance Manual  
Group Compliance policies and procedures

## **5.9 Taxation**

Policies and procedures Taxation files

## **6. DESCRIPTION OF RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION TO MEMBERS OF THE GENERAL PUBLIC - (SECTION 51(1) (D))**

6.1.

(a) All documents of incorporation of Radtrax are lodged at the offices of the Registrar of Companies and may be inspected there.

(b) The register of members and register of transfer (of members), pledges and bonds of each company comprising of Radtrax are available for inspection at the registered office of the relevant company.

(c) A register of the members and officials interests in contracts entered into by Radtrax is kept at the registered office of Radtrax.

6.2. As this point Radtrax, has not yet lodged copies of employment equity plans at the Department of Labour in terms of the Employment Act no 55 of 1998

## **7. PROCEDURE OF HOW CAN RECORDS BE OBTAINED (MANNER OF ACCESS) - (SECTION 51(1) (E))**

7.1. The requester must comply with all the procedural requirements as set out in the Act relating to the request for access to a record

7.2. The requester must complete the prescribed form to make the request and submit same as well as payment of a request fee and a deposit (where applicable), to the Information Officer at the postal, physical address, fax number or electronic mail address as noted in Part 1 3.2.

7.3. The prescribed form must be completed with sufficient information to enable the Information Officer to identify:

- (a) the record or records requested; and
- (b) the identity of the requester

(s53 (2) (a), (b), (c))

7.4. The requester should indicate which form of access is required and to specify a postal address or fax number of the requester within the Republic.

7.5. The prescribed form should also contain the postal address or fax number of the requester.

7.6. The requester must state that he/she requires the information in order to exercise or protect a right and clearly state what the nature of the right is so to be exercised or protected. The requester must state clearly and specifically why the record is necessary to exercise or protect a right, (s53 (2) (d)).

7.7. Radtrax will endeavour to process the request within 30 days, unless special circumstances exist which indicate that the time period will need to be extended.

7.8 If the request is for a record pertaining to a third party, the Information Officer must take all reasonable steps to inform that third party of the request. This must be done prior to releasing said record to the requester.

7.9 The requester shall be advised whether access was granted or denied. If the requester requires reasons for the decision in any other manner, the requester will be obliged to state which manner and the particulars required.

7.10 If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the Information Officer. (s53 (2) (f))

7.11. If an individual is unable to complete the prescribed form because of illiteracy or disability, such request may be oral.

7.12. The requester must pay the prescribed fee before any processing of information can take place.

7.13. All information as listed in 7.3. to 7.5. above should be provided and failing which the process will be delayed until the required information is provided. The prescribed time periods will not commence until the requester has furnished all the necessary information.

7.14. The Information Officer must sever a record, if possible, and grant access only to that portion which the law does not prohibit access to.

## **8. PRESCRIBED FEES - (CHAPTER 3 SECTION 54 SEE ANNEXURE B)**

8.1. The Act provides for two types of fees, namely:

- (a) A request fee, which is a form of administration fee to be paid by all requesters except personal requesters, before the request is considered and is not refundable; and
- (b) An access fee, which is paid by all requesters in the event that a request for access is granted. This fee is inclusive of costs involved by the body in obtaining and preparing a record for delivery to the requester.

8.2.

8.3. When a request is received by the Information Officer, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee, before further processing of the request. (s54 (1)). Information may be withheld until the request fee and the deposit (if applicable) have been paid.

8.4. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the requester.

8.5. If the request has been granted then an access fee must be paid for the search, reproduction, preparation of the requested records, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. (s54 (6))

## **9. INFORMATION OR RECORDS NOT FOUND**

9.1. If a requested record cannot be found or if the record does not exist, the Information Officer shall, by way of an affidavit or affirmation, notify the requester that it is not possible to give access to the requested record.

9.2. The affidavit or affirmation shall provide full details of all the steps taken to find the record or to determine its existence, including details of all communications by the Information Officer with every person who conducted the search. This notice will be regarded as a decision to refuse a request for access to the record concerned for the purposes of the Act. If the record should later be found, the requester shall be

given access to the record in the manner stipulated by the requester in the prescribed form, unless the Information Officer refuses access. The attention of the requester is drawn to the provisions of Chapter 4; Part 3 of the Act in terms of which Radtrax may refuse to provide information to a requester.

## **10. INFORMATION REQUESTED ABOUT A THIRD PARTY**

10.1 Chapter 5; Part 3 of the Act specifies the procedure regarding a request for information or records about a third party

10.2 In considering such a request, Radtrax will adhere to the provisions of the Act. Section 71 requires that the Information Officer take all reasonable steps to inform a third party to whom the requested record relates of the request, informing him that he may make written or oral representations to the Information Officer why the request should be refused, or give written consent for the disclosure of the record.

## **11. GROUNDS FOR REFUSAL OF A REQUEST**

A private body such as Radtrax is entitled to refuse a request for information on the following grounds:

11.1 Section 63 provides for the mandatory protection of the privacy of a third party who is a natural person, including a deceased person which would involve the unreasonable disclosure of personal information of that natural person.

11.2 Section 64 provides for the mandatory protection of the commercial information of a third party, if the record contains: trade secrets of that third party financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party; information disclosed in confidence by a third party to the private body, if such disclosure could put that third party at a disadvantage in negotiations or commercial competition.

11.3 Section 65 provides for the mandatory protection of confidential information of third parties if such disclosure would constitute a breach of a duty of confidence owed to such third party in terms of any agreement.

11.4 Section 66 provides for the mandatory protection of the safety of individuals and the protection of property.

11.5 Section 67 provides for the mandatory protection of records, which would be regarded as privileged in legal proceedings.

11.6 Section 68 provides for protection of the commercial activities of a private body such as Radtrax, which may include: trade secrets of Radtrax, financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Radtrax; information which, if disclosed, could put Radtrax at a disadvantage in negotiations or commercial competition; a computer program which is owned by Radtrax and which is protected by copyright information on such computer programs which disclosure may cause financial, commercial or competitive harm.

11.7 Section 69 provides for the protection of research information of the Radtrax or a third party, if its disclosure would place Radtrax, the third party or the subject matter of the research at a disadvantage; ALL REQUESTS WILL BE ASSESSED ON THEIR OWN MERITS AND IN ACCORDANCE WITH THE APPLICABLE LEGAL PRINCIPLES AND LEGISLATION.

## **12. REMEDIES AVAILABLE WHEN A REQUEST IS REFUSED**

### 12.1 Internal Remedies

Radtrax does not have internal appeal procedures. The decision by the Information Officer is final. Requesters will have to exercise such external remedies at their disposal if a request is refused and the requester is not satisfied with the response of the Information Officer.

### 12.2 External Remedies

A requester that is dissatisfied with the Information Officer's refusal to disclose information may within 30 days of notification of the decision apply to Court for appropriate relief. A third party who is dissatisfied with an Information Officers decision to disclose information may within 30 days of receipt of such refusal apply to a court for appropriate relief. The courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status and a Magistrate's Court designated by the Minister of Justice and Constitutional Court, and which is presided over by a designated magistrate.

## **13. UPDATING OF MANUAL**

Radtrax will update this manual at such intervals as may be deemed necessary.