

**THE LEARNING STUDIO (PTY) LTD.
MANUAL PREPARED IN TERMS OF SECTION 51 OF
THE PROMOTION OF ACCESS TO INFORMATION ACT (ACT 2 OF 2000)**

Note: This manual is based on “EXAMPLE OF A MANUAL FOR A PRIVATE BODY” issued by the South African Human Rights Commission, amended to meet the needs of THE LEARNING STUDIO (PTY) LTD., with further additions to enhance its usefulness and comply with the Protection of Personal Information Act, No. 4 of 2013.

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

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2 DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10

A Guide has been compiled in terms of Section 10 of PAIA by the South African Human Rights Commission (SAHRC). It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, *inter alia*, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St. Andrews Street, Parktown, Johannesburg, Gauteng and at www.sahrc.org.za

For further information please contact the SAHRC:

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Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484 8300

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3 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

Records available in terms of other legislation are as follows:

[select from this list to meet your needs or add other relevant legislation not yet listed]

Administration of Estates Act, No. 66 of 1965

Arbitration Act No. 42 of 1965

Atmospheric Pollution Prevention Act 45 of 1965.

Banks Act No. 94 of 1990

Basic Conditions of Employment Act No. 75 of 1997

Bills of Exchange Act 34 of 1964

Broad-based Black Economic Empowerment Act 53 of 2003

Children's Act 38 of 2005;

Companies Act No 71 of 2008 and Applicable Regulations

Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993

Competition Act No. 89 of 1998

Consumer Affairs (Unfair Business Practice) Act No. 71 of 1988

Consumer Protection Act 68 of 2008

Copyright Act No. 98 of 1978

Currency and Exchanges Act No .9 of 1933

Customs and Excise Act, 55 of 1998;

Debt Collector's Act No. 114 of 1998

Electronic Communications Act, No. 36 of 2005;

Electronic Communications and Transactions Act No 25 of 2002

Employment Equity Act. No. 55 of 1998

Exchange Control Amnesty and Amendment of Taxation Laws Act of 2003

Explosives Act 26 of 1956.

Financial Advisory and Intermediary Services Act 37 of 2002

Financial Intelligence Centre Act No. 38 of 2001.

Financial Services Board Act No. 97 of 1990

Firearms Control Act 60 of 2000

Harmful Business Practices Act No. 23 of 1999

Hazardous Substances Act 15 of 1973
Health Professions Act 56 of 1974
Identification Act 68 of 1997
Immigration Act 13 of 2002
Income Tax Act No 58 of 1962
Insider Trading Act 135 of 1998
Insolvency Act No. 24 of 1936
Insurance Act No. 27 of 1943
Intellectual Property Laws Amendment Act No. 38 of 1997
Johannesburg Stock Exchange Listing Requirements
Labour Relations Act No 66 of 1995
Long –Term Insurance Act No. 52 of 1998
Medical Schemes Act 131 of 1998;
Medicines and Related Substances Act 101 of 1965
National Health Act 61 of 2003
Mine Health and Safety Act 29 of 1996
Mines and Works Act 27 of 1956
National Credit Act No. 34 of 2005
National Environmental Management Act 107 1998
National Water Act 36 of 1998.
Nonprofit Organisations Act No. 71 of 1997
Occupational Diseases in Mines and Works Act 78 of 1973
Occupational Health and Safety Act No. 85 of 1993
Pension Funds Act No 24 of 1956
Prevention and Combating of Corrupt Activities Act No 12 of 2004
Prevention of Organized Crime Act No. 121 of 1998
Promotion of Access to Information Act No.2 of 2000
Promotion of Equality and Prevention of Unfair Discrimination Act No. 4 of 2000
Protected Disclosures Act No. 26 of 2000
Protection of Personal Information Act 4 of 2013
Protection of Constitutional Democracy against Terrorist and Related Activities Act 33 of 2004
Regulation of Interception of Communication and Provision of Communications Act, No.2 of 2000
Regulation of Interception of Communications and Provisions of Communication Related
Road Accident Fund Act 56 of 1996;
Information Act No. 70 of 2002
SA Reserve Bank Act No. 90 of 1989
Second-Hand Goods Act No. 6 of 2009
Securities Services Act No. 36 of 2004
Securities Transfer Tax Act 25 of 2007
Skills Development Act 97 of 1998
Skills Development Levies Act No 9 of 1999
South African Reserve Bank Act No. 90 of 1989
South African Schools Act of 1996
Stock Exchanges Control Act No. 1 of 1985
Supreme Court Act No. 59 of 1959
Tobacco Products Control Act No 83 of 1993
Trade Marks Act 194 of 1993
Trust Property Control Act No. 57 of 1988
Unemployment Insurance Act No. 63 of 2001
Unemployment Insurance Contributions Act No 4 of 2002
Value Added Tax Act No 89 of 1991

4 RECORDS AUTOMATICALLY AVAILABLE

No notice has been submitted by the practice to the Minister of Justice and Constitutional Development regarding the categories of records, which are available without a person having to request access in terms of Section 52(2) of PAIA. However, the information on the website of the business is automatically available without having to request access in terms of PAIA.

5 SUBJECTS AND CATEGORIES OF RECORDS HELD

General information about The Learning Studio can be accessed via the internet on <https://learn.studio>, which is available to all persons who have access to the internet.

The subjects on which the private body holds records and the categories on each subject in terms of Section 51(1)(e) are as listed below. Please note that a requester is not automatically allowed access to these records and that access to them may be refused in accordance with Sections 62 to 69 of the Act:

1. COMPANIES ACT RECORDS

- Documents of Incorporation;
- Memorandum of Incorporation;
- Minutes of meeting of the Board of Directors;
- Minutes of meetings of Shareholders;
- Register of directors' shareholdings;
- Share certificates; and
- Share Register and other statutory registers and/or records and/or documents.

2. FINANCIAL RECORDS

- Annual Financial Statements;
- Asset Registers;
- Bank Statements;
- Electronic Banking Records
- Invoices;
- Paid Cheques
- Rental Agreements; and
- Tax Returns.

3. 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

4. PERSONNEL DOCUMENTS AND RECORDS

- Disciplinary Code and Records;
- Employment Contracts;
- Forms and Applications;
- Grievance Procedures;
- Leave Records;
- Salary Records;
- Standard letters and notices
- Training Manuals;
- Training Records.

5. SALES DEPARTMENT

- Customer details
- Credit application information
- Information and records provided by a third party

6. MARKETING DEPARTMENT

- Advertising and promotional material

7. IT DEPARTMENT

- Computer / mobile device usage policy documentation;
- Disaster recovery plans;
- Hardware asset registers;
- Information security policies/standards/procedures;
- Information technology systems and user manuals
- Information usage policy documentation;
- Project implementation plans;
- Software licensing; and
- System documentation and manuals.

6 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS

The requester must complete Form C and submit this form together with a request fee, to the head of The Learning Studio. The form must be submitted to the head of The Learning Studio at his address, fax number, or electronic mail address as stated earlier in this manual.

Form of request:

- The requester must use the prescribed form, as attached in terms of Article 8 of this manual, to make the request for access to a record. This must be made to the designated head. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the designated head to identify the record and the requester.
- The requester should indicate which form of access is required.
- The requester should indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].
- If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the designated head of the private body [s 53(2)(f)].
- A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee.
- Every other requester, who is not a personal requester, must pay the required request fee.
- The designated head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is currently R50,00. The requester may lodge an application to the court against the tender or payment of the request fees 54(3)(b)].
- After the designated head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Grounds for refusing a request:

The Learning Studio has the right to reject any request for information submitted in terms of Sections 62 to 70 of Chapter 4 of the PAIA Act.

7 AVAILABILITY OF THE MANUAL

This manual is available for inspection at the office of The Learning Studio free of charge.

8 FEES IN RESPECT OF PRIVATE BODIES

The following is a breakdown of the fees structure for the purposes of determining the manner in which fees relating to a request for access to a record of a private body are to be calculated:

Part III of Regulation 187 published in the Government Gazette on the 15 February 2002:

1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
 - a. (a) For every photocopy of an A4-size page or part thereof R1,10
 - b. (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form R0, 75
 - c. (c) For a copy in a computer-readable form on - (i) stiffer disc R 7, 50; (ii) compact disc R 70,00
 - d. (d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00, (ii) For a copy of visual images R 60,00
 - e. (e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
3. The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2) is R50,00.
4. The access fees payable by a requester referred to in Regulation 11(3) are as follows:
 1.
 - a) For every photocopy of an A4-size page or part thereof R 1,10;
 - b) For every printed copy of an A4-size page or part; thereof held on a computer or in electronic or machine-readable form R 0,75;
 - c) For a copy in a computer-readable form on - (i) stiffer disc R 7,50; (ii) compact disc R 70,00
 - d) (i) For a transcription of visual images, for an A4-size page or part thereof R 40,00; (ii) For a copy of visual images R 60,00
 - e) (i) For a transcription of an audio record, for an A4-size page or part thereof R 20,00; (ii) For a copy of an audio record R 30,00
 - f) To search for and prepare the record for disclosure, R30,00; for each hour or part of an hour reasonably required for such search and preparation.
 2. For purposes of section 54(2) of the Act, the following applies:
 - (a) Six hours as the hours to be exceeded before a deposit is payable; and
 - (b) one third of the access fee is payable as a deposit by the requester.
 3. The actual postage is payable when a copy of a record must be posted to a requester.

9 FORM C: REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

In terms of Section 53 (1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) [Regulation 10]

A. Particulars of private body

The Head (name of body): _____

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 folio and attach it to this form.*

The requester must sign all the additional folios.

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.

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: _____

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.

*Mark the appropriate choice with an **X**.*

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 of 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 file)
- 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)

If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.

- YES
- NO

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 requester 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 _____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE