

**MANUAL OF**  
**YABULELA cc**  
**(“YABULELA” or “THE COMPANY”)**

in terms of

Section 51(1) of the Promotion of Access to  
Information Act 2 of 2000 (“the Act”)

**THE PURPOSE**

The purpose of this document is to serve as the Manual of Yabulela CC as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records



## INTRODUCTION

Yabulela is an employee-owned, gifting company based in Somerset West which was established in 2006. As a quality gifting business, the firm offers gifting services to the private public and the corporate sector. We source and custom assemble gorgeous gifts for specific occasions and requirements from our clients. All our gifts are of the highest quality and we believe in supporting our local suppliers in the Western Cape first, thereby supporting the local economy and the employees within the various sectors that we source our products from. Should we not be able to source what our clients require from our local market, we will search across South Africa in order to source products that will satisfy our client's needs.

We provide our clients with alternative options for gifts, and help maximise their allocated marketing budgets to achieve the best outcome result versus the value expenditure of the client.

Our services:

Presentation of our products to corporate entities  
Sourcing products and designing final layout and visual appearance of gifts  
Delivery of our gifts either by an outsourced courier company or directly by Yabulela.

This manual covers the records held by Yabulela.

## SECTION I: CONTACT PERSON AND ADDRESS DETAILS

(as required by Section 51(1)(a))

The Managing Member of Yabulela CC, has duly authorised the contact person below to ensure that the Act is complied with:

Contact Person:	Mrs. K Carstens
Physical Address:	11 Ceaser Close Rome Glen Somerset West 7130
Postal Address:	P O Box 3111 Somerset West 7129
Telephone:	(021) 851 7854
Fax:	086-667-6463
E-mail address:	info@yabulela.co.za



## **SECTION II: GUIDE ON HOW TO USE THE ACT**

(as required by Section 51(1)(b), as read with Section 10)

The Human Rights Commission has compiled a guide, in terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in the first half of 2005 and access to it, and to any amended versions thereof can be found on the website of the South African Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za), or a hard copy can be obtained directly from the South African Human Rights Commission.

The Human Rights Commission's contact details are as follows:

Physical Address:                   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 11 484-7146  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)  
E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Postal address:                   Private Bag 2700  
Houghton  
2041



**SECTION III:  
CATEGORIES OF RECORDS AVAILABLE**

(as required by Section 51(1)(c))

The following categories of records are automatically available without a person having to request access in terms of this Act:

- i. Not applicable [Section 51(1)(c)]
- ii. Classification of Records [Section 51(1)(e)]

**Auditors**

The company's auditors are Kathy Mann & Associates CC, 6 Disa Avenue, Somerset West, Western Cape, South Africa.



## **SECTION IV: RECORDS AVAILABLE IN ACCORDANCE WITH LEGISLATION**

(as required by Section 51(1)(d))

Records are available, where applicable, in accordance with the following current South African legislation (only to the extent that the relevant Act makes disclosure of records compulsory):

- The Occupational Health and Safety Act No. 29 of 1996;
- The Value Added Tax Act No. 89 of 1991;
- The Income Tax Act No. 58 of 1962;
- The Companies Act No. 61 of 1973;
- Basic Conditions of Employment Act No. 75 of 1997;
- Unemployment Contributions Act No. 4 of 2002
- The Labour Relations Act No. 66 of 1985;
- Copyright Act No. 98 of 1978
- Constitution of the Republic of South Africa, 1996

## **SECTION**

**V:**

## **DETAIL TO FACILITATE A REQUEST FOR ACCESS TO RECORDS**

(as required by Section  
51(1)(e))

Any request for access to records should be submitted on the prescribed form C (a copy of which is attached) which should be sent to the Contact Person whose name and address details appear in Section I hereof.

Yabulela CC has in its possession the following categories of records on the subject matters referred to hereunder:

- Founding statement CK1
- General correspondence
- Copyright
- Internal reports and communication
- Declaration of members' interest
- Employment records
- Remuneration records
- Sales records
- Annual financial statements
- Assets inventory
- Stock records



## **SECTION**

### **VI:**

## **ACCESS REQUEST PROCEDURE AND PRESCRIBED FEES**

A request for access to records must be made in the prescribed Form C (a copy of which is attached) which should be sent to the address, fax number or electronic mail address.

Please note that an initial, non-refundable request fee of R57,00 (inclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

#### *Notification of extension period (if Required)*

Applicants must take note that in terms of the Act the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension);

#### *The access fee and/or Deposit*

The applicant will be informed of the access fee (*if any*) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

#### *Decision on request*

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.



### *Grounds for refusal*

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse include:

- Protecting personal information that the Company holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Company or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Company;
- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party of the Company.

### *Records that cannot be found or do not exist*

If the Company 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.

### *Third party information*

If access is requested to a record that contains information about a third party, the Company is 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 of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.



**FORM C**

**REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY**

(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:

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**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: \_\_\_\_\_

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Identity number: \_\_\_\_\_

Postal address: \_\_\_\_\_

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\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

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

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**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 therefore.

Reason for exemption of payment for the fee:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**F. FORM OF ACCESS TO THE 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	
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**2. If the 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*	
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**3. If the 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)	
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**4. If the 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)	
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*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?  <b>Postage is payable.</b>	Yes	No
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**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 of 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?

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
**Signature of requester/person on whose behalf request is made**

