

PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000 (The Act)



SECTION 51 MANUAL FOR THE SOUTH AFRICAN INSTITUTE OF CHARTERED ACCOUNTANTS

<u>TABLE OF CONTENTS</u>	Page
Introduction	2
Particulars in Terms of Section 51	2
1. Contact details	2
2. The Guide as described in Section 10	2-3
3. Categories of records of SAICA which are available without having to request access in terms of the Act in terms of Section 52(2)	3
4. Records available in terms of any other legislation	3
5. How to request a record - a description of the subjects of the records	3-5
5.1 <i>How to request a record</i>	3
5.2 <i>Categories of records held by SAICA</i>	3-4
5.2.1 <i>Web page and library records</i>	4-5
5.2.2 <i>Other records</i>	5
6. Other information as may be prescribed	6
7. Availability of the Manual	6
8. Fees in respect of private bodies	6-7
9. Prescribed request form	7-10
A. <i>Particulars of private body</i>	7
B. <i>Particulars of person requesting access to the record</i>	7
C. <i>Particulars of person on whose behalf request is made</i>	8
D. <i>Particulars of person requesting access to the record</i>	8
E. <i>Fees</i>	8
F. <i>Form of access to record</i>	9
G. <i>Particulars of right to be exercised or protected</i>	9
H. <i>Notice of decision regarding request for access</i>	10

INTRODUCTION TO THE SOUTH AFRICAN INSTITUTE OF CHARTERED ACCOUNTANTS (SAICA)

SAICA was formed in March 1980. SAICA is a non-profit, voluntary association that provides a wide range of services to its members and associates. It is the custodian of the Chartered Accountant (SA) designation. SAICA is controlled by a Board, elected by members through regional committees, and by bodies representing its other key constituencies such as commerce and industry, large practices, small practices and the Association for the Advancement of Black Accountants in Southern Africa (ABASA).

SAICA's mission is to promote and maintain the interests of members, associates and trainees and to enhance the integrity, relevance and standing of the Institute, its members, associates and trainees in the interests of society. This is achieved through attaining pre-eminence in educational, training, professional, ethical and technical standards, thereby supporting members, associates and trainees in the deliverance of professional service to all stakeholders.

In order to ensure that all members, associates and trainees comply with the high professional standards set, SAICA provides technical support, continuing professional education and disseminates and communicates the latest information on technical developments to its constituency.

PARTICULARS IN TERMS OF SECTION 51

1. CONTACT DETAILS [Section 51(1)(a)]

- 1.1. The Chief Executive Officer of SAICA deals with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000, as amended.

Postal address: Private Bag X32
NORTHLANDS
2116

Street address: 17 Fricker Road,
ILLOVO
Johannesburg

Telephone: +27 11 621-6600

Facsimile: +27 11 621-6821

E-mail: FreemanN@saica.co.za

- 1.2. For the sake of expediency **ALL REQUESTS RELATING TO EXAMINATIONS ONLY** may be addressed to Janine Claassens

Telephone : +27 (11) 621-6890

Facsimile: +27 11 621-6820

E-mail : For APC : apc@saica.co.za; For ITC: itc@saica.co.za

2. THE GUIDE AS DESCRIBED IN SECTION 10. [Section 51(1)(b)]

The guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission:

Postal address: Braampark Forum 3, 33 Hoofd Street, Braamfontein

Telephone: +27 11 877 3600

Facsimile: +27 11 403 0668

Website: <http://www.sahrc.org.za>

3. CATEGORIES OF RECORDS OF SAICA WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2). [Section 51(1)(c)]

No notice of such records has been made to the Minister.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION. [Section 51(1)(d)]

Records are kept in accordance with the following legislation:

- Pension Funds Act, 24 of 1956

5. HOW TO REQUEST A RECORD. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY SAICA AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSED. [Section 51(1)(e)]

5.1 How to request a record [See *pro forma* request form in Section 9]

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body, or his duly authorised deputy. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be

informed in any other manner and state the necessary particulars to be so informed.

- The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The 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.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body will then make a decision on the request and notify the requester in the required form.

5.2 Categories of records held by SAICA

5.2.1 *Web page and library records*

The web page, www.saica.co.za, is accessible to anyone who has access to the Internet. SAICA's website has the following categories:

- About Us
 - *About a CA, AGA, and AAT*
 - *About SAICA*
 - *Benefits of SAICA membership*
 - *Need an Accountant?*
 - *SAICA Statistics*
 - *SAICA Structure*
- Constituency services
 - *Absentee*
 - *Auditing and accounting*
 - *Commerce and industry (C&I)*
 - *Legal and Ethical*
 - *** Verification of a member/associate*
 - *Small practices*

- Resources
 - *Documents for public comment*
 - *In the Media*
 - *Forms*
 - *E-service Brochure*
 - *Newsletters*
 - *Products*
 - *Publications*
 - *Related sites*
 - *SAICA links*
 - *Tax*
- Training and Education
- Seminars and Events
- Committees and Groups
- Members and Associates
- Discussion forums
- Jobs
- FAQs
- Contact us

NOTE: Automatic access to certain sections of the website may be limited.

Library

The SAICA Library consists of a collection of works on various accounting and auditing issues. The material designation of the Library is books and journals. Persons wishing to make use of the facilities may do so. Any costs that are incurred will be for the account of the user.

5.2.2 ***Other records***

- *Operational information*
This information can be defined as information needed in the day-to-day running of the organisation and is generally of little to no use to persons outside the organisation. (Examples of such information are: requisitions, internal telephone lists, address lists, company policies, directives, contracts, employee records and general “house-keeping” information).

- *Communications*
- *Circulars*
- *Membership files*
- *Disciplinary files*
- *Examination scripts*
In terms of the examination regulations, these are only maintained for 180 days after the release of the results.
- *Trainee accountant records*
- *Training offices files*
- *SAICA database (electronic)*
- *Committee minutes*
Automatic access to minutes is limited to members of the particular Committee.
- *Incorporation documents of SAICA i.e. Constitution and By-laws*
- *Financial records, including accounting records and auditor's report*

6. OTHER INFORMATION AS MAY BE PRESCRIBED [Section 51(1)(f)]

Not applicable.

7. AVAILABILITY OF THE MANUAL. [Section 51(3)]

This manual is available from the South African Human Rights Commission (see details above), SAICA (see details above), and in electronic format at <http://www.saica.co.za>.

8. FEES IN RESPECT OF PRIVATE BODIES

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:

R

(a)	For every photocopy of an A4-size page or part thereof	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	0,75
(c)	For a copy in a computer-readable form on -	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
(d)	(i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
(e)	(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) For a copy of an audio record	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:

		R
(1)	(a) For every photocopy of an A4-size page or part thereof	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	0,75
	(c) For a copy in a computer-readable form on -	
	(i) stiffy disc	7,50
	(ii) compact disc	70,00
	(d) (i) For a transcription of visual images, for an A4-size page or part thereof	40,00
	(ii) For a copy of visual images	60,00
	(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
	(ii) For a copy of an audio record	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. PRESCRIBED REQUEST FORM

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: The South African Institute of Chartered Accountants

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:

	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 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)	
* 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 _____ 20

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE