



***Independent Dealer
Association***

**Independent Dealer Association of South Africa
NPC Reg No. 2014/212117/08**

SECTION 51 MANUAL

compiled in terms of section 51 of

The Promotion of Access to Information Act, No. 2 of 2000

(the "Act")

TABLE OF CONTENTS

	<i>Page no.</i>
1. Introduction	3
2. Contact details	3
3. Information and guidelines in terms of the Act	3
4. Applicable legislation	4
5. Subjects and categories of records	5
6. Form of request for information	6
7. Prescribed fees	7

1. INTRODUCTION

The Associations main goal is facilitating the achievement of the common goals of independent Motor Dealers in South Africa

2. CONTACT DETAILS

The following contact details can be used to obtain information in terms of the Act and/or this manual:

Office Manager / GM:
R.H.Starke

Postal Address:
PO Box 2184
Florida Hills 1716

Street Address:
Levin & Steyn Building 383
Ontdekkers Road Florida Park

Telephone number:
011 966 5195

Fax number:
086 620 4764

Email address:
info@ida.co.za

3. INFORMATION AND GUIDELINES IN TERMS OF THE ACT

- 3.1. The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest.
- 3.2. Requests in terms of the Act shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.

33. Requesters are referred to the Guide in terms of Section 10 of the Act which has been compiled by the South African Human Rights Commission (the “Commission”), which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the Commission.
34. The contact details of the Commission are as follows:

Postal Address:	Private Bag 2700, Houghton, 2041
Telephone number:	+27 11 877 3600
Fax Number:	+27 11 403 0625
Website:	www.sahrc.org.za

4. APPLICABLE LEGISLATION

The following legislation is applicable to Independent Dealer Association of South Africa and information is accordingly available in accordance with such legislation:

- Basic Conditions of Employment Act No. 75 of 1997
- Broad Based Black Economic Empowerment Act No. 53 of 2003
- Close Corporations Act No. 69 of 1984
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
- Consumer Protection Act No. 68 of 2008
- Secondhand goods Act No 6 of 2009
- Copyright Act No. 98 of 1978
- Electronic Communications and Transmissions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Advisory and Intermediary Services Act No. 37 of 2002
- Financial Intelligence Centre Act No.38 of 2001
- Income Tax Act No. 58 of 1962
- Insolvency Act No. 24 of 1936
- Labour Relations Act No. 66 of 1995
- National Credit Act No. 34 of 2005
- Occupational Health and Safety Act No. 85 of 1993
- Pension Funds Act No. 24 of 1956
- Promotion of Access to Information Act No. 2 of 2000
- Short Term Insurance Act No. 53 of 1998

- Skills Development Levies Act No. 9 of 1999
- Skills Development Act No. 97 of 1998
- Trade Marks Act No. 194 of 1993
- Unemployment Insurance Contributions Act No. 4 of 2002
- Unemployment Insurance Act No. 63 of 2001
- Value Added Tax Act no 89 of 1991

5. SUBJECTS AND CATEGORIES OF RECORDS

In order to facilitate a request for access to Independent Dealer Association of South Africa records, the subjects and categories of records held by Independent Dealer Association of South Africa are listed below:

5.1 Companies Act Records

- Memorandum of incorporation
- Minutes of Board of Directors Meetings
- Records relating to the appointment of directors / auditors/ secretary/ public officer and other officers
- Share Register and other statutory registers

5.2 Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Bank statements
- Asset Register
- Rental Agreements
- Invoices

5.3 Income Tax and other Tax Records

- PAYE records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- VAT records
- Regional Services Levies records

- Skills Development Levies records
- UIF records

54. Information Technology Records

- Hardware and software licenses
- Telephone lines, leased lines and data lines

55. Personnel Records

- Workmen's Compensation records
- Employment contracts
- Employment Equity Plan and reports
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary records
- SETA records
- Company policies and procedures
- Leave records
- Training records

56. Client related Records

- Records which contain information of **Independent Dealer Association of South Africa** clients, whether natural or juristic, that receive a service from **Independent Dealer Association of South Africa**, that have either been provided to **Independent Dealer Association of South Africa** by the client or generated by **Independent Dealer Association of South Africa** in respect of the client.

57. Legal Records

- Various Legal Agreements including supplier agreements, lease agreements, service level agreements, and brand agreements.

6. FORM OF REQUEST FOR INFORMATION

- 6.1 A requester is not automatically entitled to the record in respect of which the request is made. Each request will be evaluated on its own merits.

62. In order to process a request, a requester should:
- 6.2.1. Use the prescribed form, which is available on the website of the South African Human Rights Commission at www.sahrc.org.za, entitled Form C (a copy of which is attached to this Manual for reference purposes).
 - 6.2.2. Address the request to the GM of Independent Dealer Association of South Africa
 - 6.2.3. Provide sufficient details in the request to allow Lightstone to identify:
 - The records requested;
 - The form of access required;
 - The postal address or fax number of the requester (which must be in the Republic of South Africa) and the manner and particulars in which the requester wishes to be informed of the decision, if the requester wishes to be informed in a manner in addition to written; and
 - The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. PRESCRIBED FEES

Where information is requested (other than for personal requests):

- 7.1. A requester is required to pay the prescribed fees (R50,00) before a request will be processed;
- 7.2. If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- 7.3. A requester may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4. Records may be withheld until the fees have been paid.

The fee structure is available on the website of the South African Human Rights Commission at www.sahrc.org.za . (A copy of the fee structure current at the time of preparation of this Manual is attached to the back of this Manual, but requesters of information are directed to access the latest fee structure on the aforementioned website.)

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:

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 <i>ONLY</i> if a request for information is made on behalf of <i>another</i> 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
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 for 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 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:

[Type here]

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