

SECTION 51 MANUAL FOR SECHABA TRUST (PTY) LTD

Compiled with the guidelines suggested by the South African Human Rights Commission to comply with the

PROMOTION OF ACCESS TO INFORMATION ACT, ACT NO 2 OF 2000

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INTRODUCTION TO THE PRIVATE BODY SECHABA TRUST (PTY) LTD

Sechaba Trust (Pty) Ltd is a trust company which deals with the administration of insolvent estates, liquidation of companies and other judicial bodies as well as deceased estates.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact Details [Section 51(1)(a)]

Physical:	Postal:
14 th Floor	P O Box 11889
South African Agricultural Union Building	Tramshed
Corner of Schoeman and Andries Streets	0126
Pretoria 0001	Information Officer: R Murray
Telephone: +27 12 320-7040	Email: info@sechaba.co.za
Facsimile: +27 12 320-1919	Website: www.sechaba.co.za

2. The section 10 Guide on how to use the Act [Section 51(1)(b)]

The guide will be available from the South African Human Rights Commission by not later than August 2003. Please direct any queries to:

The South African Human Rights Commission:
PAIA Unit
The Research and Documentation Department Telephone: +27 11 484-8300
Postal Address: Facsimile: +27 11 484-0582
Private Bag 2700 Website: www.sahrc.org.za
HOUGHTON Email: PAIA@sahrc.org.za
2041

3. Records available in terms of any other legislation: [Section 51(1)(d)]

Records are held in terms of the following Acts:
Administration of Estates Act No 66 of 1965; Basic Conditions of Employment Act No 75 of 1997; Closed Corporations Act No 69 of 1984; Companies Act No 61 of 1973; Credit Agreements Act No 75 of 1980; Employment Equity Act No 55 of 1998; Income Tax Act No 95 of 1976; Insolvency Act No 24 of 1936; Labour Relations Act No 66 of 1995; Regional Service Council Act No 109 of 1985; Skills Development Levies Act No 98 of 1998; Unemployment Contributions Act No 4 of 2002; Unemployment Insurance Act No 63 of 2001; and Value Added Tax Act No 89 of 1991.

4. Access to the records held by the private body [Section 51(1)(c) and 51(1)(e)]

- i. The categories of records of the body which are available without a person having to request access in terms of this Act, are the records which are available on our website: www.sechaba.co.za.

ii. The body has the following records:

Administration: Company statutes, Minutes of management meetings, Company Profile.

Human Resources: Employment contracts, Employee information, Remuneration records, Company Policy, Disciplinary Code.

Operations: Correspondence, Statutory reports, Other reports, Liquidation and Distribution Accounts.

Finances: Annual Financial Statements, Debtors information, Invoices, VAT and Income Tax records, Installment Sale Agreements, banking details and bank account records, Assets Register.

iii. The Request Procedure

a. Fees

- 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. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [Section 43(1)].
- 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 any other manner is to be used to inform the requester and state the necessary particulars to be so informed [Section 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 [Section 53(2)(d)].
- If the 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 head of the private body [Section 53(2)(f)].

b. Forms

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 request fee:

- 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 [Section 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [Section 54(3)(b)].
- After the 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 [Section 54(6)].

5. Other information as may be prescribed [Section 51(1)(f)]

The Minister of Justice and Constitutional Development has not made any regulation in this regard.

6. Availability of this Manual [Section 51(3)]

This manual is available for inspection at the following address free of charge:
14th Floor, SAAU Building, Corner of Schoeman and Andries Streets, Pretoria, 0002.
Copies are available at the South African Human Rights Commission and in the Government Gazette as well as on www.sechaba.co.za.