



# Cedarwood School

113 - 117 Dunmaglass Road, Glenferness

Prep Switchboard: 011 465 9830  
Emergency: 071 609 7253

College Switchboard: 011 467 4889  
Emergency: 072 617 5291

[www.cedarwoodschool.co.za](http://www.cedarwoodschool.co.za)

**Registration Number of Company: 1997/018168/08**

## **CEDARWOOD SCHOOL PAIA MANUAL**

**In terms of  
Section 51 of**

**The Promotion of Access to Information Act**

**2/2000**

**(the "ACT")**

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## 1. INTRODUCTION

Cedarwood School is a Remedial Private owned, Non-Profit Organisation that caters for learners with barriers to learning from Gr1 — Gr 12 and Vocation Courses.

On 9 March 2001, the Promotion of Access to Information Act, No. 2 of 2000 ("the Act") became operative, giving effect to the section 32(2) Constitutional right of access to information.

This document serves as the CEDARWOOD SCHOOL information manual and provides reference to the records held by CEDARWOOD SCHOOL and the process to request access to such records.

Those who seek a record of a private body must meet the following requirements before a private body may release records to them:

- The record must be required for the exercise or protection of any of the individual's legal rights.
- All the procedural requirements in requesting the information must be complied with.
- Access may be refused in terms of any grounds referred to in the Act.

The manual may be amended from time to time and as soon as any amendments have been finalised the latest version of the manual will be made public.

### **Who may request access to information?**

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person is able to access the right which the requestor is seeking to protect.

## 2. COMPANY CONTACT DETAILS (Section 51 (1) (a))

The responsibility for administration off, and compliance with the Act is that of the director/head of the School of Cedarwood School. Requests pursuant to the provisions of the Act should be directed as follows:

Contact Person: Phillip Kotze

Postal Address: P.O. Box 812, Witkoppen, 2068

Physical Address: 113 Dunmaglass Road, Glenferness

Phone Number: 011 467 4889

[E-mail: pkotze@cedarwoodschoo.co.za](mailto:pkotze@cedarwoodschoo.co.za)

Principal's Signature:

## 3. 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.
- 3.3. Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone Number: +27-11-877 3600  
Fax Number: +27-11-403 0625  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### **4. APPLICABLE LEGISLATION**

##### **RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION- SECTION 51(1) (d)**

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1997;
- Companies Act, No. 61 of 1973;
- Companies Act, No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Copyright Act, No. 98 of 1957;
- Electronic Communication and Transactions Act, No. 2 of 2000;
- Financial Intelligence Centre Act, No. 38 of 2001;
- Income Tax Act, No. 53 of 1962;
- Labour relations Act, No. 66 of 1995;
- Occupational Health and safety Act, No. 85 of 1993;
- Promotion of Access to Information Act, No. 2 of 2000;
- Skills Development Levy Act, No. 9 of 1999;
- Unemployment Insurance Act, No. 63 of 2001;
- Value-added Tax Act, No. 89 of 1991;
- Non-profit Organisations Act, No 71 of 1997;
- The South African Schools Act, No 84 of 1996;
- Employment Equity Act, No 55 of 1998.

##### **RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC - SECTION 51(1) (c)**

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act.

In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses

to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

## **5. SCHEDULE OF RECORDS**

- Employment Contracts: Availability to be determined upon receipt of request;
- Agreements With Suppliers: Availability to be determined upon receipt of request;
- Customer Agreements: Availability to be determined upon receipt of request;
- Data Bases Of Customer: Availability to be determined upon receipt of request;
- Client Services Records: Availability to be determined upon receipt of request;
- Corporate Governance: Availability to be determined upon receipt of request;
- Marketing & Communication: Availability to be determined upon receipt of request;
- Finance and Administration: Availability to be determined upon receipt of request.

## **6. FORM OF REQUEST (Section 51 (1) (e))** To facilitate the processing of your request, kindly:

6.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

6.2 Address your request to the Head of the Company (CEO).

6.3 Provide sufficient details to enable the COMPANY to identify:

- a) The record(s) requested;
- b) The requester (and if an agent is lodging the request, proof of capacity);
- c) The form of access required;
- d) (i) The postal address or fax number of the requester in the Republic;  
(ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- e) 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**

The following applies to requests (other than personal requests):

7.1 A requestor 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 requestor 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.



7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za).

## **8. ACCESS REQUEST PROCEDURE - SECTION 51(1) (e)**

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

- The requester must use the prescribed form to make the request for access to a record. This must be made to the appointed designated person. This request must be made to the address, fax number or electronic mail address of the body concerned.
- Request for access to records of private body— Form C has been appended to the manual.
- 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.
- 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.
- Take care to adequately describe the right which they are seeking to protect or enforce by means of the records requested. Please note that the courts have indicated that access to the records must be "necessary" for the exercise or protection of the right so stated.
- 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 person of the private body.
- A public body may make a request for access to a record of a private body for the exercise or protection of any rights other than its rights, only if it is acting in the public interest.

## **9. GROUND FOR REFUSAL OF ACCESS TO RECORDS**

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;

- Mandatory protection of the commercial information of a third party, if the record contains:
  - ❖ Trade secrets of that party;
  - ❖ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party;
  - ❖ Information disclosed in confidence by a third party to CEDARWOOD SCHOOL if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;
- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The Commercial Activities of Cedarwood School which may include
  - ❖ Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Cedarwood School.

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- Manuals are subject to review and comment with the possibility of manuals being rejected on the basis of not meeting the minimum requirements and the SAHRC is not liable for the amendment costs if any and resubmission if any of any manuals.

## RECORD OF CHANGES

<u>Date</u>	<u>Page no, heading, brief description of changes</u>	<u>Entered by</u>
29/11/2022	New	S. Moodley
17/10/2023	None	Management





