

PAIA MANUAL

FOR

TRADEWITH 12 (PTY) LTD t/a ATLAS SECURITY

Registration Number: 1998/002718/07

(“ATLAS”)

*Prepared in accordance with Section 51 of the Promotion of Access to Information Act,
No. 2 of 2000 (as amended)*

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1. BACKGROUND TO THE PROMOTION OF ACCESS TO INFORMATION ACT

- 1.1 The Promotion of Access to Information Act, No 2 of 2000 ("**the Act**") was enacted on 3 February 2000, giving effect to the constitutional right in terms section 32 of the Bill of Rights contained in the Constitution of the Republic of South Africa 108 of 1996 ("**the Constitution**") of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.
- 1.2 In terms of Section 51 of the Act, all Private Bodies are required to compile an Information Manual ("**PAIA Manual**").
- 1.3 Where a request is made in terms of the Act, the body to whom the request is made is obliged to release the information, subject to applicable legislative and / or regulatory requirements, except where the Act expressly provides that the information may or must not be released. The Act sets out the relevant procedure to be adopted when requesting information from a Public or a Private Body.

2. INTRODUCTION TO ATLAS

Atlas is a company registered in accordance with the laws of the Republic of South Africa and which company is involved in security related products and services. Atlas is classified as a "private body" within the definition of Section 1 of the Act.

3. PURPOSE OF THE MANUAL

- 3.1 This PAIA Manual is intended to ensure that Atlas complies with the Act and to foster a culture of transparency and accountability within Atlas by giving effect to the right to information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to exercise and protect their rights.
- 3.2 In order to promote effective governance of private bodies, it is necessary to ensure that everyone is empowered and educated to understand their rights in terms of the Act in order for them to exercise their rights in relation to public and private bodies. Section 9 of the Act recognizes that the right to access information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:
 - Limitations aimed at the reasonable protection of privacy;

- Commercial confidentiality; and
- Effective, efficient and good governance,

and in a manner which balances that right with any other rights, including such rights contained in the Bill of Rights in the Constitution.

4. **PARTICULARS IN TERMS OF SECTION 51**

4.1 Atlas Contact Details [Section 51(1)(a)]

Full name: Tradewith 12 (Pty) Ltd

Physical address: 3 Packer Road
North End
6001
Gqeberha

Telephone Number: 041 401 2222

E-mail address: info@atlas24.co.za

4.2 Section 17 of the Act states that each public body must, subject to legislation governing the employment of personnel of the public body concerned, designate such number of persons as deputy information officers (“Deputy Information Officer”) as are necessary to render the public body as accessible as reasonably possible for requesters of its records.

4.3 Contact details of the designated Deputy Information Officer for Atlas:

Designated Information Officer: Robert Kimberger

Postal Address: P.O. Box 2544
North End
6056
Gqeberha

Physical address: 3 Packer Road
North End
6001

Gqeberha

Telephone Number: 041 401 2222

E-mail address: robert@atlas24.co.za

5. SECTION 10 GUIDE ON HOW TO USE THE ACT [Section 51(1)(b)]

A guide has been compiled in terms of Section 10 of the Act by the Information Regulator, which contains information in an easily comprehensible form and nature as may be required by a person wishing to exercise any right contemplated in the Act. A guide to the Act is available from the website of the Information Regulator:

<https://www.justice.gov.za/infoereg/index.html>

The contact details of the Information Regulator are as follows:

The Information Regulator (South Africa)

JD House, 27 Stiemens Street,

Braamfontein,

Johannesburg,

2001.

P.O Box 31533,

Braamfontein,

Johannesburg, 2017

Tel Number: 010 023 5200

E-mail: enquiries@infoeregulator.org.za

6. RECORDS AVAILABLE IN TERMS OF SOUTH AFRICAN LEGISLATION [Section51(1)(d)]

Atlas keeps documents in accordance with the following legislation. (Please note that this is not an exhaustive list):

Consumer Protection Act 68 of 2008
National Credit Act No 34 of 2005
Income Tax Act No 58 of 1962
Value Added Tax Act No 89 of 1991
Companies Act No 71 of 2008 and Applicable Regulations
Promotion of Access to Information Act 2 of 2000
King Report on Corporate Governance in South Africa (King III)
Basic Conditions of Employment Act No 57 of 1997
Compensation for Occupational injuries and Diseases Act No 130 of
1993 Employment Equity Act No 55 of 1998
Labour Relations Act No 66 of 1995
Occupational Health and Safety Act No 85 of 1993
Unemployment Insurance Act No 30 of 1966
Electronic Communications and Transactions Act No 25 of 2002
Financial Intelligence Centre Act No 38 of 2001
Protection of Personal Information Act
Insolvency Act No 24 of 1936
Employment Equity Act No 55 of 1998
Broad Based Black Economic Empowerment Act No 53 of 2003
Copy Right Act No 98 of 1978
Skills Development Act No 97 of 1998

7. RECORDS [Section 52]

7.1 Records Automatically Available

Records that are automatically available to the public are:

Booklets, Newsletters and pamphlets which are/may be published by Atlas and which are available in the public domain [Section 51(1) (e)].

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

7.2 Records That May Be Requested

The information in this section provides a reference to the records that Atlas holds,

which will facilitate a request in terms of the Act.

These records referred to below include, but are not limited to records which pertain to Atlas' own affairs.

These records are not automatically available and can only be made available by facilitating a request in terms of the Act. Please note that the records listed below are not exhaustive.

7.3 Personnel Documents and Records

Personal Information relating to past, present and prospective personnel;
“personal information” as defined in the Act means” Information about an identifiable individual, including, *inter alia* –

- Information relating to the race, gender, sex, pregnancy, marital status, national, ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual;
- Information relating to the education or the medical, criminal or employment history of the individual or information relating to financial transactions in which the individual has been involved;
- Any identifying number, symbol or other particular assigned to the individual;
- The address, fingerprints or blood type of the individual;
- The personal opinions, views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual;
- Records provided by third parties relating to personnel;
- Records relating to conditions of employment;
- Records relating to personnel-related contracts and quasi-legal records;
- Correspondence relating to personnel;
- Disciplinary Records;
- Records of salaries paid, other remuneration and benefits as they relate to all past present and prospective personnel;
- Leave Records; and
- IRP5's.

“Personnel” refers to any person who works for or provides services to or on behalf of Atlas and receives or is entitled to receive remuneration and any other person

who assists in carrying out or conducting the business of Atlas. This includes, without limitation, directors (executives and non-executive), all permanent, temporary and part-time staff, as well as contract workers.

7.4 Client Related Records

- Records provided by clients in respect of their business and in terms of the contractual arrangements between Atlas and clients;
- Records generated by or within Atlas relating to its clients, including transactional records;
- Records pertaining to third party information provided by clients;
- Records provided by third parties in the course of doing business with Atlas; and
- Intellectual property provided to clients.

A “client” refers to any natural or juristic entity that receives services from Atlas.

7.5 Statutory Records/Corporate Records

- Minutes of executive and other decision-making operational bodies;
- Documents of Incorporation;
- Memorandum and Articles of Association;
- Share Register and other Statutory Registers;
- Delegations of authority;
- CIPC documents; and
- Other statutory documents of a legal and commercial nature.

7.6 Other Atlas Records

- Documents relating to the operational, commercial and financial interests of Atlas;
- Commercial and other legal contracts or agreements;
- Client and other data bases;
- Information on existing and past litigation;
- Administrative Information;
- Licenses;
- Insurance Policies;
- Internal and external correspondence; and
- Internal policies and procedures.

7.7 Other Party Records

Atlas may possess records pertaining to other parties, including without limitation contractors, suppliers and service providers.

Alternatively, such other parties may possess records that can be said to belong to Atlas. These records include but are not limited to:

- Personnel, customer or private body records which are held by another party as opposed to the records held by Atlas itself; and
- Records held by Atlas pertaining to other parties, including but not limited to, financial, commercial, operational and legal records, contractual records, correspondence, records provided by the other party, and records provided by third parties about contractors/suppliers.

8. PROCEDURE FOR REQUESTING ACCESS TO INFORMATION

8.1 Access to records held by Atlas

Records held by the company may be accessed by requests only once the prerequisite requirements for access have been met.

A requestor must use the prescribed form to make a request for access to a record. A “requestor” in relation to a private body means –

- Any person, including, but not limited to, a public body or an official thereof, making a request for access to a record of that private body; or
- A person acting on behalf of the person contemplated above.

There are two types of requesters:

- **Personal Requester**

A personal requester is a requester who seeks access to a record containing personal information about the requester. Atlas will voluntarily provide the requested information or give access to any record with regard to the requester's

personal information. The prescribed fee for reproduction of the information requested will be charged.

- **Other Requester**

This requester (other than a personal requester) is entitled to request access to information on behalf of third parties.

8.2 Form of request

8.2.1 The requester must use the Form as set out in Annexure A of this manual, to make a request for access to a record;

8.2.2 The request should be made to the Designated Information Officer at the address or electronic mail address as stated above;

8.2.3 The prescribed form must be filled in with sufficient detail to enable the Designated Information Officer to identify [Section 53]:

- The record or records requested and the requester of the information;
- The form of access required;
- The postal address; fax number or e-mail address of the requester in the Republic;
- The right the requester is seeking to exercise or protect and provide an explanation of why the record is required for the exercise or protection of that right;
- If in addition to a written reply, the manner in which the requester wishes to be informed of the decision regarding the request made; and
- If the request is made on behalf of a person, the capacity in which the requester is making the request.

8.2.4 If an individual is unable to complete the prescribed form because of illiteracy or disability, such a person may make the request orally.

8.3 Fees

The Act provides for two types of fees, namely:

8.3.1 A request fee, which will be a standard fee. The fee that the requester must

pay to a private body is R50; and

- 8.3.2 An access fee, which must be calculated by considering reproduction costs, search and preparation time and cost, as well as postal costs.

The requester may lodge an application to the court against the tender or payment of the request fee or access fee. [Section 54(3) (b)].

- 8.3.3 The requester must pay the prescribed request fee before any further processing can take place. When the Designated Information Officer receives the request, such officer shall by notice require the requester, other than a personal requester, to pay the prescribed request fee (if any) before further processing of the request. [Section 54(1)].

The notice must also set out the procedure for lodging the application [Section 54(3) (c)].

- 8.3.4 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 prescribed required request fee.

- 8.3.5 If the search for and the preparation of the record for disclosure, including arrangements to make it available in the requested form, requires more than the hours prescribed, the Designated Information Officer shall notify the requester to pay as a deposit the prescribed portion (being no more than one third) of the access fee which would be payable if the request is granted. [(Section 54(2)].

- 8.3.6 If a deposit has been paid and the request for access refused, the deposit referred to above must be repaid to the requester.

- 8.3.7 The designated information officer may withhold a record until the requester has paid the applicable fees as indicated in Annexure B.

- 8.3.8 A requester, whose request for access to a record has been granted, must pay an access fee for reproduction, search and preparation, and for any time reasonably required in excess of the prescribed hours to search for

and prepare the record for disclosure including making arrangements to make it available in the requested form [Section 54(5)]. In terms of the Act [Section 54(7)], the access fee prescribed for the purposes referred to above must:

8.3.8.1 provide for the costs of making the record, or a transcription of a record; and

8.3.8.2 if applicable a postal fee; and

8.3.8.3 the time reasonably required to search for the record and prepare the record for disclosure to the requester.

9. CONSIDERING YOUR REQUEST

9.1 Atlas will, within 30 days of receipt of the request, decide whether to grant or decline the request and give notice with reasons to that effect [Section 56].

9.2 The 30-day period within which Atlas is to decide whether to grant or refuse the request may be extended for a further period of not more than 30 days if [Section 57]:

- The request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of the private body concerned;
- The requester consents in writing to such extension;
- If the period is extended, the Designated Information Officer will within 30 days after the request is received notify the requester of:
 - The period of the extension;
 - The reasons for the extension, including the provisions of this Act relied upon; and
 - That the requester may lodge an application with a court against the extension, and the procedure (including the period) for lodging the application.

10. GROUND FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for Atlas to refuse a request for information relates to the:

10.1 Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information about that natural person [Section 63]. A record will not be refused in so far as it consists of information:

- About an individual who has consented to the disclosure of the record;
- Already publicly available;
- That was given to the private body by the individual to whom it relates and the individual was informed by or on behalf of the private body, before it is given, that the information belongs to a class of information that would or might be made available to the public;
- About an individual's physical or mental health, or well-being, who is under the care of the requester and who is –
 - Under the age of 18 years; or
 - Incapable of understanding the nature of the request, and if giving access would be in the individual's best interests;
- About an individual who is deceased and the requester is –
 - The individual's next of kin; or
 - Making the request with the written consent of the individual's next of kin; or
- About an individual who is or was an official of a private body and which relates to the position or functions of the individual, including, but not limited to –
 - The fact that the individual is or was an official of that private body;
 - The title, work address, work phone number and other similar particulars of the individual;
 - The classification, salary scale or remuneration and responsibilities of the position held or services performed by the individual; and
 - The name of the individual on a record prepared by the individual in the course of employment.

10.2 Mandatory protection of the commercial information of a third party, if the record contains:

- Trade secrets of that third party;

- Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that third party;
 - Information disclosed in confidence by a third party to Atlas, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition [Section 64].
- 10.3 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement [Section 65];
- 10.4 Mandatory protection of the safety of individuals and the protection of property [Section 66]. The head of a private body must refuse a request for access to a record of the body if its disclosure could reasonably be expected to endanger the life or physical safety of an individual. The head of a private body may refuse a request for access to a record of the body if its disclosure would be likely to prejudice or impair the security of:
- A building, structure or system, including, but not limited to, a computer or communication system;
 - A means of transport; or any other property; or
 - Methods, systems, plans or procedures for the protection of -
 - An individual in accordance with a witness protection scheme;
 - The safety of the public, or any part of the public; or
 - The security of property contemplated above.
- 10.5 Mandatory protection of records which would be regarded as privileged in legal proceedings [Section 67];
- 10.6 The commercial activities of Atlas, which may include [Section 68]:
- Trade secrets of Atlas;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Atlas;
 - Information which, if it is disclosed could put Atlas at a disadvantage in negotiations or
 - Commercial competition;
- 10.7 Requests for information that are clearly frivolous or vexatious, or which involve an unreasonable diversion of resources shall be refused.

11. REMEDIES AVAILABLE WHEN ATLAS REFUSES A REQUEST FOR INFORMATION

11.1 Internal Remedies

Atlas does not have an internal appeals procedure. As such, the decision made by the Designated Information Officer is final. The requesters will have to exercise such external remedies at their disposal, if the request for information is refused and the requester is not satisfied with the answer supplied by the Designated Information officer.

11.2 External Remedies [Section 78]

A requester that is dissatisfied with the Designated Information Officer's refusal to disclose information may, within 30 days of notification of the decision, apply to a Court for relief.

Likewise, a third party dissatisfied with the Designated Information officer's decision to grant a request for information may, within 30 days of notification of the decision, apply to a Court for relief. For the purposes of the Act, the Courts that have jurisdiction over these applications are the:

- Constitutional Court,
- The High Court or another Court of similar status.

12. AVAILABILITY OF THIS MANUAL

This manual is available for inspection by the general public, upon request, during office hours and free of charge at the offices of Atlas.

**ANNEXURE A - 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 TRADEWITH 12 (PTY) LTD

Physical Address	
Telephone Number	
Fax Number	-
E-mail Address	

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD

The particulars of the person who requests access to the record must be given below:	
The address and/or fax number in the Republic to which the information is to be sent:	
Proof of the capacity in which the request is made, if applicable, must be attached:	
Full Name and Surname:	
Identity Number:	
Postal Address:	
Fax Number:	
Telephone Number:	
Email Address:	
Proof of the capacity in which the request is made, if the request is made on behalf of another person :	

THIS SECTION MUST ONLY BE COMPLETED IF A REQUEST FOR INFORMATION IS MADE ON BEHALF OF ANOTHER PERSON.

C. Particulars of person on whose behalf request is made

Full Name and Surname:	
Identity Number:	

D. PARTICULARS OF RECORD

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. 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.

Description of record or relevant part of the record:
Any Further Particulars of Record:

E. FEES

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. YOU WILL BE NOTIFIED OF THE AMOUNT REQUIRED TO BE PAID AS THE REQUEST FEE.

THE FEE PAYABLE FOR ACCESS TO A RECORD DEPENDS ON THE FORM IN WHICH ACCESS IS REQUIRED AND THE REASONABLE TIME REQUIRED SEARCHING FOR AND PREPARING A RECORD.

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 the record is required;
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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.

IF THE RECORD IS IN WRITTEN OR PRINTED FORM			
	Copy of Record		Inspection of Record

IF THE RECORD CONSISTS OF VISUAL IMAGES [this includes photographs, slides, video recordings, computer-generated images, sketches, etc]			
	View the Images		Copy of Images

	Transcription of Images		
--	-------------------------	--	--

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 documents)

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* (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?	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.

Indicate which right is to be exercised or protected:

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

Signature of person on whose behalf the
request is made

ANNEXURE B - FEES

GENERAL: VALUE-ADDED TAX

Private bodies registered under the Value-Added Tax Act, 1991 (Act 89 of 1991, as vendors may add value-added tax to all fees prescribed in this annexure.

FEES IN RESPECT OF PRIVATE BODIES

	DESCRIPTION	RAND
1.	The fee for a copy of the manual as contemplated in regulation 9(2) (c) - for every photocopy of a A4-size page or part thereof.	1, 10
2.	The fees for reproduction referred to in regulation 11(1) are as follows: <ul style="list-style-type: none"> a. For every photocopy of an A4-size page or page thereof b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form c. For a copy in a computer-readable form on: <ul style="list-style-type: none"> i. Flash drive ii. compact disc d. For a transcription of visual images, for an A4-size page or part thereof e. For a copy of visual images f. For a transcription of an audio record, for an A4-size page or part thereof g. For a copy of an audio record 	1,10 0,75 7,50 70,00 40,00 60,00 20,00 30,00
3.	The request fee payable by a requester, other than a personal requester, referred to in Regulation 11(2)	50,00
4.	The access fees payable by a requester referred to in regulation 11(3) are as follows: <ul style="list-style-type: none"> a. For every photocopy of an A4-size page or part thereof b. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form c. For a copy in a computer-readable form on: <ul style="list-style-type: none"> i. floppy disc ii. compact disc d. For a transcription of visual images, for an A4-size page or part thereof e. For a copy of visual images f. For a transcription of an audio record, for an A4-size page or part thereof g. For a copy of an audio record h. 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. 	1,10 0,75 7,50 70,0 40,0 60,0 20,0 30,0
5.	For the purposes of section 54(2) of the Act, the following applies: <ul style="list-style-type: none"> 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. 	
6.	The actual postage is payable when a copy of a record must be posted to a requester.	

Signature:

Date: