

**MANUAL**  
**OF**  
**Ethereal Trading CC**  
**2008/248139/23**

**PREPARED IN TERMS OF SECTION 51 OF THE PROMOTION  
OF ACCESS TO INFORMATION ACT, NO. 2 OF 2000**

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## 1. Introduction

1.1. In terms of Section 32 of the Bill of Rights in the Constitution of the Republic of South Africa, Act No.108 of 1996 every person has a right to access information. In order to fulfill this constitutional obligation, the Promotion of Access to Information Act No. 2 of 2000 ("the Act") was assented to by Parliament.

1.2. The motivation for giving effect to the right of access to information is to:

1.2.1. Foster a culture of transparency and accountability in both public and private bodies.

1.2.2. Promote a society in which the people of the Republic of South Africa have effective access to information to enable them to more fully exercise and protect all their rights.

1.3. Section 9 of the Act recognises that such right to access to information cannot be unlimited and should be subject to justifiable limitations, including, but not limited to:

1.3.1. Limitation aimed at the reasonable protection of privacy;

1.3.2. Commercial confidentiality; and

1.3.3. Effective, efficient and good governance.

1.4. The right must balance with any other rights, including such rights contained in the Bill of Rights in the Constitution.

## 2. Overview

2.1. The purpose of this manual is to facilitate requests for access to information of Ethereal Trading CC.

Requesters are advised to familiarize themselves with the provisions of the Act before making any requests. This manual is not exhaustive, nor does it comprehensively deal with every procedure provided for in the Act.

## 3. Company Overview

3.1. Sales and Marketing

## 4. Contact Details – Section 51(1)(A)

4.1. Contact Information:

<b>The Owner</b>	Ethereal Trading CC
<b>Legal Status</b>	Legal Person
<b>Registration Number</b>	2008/248139/23
<b>Physical Address</b>	2191 Rivonia 57 Wessels Road Block A, Chelsea Office Park TO CONFIRM
<b>Postal Address</b>	Po Box 52  2165 Douglasdale
<b>Head of Business</b>	Mr Amir Fialkov
<b>Information Officer</b>	Mr Amir Fialkov
<b>Telephone Number</b>	0873300038
<b>Fax Number</b>	
<b>Vat Registration Number</b>	4170250835
<b>Website Address/ess</b>	<a href="http://www.channeldynamix.co.za">www.channeldynamix.co.za</a>
<b>Official E-mail Address</b>	<a href="mailto:info@channeldynamix.co.za">info@channeldynamix.co.za</a>

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## 5. The Section 10 Guide On How To Use The Act – Section 51(1)(B)

5.1. Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to compile a guide containing information reasonably required by a person wishing to exercise or protect any right in terms of the Act. The Guide will be available from the South African Human Rights Commission by not later than August 2003.

Please direct any queries to:

<b>Organisation</b>	The South African Human Rights Commission: PAIA Unit
<b>Department</b>	The Research and Documentation Department
<b>Postal Address</b>	Private Bag 2700 Houghton 2041
<b>Telephone</b>	+27 11 877-3600
<b>Fax</b>	+27 11 403-0625
<b>URL</b>	<a href="http://www.sahrc.org.za">www.sahrc.org.za</a>
<b>Email</b>	<a href="mailto:infoereg@justice.gov.za">infoereg@justice.gov.za</a>

## 6. Automatic Disclosures: Categories Of Records Of The Body Which Are Available Without A Person Having To Request Access In Terms Of The Act – Section 51(1)(C)

6.1. A notice in terms of sections 52(1) and (2) of the Act describes the categories of records of the body that are available without a person having to request access in terms of the Act. Information for this notice was not available at the time of publication of the manual. However, the following information and records are freely available:

- 6.1.1. Newsletters
- 6.1.2. Booklets
- 6.1.3. Pamphlets/Brochures
- 6.1.4. Reports
- 6.1.5. Posters
- 6.1.6. Other literature intended for public viewing

## 7. Records Available In Terms Of Any Other Legislation – Section 51(1)(D)

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 71 of 2008
- Income Tax Act No. 58 of 1962
- Occupational Health and Safety Act No. 85 of 1993
- Skills Development Levies Act No. 9 of 1999
- Unemployment Insurance Act No. 63 of 2001
- Value-Added Tax Act No. 89 of 1991

## 8. Record Retention Information

- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Skills Development Act No. 97 of 1998
- Value-added Tax Act No. 89 of 1991

## 9. Access To The Records Held By The Private Body: Subjects And Categories Of Records Held By The Private Body – Section 51(1)(E)

Records are held by the private body on the following subjects, which are classed in the categories set out below:

### 9.1. Statutory Company Records And Information

- N/A

### 9.2. Statutory Closed Corporation Records And Information

- The Founding Statement

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- Proof of registration
- Annual Financial Statements, including annual accounts and the report of the accounting officer
- Accounting records, including supporting schedules to accounting records and ancillary accounting records

### **9.3. Taxation Records And Information**

- Copies of all Income Tax Returns and other tax returns and documents

### **9.4. Employee Records And Information**

- Employees' names and occupations
- Time worked by each employee
- Remuneration paid to each employee
- Date of birth of each employee
- Wages register
- Attendance register
- Employment equity plan
- Salary and wages register
- Employee contracts
- Code of conduct

### **9.5. Agreements And Contractual Records And Information**

- Material agreements concerning provision of services or materials
- Joint venture agreements, partnership agreements, participation, franchise, co-marketing, co-promotion or other alliance agreements
- Agreements with shareholders, officers or directors
- Agreements with contractors and suppliers
- Agreements with customers
- Distributor, dealer or agency agreements
- Purchase or lease agreements

### **9.6. Environmental Health And Safety Records And Information**

- N/A

### **9.7. Fixed Property Records And Information**

- Leases
- Building plans

### **9.8. Movable Property Records And Information**

- Asset register
- Finance and Lease Agreements

### **9.9. Intellectual Property Records And Information**

- N/A

### **9.10. Pension And Retirement Funding Records And Information**

- N/A

### **9.11. Financial Accounting And Information**

- Books of Account including journals and ledgers
- Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange

### **9.12. Legal Records And Information**

- Material licences, permits and authorizations

### **9.13. Insurance Records And Information**

- Insurance policies
- Claim records
- Details of insurance coverages, limits and insurers

### **9.14. Transportation Records And Information**

- N/A

### **9.15. Information Technology Records And Information**

- Hardware

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- Telephone Lines, Leased Lines and Data Lines

#### **9.16. Marketing Records And Information**

- Products
- Customers
- Sales

#### **9.17. Black Economic Empowerment**

- B-BBEE status confirmed by a sworn affidavit for the purpose of B-BBEE compliance by South African companies.

#### **9.18. Industry Specific Information**

- N/A

#### **9.19. Protection of Personal Information Act**

- Any identifying number, symbol, e-mail address, physical address, telephone number, location information, online identifier or other particular assignment to the person.
- The name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.

#### **9.20. Community and Stakeholder Engagement**

- N/A

### **10. Access To The Records Held By The Private Body: The Request Procedures**

#### **10.1. Form of request**

10.1.1. The requester must be given access to a record of a private body if the requester complies with the following:

10.1.1.1. that record is required for the exercise of protection of any rights

10.1.1.2. the requester complies with the procedural requirements in the Act relating to a request for access to that record; and

10.1.1.3. access to that record is not refused in terms of any ground for refusal contemplated in the Act [section 51].

10.1.2. The requester must use the prescribed form that has been printed in the Government Gazette [Govt. Notice R187 – 15 February 2002 Form C] to make the request for access to a record. This must be made to the head of the private body or the other person designated for this purpose, details of which are stated in paragraph 2 above. This request must be made to the address, fax number or electronic mail address of the private body [section 53(1)].

10.1.3. The requester must provide sufficient details on the request form to enable the head of the private body to identify the record in respect of which access is requested and the requester.

10.1.4. The requester should also indicate which form of access is required and if any other manner is to be used to inform the requester, in which event the necessary particulars to be so informed, must be provided [section 53(2)(a) and (b) and (c)].

10.1.5. 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)].

10.1.6. If a request is made on behalf of another person, the requester must 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)].

#### **10.2. Fees**

10.2.1. A requester who seeks access to a record containing personal information about the requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

10.2.1.1. 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)].

10.2.1.2. The fee that the requester must pay to a private body is R50,00 plus VAT (if VAT is applicable).

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

10.2.2. After the head of the private body has made a decision on the request, the requester must be notified in the required form.

10.2.3. If the request is granted, an access fee must be paid for the search, reproduction, preparation and for any time that has exceeded 6 (six) hours to search and prepare the record for disclosure [section 54(6)].

### **10.3. Prescribed forms and prescribed fees**

10.3.1. The prescribed forms and fee structure is available on the private body's website [URL].

10.3.2. It is also available on the SAHRC's website **www.sahrc.org.za** or the website of the Department of Justice and Constitutional Development **www.doj.gov.za** (under "regulations").

### **11. Other Information As May Be Prescribed – Section 51(1)(F)**

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

### **12. Availability Of Manual- Section 51(3)**

12.1. The Manual is available for inspection at the offices of the private body free of charge. Copies are available with the SAHRC, in the Government Gazette and on the private body's website [URL].

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## 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 11]

#### A. Particulars of private body

The Head:

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#### B. Particulars of person requesting access to the record

- a) The particulars of the person who requests access to the record must be reported below.
- b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- c) *Proof of the capacity in which the request is made, if applicable, must be attached.*

Full names and surname: \_\_\_\_\_

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Identity number \_\_\_\_\_

Postal address: \_\_\_\_\_

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\_\_\_\_\_ Fax number: \_\_\_\_\_

Telephone number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Capacity in which request is made, when made on behalf of other person:

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**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: \_\_\_\_\_

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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: \_\_\_\_\_

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2. Reference number, if available: \_\_\_\_\_

3. Any further particulars of record: \_\_\_\_\_

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## 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 therefor.*

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: _____
----------------------------	--

*Mark the appropriate box with an "X".*

### NOTES:

- a) *Your indication as to the required form of access depends 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.*

<b>If the record is in written or printed form –</b>					
	copy of record*		Inspection of record		
<b>If record consists of visual images –</b> (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)					
	view the images		copy the images*		transcription of the images*
<b>If the record consists of recorded words or information which can be reproduced in sound –</b>					
	Listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
<b>If record is held on computer or in an electronic or machine-readable form–</b>					
	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 of transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>A postal fee is payable.</b>				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 requested record is required for the exercising or protection of the aforementioned right: \_\_\_\_\_

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**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 thereof 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? \_\_\_\_\_

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Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

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**SIGNATURE OF REQUESTER/PERSON ON  
WHOSE BEHALF THE REQUEST IS MADE**