

CAPE PRECIOUS METALS (PTY) Ltd

REGISTRATION NUMBER: 2009/000145/07

**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF THE ACCESS TO  
INFORMATION ACT, 2 OF 2000**

**THE PROMOTION OF THE ACCESS TO INFORMATION ACT, 2 OF 2009**

The purpose of the Promotion of Access to Information Act, 2 of 2000, (“the **PAIA**”) is to give effect to the constitutional right 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. The PAIA was enacted to foster a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information and in order to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect all of their rights.

The PAIA applies to records of a private body, which records are defined in section 1 of the PAIA as any recorded information, regardless of form or medium, in the possession or under the control of the private body and whether or not it was created by that private body.

In terms of the section 50 of the PAIA, a requester must be given access to any record of the private body if that record is required for the exercise or protection of any rights, the requester complies with the requirements relating to a request for access to the record and access for the record is not refused on any ground contemplated in section 63 to 70 of the PAIA, namely:

1. Mandatory protection of privacy of third party who is a natural person.
2. Mandatory protection of commercial information of third party.
3. Mandatory protection of certain confidential information of third party.
4. Mandatory protection of safety of individuals, and protection of property.
5. Mandatory protection of records privileged from production in legal proceedings.
6. Commercial information of third party.
7. Mandatory protection of research information of third party, and protection of research information of third party.
8. Mandatory protection in public interest.

## CAPE PRECIOUS METALS (PTY) LTD

Cape Precious Metals (PTY) Ltd is registered as a Precious Metal Refinery and specialises in the recycling of all precious metals, including gold, silver, platinum and palladium. The precious metals to be refined are sourced from jewellers' sweeps, filings, polishing's, solutions, old jewellery solids and a variety of photographic material. It also provides a wide variety of tools, castings, findings, and semi-finished products to the jewellery manufacturing industry. The business conducted by Cape Precious Metals (PTY) Ltd involves the purchasing of precious metals from parties such as manufacturing jewellers and agents selling second hand gold, the refining thereof and the sale thereof to parties such as jewellers and plating agents. It is a business that can only be conducted with a licence issues by the Department of Mineral and Energy Works.

### CONTACT DETAILS – SECTION 51 (1) (a)

<b>Name of Company:</b>	Cape Precious Metals (Proprietary) Limited
<b>Registered Office:</b>	13 Link Close, Montague Gardens, Cape Town
<b>Postal Address:</b>	PO Box 37128, Chempet, 7442
<b>Director:</b>	Sharon Eades
<b>Contact Person:</b>	Sharon Eades
<b>Tel No of Contact Person:</b>	021 551 2066
<b>Email Address of Contact Person:</b>	sharon@capepreciousmetals.co.za

## THE SA HUMAN RIGHTS COMMISSION'S SECTION 10 GUIDE ON HOW TO USE THE ACT - SECTION 51 (1)(b)

The guide is available from the South African Human Rights Commission and any queries can be directed to:

The South African Human Rights Commission:

PAIA Unit

The Research and Document Department

Postal Address: Private Bag 2700, Houghton, 2041

Telephone: +24 11 877 3600

Fax: not available at present

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Email: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

### CLASSIFICATION OF ACCESSIBILITY OF RECORDS

Classification Number	Access	Categories of Records
1	May be disclosed	Statutory instruments/ public access documents.
2	May not be disclosed	Request after commencement of criminal or civil proceedings [s7]
3	May not be disclosed	Information required to be kept confidential in terms of any other statute, regulation, rule or other lawful prescription.
4	Limited disclosure	Personal information that belongs to the requestor of the information [s61]
5	May not be disclosed	Unreasonable disclosure of personal information of natural person. [s63(1)]
6	May not be disclosed	Likely to harm the commercial or financial interests of third party [s64(a) & (b)]
7	May not be disclosed	Likely to harm the company or third party in contract or other negotiations [s64©]
8	May not be disclosed	Will breach a duty of confidence owed to a third party in terms of an agreement [65]
9	May not be disclosed	Likely to compromise the safety of individuals or protection of property [s66]
10	May not be disclosed	Legally privileged documents [s67]
11	May not be disclosed	Environmental testing/ investigation which reveals public safety/ environmental risks [65(2); s68(2)]
12	May not be disclosed	Commercial information of the company as specified in s68
13	May not be disclosed	Likely to prejudice research and development information of the company or a third party [s69]
14	May not be refused	Disclosure in public interest [s70]
15	Available without person having request access.	Information available on <a href="http://www.capepreciousmetals.co.za">www.capepreciousmetals.co.za</a>

## RECORDS HELD BY THE COMPANY

Department Records	Subject
<b>Human Resources Records</b>	<ul style="list-style-type: none"> <li>• Personal profiles of employees</li> <li>• Time worked by each employee</li> <li>• Salary and wage records</li> <li>• Attendance records</li> <li>• Employment contracts</li> <li>• Staff policies and procedures</li> <li>• Health &amp; Safety records</li> <li>• Employment Equity Plan</li> <li>• Study assistance scheme</li> <li>• Maternity leave policy</li> <li>• Code of conduct</li> </ul>
<b>Company Information</b>	<ul style="list-style-type: none"> <li>• Certificate of Incorporation</li> <li>• Certificate of name change</li> <li>• Memorandum and Articles of Association</li> <li>• Certificate to commence business</li> <li>• Minute book</li> <li>• Resolutions passed at general/ class meetings</li> <li>• Register of directors and directors' shareholding</li> <li>• Annual financial statements</li> <li>• Accounting records</li> <li>• Tax &amp; Levy records</li> <li>• Asset register</li> <li>• Lease Agreements</li> <li>• Agreements with directors, shareholders, contractors, suppliers and customers.</li> <li>• Insurance policies</li> </ul>
<b>Information Technology</b>	<ul style="list-style-type: none"> <li>• Hardware</li> <li>• Operation systems</li> <li>• Telephone exchange equipment</li> <li>• Telephone line, leased lines and data lines</li> <li>• Software Packages</li> </ul>
<b>Marketing and Sales</b>	<ul style="list-style-type: none"> <li>• Marketing strategies</li> <li>• Customer Database</li> <li>• Product records</li> <li>• Sales records</li> </ul>
<b>Records Required to be held by other legislation (s51(1)(d) of the PAIA)</b>	<ul style="list-style-type: none"> <li>• Income Tax Act 58/1962</li> <li>• Value- Added Tax Act No59/1991</li> <li>• Unemployment Insurance Act 30/1966</li> <li>• Basic Conditions of Employment Act 75/1997</li> <li>• Employment Equity Act 55/1998</li> <li>• Compensation for Occupational Injuries and Diseases Act 130/1993</li> <li>• Insolvency Act 24/1936</li> <li>• Occupational Health &amp; Safety Act 85/1993</li> <li>• Skills Development Levies Act 9/1999</li> <li>• Skills Development Act 97/1998</li> <li>• Companies Act 61/1973</li> <li>• Promotion of Access to Information Act 2/2002</li> <li>• Credit Agreements Act 75/1980</li> <li>• Insurance Act 27/1943</li> <li>• Precious Metals Act 37/2005</li> </ul>

## **MANNER OF ACCESS AND APPEALS PROCESS**

To facilitate the processing of a request, a requestor should:

1. Use the prescribed form, available at the office of the company.
2. Address the request to "The information officer"
3. Provide sufficient details to enable the company to identify:
  - 3.1 The Record/s requested
  - 3.2 The Requestor (and if an agent is lodging the request, proof of capacity);
4. Indicate which form of access is required
5. Specify the postal address and fax number/ email address of the requestor; and
6. Identify the right, which the requestor is seeking to exercise or protect, with an explanation of the reason the record is required to exercise or protect the right.

As soon as possible but in any event within 30 days after receipt of a request which complies with the requirements of the PAIA and the contents of this manual, the head of the Cape Precious Metals (Pty) Ltd shall decide whether to grant the request in accordance with the PAIA and the contents of this manual, the head of the Cape Precious Metals (Pty) Ltd shall decide whether to grant the request in accordance with the PAIA and the contents of this manual and notify the requestor of the decision in this regard. The head of the Cape Precious Metals (Pty) Ltd reserves its right to extend the aforesaid 30 day period for a further period of 30 days on grounds set out in the PAIA, subject to the head of the Cape Precious Metals (Pty) Ltd notifying the requestor of the extension and that the requestor can apply to court against the extension.

If the head of the Cape Precious Metals (Pty) Ltd fails to give a decision on a request within the aforesaid period, the request is deemed to have been refused.

A requestor aggrieved by:

1. The decision of the head of a private body to refuse a request for access.
2. A decision taken in respect of fees
3. A decision taken to extend the requisite period to deal with the request; or
4. A decision respect of the form of access to a record

May by way of an application within 30 days apply to court for appropriate relief in terms of the section 78 read with section 82 of the PAIA.

## **OTHER PRESCRIBED INFORMATION**

### **Fees in respect of the Request for Information of Private Bodies (Section 54)**

In the case of requests where the requestor is seeking to access a record which contains personal information about the requestor ("**personal requestor**"), no fee is payable.

In all other cases, a list of the fees payable by a requestor is attached as **Annexure A** hereto, which list is in accordance with regulation 11(1) of the Regulations to the Promotion of Access to Information, 15 February 2002 (made in terms of section 92 of the PAIA).

**Application Form Request for access to record of private body (section 53)**

A Copy of the application form is attached as **Annexure B** hereto, which form is in accordance with regulation 10 of the Regulations to the Promotion of Access to Information, 15 February 2002 (made in terms of section 92 of the PAIA).

**Availability of the manual (section 51(3))**

This manual is on the website of [www.capepreciousmetals.co.za](http://www.capepreciousmetals.co.za) and it is also available for inspection at the registered offices of the company and a copy has been made available to the SA Human Rights Commission in accordance with regulation 9(1) of the Regulations to the Promotion of Access to information, 15 February 2002 (made in terms of section 92 of the PAIA).

### FEES IN RESPECT OF PRIVATE BODIES

1. The fee for a copy of the manual as contemplated in regulation 9(2) (c) is R1.10 for every photocopy of an A4 size page or part thereof.
2. The fees for reproduction referred to in regulation 11(1) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R1.10
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or Machine-readable form R0.75
  - (c) For a copy in a computer-readable form on:
    - (i) Stiffy Disc R7.50
    - (ii) Compact Disc R70.00
  - (d)(i) For a transcription of visual images for an A4-size Page of part thereof R40.00
  - (ii) For a copy of visual images R60.00
  - (e)(i) For a transcription of an audio record for an A4-size page or part thereof R20.00
  - (ii) For a copy of an audio record R30.00
3. The request fee is payable by a requestor, other than a personal requestor, referred to in regulation 11(2) is R50.00.
4. The access fees payable by a requestor referred to in regulation 11(3) are as follows:
  - (a) For every photocopy of an A4-size page or part thereof R1.10
  - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or Machine-readable form R0.75
  - (c) For a copy in a computer-readable form on:
    - (i) Stiffy Disc R7.50
    - (ii) Compact Disc R70.00
  - (d)(i) For a transcription of visual images for an A4-size Page of part thereof R40.00
  - (ii) For a copy of visual images R60.00
  - (e)(i) For a transcription of an audio record for an A4-size page or part thereof R20.00
  - (ii) For a copy of an audio record R30.00
  - (f) 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.

- (2) For purpose of each section 54(2) of the Act, the following applies:
- (a) Six hours are 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 requestor
- (3) The actual postage is payable when a copy of a record must be posted to a requestor.



**REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY**  
**(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))**  
**[Regulation]**

**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 .....

Telephone: (.....)..... Fax number: (.....).....

Email 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 ONLY if a request for information is made on behalf of another person.

Full names and surname .....

Identity Number: 

--	--	--	--	--	--	--	--	--	--	--	--

**D. Particulars of record**

- a) Provide full particulars of the record to which access is request, including the reference number if that is known to you, to enable the record to be located.
- b) If you provided space is inadequate, please continue on a separate folio and attach it to this form. The requestor must sign all the additional folios.

1. Description of record or relevant part of the record:  
.....  
.....  
.....  
.....
2. Reference number, if available:  
.....  
.....  
.....
3. Any further particular 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 disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, 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 <b>X</b> .	
Notes:	
<ul style="list-style-type: none"> <li>a) Compliance with your request with your request for access in the specified form may depend on the form in which the record is available.</li> <li>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.</li> <li>c) The fee is payable for access to the record, if any, will be determined partly by the form in which access is requested.</li> </ul>	

<b>1: If the record is in written or printed form:</b>			
<input type="checkbox"/>	Copy of record	<input type="checkbox"/>	Inspection of record
<b>2: If record consists of visual images - (this includes slide, video recordings, computer generated images, sketches etc)</b>			
<input type="checkbox"/>	View images	<input type="checkbox"/>	Copy of the images
<input type="checkbox"/>		<input type="checkbox"/>	Transcript of the images
<b>3: If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	Listen to the soundtrack (audio cassette)	<input type="checkbox"/>	Transcript of soundtrack* (written or printed document)
<b>4: If record is held on computer or in an electronic or machine- readable form:</b>			
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcript of a record (above), do you wish the copy or the transcript be posted to you? Posted is payable.	YES	NO
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**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 requestor must sign all 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:

.....  
.....  
.....

**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 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.....year.....

.....

SIGNATURE OF REQUESTOR /

PERSON ON WHOSE BEHALF REQUEST IS MADE