

**MANUAL**

in terms of Section 51 of

**The Promotion of Access to Information Act**

**2/2000**

(hereinafter referred to as the “Act”)

of

**WELLINGTON WYNE EIENDOMS BEPERK**

**Registration Number 2005/035234/07**

(hereinafter referred to as the “Company”)

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## DOCUMENT MANAGEMENT

<b>Date</b>	<b>Version</b>	<b>Description</b>	<b>Author</b>
16. Dec 2015	1.0	First Release	
15. June 2016	1.1	Revised	
21. May 2021	1.2	Editing and indexing	
07. June 2021	1.3	Revised	

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## 1. Introduction

**The Promotion of Access to Information Act, 2000** (“the Act”) gives third-parties the right to approach private bodies and the government to request information held by them, which is required in the exercise and/or protection of any rights. On request, the private body or government is obliged to release such information unless the Act expressly states that the records containing such information may or must not be released. This manual informs requestors of procedural and other requirements which a request must meet as prescribed by the Act.

### 1.1 Nature of Business

Wellington Wyne Eiendoms Beperk makes natural wine (bulk and bottled) for commercial trading in the local and international markets from grapes received from shareholders and other grape producers.

### 1.2 Contact Details

**Directors:**

P W Botha (Chairperson)

C J R Steyn

P v/d B Brink

G R Joubert

D J Malan

D Steyn

**CEO:**

H F Pienaar

The Information Officer of the company is Mr HF Pienaar, whose contact details are as follows:

Postal address: P O Box 509, Wellington, 7654

Street address: 20 Stokeryweg, Wellington, 7655

Phone number: +27 21 873 1582

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E-mail address: Francois@wellingtonwines.com

## 2. Guide of The South African Human Rights Commission

A guide\* to the Act (as contemplated under section 10 of the Act) is available from the South African Human Rights Commission. The guide contains such information as may reasonably be required by a person who wishes to exercise any right contemplated in the Act. Any enquiries regarding this guide and its contents should be directed to:

The South African Human Rights Commission:

PAIA Unit (the Research and Documentation Department)

Postal address: Private Bag 2700, Houghton, 2041

Telephone: +27 11 484-8300

Fax: +27 11 484-7146

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

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

\* The Guide contains the following information:

- Part 1 – Why access to information? / Objects of the Act;
- Part 2 – Access to Information;
- Part 3 - How to make a request for access to information (includes details of fees to be paid; explains remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and court application);
- Part 4 – When access to a record may be refused;
- Part 5 – General information;
- Part 6 – Public bodies from whom you can access records.

**THE LATEST NOTICE IN TERMS OF SECTION 52(2) (Promotion of Access to Information Act):**  
At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

## 3. Access to Records Held by the Company

Records held by the Company (any one of the Companies within the Group) may be accessed on request only once the requirements for access have been met. A requester is any person making a request for access to a record of the Company, and in this regard, the Act distinguishes between two types of requesters:

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### 3.1 Personal Requester:

A personal requester is a requester who is seeking access to a record containing personal information about the requester. Subject to the provisions of the Act and applicable law, the Company will 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 by the Company.

### 3.2 Other Requester:

This requester (other than a personal requester) is entitled to request access to information pertaining to third parties. However, the Company is not obliged to grant access prior to the requester fulfilling the requirements for access in terms of the Act (Section 53). The prescribed fee for reproduction of the information requested will be charged by the Company.

## 4. **Request Procedure**

A requester must comply with all the procedural requirements contained in the Act relating to a request for access to a record. A requester must complete the prescribed form enclosed herewith in Appendix 1 and submit same as well as payment of a request fee and a deposit, if applicable to the Information Officer at the postal or physical address, fax number or electronic mail address stated herein. The prescribed form must be filled in with enough information, particularity to at least enable the Information Officer to identify:

- The record or records requested;
- The identity of the requester;
- What form of access is required; and
- The postal address, e mail address or fax number of the requester.

A requester must state that he or she requires the information in order to exercise or protect a right, and clearly state what the nature of the right is so to be exercised or protected. The requester must also provide an explanation of why the requested record is required for the exercise or protection of that right. It is important to note that access is not automatic.

The Company will process a request within 30 days, unless the requestor has stated special reasons which would satisfy the Information Officer that circumstances dictate that this time period not be complied with.

The requester shall be informed in writing whether access has been granted or denied. If, in addition, the requester requires the reasons for the decision in any other manner, he or she must state the manner and the particulars so required. 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 Information Officer.

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

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act.

A requester may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which has been requested, including copying charges.

Refer to clause 7.5 for the procedures relating to a Request for details on Personal Information held in terms of The Protection of Personal Information Act, 4 of 2013, ("POPIA").

## 5. Decision

The Company will, within 30 days of receipt of a request, decide whether to grant or decline a request and give notice with reasons (if required) to that effect. The 30-day period within which the Company has to decide whether to grant or refuse a request, may be extended for a further period of not more than 30 days if the request is for a large quantity of information, or the request requires a search for information held at another office of the Company (other than the head office) and the information cannot reasonably be obtained within the original 30-day period. The Information Officer will notify the requester in writing should an extension be necessary.

## 6. Fees

The Act provides for two types of fees:

**A request fee**, (which will be a standard fee) and **an access fee**, which must be calculated by taking into account reproduction costs, search and preparation time and cost, as well as postal costs where applicable. When a request is received by the Information Officer of the Company, the Information 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. If a search for the record is necessary and the preparation of the record for disclosure, including arrangement to make it available in the requested form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the requester to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

The Information Officer shall withhold a record until the requester has paid the fee or fees as indicated. A requester whose request for access to a record has been granted, must pay an access fee for reproduction and for 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 request form. If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer shall repay the deposit to the requester.

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The prescribed forms and fees are available on the website of the Department of Justice and Constitutional Development at [www.doj.gov.za](http://www.doj.gov.za) under the regulations section.

## **7. Protection of Personal Information**

### **7.1 Purpose of POPIA**

The Protection of Personal Information Act, 4 of 2013, (“POPIA”) regulates and controls the processing, including the collection, use, and transfer of a person’s personal information. In terms of POPIA, a person (Responsible Party) has a legal duty to collect, use, transfer and destroy (process) another’s (Data Subject) personal information (Personal Information) in a lawful, legitimate and responsible manner and in accordance with the provisions and the 8 processing conditions set out under POPIA.

### **7.2 Reasons why the Company processes Personal Information**

The Company does and will from time-to-time process Personal Information which belongs or is held by a Data Subject.

This processing is required by the Company to allow it to perform the following:

- to pursue their business objectives and strategies;
- to comply with a variety of lawful obligations, including without detracting from the generality thereof:
  - to carry out actions for the conclusion and performance of a contract as between the Company and Data Subjects;
  - to put in place protective mechanisms to protect the Data Subject’s and / or the Companies legitimate interests including the performance of risk assessments and risk profiles;
  - to obtain as required by law or to protect the respective party’s legitimate interests, Personal Information from a credit bureau or credit provider or credit association information about certain Data Subject’s credit record, including personal information about any judgement or default history;
  - to provide as required by law or to protect the respective party’s legitimate interests Personal Information to credit bureaus, credit providers or credit associations, information about certain Data Subject’s credit record, including personal information about any judgement or default history;
  - for the purposes of making contact with the Data Subject and attending to the Data Subject’s enquiries and requests;
  - for the purpose of providing the Data Subject from time to time with information pertaining to the Companies, their officers, employees, services and goods and other ad hoc business-related information;
  - to pursue the Data Subject’s and / or Companies’ legitimate interests, or that of a third party to whom the Personal Information is supplied;

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- for the purposes of providing, maintaining, and improving the Companies' Products and Services, and to monitor and analyse various usage and activity trends pertaining thereto;
- for the purposes of performing internal operations, including management of employees, employee wellness programmes, the performance of all required HR and IR functions, call centres, customer care lines and enquiries, attending to all financial matters including budgeting, planning, invoicing, facilitating and making payments, making deliveries, sending receipts, and generally providing commercial support, where needed, requested or required; and
- for the purpose of preventing fraud and abuse of the Companies' processes, systems, procedures and operations, including conducting internal and external investigations and disciplinary enquiries and hearings.

### **7.3 Storage and retention and destruction of information**

The Company will ensure that the Data Subject's Personal Information is stored electronically in a centralised data base, which, for operational reasons, will be accessible to all within the Company on a need to know and business basis, save that where appropriate, some of the Data Subject's Personal Information may be retained in hard copy.

All such Personal Information will be held and / or stored securely. In this regard the Company will ensure that they perform regular audits regarding the safety and the security of all Data Subject's Personal Information.

Once the Data Subject's Personal Information is no longer required due to the fact that the purpose for which the Personal Information was held has come to an end and expired, such Personal Information will be safely and securely archived for the required prescribed periods or longer should this be required by the Company. The Company thereafter will ensure that such Personal Information is permanently destroyed.

### **7.4 Access by others and cross border transfer**

The Company may from time to time have to disclose a Data Subject's Personal Information to other parties, including other organs of state, other departments or subsidiaries, product or third party service providers, regulators and or governmental officials, overseas service providers and or agents, but such disclosure will always be subject to an agreement which will be concluded as between the Company and the party to whom it is disclosing the Data Subject's Personal Information to, which contractually obliges the recipient of this Personal Information to comply with strict confidentiality and data security conditions. Where Personal Information and related data is transferred to a country which is situated outside the borders of South Africa, the Data Subject's Personal Information will only be transferred to those countries which have similar data privacy laws in place or where the recipient of the Personal

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Information is bound contractually to a no lesser set of obligations THAN those imposed by POPIA.

## 7.5 Request for details on Personal Information held:

Where a Data Subject is desirous of obtaining details of the Personal Information which the Company may hold of and which pertain to it, then it must make application as described below:

- Step 1: access the Company PAIA Manual i.e., Section 51 PAIA Manual
- Step 2: The person, known as the Requestor must complete **Form C** being the prescribed form in respect of the Request for access to a record of private body and submit it by hand, fax or email to the Information Officer.
- The Requester must on Form C, found under the Company PAIA Manual indicate and provide on the aforementioned Form C, the following:
- sufficient detail to enable the Information Officer to identify the Record and the Requester;
  - the reason why he or she requires the record or information along with the right that he or she is seeking to exercise or protect;
  - an explanation of why the requested record or information is required for the exercise or protection of that right;
  - an indication of how the records, documents or information must be provided -i.e., by fax, by email, in the form of a print out, etc.
  - an indication if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- Step 3: 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 and he or she as per PAIA is required to pay an access fee in the sum of R50.00, which payment must be made before the Form C is submitted. The Requester in this regard must make contact with the Information Officer to obtain the relevant banking details where the above fees are to be paid into.
- Step 4: the request above must be submitted to the Information Officer who will handle the request in accordance with PAIA.

## 8. Categories of Records Held by The Company: Section 51(1)(E)

Information available in terms of the Act:

### 8.1 Statutory Company Information

- Certificate of Incorporation;
- certificate of change of name (if any);
- Memorandum of Incorporation / Articles of Association;

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- certificate to commence business;
- minutes of Board of Directors' Meetings;
- proxy forms;
- records relating to the appointment of directors / auditor / secretary / public officer and other officers;
- register of directors' shareholdings;
- annual financial statements including:
  - annual accounts;
  - directors' reports;
  - auditor's report.
  - books of account regarding information required by the Companies Act, 2008;
  - supporting schedules to books of account and ancillary books of account.

## **8.2 Accounting / Financial Records**

- annual financial statements;
- books of account including journals and ledgers;
- tax returns;
- accounting records;
- banking records;
- bank statements;
- electronic banking records;
- invoices.

## **8.3 Statutory Employee Records**

- employees' names and occupations;
- time worked by each employee;
- remuneration paid to each employee;
- date of birth of each employee;
- attendance register;
- salary and wages register;
- records of foreign employees;
- training records;
- staff records (after date of employment ceases);
- expense accounts;
- tax returns of employees.

## **8.4 Other Employee Records**

- employment contracts;
- employment equity plan;
- disciplinary records;
- salary records;
- leave records;
- training records (including SAIPA, FASSET and IRBA training records and compliance material);
- training manuals;
- incentive schemes;

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- staff loan schemes;
- study assistance schemes;
- maternity leave policy;
- code of conduct / disciplinary code.

#### **8.5 Fixed Property**

- title deeds;
- leases;
- building plans;
- mortgage bonds or other encumbrances to fixed property.

#### **8.6 Movable Property**

- asset register;
- finance and lease agreements;
- notarial bonds;
- deeds of pledge.

#### **8.7 Intellectual Property**

- trademarks, trade names and protected names;
- copyrights;
- agreements relating to intellectual property such as licence agreements, secrecy agreements, research and development agreements, consulting agreements, use agreements, joint venture agreements and joint development agreements;
- agreements and contracts;
- 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;
- acquisition or disposal documentation;
- agreements with contractors and suppliers;
- agreements with customers;
- warranty agreements;
- sale agreements;
- restraint agreements;
- purchase or lease agreements.

#### **8.8 Taxation / Tax Records**

- copies of all income tax returns and other tax returns and documents;
- PAYE records;
- Records of payments made to SARS on behalf of employees;
- All other statutory compliances:
  - VAT
  - Skills development levies
  - UIF
  - Workmen's Compensation

#### **8.9 Legal Records**

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- complaints, pleadings, briefs and other documents pertaining to any actual, pending or threatened litigation, arbitration or investigation;
- settlement agreements;
- material licences, permits and authorisations.

#### **8.10 Insurance Records**

- insurance policies;
- claim records;
- details of insurance coverages, limits and insurers.

#### **8.11 Information Technology Records**

- hardware;
- operating systems;
- telephone exchange equipment;
- telephone lines, leased lines and data lines;
- LAN installations;
- software packages;
- disaster recovery;
- internal systems support and programming/development;
- capacity and utilization of current systems;
- development or investment plans;
- agreements;
- licenses;
- audits.

#### **8.12 Black Economic Empowerment Records**

- ratings conducted by accredited rating agencies;
- recruitment and employment equity policies;
- supplier and preferential procurement information;
- skills development policy.

### **9. Remedies Available if Request for Information is Refused**

#### **9.1 Internal Remedies**

The Company does not have internal appeal procedures. As such, the decision made by the Information Officer pertaining to a request is final, and requestors will have to exercise such external remedies at their disposal if a request is refused, and the requestor is not satisfied with the response provided by the Information Officer.

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## 9.2 External Remedies

A requestor that is dissatisfied with the 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 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 purposes of the Act, courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court of similar status.

## 10. Records That Cannot Be Found

If the Company searches for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken the attempt to locate the record.

## 11. List of Applicable Legislation

Records of the Company (referring to all legal entities in which the Company has a direct controlling interest or an indirect controlling interest through its subsidiaries, all Companies within the Wellington Wyne (PTY) LTD Group of Companies may be kept by or on behalf of the Company in accordance with the following legislation (some of which legislation may not be applicable to the Company), as well as with other legislation that may apply to the Company and/or its subsidiaries, Companies within the Wellington Wyne (PTY) LTD Group of Companies, from time to time:

Basic Conditions of Employment Act 57 of 1997  
Broad-based Black Economic Empowerment Act 53 of 2003  
Companies Act 71 of 2008  
Competition Act 89 of 1998  
Consumer Protection Act No68 of 2008  
Compensation for Occupational Injuries and Diseases Act 130 of 1993  
Copyright Act 98 of 1978  
Currencies and Exchanges Act 9 of 1993  
Customs and Excise Act No 91 of 1964  
Electronic Communications and Transactions Act 25 of 2002  
Employment Equity Act 55 of 1998  
Financial Advisory and Intermediary Services Act 37 of 2002  
Income Tax Act 95 of 1967  
Inspection of Financial Institutions Act 80 of 1998  
Insolvency Act 24 of 1936  
Labour Relations Act 66 of 1995  
Liquor Act No 59 of 2003  
Occupational Health and Safety Act 85 of 1993  
Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002  
Prevention of Organised Crime Act 121 of 1998  
Prevention and Combating of Corrupt Activities Act 12 of 2004

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Promotion of Access to Information Act 2 of 2000  
Protection of Private Information Act 4 of 2013  
Protected Disclosures Act 26 of 2000  
National Payment System Act 78 of 1998  
National Minimum Wage Act 9 of 2018  
Skills Development Act 97 of 1998  
Skills Development Levy Act 9 of 1999  
Trade Marks Act 194 of 1993  
Trust Property Control Act 57 of 1988  
Unemployment Insurance Act 30 of 1966  
Unemployment Insurance Contributions Act 4 of 2002  
Value Added Tax Act 89 of 1991  
Tax Administration Act 28 of 2011  
National Credit Act 34 of 2005

## **12. Information Automatically Available**

The following categories of records are automatically available for inspection, purchase or photocopying. In other words, a person does not need to request this information in terms of the Promotion of Access to Information Act.

Request forms for these categories of information are also available from our Information Officer, whose contact details appear in paragraph 1.2 of this manual.

- Newsletters;
- Booklets;
- Pamphlets/Brochures;
- Posters;
- Other literature intended for public viewing.

## **13. Availability of The Manual**

The manual is available for inspection on the website of the Company, alternatively, on reasonable prior notice, at the office of the company free of charge. Copies of the manual of the Company are also available from the South African Human Rights Commission.

## **14. Amendments to this Manual**

Amendments to, or a review of this Manual, will take place on an ad hoc basis. Clients and/or other persons are advised to access Wellington Wyne (PTY) LTD's website periodically to keep abreast of any changes.

## **15. Approval**

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SIGNED ON BEHALF OF THE COMPANY ON THIS \_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_.

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**H.F. Pienaar**  
CEO

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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 10]

### 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 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:	
Fax number:	
Telephone number:	
E-mail address:	
Capacity in which request is made, when made on behalf of another person:	

### C. Particulars of person on whose behalf the request is made

This section must be completed <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> person.
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Full names and surname:	
Identity number:	

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#### 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.
- c) The requester must sign all the additional folios.

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars 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 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:	Form in which record is required
Mark the appropriate box with an X.	
NOTES: 1. Compliance with your request in the specified form may depend on the form in which the record is available. 2. 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. 3. The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.	

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<b>1. If the record is in written or printed form:</b>			
	copy of record*		inspection of record
<b>2. If record consists of visual images: (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</b>			
	view the images		copy of the images
			transcription of the images*
<b>3. If 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>4. 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 or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.			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 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..... on this ..... day of .....20.....

\_\_\_\_\_  
SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

Revision Date: 7 June 2021	Revision Number: Revision 0.1	Document Owner: H.F.Pienaar	Wellington Wyne (PTY) LTD
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