

**SECTION 51 MANUAL FOR
Living Matter Landscaping CC
2004/057246/23**

In terms of The Promotion of Access to Information Act 2 of 2000 (PAIA)

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INTRODUCTION

Reference to the Constitution

Section 32 of the Constitution of the Republic of South Africa, No. 108 of 1996 ("the Constitution") provides:

S32(1) Everyone has the right of access to -

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

S32(2) National legislation must be enacted to give effect to this right, and may provide for reasonable measures to alleviate the administrative and financial burden on the state.

The Promotion of Access to Information Act, 2 of 2000 ("the Act"), was enacted on 3 February 2002 to give effect to section 32 of the constitution, that is giving 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. Where a request is made in terms of this Act, the private or public body to which the request is made is obliged to release the information, except where the Act expressly provides that the information must not be released. The Act sets out the requisite procedural issues attached to such request.

The Act came into effect on 9 March 2001 with the exception of sections 10, 14, 16 and 51 which sections were brought into operation on 15 February 2002.

Reference to Living Matter Landscaping CC

Living Matter Landscaping CC was formed on 17 June 2004. Living Matter Landscaping CC is a close corporation providing residential garden design, implementation and maintenance. Living Matter Landscaping CC's mission is to be able to customise our service offering to the needs of each individual client. At Living Matter Landscaping no project is too small or too big, we have a solution for everyone.

PARTICULARS IN TERMS OF SECTION 51

1. CONTACT DETAILS

Any person who wishes to request any information from Living Matter Landscaping CC with the object of protecting or exercising a right may contact the Information officer. The Information officer has been duly authorised by the member to deal with the matters in connection with requests for information in terms of the Promotion of Access to Information Act 2, of 2000.

The contact details are as follows:

Postal Address:

The Information Officer
Living Matter Landscaping CC
Post Net Suite No 329
Private Bag x 1005
Claremont
7735

Physical address:
10 Almond Street
Newlands
Cape Town
Western Cape

Telephone: + 2721 671 0591
Facsimile: + 2721 671 0591
E-mail: info@livingmatter.co.za

Website: www.livingmatter.co.za

2. THE GUIDE AS DESCRIBED IN SECTION 10

The guide will be available from the Human Rights Commission. Please direct any queries to:

The Human Rights Commission:
Postal Address:
Private Bag 2700
HOUGHTON
2041
Telephone: + 27 11 484 8300
Facsimile: + 27 11 484 0582
Website: <http://www.sahrc.org.za>

3. CATEGORIES OF RECORDS OF LIVING MATTER LANDSCAPING CC WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52(2). [Section 51(1)(c)]

No notice of such records has been made to the Minister.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION. [Section 51(1)(d)]

Records are kept in accordance with the following legislation:

- Companies Act, 1973
- Close Corporations Act, 1984
- Income Tax Act, 1962
- Unemployment Insurance Act 2001
- Regional Services Council Act 1985
- Value Added Tax Act 1991
- Compensation for Occupational Injuries and Diseases Act 1993
- Labour Relations Act 1995
- Basic Conditions of Employment Act 1997
- Skills Development Act 1998
- South African Revenue Services Act 1997
- Promotion of Access to Information Act 2000
- Skills Development Levies Act 1999
- National Small Business Act 1996
- Occupational Health and Safety Act 1993

5. HOW TO REQUEST A RECORD. A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY LIVING MATTER LANDSCAPING CC AND THE CATEGORIES IN WHICH THESE SUBJECTS ARE CLASSIFIED. [Section 51(1)(e)]

5.1 How to request a record

See prescribed request form in Section 9 (Page 8)

Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the Information officer of Living Matter Landscaping CC. The request must be made to the address, fax number or electronic mail address of the Information officer of Living Matter Landscaping CC as mentioned in point 1) on page 3.

The requester must provide sufficient detail on the request form to enable the Information officer of Living Matter Landscaping CC to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if s/he wishes to be informed in any other manner and state the necessary particulars to be so informed.

The requester must identify the right that s/he is seeking to exercise and provide an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of a 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 of Living Matter Landscaping CC.

The Information officer of Living Matter Landscaping CC must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee before further processing of the request.

The request fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.

If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The Information officer of Living Matter Landscaping CC will then make a decision on the request and notify the requester in the required form.

5.2 Categories of records held by Living Matter Landscaping CC

5.2.1 Web page and library records

Web page

The web page, www.livingmatter.co.za is accessible to anyone who has access to the Internet.

Library

The entity does not have a library.

5.2.2 Other records

Operational information

<p>(d) For a transcription of visual images, (i) for an A4-size page or part thereof (ii) For a copy of visual images</p> <p>(e) For a transcription of an audio record, (i) for an A4-size page or part thereof (ii) For a copy of an audio record</p> <p>(f) To search for and prepare the record for disclosure, for each hour or part of an hour reasonably required for such search and preparation.</p>	<p>R40,00 R60,00</p> <p>R20.00 R30.00</p> <p>R30.00</p>
<p>5. For purposes of section 54(2) of the Act, the following applies: 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.</p>	
<p>6. The actual postage is payable when a copy of a record must be posted to a requester.</p>	

9. PRESCRIBED REQUEST FORM

See Next Page

REQUEST FOR ACCESS TO RECORD OF LIVING MATTER LANDSCAPING CC
(Section 53(1) of the Promotion of Access to Information Act 2 of 2000)
[Regulation 10]

A. Particulars of Living Matter Landscaping CC

The Information officer:

B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the records must be recorded 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 name and surname:

Identity number:

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Postal Address:

Telephone number:

Fax number:

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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:

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. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

2. Reference number, if available:

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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 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"

<p>NOTES:</p> <p>(a) Your indication as to the required form of access depends on the form in which the record is available.</p> <p>(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</p> <p>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</p>

1. If the record is in written or printed form:

	Copy of record		Inspection of record
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2. If record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	View the image		Copy of images*		Transcription of images*
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3. If record consists of recorded words or information which can be reproduced in sound:

	Listen to the soundtrack (audio cassette)		Transcription of soundtrack*
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4. If record consists of visual images:

(This includes photographs, slides, video recordings, computer-generated images, sketches, etc)

	View the image		Copy of images*		Transcription of images*
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* If requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

	Yes		No	A postal fee is payable
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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 requester must sign all the additional folios.

Indicate which right is to be exercised or protected:

Explain why the requested record is required for the exercising 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 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?

Signed at _____ this _____ day of _____ 200__

Signature of Requester / Person on whose behalf request is made