

***ACCESS TO
INFORMATION MANUAL***

OF

***THE FILM INDUSTRY FUND NPC
2013/013322/08***

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

(Private Body)

The Film Industry Fund NPC has drafted this Manual to comply with the PAIA and the Manual is available at our Registered Office for anyone to read through without charge. The Manual is also available at the SAHRC and copies can be obtained from us at the legislated charge.

1. Section 51(1) (a)

The Film Industry Fund NPC - No Restriction on Business Activities

Registered Name: The Film Industry Fund NPC
Registration Number: 2013/013322/08
Registered Office: 61 Loop Street, Cape Town, 8001
Postal Address: P O Box 12777, Mill Street, 8010
Telephone Number: 021 424 7714
Fax Number:
E-mail Address: rudiriek@telkomsa.net
Director/s: Andrea Verity Amm, Gavin Dayan Levy and Simon Skip Margetts
Contact Person: Gavin Dayan Levy

2. Section 51(1) (b) - Guide for requesters on how to use The Act

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, inter alia, as follows:

The South African Human Rights Commission:
PAIA Unit
Physical: 29 Princess of Wales Terrace, cnr. York and St. Andrews Street, Parktown
Postal: Private Bag 2700, Houghton, 2041
Telephone: (011) 484 8300;
Telefax: (011) 484 0582;
E-mail: PAIA@sahrc.org.za
Website: <http://www.sahrc.org.za>

3. Section 51(1) (c) - Records automatically available to the public

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.

4. Section 51(1) (d) - Records held in accordance with other legislation

Records are held in accordance with the following legislation:

- Companies Act, No. 71 of 2008
- Income Tax Act, No. 58 of 1962
- Promotion of Access to Information Act, No. 2 of 2000

5. Section 51(1) (e)

The Promotion of Access to Information Act 2 / 2000 allows people an opportunity to obtain information and documents from the Government and from businesses when this is needed. But this does not mean that all information can be accessed whenever someone wants it. The PAIA makes it clear that people may only request information for legitimate reasons such as the protection of a right or similar and that a company may refuse to disclose information that is confidential or secret or if the information concerns a third party such as an employee.

Records subjects and categories

- **Secretarial Statutory Records**
 - Applicable statutory documents such as but not limited to certificates of incorporation and certificates to commence business
 - Meeting Minutes
 - Memoranda and Articles of Association / Memorandum of Incorporation
 - Records relating to the appointment of directors/ auditor/ secretary/ public officer and other officers
 - Statutory Returns to Relevant Authorities
- **Financial Records**
 - Accounting Records
 - Annual Financial Statements
 - Management Reports

Access Request Procedure

a) Completion of Access Request Form

To request information the annexed request form must be fully completed and sent by registered mail, telefax or e-mail to our contact person together with a certified copy of the requestors' identity book.

The requester must indicate what records are being requested, which form of access is required, and identify the right that is sought to be exercised or protected, and provide an explanation of which the requested record is required for the exercise or protection of that right. Proof of the capacity in which the requester is requesting the information

If a request is made on behalf of another person, then the requester must submit proof of the capacity in which the requester is making the request to the reasonable satisfaction of the information officer.

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

b) Payment of Fees

Payment details can be obtained from the contact person as indicated above and can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment of the request fee must be supplied.

The access fee must be paid prior to access being given to the requested record.

If the request for access is successful an access fee may be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed Fees.

If a deposit has been paid in respect of a request for access, which is refused, then the information officer concerned must repay the deposit to the requester.

c) Notification

The Private Body will process the request within 30 days, unless the requester has stated a special reason which would satisfy the information officer that circumstances dictate that the above time periods not be complied with.

The 30 day period within which the *Private Body* has to decide whether to grant or refuse the request, may be extended for further periods of not more than thirty days if the request is for a large amount of information, or the request requires a search for information held at another office of the *Private Body* and the information cannot reasonably be obtained within the original 30 day period. The *Private Body* will notify the requester in writing should an extension be sought.

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

The Private Body is not in possession of any information that is freely available without a proper and procedurally correct request.

Grounds for refusal of access to records

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party.
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party.
 - Information disclosed in confidence by a third party to the Private Body, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.
- Mandatory protection of the safety of individuals and the protection of property.
- Mandatory protection of records which could be regarded as privileged in legal proceedings.
- The Commercial Activities of Private Body which may include:
 - Trade secrets of Private Body
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of Private Body.
 - Information which, if disclosed could put the *Private Body* at a disadvantage in negotiations or commercial competition;
 - A computer programme which is owned by the *Private Body*, and protected by copyright.
- The research information of the *Private Body* or a third party, if its disclosure would reveal the identity of the *Private Body*, the researcher or the subject matter of the research and would place the research at a serious disadvantage;
- Requests for information that are clearly frivolous or vexatious, or which would involve an unreasonable diversion of resources shall be refused.

6. SECTION 51(1)(f) - *Additional prescribed information*

The Minister of Justice has prescribed no additional information to be contained in this Manual.

APPENDIX – 1

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS OF *PRIVATE BODY*

(Section 53(1) of the Promotion of Access to Information Act, No 2 of 2000)

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 records 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 Name and Surname: _____

Identity Number: _____

Postal Address: _____

Telephone Number: _____ Fax Number: _____

E-mail 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 requested, including the reference number if it 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 the record or relevant part of the record:

2. Reference number, if available: _____

3. Any further particulars of the 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 the access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption from the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of the fees:

F. Form of access to the 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) Compliance with your request for access 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.

1. If the record is in written or printed form:			
	Copy of record*		Inspection of record

2. If the record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches, etc.)			
	View the images		Copy the images* Transcription of the images*

3. If the 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 document)

4. If the 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*(stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you want the copy or transcription to be posted to you? Postage 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 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:

H. Notice of decision regarding request for access:

You will be notified in writing whether you 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/
PERSON ON WHOSE BEHALF REQUEST IS MADE

APPENDIX2

Request fees:

Where a requester submits a request for access to information held by an *Private Body* on a person other than the requester himself/herself, a request fee in the amount of R50,00 is payable up-front before the *Private Body* will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of a access fee to specifically excluded in terms of an exclusion as determined by the Minister in terms of Section 54 (8) of *The Act*

The access fees that will be payable are:

	R
• For every photocopy of an A4-size page or part thereof	1,10
• For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	0,75
• For a copy in computer-readable form on	
○ Stiffy disc	7,50
○ Compact disc	70,00
• A transcription of visual images, for an A4-size page or part thereof	40,00
• For a copy of visual images	60,00
• A transcription of an audio record, for an A4-size page or part thereof	20,00
• For a copy of an audio record	30,00
• To search for a record that must be disclosed (per hour or part of an hour reasonably required for such search)	30,00
• Where a copy of a record has to be posted <i>the actual</i> postal fee is payable.	

Deposits:

Where the *Private Body* receives a request for access to information on a person other than the requester himself/herself and the information officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to one third of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations.