

MONTAGU SPRINGS (PTY) LTD

MANUAL IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT

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This Manual is based on the document issued by the South African Human Rights Commission.

A. INTRODUCTION TO MONTAGU SPRINGS (PTY) LTD

Montagu Springs (Pty) Ltd which trades as Avalon Springs Hotel is a four star luxury spa resort hotel located three kilometers outside the town of Montagu in the Western Cape. Its core business is accommodation, the provision of food, beverage, conference and recreational facilities and its main attraction is a forty three degree hot mineral spring.

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

1. Contact details [Section 51(1)(a)]

Business: Montagu Springs (Pty) Ltd trading as Avalon Springs Hotel
The Head : Mr Wolf-Dieter Sowade
Address: Uitvlucht Street, Montagu, Western Cape, 6720
Postal: P O Box 110, Montagu, 6720
Telephone: (023) 6141150
Facsimile: (023) 6141906
E-mail: avalonsprings@lando.co.za

2. Guide on how to use the Act [Section 51(1)(b)]

The Promotion of Access to Information Act grants a requester access to records of a company, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of the Act are required to be made in accordance with the prescribed procedures, at the rates provided.

A Guide on how to use the Act has been compiled by the South African Human Rights Commission. Please direct any queries 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 11 484-0582
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

3. Records available in terms of any other legislation [Section 51(1)(d)]

Records are kept and are available upon specified conditions in accordance with such other legislation as is applicable to Montagu Springs (Pty) Ltd trading as Avalon Springs Hotel including:

- Basic Conditions of Employment Act 75 of 1997 as amended

- Companies Act No. 61 of 1973
- Compensation for Occupational Injuries & Diseases Act 130 of 1993
- Employment Equity Act 55 of 1998
- Income Tax Act No. 95 of 1967
- Labour Relations Act 66 of 1995 as amended
- Occupational Health & Safety Act No. 85 of 1993
- Regional Services Council's Act 109 of 1985
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act No. 89 of 1991

4. Access to the records held by Montagu Springs (Pty) Ltd [Sections 51(1)(c) and 51(1)(e)] :

4.1. The categories of records and documentation which are available without a person having to request access in terms of the Act [Section 51(1)(c)].

- Brochures
- Maps
- Menus
- Tariff sheets

4.2 Records that may be requested [Section 51(1)(e)]

- **Personnel / Human Resources**
- Staff records
- Contracts of employment
- Employment equity plan
- Personnel policy and Code of conduct
- Remuneration and attendance records
- **Financial & Legal**
- Accounting records
- Annual Financial Statements
- Asset register
- Banking details
- Business registration
- Certificate of Incorporation
- Contracts
- Grading certificate
- Lease agreements
- Liquor license
- Memorandum and Articles of Association

- Regional Services registration
- Register of directors and certain officers
- Registration in terms of water usage
- SAMRO license
- Skills Development registration
- Tax registration
- Taxation records
- Tourism registration
- TV License
- UIF registration
- VAT registration
- Vehicle licensing papers
- Workman's Compensation registration

- **General / Other**
- Reservation records
- Guest history records
- Correspondence

4.3 The request procedure. To facilitate the processing of your request, kindly use the prescribed form.

Address your request to:

Mr Wolf-Dieter Sowade
 PO Box 110
 Montagu
 6720

Form of request:

- The requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- 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 [s53(2)(d)].

- 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 head of the private body [s 53(2)(f)].

5. Other information as may be prescribed [Section 51(1)(f)]

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

6. Availability of the manual [Section 51(3)]

The manual is available for inspection at the offices of Montagu Springs (Pty) Ltd free of charge and a copy of the manual has been placed on the website being, www.avalonsprings.co.za.

7. Fees:

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

- 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 [s54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Fees in respect of private bodies

1. (i) 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.
- (ii) 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 –
 - Stiffy disk R7,50
 - Compact disk R70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00 for a copy of visual images 60,00

- (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
- (ii) For a copy of an audio record 30,00
- (iii) The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is R50,00.
- (iv) The access fees payable by a requester referred to in regulation 11(3) are as follows:
 - (a) For every photocopy of an A4-size page or part thereof 1,10
 - (b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine- readable form 0,75
 - (c) For a copy in a computer-readable form on –
 - Stiffy disk R7,50
 - Compact disk R70,00
 - (d) (i) For a transcription of visual images, for an A4-size page or part thereof 40,00
 - (ii) For a copy of visual images 60,00
 - (e) (i) For a transcription of an audio record, for an A4-size page or part thereof 20,00
 - (ii) For a copy of an audio record 30,00
 - (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 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;
- (b) one third of the access fee is payable as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

8. Prescribed Forms

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:

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 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 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.

<p>1. Description of record or relevant part of the record:</p> <p>2. Reference number, if available:</p> <p>3. Any further particulars of record:</p>

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.

<p>Reason for exemption from payment of fees:</p>
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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.

<p>Disability:</p> <p>Form in which record is required:</p>

NOTES:

- a) **Compliance with your request 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.**