



PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

**EDGRAY DISTIRBUTORS (PTY) LTD T/A
JUMBO**

Registration Number of Company: 1983/12657/07



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1. INTRODUCTION

- 1.1** This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.
- 1.2** Edgray Distributors (Pty) Ltd trading as Jumbo is a well-established clothing and footwear retailer, having traded in South Africa since 1975. Jumbo provides a range of quality fashion for the entire family at the right price.

2. COMPANY CONTACT DETAILS (Section 51 (1) (a))

The Chief Executive, Alan J. Scheckter of Jumbo as the head of the private body, have delegated his powers to the Chief Operations Officer (COO), Bradley M. Westaway , as Information Officer(IO), whose details appear hereunder for the purpose of dealing with all matters in connection with requests for information on Jumbo's behalf and to ensure compliance with the Act.

Information Officer (IO):	Mr Bradley M. Westaway
Postal address:	P.O Box 3101 Cambridge 5206
Street address:	Unit 1, Frame Park Phillip Frame rd. Chiselhurst East London 5247
Telephone:	043 702 1900
Email:	jumbo-io@jumboclothing.co.za
Website:	www.jumboclothing.co.za

3. THE ACT (Section 51(1) (b))

- 3.1** The ACT grants a requester access to records of a private body, 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.
- 3.2** Requests in terms of the ACT shall be made in accordance with the prescribed procedures, at the rates provided. The forms and tariff are dealt with in paragraphs 6 and 7 of the Act.
- 3.3** Requesters are referred to the Guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: +27-11-877 3600

Fax Number: +27-11-403 0625

Website: www.sahrc.org.za

- 3.4** The SAHRC has compiled a guide, as required by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.
- 3.5** The guide is available on the SAHRC website, <http://www.sahrc.org.za>.
- 3.6** The SAHRC can be contacted directly at:

The South African Human Rights Commission: PAIA Unit
Postal address: Private Bag X2700
HOUGHTON
2041

Physical address: 2nd Floor
Braampark
Forum 3
33 Hoofd Street
Braamfontein

Telephone: +27 11 877 3600 (Switchboard)
+27 11 877 3750 (Gauteng Office)
+27 11 887 3803

Facsimile:

+27 11 403 0668 (Gauteng Office)

+27 11 403 0625

E-mail:

section51.paia@sahrc.org.za

Website:

<http://www.sahrc.org.za>

4. APPLICABLE LEGISLATION (Section 51 (1) (c)).

<u>No</u>	<u>Ref</u>	<u>Act</u>
1	No 61 of 1973	Companies Act
2	No 98 of 1978	Copyright Act
3	No 55 of 1998	Employment Equity Act
4	No 95 of 1967	Income Tax Act
5	No 66 of 1995	Labour Relations Act
6	No 89 of 1991	Value Added Tax Act
7	No 4 of 2013	Protection of Personal Information Act
8	No 75 of 1997	Basic Conditions of Employment Act
9	No 68 of 2008	Consumer Protection Act
10	No 25 of 2002	Electronic Communications and Transactions Act
11	No 2 of 2000	Promotion of Access of Information Act
12	No 30 of 1996	Unemployment Insurance Act
13	No 85 of 1993	Occupational Health and Safety Act
14	No 130 of 1993	Compensation for Occupational and Diseases Act
15	No 97 of 1998	Skills Development Act
16	No 9 of 1999	Skills Development Levies Act
17	No 24 of 1956	Pension Fund Act
18	No 28 of 2011	Tax Administration Act
19	No 44 of 2014	Tax Administration Laws Amendment Act
20	No 91 of 1964	Customs and Excise Act
21	No 30 of 2014	Customs Duty Act
22	No 194 of 1993	Trademarks Act
23	No 53 of 1998	Short Term Insurance Act
24	No 52 of 1998	Long Term Insurance Act
25	No 17 of 1941	Merchandise Marks Act
Such other legislation as may from time to time be applicable		

5. SCHEDULE OF RECORDS (Section 51 (1) (d))

5.1 Records are kept in accordance with the following legislation (which is not an exhaustive list):

➤ Companies Act	No 61 of 1973
➤ Copyright Act	No 98 of 1978
➤ Employment Equity Act	No 55 of 1998
➤ Income Tax Act	No 95 of 1967
➤ Labour Relations Act	No 66 of 1995
➤ Value Added Tax Act	No 89 of 1991
➤ Protection of Personal Information Act	No 4 of 2013
➤ Basic Conditions of Employment Act	No 75 of 1997
➤ Consumer Protection Act	No 68 of 2008
➤ Electronic Communications and Transactions Act	No 25 of 2002
➤ Promotion of Access of Information Act	No 2 of 2000
➤ Unemployment Insurance Act	No 30 of 1996
➤ Occupational Health and Safety Act	No 85 of 1993
➤ Compensation for Occupational and Diseases Act	No 130 of 1993
➤ Skills Development Act	No 97 of 1998
➤ Skills Development Levies Act	No 9 of 1999
➤ Pension Fund Act	No 24 of 1956
➤ Tax Administration Act	No 28 of 2011
➤ Tax Administration Laws Amendment Act	No 44 of 2014
➤ Customs and Excise Act	No 91 of 1964
➤ Customs Duty Act	No 30 of 2014
➤ Trademarks Act	No 194 of 1993
➤ Short Term Insurance Act	No 53 of 1998
➤ Long Term Insurance Act	No 52 of 1998
➤ Merchandise Marks Act	No 17 of 1941

5.2 Categories of Requestors:

The capacity under which a Requestor makes a request for records defines the category in which the Requestor will fall into. There are four categories of Requestors:

- 5.2.1 A Data Subject who makes requests about themselves;
- 5.2.2 A Representative who makes a request on behalf of the Data Subject(s);
- 5.2.3 A Third Party who requests information about a Data Subject; or
- 5.2.4 A Public Body who requests information in the public interest.

5.3 Automatically available information

Information that is obtainable via the Jumbo website and /or Jumbo's official social media profiles about Jumbo is automatically available and need not be formally requested in terms of this manual.

The following categories of records are automatically available for inspection, purchase or photocopying:

- 5.3.1 Brochures;
- 5.3.2 Store & Head office physical locations and contact information
- 5.3.3 Information about available vacancies;
- 5.3.4 press releases;
- 5.3.5 Publications;
- 5.3.6 Various other marketing and promotional material;
- 5.3.7 Policies as required by legislation (limited availability)
- 5.3.8 Terms & conditions of product offerings / promotions / competitions.
- 5.3.9 Limited information regarding any CSI initiatives.

5.4 The following are categories of records kept and subject to request:

The following information including personal information, are categories of records held by the company to assist requestors in their request for information

Statutory & Legal (Business Information)	
Management Reports	Appointment of Directors/Auditors/Secretaries
Public Officer and other Prescribed Officers	Memorandum of Incorporation
Copies of forms lodged with the Companies and Intellectual Property Commission	Statutory Registers
Contractual and legal agreements	Licences
Intellectual property: trademarks certificates	Copyrights & designs
Records held in compliance to specific legislation, regulations and codes	Title Deeds
Finance and Accounting	
Annual Financial Statements	Accounting Records
Invoices	Management Accounts and Records
Tax Records (company and individual employees)	Banking Records Banking Statements

Insurance (policies, coverage, limits, claim records & insurers)	Budgets
Purchase and Order Records	Financial Policies and Procedure
Statutory Returns Records	Risk Management Records
Internal & External Audit reports	Financial Transactions
Human Resources	
Employment Contracts	Remuneration and benefits records
Medical Aid Records	Pension & Provident Fund Record
Leave Record	IR, Disciplinary Records & Procedures
HR policies & procedures	Code of conduct
Employee Attendance registers	Employment termination records
Employee personal details or personal information	Background Check (criminal records, credit checks)
Employment Equity Plan & Reports	Skills development Plans & Report
CCMA records including arbitration awards	Training Records and Manuals
Information Technology	
Business and data information	Domain name registrations
IT technology capabilities in terms of operating systems	Software license agreements
IT Policies and Procedures	Asset Registers - IT related hardware and software
Security Certifications	User Manuals, Configuration Setups
Network Diagrams	
Sales & Marketing	
Customer Records	Statements of account
Marketing and advertising records	Competition records
Historical Records of Promotions	Information on Promotions, Products and Suppliers
Buying / Procurement	
Records of the cost of goods acquired for resale and their selling price	Product Sales Records/ Statistics
Pricing Information	Quality testing procedures and records
Terms and conditions for dealing with suppliers and buying agents	Supplier Transactional records and supporting information
Logistics & Warehousing	

Information Relating to Freight Agents	Delivery Plans
Inventory	Policies and Procedures
Fleet management information	
Fixed Property and Fixed Assets	
Fixed assets register	Property lease agreements
Property Plans & sizes m2	Financial lease agreements
Operational information	
This information can be defined as information needed in the day-to-day running of the organization. (Examples of such information are; internal telephone lists, address lists, company policies, company procedures, human resource manual, administration manual, industry related statistical data, management information reports.	

Note that the accessibility of the records may be subject to the grounds of refusal set out in this manual. Amongst others, records deemed confidential on the part of a third party, will necessitate permission from the third party concerned, in addition to the normal requirements, before Jumbo will consider access.

6. **FORM OF REQUEST (Section 51 (1) (e))**

To facilitate the processing of your request, kindly:

- 6.1 For more information, visit our website www.jumboclothing.co.za and click on the link where you can get access to our information officer ; or
- 6.2 Use the prescribed form, available on the website of the **SOUTH AFRICAN HUMAN RIGHTS COMMISSION** at www.sahrc.org.za.
- 6.3 Address your request to the Head of the Company (CEO).
- 6.4 Provide sufficient details to enable the COMPANY to identify:
 - (a) The record(s) requested;
 - (b) The requester (and if an agent is lodging the request, proof of capacity);
 - (c) The form of access required;
 - (d) (i) The postal address or fax number of the requester in the Republic;
 - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;

(e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right.

7. ACCESS: PROCEDURE, AVAILABILITY AND FEES

7.1 How to Request a Record (Section 53) (1)

- Requests for access to Records must be made to the Information Officer in the prescribed form 2, Annexure A at the address, fax number or electronic mail address referred to in 1 above. Failure to make use of the prescribed form could result in your Request being refused or delayed.
- A Request for access to a Record must be accompanied by payment of an initial non-refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining him/herself.
- The Requestor must provide enough detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identify, which is to be accompanied by positive proof of identification.
- The Requestor must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary to be so informed.
- Access is not automatic. The Requestor must therefore identify the right he/she is seeking to exercise or protect and provide an explanation as to 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 Requestor must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

7.2 Grounds for refusal of access to records

Access to certain records may be or must be denied on the grounds set out in the Act. This includes:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of third party;
- Mandatory protection of certain confidential information of third party;
- Mandatory protection of safety of individuals, and protection of property;
- Mandatory protection of records privileged from production in legal proceedings;

- Commercial information of private body;
- Mandatory protection of research information of third party, and protection of research information of privacy body.

7.3 Decision on Request (Section 56)

- The Requestor will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
 - If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requestor has made payment of the applicable fee(s).
 - In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor will be advised the he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.
- The Requestor may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

7.4 Records that cannot be found or do not exist

If the company has taken all reasonable steps to find 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 to try to locate the record.

7.5 Availability

This Manual is available on the company's website, www.jumboclothing.co.za , alternatively at

Unit 1, Frame Park

Phillip Frame rd. Chiselhurst

East London

5247

during office hours.

7.6 Fees

The fees payable in respect of access to Records are attached as Annexure 2.