



FAIR TRADE IN TOURISM SOUTH AFRICA (FTTSA)

Section 51 Manual in terms of the Promotion of Access to Information Act

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A. INTRODUCTION TO FAIR TRADE IN TOURISM SOUTH AFRICA (FTTSA)

Fair Trade in Tourism South Africa (FTTSA) is a non-profit organization that promotes fair and responsible tourism in South Africa. This involves awareness raising and the facilitation of a voluntary certification programme that certifies business compliance with “Fair Trade” principles and criteria including fair wages and working conditions, fair operations and purchasing, fair distribution of benefits, ethical business practice, and respect for human rights, culture and environment.

B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

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

The Head: Jennifer Seif, FTTSA Executive Director
 Postal address: PO Box 11536, Hatfield, Pretoria 0028
 Street address: 1067 Arcadia Street, Hatfield Forum West, 3rd Floor
 Hatfield, Pretoria
 Telephone (012) 342 8307
 Fax (012) 342 8289
 Email: Jennifer@fairtourismsa.org.za
 Web: www.fairtourismsa.org.za

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

The Promotion of Access to Information Act grants a requester access to the 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 (SAHRC). The Guide is available in all the official languages, and is available on the website of the SAHRC or by contacting the SAHRC:

The South African Human Rights Commission
 PAIA Unit
 The Research and Documentation Department
 Private Bag 2700, Houghton 2041
 29 Princess of Wales Terrace, c/o York and St. Andrews Street, Parktown
<http://www.sahrc.org.za> ; Email: paia@sahrc.org.za
 Tel. (011) 484 8300 ; Fax (011) 484 0582

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 FTTSA including:

- Basic Conditions of Employment Act 75 of 1997.
- Companies Act 61 of 1973.
- Compensation for Occupational Injuries & Disease Act 130 of 1993.
- Income Tax Act 58 of 1962.
- Labour Relations Act 66 of 1995.
- Non Profit Organisations Act 71 of 1997
- Occupational Health & Safety Act No. 85 of 1993
- Skills Development Act 9 of 1999.
- 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 89 of 1991.

4. Access to the records held by FTTSA [Sections 51(1)(c) and 51(1)(e)]

4.1 The categories of records that are available without a person having to request access in terms of the Act [Section 51(1)(e)]

- Annual reports (from mid 2006)
- Brochures
- Newsletters

4.2 Records that may be requested

A. Company records

- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Proof of company registration
- Proof of NPO registration
- Proof of SETA registration (Services SETA)
- Proof of Workmen's Compensation Registration
- Records relating to the appointment of directors and auditor

B. Financial records

- Accounting records
- Asset register
- Annual financial statements (only available from mid-2006, first financial year ends on 28 February 2006)
- Banking records
- Contracts
- Invoices
- Rental agreement

C. Tax records

- Documents issued to employees for income tax purposes
- Documents issued to consultants for income tax purposes
- Records of PAYE payments made to SARS on behalf of employees
- Records of payments made in relation to VAT, Skills Development Levy, UIF and Workmen's Compensation.
- Tax returns (from 2006 on)

D. Personnel records

- Employment contracts
- Performance management records
- Personnel records
- Remuneration records and policies

E. Company policies

- Crisis communications policy
- Financial policies and procedures
- Internship policy
- Partnership policy
- Website link policy
- Workplace policies and procedures manual

F. Operational documents and records

- Budgets
- Business plan
- Certification records
- Client records
- Correspondence
- Funding proposals
- Legal records and correspondence
- Marketing strategies and related records
- Monitoring and evaluation reports
- Reports to donors
- Research reports
- Training materials

4.3 The request procedure

Address your request to: Jennifer Seif, Executive Director
Fax: (012) 342 8289
Email: jennifer@fairtourismsa.org.za
1067 Arcadia Street
Hatfield Forum West, 3rd Floor
Hatfield, Pretoria

Forms of Request:

- The requester must use the prescribed format (Form C, example attached) to make the request for access to a record. This must be made to the head of FTTSA. This request must be faxed or electronically mailed or hand delivered to the body concerned [Section 53(1)].
- The requester must provide sufficient detail on the request form to enable the head of FTTSA 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 [Sections 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 [Section 53(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 FTTSA [Section 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)]

This Manual is available for inspection at the offices of FTTSA free of charge, and on the FTTSA website. The Manual is also available at the offices of the SAHRC.

7. Prescribed Fees and Prescribed Form of Request

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 request fee:

- The head of FTTSA 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 [Section 54(1)].
- The fee that the requester must pay to FTTSA is R50. The requester may lodge an application to the court against the tender or payment of the request fee [Section 54(3)(b)].
- After the head of FTTSA 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 [Section 54(6)].

Attached is a list of fees in respect of private bodies as well as a copy of Form C, which is the request form. This information is also available on the website of the SAHCR: http://www.sahrc.org.za/fees_forms_priv_bodies.PDF