



**PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000
SECTION 51 MANUAL FOR:**

**CULINARY KIDS (PTY) LTD
2017/232161/07**

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INTRODUCTION

The Promotion of Access to Information Act No.2 of 2000 (“the Act”) came into force on 23 November 2001, with the exception of sections 10, 14, 15 and 51, which became effective on 15 February 2002.

Section 51 of the Act requires that all private bodies prepare and make available a manual, to the public regarding the procedure which the public must follow, when submitting a request to access the private bodies’ records.

Culinary Kids (Pty) Ltd is defined as a private body in terms of the Act. This manual is prepared in compliance with section 51 of the Act

Main Business / Principal Business

Culinary Kids (Pty) Ltd (the “Company”) is a private company duly incorporated in accordance with the laws of the Republic of South Africa. The Company functions as a culinary franchise which markets and sells Culinary Kids licences to individuals countrywide. A Company License grants to a Licensee a non-exclusive right to operate Culinary Kids, a culinary extra-mural activity offered at schools countrywide, in a specific territory and to use the intellectual property related to the Company business system for the term of the Agreement in exchange for monthly royalty fees.

PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

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

Full Name	Culinary Kids (Pty) Ltd
Registration Number	2017/232161/07
Postal Address	P O Box 652047 Benmore Johannesburg 2010
Registered Address	2 nd Floor, 6 Sturdee Avenue Rosebank Johannesburg 2196
Telephone	011 026 9870
CEO/Information Officer	Carryl Van Bassen Jongbloet
E-mail	headoffice@culinarykids.co.za
Website	https://www.culinarykids.co.za/

The Company has duly authorised Carryl Van Bassen Jongbloet to deal with all matters in connection with requests for information in terms of the Act.

2. The Guide as described by Section 10 [Section 51(1)(b)]

2.1 In terms of section 10 of the Act, the Human Rights Commission is required to publish in each official language, a Guide on how to use Act.

2.2 The Guide is available from the South African Human Rights Commission. Please direct any queries with respect to the Section 10 Guide to:

The South African Human Rights Commission
PAIA UNIT - The Research and Documentation Department

Postal Address	Private Bag 2700 Houghton 2041
Telephone	+27 11 877 3600
Fax	+27 86 410 0149/ +27 11 403 0668
E-mail	info@sahrc.org.za / nvkwaza@sahrc.org.za
Website	www.sahrc.org.za

3. Automatic availability of certain Records [Section 51(1)(c)]

3.1 Certain Information is automatically available for inspection, purchase or photocopying.

3.2 Automatically available information includes:

There are no records automatically available.

4. Records available in terms of other legislation [Section 51(1)(d)] – (This list is not exhaustive)

1. Arbitration Act 42 of 1965
2. Basic Conditions of Employment Act 75 of 1997
3. Compensation of Occupational Injuries and Health Diseases Act 130 of 1993
4. Companies Act 71 of 2008
5. Consumer Protection Act 68 of 2008
6. Employment Equity Act 55 of 1998
7. National Credit Act 34 of 2005
8. Income Tax Act 58 of 1962
9. Insolvency Act 24 of 1936
10. Labour Relations Act 66 of 1995
11. Occupational Health and Safety Act 85 of 1993
12. Regional Services Councils Act 109 of 198
13. Skills Development Levies Act 9 of 1999
14. Skills Development Act 97 of 1998
15. Unemployment Insurance Contributions Act 4 of 2002
16. Unemployment Insurance Act 63 of 2001
17. Value Added Tax Act 89 of 1991

5. Access to the records held by the private body in question [Section 51(1)(c) and Section 51(1)(e)]

Records, Subjects and Categories that are held at the Company's head office:

Company Act Records

- Documents of Incorporation
- Memorandum of Incorporation
- Minutes of Board of Directors Meetings
- Records relating to the appointment of directors / auditor / company secretary / public officer and other officers
- Share Register and other statutory registers
- Contracts and Agreements
- Statutory Secretarial Administration Files
- Shareholders Agreements

General Administration and Human Resources

- Minutes of management meetings
- Minutes of staff meetings
- Correspondence

Financial Records

- Annual Financial Statements
- Audit Files
- Investment Records
- Management Records
- Stock Registers
- Assets Register
- Banking Records
 - Bank Statements
 - Paid Cheques
 - Electronic banking records
- Rental Agreements
- Invoices and Sales records
- Supplier records
- Tax records
 - PAYE records
 - IRP5 and Other employee income tax records
 - Records of Payments made to SARS (on behalf of employees)
 - Other statutory compliance
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

Human Resources Material

- Employee Records
- Personnel Policy Manual
- Trainee Records
- External Training Records
- Employee Benefit Records
- Labour Relations Records
- Disciplinary Code and Records
- SETA Records
- Employment Equity Records
- Employment Contracts
- Training Manuals
- Staff Recruitment Policies
- Remuneration Records and Policies

Legal Records

- General Legal Correspondence
- Property Records
- Litigation and Dispute Records
- Lease Agreements

Information Technology (IT) Records

- IT Contracts and Agreements
- IT Operational Records
- Asset Records
- Policy Records

6. Access Request procedures [Section 51(1)(c) and Section 51(1)(f)]

6.1 The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by the Company.

6.2 It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of PAIA. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

Note: If it is reasonably suspected that the requester has obtained access to the Company's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

6.3 In order for the Company to respond to requests in a timely manner, an Access Request Form should be completed, taking due knowledge of the following Instructions for the Completion of Forms.

Completion and Submission of Access Request Form

- The requester must use the prescribed form, Access Request Form – Annexure A, to make the request for access to a record. The form must be completed in the English Language.
- Type or print in BLOCK LETTERS and answer every question. If a question does not apply, state 'N/A' in response to that question.
- If there is nothing to disclose in reply to a particular question state 'nil' in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio. When the use of an additional folio is required, precede each answer thereon with the title applicable to the question.
- 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.
- 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.
- 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.
- The request must be made to the contact person indicated in the Contact Details section, via conventional mail or e-mail.

Fees

- An initial non-refundable **R 57.00 (fifty-seven rand)** request fee is payable on submission. This fee is not applicable to personal requests, referring to any person seeking access to records that contain their personal information.
- Payment details can be obtained from the contact person as detailed in Section 51(1)(a) and payment can be made via a direct deposit, by bank guaranteed cheque, by Electronic Transfer or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

Note: If the request for access is successful an access fee will be required for the search, reproduction and/or preparation of the record/s. The access fee must be paid prior to access being given to the requested record.

Notification

Requests will be evaluated and the requester notified within 30 (thirty) days of receipt of the completed Access Request Form.

Notifications may include:

- Notification of Extension Period (if required)

The requester may be notified whether an extension period is required for the processing of their requests including:

- The required extension period, which will not exceed an additional 30 (thirty) days;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period, for lodging the application.

Payment of Deposit (if applicable)

- The requester may be notified whether a deposit is required. A deposit will be required depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record/s. The notice will state:
 - The amount of the deposit payable (if applicable); and
 - That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

Note: In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

Decision on Request

- If no extension period or deposit is required the requester will be notified, within 30 (thirty) days, of the decision on their request.
- If the request for access to a record is successful, the requester will be notified of the following:
 - The amount of the access fee payable on prior to gaining access to the record (if any);
 - An indication of the form in which the access will be granted; and
 - Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.
- If the request for access to a record is not successful, the requester will be notified of the following:
 - Adequate reasons for the refusal, refer to Third Party Information and Grounds for Refusal below; and
 - That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging an application.

Third Party Information

If access is requested to a record that contains information about a third party, the Company is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or providing reasons why the access should be denied.

In the event of the third-party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted or not.

If, after all reasonable steps have been taken, the third party is not informed of the request and the third party did not make any representations to support or deny access, any decision whether to grant the request for access will be made with regard to the fact that the third party did not have the opportunity to make representations.

Grounds for Refusal

The Company may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Company may refuse access include but are not limited to:

- Protecting personal information that the Company holds about a third party, who is a natural person, including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company, for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Company or the third party;
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;
- If the disclosure of the record would endanger the life or physical safety of an individual;
- If the disclosure of the record would prejudice or impair the security of property;
- If disclosure of the record would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the privilege has been waived;
- Disclosure of the record containing trade secrets, financial, commercial, scientific or technical information would harm the commercial or financial interests of the Company;
- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- Requests for information that are clearly frivolous or vexatious , or which involve an unreasonable diversion of resources.

7. Other information that may be prescribed [Section 51(1)(g)]

Not applicable

8. Availability of the manual [Section 51 ()]

This manual is available from the South African Human Rights Commission, see details in clause 2 of this manual, and the Company, see details in clause 1 of this manual.

ANNEXURE A – PRESCRIBED ACCESS TO RECORD REQUEST FORM

REQUEST FOR ACCESS TO RECORD OF A PRIVATE BODY
Section 53 (1) of the Promotion of Access to Information Act 2 of 2000

[Regulation 10]

A. Particulars of private body

The duly authorised person

Andre Van Bassen Jongbloet

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:
E-mail Address:
Telephone Number:
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 the request for information is made on behalf of another person
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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

1. Description of record or relevant part of the record:
2. Reference number, if available:
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 payment of any fee, please state the reason for exemption

Reason for exemption from payment of fees:
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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.

Disability:	Form in which record is required:
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Mark the appropriate box with an X					
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 cases 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:					
<input type="checkbox"/>	Copy of record*	<input type="checkbox"/>	Inspection of record		
2. If record consists of visual images: (This includes photographs, slides, video recordings, computer-generated images, sketches etc.)					
<input type="checkbox"/>	View the images	<input type="checkbox"/>	Copy of the images*		
<input type="checkbox"/>		<input type="checkbox"/>	Transcription of the images*		
3. If record consists of recorded words or information which can be reproduced in sound:					
<input type="checkbox"/>	Listen to the soundtrack audio cassette	<input type="checkbox"/>	Transcription of soundtrack* Written or printed document		
4. If record is held on computer or in an electronic or machine-readable form:					
<input type="checkbox"/>	Printed copy of record*	<input type="checkbox"/>	Printed copy of information derived from the record*		
<input type="checkbox"/>		<input type="checkbox"/>	Copy in computer readable form* (stiffy or compact disc)		
*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable			<table border="1"> <tr> <td>YES</td> <td>NO</td> </tr> </table>	YES	NO
YES	NO				

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 record requested is required for the exercise 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 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 THE REQUESTER / PERSON
ON WHOSE BEHALF REQUEST IS MADE