

PROMOTION OF ACCESS TO INFORMATION MANUAL

for



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prepared in terms of

SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000 READ WITH THE REQUIREMENTS OF THE PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013

1. INTRODUCTION

- 1.1 The Promotion of Access to Information Act 2 of 2000 (hereinafter referred to as the "Act") gives effect to the constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights, as set out in section 32 of Constitution of the Republic of South Africa 108 of 1996.
- 1.2 The Act recognises that the right to access is subject to justifiable limitations, for example the reasonable protection of privacy, commercial confidentiality and good governance.
- 1.3 The Blue Bulls Company is committed to the principles of transparency, accountability and effective governance.

- 1.4 The purpose of this manual is to assist a requester with the process of requesting access to information held by the Blue Bulls Company, subject to the relevant limitations.

2. APPLICATION

This Manual applies to information and records under the control of the Blue Bulls Company and the release of any such information or records.

3. INFORMATION OF THE BLUE BULLS COMPANY [SECTION 51(1)(a) OF THE ACT]

Chief Executive Officer	Edgar Olckers Rathbone
Appointed Information Officer	Willemien Van der Merwe
Physical Address	Loftus Versfeld Stadium, Kirkness Street, Sunnyside, Pretoria, 0002
Postal Address	PO Box 27856, Sunnyside, 0132
Telephone Number	012 4200700
Website	www.bullsrugby.co.za
Email Address	willemienv@bluebull.co.za / edgar@bluebull.co.za

4. GUIDE PUBLISHED BY THE HUMAN RIGHTS COMMISSION [SECTION 51(1)(b) OF THE ACT]

- 4.1 The Act grants a requestor 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.

- 4.2 Requests for information must be made in accordance with the prescribed procedures and at the rates as provided in sections 6 and 7 of the Act.

- 4.3 The guide referred to in section 10 of the Act was published by the Human Rights Commission in August 2003.

4.4 The contact details of the Commission are:

Body	The South African Human Rights Commission
Telephone Number	011 877 3600
E-mail	PAIA@sahrc.org.za
Website	www.sahrc.org.za
Physical Address	PAIA Unit 29 Princess of Wales Terrace Cnr York and Andrew Streets Parktown Johannesburg

5. VOLUNTARY DISCLOSURE [SECTION 52(1) AND SECTION 51(2)]

5.1 No submissions have been made to the Minister and no records held by the Blue Bulls Company are automatically available without a person having to request access in terms of the Act.

5.2 No notices have been published on the categories of records that are automatically available without a person having to request access in terms of section 52(2) of the Act.

5.3 Any person requiring information held by the Blue Bulls Company, must request access thereto in terms of the Act.

6. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION [SECTION 51(1)(d)]

The following legislation creates the obligation to keep certain records:

- Constitution of the Republic of South Africa 108 of 1996
- Copyright Act 98 of 1978
- Electronic Communications Act 36 of 2005

- Regulation of Interception of Communications and Provision of Communication-Related Information Act 70 of 2002
- Financial Intelligence Centre Act 38 of 2001
- Identification Act 58 of 1962
- Intellectual Property Laws Amendment Act 38 of 1997
- Pension Funds Act 24 of 1956
- Prevention of Organised Crime Act 121 of 1998
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Companies Act 71 of 2008
- Value Added Tax Act 89 of 1991
- Income Tax Act 95 of 1967
- Broad Based Black Economic Empowerment Act 53 of 2003
- Basic Conditions of Employment Act 75 of 1997
- Labour Relations Act 66 of 1955
- Skills Development Act 97 of 1998
- Unemployment Insurance Act 63 of 2001
- Employment Equity Act 55 of 1998
- Compensation for Occupational Injuries and Health Diseases Act 130 of 1993
- Occupational Health and Safety Act 85 of 1993
- Safety at Sports and Recreational Events Act 2 of 2010
- National Health Act 61 of 2003
- National Sport and Recreation Act 110 of 1998

Although we have used our best endeavours to supply a list of applicable legislation, it is possible that this list may be incomplete. If a Requester believes that a right of access to a record exists in terms of other legislation, the Requester is required to indicate what legislative right the request is based on to allow the Information Officer the opportunity of considering the request in the light thereof.

7. RECORDS HELD BY BLUE BULLS COMPANY [SECTION 51(1)(e)]

The information held by the Blue Bulls Company are divided into different categories. The categories of information are not exhaustive, but are merely meant to give a broad indication of the information held by the Blue Bulls Company.

The Act makes provision for the automatic disclosure of certain records. These records need not be formally requested from the Blue Bulls Company since they are automatically available from our website www.bullsrugby.co.za.

The following are categories of records automatically available:

FOR INSPECTION IN TERMS OF SECTION 52(1)(a)(i)	Product Information for example events calender, suites and season tickets sales, online merchandise store, other offerings by the Blue Bulls Company.
PUBLIC PLAYER AND EMPLOYEE PROFILES	As displayed on the webiste www.bullsrugby.co.za
FOR COPYING ITO SECTION 52(1)(a)(ii)	Annual Reports
AVAILABLE FREE OF CHARGE IN TERMS OF SECTION 52(1)(a)(iii)	Media Releases

Records held by the Blue Bulls Company which are not automatically available and which can be requested are listed below. Ease request for information will be dealt with on a case-by-case basis and the mere fact that a record is listed below does not mean that access to that record will be granted.

COMPANIES ACT RECORDS	Company registration documents Memorandum of Incorporation Register of Directors Minutes of meetings of the Board of Directors Minutes of meetings of Shareholders Share Certificates
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	<p>Share Register and other statutory registers and/or records and/or documents</p> <p>Auditors</p> <p>Prescribed Officers</p> <p>Company Secretary</p> <p>Legal Compliance Records</p> <p>BBBEE Certificate</p>
FINANCIAL RECORDS	<p>Accounting Records</p> <p>Annual Financial Statements</p> <p>Auditors' Reports</p> <p>Details of Auditors</p> <p>Asset Registers</p> <p>Bank Statements</p> <p>Banking details and account details</p> <p>Debtors/creditors statements and invoices</p> <p>General ledgers and subsidiary ledgers</p> <p>Invoices</p> <p>Tax returns</p>
INCOME TAX RECORDS	<p>PAYE Records</p> <p>VAT Records</p> <p>UIF Records</p> <p>Workmen's Compensation records</p> <p>Regional Services Levies records</p> <p>Skills Development Levies records</p> <p>Employment Tax Incentive details</p> <p>Documents issued to employees for income tax purposes</p> <p>Records of payments made to SARS on behalf of employees</p> <p>All other statutory compliances/records</p>
PERSONNEL DOCUMENTS AND RECORDS	<p>Attendance registers</p> <p>Disciplinary codes and procedures</p> <p>Policy documents</p>

	<p>Disciplinary records</p> <p>Employment contracts</p> <p>Employment Equity Plan</p> <p>Leave records</p> <p>Particulars of personnel</p> <p>Records of time worked by employees</p> <p>Employee registers</p> <p>Salary records</p> <p>Training manuals</p> <p>Training records</p> <p>Accident records</p> <p>Address lists</p> <p>Forms and applications</p> <p>Medical aid records</p> <p>Payroll reports</p> <p>Pension fund records</p> <p>Salary records</p> <p>SETA records</p> <p>Letters and notices</p> <p>Workplace and Union agreements and records</p>
SPONSOR, SUPPLIER AND SERVICE PROVIDER RECORDS	<p>Registration information</p> <p>Contracts</p> <p>Confidentiality agreements and non-disclosure agreements</p> <p>Delivery records</p> <p>Financial and accounting information</p> <p>Contact information</p> <p>Consents</p> <p>List of suppliers, products, services, etc.</p> <p>Policies and procedures</p>
MARKETING DEPARTMENT	Advertising and promotional material
SALES DEPARTMENT (SUITES, OFFICES, TICKETING, ETC.)	<p>Customer details</p> <p>Credit records</p>

	Information and records provided by third parties
CORPORATE SOCIAL INVESTMENT	Applications for funding CSI project details
ASSETS	All asset registers – fixed and movable
FACILITIES	Lease Agreements and other agreements and related information relating to the lease of the stadium premises or a portion thereof or the purchase or sale or hire of assets

8. HOW TO MAKE A REQUEST FOR ACCESS TO RECORDS HELD BY THE BLUE BULLS COMPANY [SECTION 51(1)(e)]

- 8.1 Access to information held by the Blue Bulls Company is not automatic and may be refused on any of the grounds for refusal contemplated in Chapter 4 of the Act.
- 8.2 The Requestor must identify the right it is seeking to exercise or protect and explain why the record requested is required for the exercise or protection of that right. All procedural requirements must be met.
- 8.3 The following procedure must be followed when requesting information and/or documents:
- 8.3.1 The request must be sent in the prescribed form attached hereto as Annexure "A".
- 8.3.2 The Request must be submitted to the Information Officer and sent to the address or electronic mail address as set out in paragraph 3 of this Manual.
- 8.3.3 The Requestor must provide proof of identity of the person requesting the record.
- 8.3.4 If the request is made on behalf of another person, the Requestor must provide proof of the capacity in which he/she/it is making the request.

8.3.5 The Requester must provide sufficient detail on the form to enable the Information Officer to identify the record requested.

8.4 The Act provides for two types of fees payable on the request of records, namely:

8.4.1 A request fee, which is an administration fee payable by all Requesters before the request will be considered. This request fee is non-refundable.

8.4.2 An access fee, which is payable by all Requesters in the event that a request for access to information is granted. This fee will include the costs incurred in obtaining and preparing a record for delivery to the Requestor.

The fees are set out in Annexure "B" hereto.

8.5 Once a request is made, the Requestor will receive notice from the Blue Bulls Company to pay the prescribed request fee.

8.6 The prescribed request fee must be paid before the request will be processed.

8.7 Payment of the request fee should be made as directed by the Information Officer.

8.8 After receiving payment of the request fee the Blue Bulls Company will make a decision in respect of the request and will notify the Requestor of the decision.

8.9 Should the request be refused, the Requestor may lodge an application or appeal against the refusal of the request or payment of the requested fee and this will be advised in the notice to be sent to the Requestor (in terms of section 54(3) of the PAIA Act).

8.10 If the request is granted then the Requestor might be required to pay a further access fee for the search, reproduction and preparation of the record as well as for the time that has exceeded the prescribed hours to search and to

prepare the record for disclosure to the Requestor (in terms of section 54(6) of the PAIA Act).

- 8.11 The fee schedule can also be downloaded from the Department of Justice and Constitutional Development's website at www.justice.gov.za.

9. CONFIDENTIALITY OF INFORMATION

The Blue Bulls Company is committed to protection the confidentiality of information provided to it by third parties, subject to its obligations to disclose such information in terms of any applicable legislation or a court order.

If access is requested to a record that contains information about a third party or information provided to the Blue Bulls Company by a third party, then the Blue Bulls Company shall attempt to contact the third party to obtain its consent for the disclosure of the information.

The third party's consent or denial of access to its information will be taken into consideration by the Information Officer in determining whether access should be granted to the Requester or not.

PRESCRIBED FORM FOR REQUESTING INFORMATION

A. PARTICULARS OF THE BLUE BULLS COMPANY

Privacy & Information Officer

Loftus Versfeld Stadium

Kirkness Street

Sunnyside, Pretoria

0002

Or

PO Box 27856

Sunnyside, Pretoria

0132

Telephone number: 012 4200700

Telefax number: 0866752335

Email: info@bluebull.co.za

B. PARTICULARS OF PERSON REQUESTING ACCESS TO RECORDS

(Please include the address and/or telefax number to which the information is to be sent.)

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

(To be completed only if a request for information is made on behalf of another person.)

Full names and

surname: _____

Identity number / Company Registration Number: _____

D. PARTICULARS OF RECORD REQUESTED

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.

If the provided space is inadequate, please continue on a separate page and attach it to this form. **The Requester must sign all the additional pages.**

1) Description of record or relevant part of the record: _____

2) Any further description of the record: _____

E. FEES

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.

You will be notified of the amount required to be paid as the request fee.

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 such record.

If you qualify for exemption of the payment of any fee, please state the reason for exemption.

F. FORM OF ACCESS TO RECORDS

If you are prevented by a disability to read, view or listen to the record in the form of access provided for, kindly state your disability and indicate in which form the record is required.

G. PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

- 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 or 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.

- 1) How would you prefer to be informed of the decision regarding your request for access to the record? _____

SIGNED AT _____ ON THIS ___ DAY OF _____ 20__.

SIGNATURE

PRESCRIBED FEES

1. REQUEST FEE

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requester.

2. ACCESS FEE

The applicable fees (excluding VAT) which will be payable are:

2.1	For every photocopy of an A4-size page or part thereof	R 1,10
2.2	For every printed copy of an A4-size page or part thereof held on a computer or in electronic form	R 0,75
2.3	For a copy in a computer readable form - Compact disc	R70,00
2.4	A transcription of visual images, for an A4-size page or part thereof	R40,00
2.5	For a copy of visual images	R60,00
2.6	A transcription of an audio record, for an A4-size page or part thereof	R20,00
2.7	For a copy of an audio record	R30,00
2.8	To search a record that must be disclosed, per hour or part of the hour	R30,00

3. POSTAGE FEE

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.