



MANUAL FOR

RADIO HEART 104.9 (PTY) LTD

TRADING AS

HEART FM

REG. NR 1995/010037/07

PREPARED IN TERMS OF THE REQUIREMENTS OF THE

PROMOTION OF ACCESS TO INFORMATION ACT

NO 2 OF 200

1. Introduction

This manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right.

In terms of the Act, where a request for information is made to a body, there is an obligation to provide the information, except where the Act expressly provides that the information may not be released. In that context, section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where its release would pose a threat to the protection of privacy, commercial confidentiality and exercising of efficient governance.

2. Contact Details in terms of (section 51 (1)(a) of the Act)

Managing Director: Renee Redelinghuys

Public Officer: Brendan Murray

Street Address: Cnr. Somerset & De Smidt Street
2nd Floor Media Quarter Building
Greenpoint
8051

Postal Address: P.O. Box 211
Greenpoint
8051

Telephone: 021 406 8900

Fax: 021 406 8900

Email: brendan@heartfm.co.za

Website: www.heartfm.co.za

3. The section 10 Guide on how to use the Act (in terms of Section 51(1)(b))

In terms of section 10 of the Act, the South African Human Rights Commission (SAHRC) is required to compile, in each official language, a guide to the Act to assist people in exercising their rights under the Act. This guide will be available from the SAHRC and all queries relating to the guide should be directed to the SAHRC.

The South African Human Rights Commission
Private Bag 2700
Houghton 2041

Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
Email: PAIA@sahrc.org.za

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

Heart FM keeps information / documents in accordance with the following legislation (Please note that this is not an exhaustive list):

Basic Conditions of Employment Act no. 75 of 1997
Companies Act no 61 of 1973
Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
Credit Agreement Act 72 of 1980
Employment Equity Act no. 55 of 1998
Electronic Communications and Transaction Act No. 25 of 2002
Income Tax No. 95 of 1967 Insolvency Act No. 24 of 1936
Labour Relations act No 66 of 1995
Occupational Health and Safety ACT No. 85 of 1993
Promotion to Access to information Act no 2 of 2000
Pensions Fund Act No. 24 of 1996 Skills Development Levies Act No. 9 of 1999
Skills Development Levies Act No 97 of 1998 Unemployment Contributions Act No. 4 of 2002
Unemployment Insurance Act No, 63 of 2001
Unemployment Insurance Act No, 30 of 1996 Value Added Tax Act No. 89 of 1991

4.2 Records that are held at Heart 104.9 (Pty) Ltd in term of [Section 51(1)(c) and 51 (1)(e)]

Records which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c) This information can be defined as operational information needed in the day to day running of the company and is generally not applicable to persons outside of the company. (Examples of such information are: General accounting records, company policies, company procedure and responsibility manual, Independent contractors contracts, commercial contracts, employment contracts, technical information, marketing records) All the information held by Heart FM is not automatically available without the person requesting access in terms of and subject to the provisions of the Act.

Procedure to be followed in making a request:

1. The requester must use the prescribed form to make the request for access to a record
2. The forms can be downloaded from the Department of Justice Website at www.doj.gov.za. or complete form C below
3. The request must be made to the head of the private body. This request must be made to the address, fax number or electronic email address of the body concerned [s 53(1)]
4. 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.
5. 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 [s 53(2)(d)]
6. If the 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]
7. In terms of section 63 of the Act, the public officer of Heart FM could refuse a request for access to a record of the company if the record contains trade secrets, financial, operational, programming, news and technical information of which the disclosure could harm the interest of the company.

5. Prescribed fees payable in respect of requests

1. A requester is required to pay the prescribed fee of R50.00, before a request may be processed
2. Payment of this fee must be made directly to the Information Officer
3. This fee is not applicable to personal requests, i.e. individuals seeking access to records pertaining to those individuals themselves
4. We will then make a decision in respect of requesters request and will notify them of our decision
5. Should the requesters request be refused, the requester may lodge an application at court against the tender or payment of the requested fee as will be advised in the notice to you, in terms of [sec 54(3)(b)] of the act
6. If the request is granted the requester will have to pay a further access fee for the search, reproduction and preparation of the record as well as for time, that has exceeded the prescribed hours, to search and prepare the record for disclosure.[In terms of sec 54(6)] of the Act

7. The fees schedule can be downloaded from the Department of Justice website at www.doj.gov.za

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

In addition to the availability of this Manual at the South African Human Rights Commission, copies can be obtained from the Public Officer at Heart FM.

7. FORM C Below

REQUEST FOR ACCESS TO RECORDS

(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 Managing Director: Renee Redelinghuys

Heart FM

P.O Box 211

Green Point

8051

B. PARTICULARS OF PERSON REQUESTING ACCESS TO THE RECORD OF PRIVATE BODY

*a) Particulars of the person who requests access to the records must be recorded below
b) Furnish an address and/or Fax number in the republic to which information must be sent
c) Proof of the capacity in which the request is made, if applicable, must be attached*

Full Name and Surname:	
Identity Number:	
Postal Address:	
Telephone Number:	
Fax Number:	
Email Address:	

C. PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE

This section must be completed ONLY if a request is made on behalf of another person

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 additional folios

1. Description of record or relevant part of record:	
2. Reference number if available:	
3. Any further particulars of record:	

E. PARTICULARS OF RIGHTS 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 of protection of the aforementioned right:	

F. 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 therefore*

Reason for the exemption of payment of the fee	
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G. 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	
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Signed at on this day of

..... 20.....

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Signature of requester / Person on whose behalf request is made