

**SECTION 51 MANUAL FOR
Die Federasie van Afrikaanse Kultuurvereniginge
(FAK)
1973/0023/08 (Art 21)**

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**SECTION 51 MANUAL FOR
DIE FEDERASIE VAN AFRIKAANSE KULTUURVERENIGINGE (FAK)
INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT**

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

Postal address: PO Box 73169, LYNNWOOD RIDGE 0040
Street address: Voortrekkermonument Heritage Site, Eeufees Road, PRETORIA 0002
Phone number: +27 (0)12 326 8646
Fax number: +27 (0)12 326 9171
E-Mail address: fak@mweb.co.za

2. The section 10 Guide on how to use the Act [*Section 51(1)(b)*]

The Guide will be available from the South African Human Rights Commission on 1 September 2005. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit

The Research and Documentation Department

Postal address: Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

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

1. Basic Conditions of Employment No. 75 of 1997
2. Companies Act No. 61 of 1973
3. Compensation for Occupational Injuries and Health Diseases Act No. 130 of 1993
4. Copyright Act No. 98 of 1978
5. Credit Agreements Act No. 75 of 1980
6. Finance Act No. 35 of 2000
7. Income Tax Act No. 95 of 1967
8. Labour Relations Act No. 66 of 1995
9. Medical Schemes Act No. 131 of 1998
10. Occupational Health & Safety Act No. 85 of 1993
11. Pension Funds Act No. 24 of 1956
12. Post Office Act No. 44 of 1958
13. Regional Services Councils Act No. 109 of 1985
14. Short Term Insurance Act No. 53 of 1998
15. Skills Development Levies Act No. 9 of 1999
16. Stock Exchange Control Act No. 1 of 1985
17. Tax on Retirement Funds Act No. 38 of 1996
18. Unemployment Contributions Act No. 4 of 2002
19. Unemployment Insurance Act No. 63 of 2001
20. Value Added Tax Act No. 89 of 1991

4. Access to the records held by the private body in question

[Sections 51(1)(c) and 51(1)(e)]

- i. **The latest notice regarding the categories of records of the body, 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)]**

Not applicable

- ii. **Records that may be requested. A description of the subjects of the records held by the body and the categories in which these subjects are classed**
[Section 51(1)(e)]

SUBJECTS AND CATEGORIES OF RECORDS HELD BY FAK: SECTION 51(1)(e)

1. COMPANIES ACT RECORDS

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors/ auditor/ secretary/public officer and other officers
- Register of members and other statutory registers

2. FINANCIAL RECORDS

- Annual Financial Statements
- Tax Returns
- Accounting Records

3. INCOME TAX RECORDS

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
 - VAT
 - Regional Services Levies
 - Skills Development Levies
 - UIF
 - Workmen's Compensation

4. ADMINISTRATION

- Licences
 - Franking machine
 - Computer software
- Staff records
- Records of copyright related matters

5. OPERATIONS

- Records of

- Publications
- Seminars and workshops

iii. The request procedures

Form of request:

- The requester must use the prescribed form (*appendix A*) to make the request for access to a record. This must be made to the head of the FAK. This request must be made to the address, fax number or electronic mail address (1) [*s 53(1)*].
- The requester must provide sufficient detail on the request form to enable the head of the FAK 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 [*s 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 [*s 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 the FAK [*s 53(2)(f)*].

Fees:

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 required request fee:

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

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)]

The manual is also available for inspection at the offices of the FAK free of charge; and copies are available with the SAHRC, at all Legal Deposit Libraries and on the website www.fak.org.za.