



The Franchise Association of South Africa

Promotion of Access to Information Act Manuel

REQUEST FOR ACCESS TO RECORDS

THE MANUAL HAS BEEN PREPARED FOR FRANCHISE ASSOCIATION OF SOUTH AFRICA (HEREINAFTER “FASA”) IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO.2 OF 2000 FOR A PRIVATE BODY

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1. Intpretations and definitions

The following words or expressions will bear the following meanings in this Manual:

"the Act"	means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder;
"FASA"	means Franchise Association of South Africa , a non-profit company, with registration number: 1991/005946/08 duly registered and incorporated in accordance with the company laws of the Republic of South Africa;
"Information Officer"	means the head of the body or any of the designated information officers described in this Manual;
"Manual"	means this Manual, together with all annexures thereto as amended and made available at the offices of FASA from time to time;
"SAHRC"	means the South African Human Rights Commission.

2. Introduction

The aim of the Manual is to assist potential requesters in requesting access to information (documents or records) from **FASA** as contemplated under the Act.

The Manual may be amended from time to time and as soon as any amendments have been effected, the latest version of the Manual will be published and distributed in accordance with the Act.

A requester is invited to contact the information officer should he or she require any assistance in respect of the use or content of this Manual.

3. Company Overview

FASA's primary role is to define the business of franchising and ensure that all parties adhere to the franchise business principles adopted and accepted internationally. With franchising universally accepted as one of the most successful business formats, **FASA's** role is to continually promote the advantages of franchising both to business entrepreneurs, to prospective franchisees and to the public at large. Based in Bedfordview, Johannesburg, **FASA** and its staff serve the needs of both the public and the franchise community.

FASA has been the guiding force of franchising in South Africa and the growth and stability of the sector is largely thanks to the work that **FASA** has done over the years to promote ethical franchising. Those who are members of **FASA** have voluntarily made a commitment to abide by the ethical standards laid down by **FASA** and the international franchise community. That in itself is an indication of their commitment to operating a sound and ethical business.

FASA's Vision and Mission of promoting self-employment and small business development is taking on new meaning as it joins forces with government and the business community to stimulate new business concepts, encourage entrepreneurship, create jobs and play a part in the skills development of all South Africans.

4. Contact Details of Information Officer

Ms. Vera Regina Valasis ("Information officer") has been duly appointed by **FASA**, to act as the person to whom requests for access to information must be made in terms of the Act.

POSTAL ADDRESS:	PHYSICAL ADDRESS:
POSTNET 256	H. Santos Building, 3RD FLOOR
PRIVATE BAG X4	30 ARENA CLOSE
BEDFORDVIEW	BRUMA
2008	JOHANNESBURG
TELEPHONE :	011 615 0359
FAX :	086 641 7905
EMAIL:	vera.valasis@fasa.co.za

5. The Guide

A guide on how to use the Act is to be compiled by the SAHRC in terms of Section 10 of the Act.

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
Facsimile:	+27 11 484 0582
Website:	www.sahrc.org.za
E-mail:	PAIA@sahrc.org.za

6. Records

NOTE: This section of the Manual sets out the subject and categories of records held by **FASA**. The inclusion of any subject or category of records should not be taken as an indication that records falling within those subjects and/or categories will be made available under the Act. In particular, certain grounds of refusal as set out in the Act may be applicable to a request for such records.

6.1 Access to records held by **FASA** in terms of Section 52 of Act

A section 52(2) notice regarding the categories of records, which are available without a person having to request access in terms of the Act, has to date not been published.

6.2 Access to records in accordance with such other legislation as is applicable to **FASA**

Includes but is not limited to, the following legislation (as amended):

- ✓ Insolvency Act 24 of 1924
- ✓ Pension Funds Act 24 of 1956
- ✓ Income Tax Act 58 of 1962
- ✓ Companies Act 71 of 2008 (as amended)
- ✓ Close Corporations Act 69 of 1984
- ✓ Copyright Act 61 of 1978
- ✓ National Credit Act 34 of 2005
- ✓ Value Added Tax Act 89 of 1991
- ✓ Occupational Health and Safety Act 85 of 1993
- ✓ Compensation for Occupational Injuries and Diseases Act 130 of 1993
- ✓ Trade Marks Act 194 of 1993
- ✓ Labour Relations Act 66 of 1995
- ✓ Tax on Retirement Funds Act 38 of 1996
- ✓ Basic Conditions of Employment Act 75 of 1997
- ✓ Employment Equity Act 55 of 1998
- ✓ Competition Act 89 of 1998
- ✓ Skills Development Act 97 of 1998
- ✓ Non-profit Organisation Act 71 of 1997
- ✓ Medical Schemes Act 131 of 1998
- ✓ Skills Development Levies Act 9 of 1999
- ✓ Financial Intelligence Centre Act 38 of 2001
- ✓ Unemployment Insurance Act 63 of 2001
- ✓ Unemployment Insurance Contributions Act 4 of 2002
- ✓ Promotion Of Access To Information Act No.2 Of 2000
- ✓ Electronic Communications and Transactions Act 25 of 2002
- ✓ Consumer Protection Act 68 of 2008

Records kept in terms of the above legislation may, in certain instances (and insofar as the information contained therein is of a public nature) be available for inspection without a person having to request access thereto in terms of the Act.

6.3 Access to Operation Information records that may be requested

Operation Information records as may be required for the day to day running of **FASA** which includes but is not limited to the following:

- ✓ Internal phone lists;
- ✓ Client database
- ✓ Address lists;
- ✓ Company policies and rules;
- ✓ Directives;
- ✓ Information relating to **FASA's** marketing, business plans, systems and procedures Policies;
- ✓ **FASA's** website address is www.fasa.co.za and is accessible to anyone who has access to the Internet.

6.4 Procedure and costs on how to request access to the records.

Form of Request:

- ✓ The requester must use the prescribed form to make the request for access to a record. This must be made to the Information Officer of **FASA** . This request must be made to the address, fax number or electronic mail address of the Information Officer of **FASA**.
- ✓ The requester must provide sufficient detail on the request form to enable the Information Officer of **FASA** to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- ✓ The requester must identify the right that he or she is seeking to exercise or protect and provide an explanation as to why the requested record is required for the exercise or protection of that right.
- ✓ If a request is made on behalf of a person, the requester must submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of **FASA**.

Fees:

- ✓ The Information Officer of **FASA** must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee before further processing the request. A personal requester does not pay such fee.
- ✓ The fee that the requester must pay is **R50**(excluding VAT). The requester may lodge an application to the court against the tender or payment of the request fee.
- ✓ The Information Officer of **FASA** will then make a decision on the request and notify the requester 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 had exceeded the prescribed hours to search and prepare the record for disclosure.

7. Availability of the Manuel

- ✓ The Manual is posted on **FASA** 's website www.fasa.co.za
- ✓ This Manual is available for inspection by the general public upon request, during office hours and free of charge, at the offices of **FASA**.
- ✓ Copies of the Manual may be made, subject to the prescribed fees.
- ✓ Copies may also be requested from the South African Human Rights Commission

8. Prescribed fee structure in respect of private bodies

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)
[Regulation 11 (3)]

The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1.10 for every photocopy of an A4-size page or part thereof.

The fees for reproduction referred to in regulation 11(1) are as follows

(Excluding VAT)

For every photocopy of an A4-size page or part thereof	R1-10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R0-75
For a copy in a computer-readable form on	
✓ Stiffy disc	R7-50
✓ Compact disc	R70-00
For a transcription of visual images, for an A4-size page or part thereof	R40-00
For a copy of visual images	R60-00
For a transcription of an audio record, for an A4-size page or part thereof	R20-00
For a copy of an audio record	R30-00
The request fee payable by a requester, other than a personal requester, referred to in regulation 11(2) is	R50-00
The access fees payable by a requester referred to in regulation 11(3) are as follows:	R1-10
For every photocopy of an A4-size page or part thereof	R0-75
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	
For a copy in a computer-readable form on	
* Stiffy disc	R7-50
* Compact disc	R70-00
For a transcription of visual images, for an A4-size page or part thereof	R40-00
For a copy of visual images	R60-00
For a transcription of an audio record, for an A4-size page or part thereof	R20-00
For a copy of an audio record	R30-00
To search for and prepare the record for disclosure	R30.00 <i>for each hour or part of an hour reasonably required for such search and preparation.</i>
For purposes of section 54(2) of the Act, the following applies:	
✓ Six hours as the hours to be exceeded before a deposit is payable; and	
✓ One third of the access fee is payable as a deposit by the requester.	
The actual postage is payable when a copy of a record must be posted to a requester.	

9. Prescribed form in respect of private bodies

REQUEST FOR ACCESS TO A RECORD OF A PRIVATE BODY

(Section 53(1) of the Promotion of Access to Information Act, 2000 (Act 2 of 2000))

Particulars of Body

Requests can be submitted either via conventional mail, e-mail or fax and should be addressed to the relevant contact person as indicated below :

The Franchise Association of South Africa

Contact Person: Ms. Vera Regina Valasis

Postal Address: Postnet Suite 256, P/Bag x4, Bedfordview 2008

Physical Address: H. Santos Building, 3rd Floor, 30 Arena Close, Bruma, JHB

Phone number: 011 615 0359

Fax number: 086 641 7905

E-mail: vera.valasis@fasa.co.za

Particulars of person on whose behalf request is made

- (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 :																
Surname :																
Identity Number :																
Postal Address :												Code				
Phone Number :	[]			
Fax Number :	[]			
Email Address :																

Capacity in which request is made, when made on behalf of another person :

Particulars of person on whose behalf request is made

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

Full Names :																					
Surname :																					
Id Number :	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																				

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.**

Description of record or relevant part of the record :

Reference number, if available :	
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Any further particulars of record :

Fees

- (a) A request for access to a record, other than 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 for exemption.

Reason for exception of fees :

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 :	Read		View		Listen	
Form in which record is required						

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 a case 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:

Copy of the record* Inspection of record

2. If record consists of visual images
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

View the Images Copy the images* Transcription of the images*

3. If record consists of recorded words or information which can be reproduced in sound:

Listen to the soundtrack (audio cassette) Transcription of Soundtrack* (written or printed document)

4. If record is held on computer or in an electronic or machine-readable form:
(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

Printed copy of record* Printed copy of information Derived from the record* Copy in computer readable form*
(stiffy / compact disc)

* If you requested a copy of transcription of a record (above), do you wish the copy of transcription to be posted to you? **Postage is payable** YES NO

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.**

Indicate which right is to be exercised or protected:

Explain why the record requested is required for the exercise or protection of the aforementioned right:

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 REQUESTER / PERSON ON
 WHOSE BEHALF THIS REQUEST IS MADE**

YOU MUST :	SEND WITH THE APPLICATION :
1. Complete all necessary spaces	1. R57-00 request fee (if not personal requester)
2. Sign the access request form	2. Any additional folios completed
3. Sign additional folios completed	3. Copy of Identity document