

## Section 51 Manual in terms of the Promotion of Access to Information Act

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### **A. INTRODUCTION TO KURUS ENGLISH**

Kurus English is a highly professional language school offering English language programmes as well as tailor-made courses, while embracing a socio-economic business model. English Language Education is experienced through the unique angle of culturally diverse opportunities. Kurus English aims to provide students with a broader perspective relating to the culturally diverse world we live and work in, while being immersed in the city of Cape Town and its people.

We are incorporated as a Closed Corporation in South Africa.

## **B. PARTICULARS IN TERMS OF THE SECTION 51 MANUAL**

### **1. Contact Details [Section 51(1)(a)]**

The Head:	Mr Johannes Kraus
Postal Address:	PO Box 16612 Vlaeberg 8018
Street Address:	Cape Town 70 Wale Street Cape Town 8001
Telephone:	(+27) 21 426 4606
Fax:	N/A
Email:	<a href="mailto:info@kurus-english.com">info@kurus-english.com</a>
Web:	<a href="http://www.kurus-english.com">www.kurus-english.com</a>

### **2. Description of the Guide on how to use the Act [Section 51(1)(b)]**

The Promotion of Access to Information Act grants a requester access to the records of a company, 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. Requests in terms of the Act are required to be made in accordance with the prescribed procedures, at the rates provided.

A Guide on how to use the Act has been compiled by the South African Human Rights Commission (SAHRC). The Guide is available in all the official languages, and is available on the website of the SAHRC or by contacting the SAHRC:

The South African Human Rights Commission  
PAIA Unit  
The Research and Documentation Department  
Private Bag 2700, Houghton, 2041  
29 Princess of Wales Terrace, c/o York and St. Andrews Street, Parktown <http://www.sahrc.org.za>;  
Email: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)  
Tel (011) 484 8300; Fax (011) 484 0582

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

Records are kept and are available upon specified conditions in accordance with such other legislation as is applicable to Kurus English including:

- Basic Conditions of Employment Act 75 of 1997
- Companies Act 61 of 1973
- Compensation for Occupational Injuries & Disease Act 130 of 1993
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Non Profit Organisations Act 71 of 1997
- Occupational Health & Safety Act No. 85 of 1993

- Skills Development Act 9 of 1999
- Skills Development Levies Act No. 9 of 1999
- Unemployment Contributions Act No. 4 of 2002
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

#### **4. Access to the records held by Kurus English [Section 51(1)(c)]and [Section 51(1)(e)]**

##### **4.1 The categories of records that are available without a person having to request access in terms of the Act [Section 51(1)(e)]**

- Annual Reports
- Brochures
- Newsletters

##### **4.2 Records that may be requested**

###### **A. Company Records**

- Memorandum and Articles of Association
- Proof of company registration
- Proof of Workmen's Compensation Registration
- Tax clearance certificate

###### **B. Financial Records**

- Accounting records
- Asset register
- Annual Financial Statements
- Banking records
- Contracts
- invoices
- Rental agreement

###### **C. Tax Records**

- Documents issued to employees for income tax purposes
- Documents issued to consultants for income tax purposes
- Records of PAYE payments made to SARS on behalf of employees
- Records of payments made in relation to VAT, Skills Development Levy, UIF and Workmen's Compensation
- Tax returns

###### **D. Personnel Records**

- Employment contracts
- Performance management records
- Personnel records
- Remuneration records and policies

## E. Company policies

- Crisis communications policy
- Financial policies and procedures
- Internship policy
- Partnership policy
- Website link policy
- Workplace policies and procedures manual

## F. Operational documents and records

- Budgets
- Business plan
- Certification records
- Client records
- Correspondence
- Funding proposals
- Legal records and correspondence
- Marketing strategies and related records
- Monitoring and evaluation reports
- Reports to donors
- Research reports
- Training materials

### 4.3 The request procedure

Address your request:

Postal Address: PO Box 16612  
Vlaeberg  
8018  
Cape Town

Telephone: (+27) 21 426 4606  
Email: [info@kurus-english.com](mailto:info@kurus-english.com)  
Web: [www.kurus-english.com](http://www.kurus-english.com)

Forms of Request:

- The requester must use the prescribed format (Form C, example attached) to make the request for access to a record. This must be made to the head of Kurus English. This request must be electronically mailed or hand delivered to the body concerned [Section 53(1)].
- The requester must provide sufficient details on the request form to enable the head of Kurus English 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 [Section 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 [Section 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 Kurus English [Section 53(2)(f)].

#### **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)]**

This Manual is available for inspection at the offices of Kurus English free of charge. The Manual is also available at the offices of the SAHRC.

#### **7. Prescribed Fees and Prescribed Forms of Request**

A requester who seeks access to 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 request fee:

- The head of Kurus English 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 [Section 54(1)].
- The fee that the requester must pay to Kurus English is R50. The requester may lodge an application to the court against the tender or payment of the request fee [Section 54(3)(b)].
- After the head of Kurus English 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 research, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [Section 54(6)].

Attached is a list of fees in respect of private bodies as well as a copy of Form C, which is the request form. This information is also available on the website of the SAHRC: [http://www.sahrc.org.za/fees\\_forms\\_priv\\_bodies.PDF](http://www.sahrc.org.za/fees_forms_priv_bodies.PDF)