



# **BAY LABOUR SOLUTIONS**

Increasing value through people!

## **Section 51 Manual**

**In terms of the Promotion of Access to Information Act,**

**Act no 2 of 2000**

Compiled June 2021



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## 1. INTRODUCTION

### 1.1 PROMOTION OF ACCESS TO INFORMATION ACT

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to access to information.

The Promotion of Access to Information Act became operative, giving effect to the constitution 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; and to provide for matters connected therewith [Section 32(2)].

This document is Bay Labour Solutions information manual and provides reference to the records held by Bay Labour Solutions and the process to request access to such records.

### 1.2 Bay Labour Solutions

Bay Labour Solutions endeavor to become the preferred labour specialist provider. This will be achieved by bridging the gap between Employers and future Employees by ensuring that our service is affordable and of a high quality.

Bay Labour Solutions believes in adding value to our business partners, our candidates, and our community. We have an integrated set of values whereby we will impact positively. We integrate these sets of values in our work standards, work methods and transparent approach.



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## 1.3 AVAILABILITY OF THIS MANUAL

This Manual is available on Bay Labour Solutions website – [www.baylabour.co.za](http://www.baylabour.co.za) or on request from the designated contact person as specified in point 2 of this Manual.

A copy of this Manual is available –

- At our reception desk at our office
- On request from our Information Officer as specified in point 2 of this Manual.
- On our website: [www.baylabour.co.za](http://www.baylabour.co.za)
- From the South African Human Rights Commission (“SAHRC”) at the addresses and/or telephone numbers as published by the Commission.

This Manual will be updated from time to time, as and when required.

## 2. CONTACT DETAILS OF INFORMATION OFFICERS

In terms of the Act, the Director or equivalent, of a private body is designated as the Information Officer. The details of Bay Labour Solutions Information Officer are as follows:

Contact Name:	Marc Raftopoulos
Position:	Managing Director
Registration number:	2021/418539/07
Postal Address:	Olienhout street, South Cradock, 5880
Physical Address:	Olienhout street, South Cradock, 5880
Telephone number:	082 555 0211
Email Address:	<a href="mailto:marc@baylabour.co.za">marc@baylabour.co.za</a>



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## 3. SAHRC GUIDE

### 3.1 GUIDE FOR REQUESTERS ON HOW TO USE THE ACT

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. Any person wishing to obtain the Guide may either access it through the Human Rights Commission's website at <http://www.sahrc.org.za> or should contact the PAIA Unit Research and Documentation Department:

Postal Address: Private Bag 2700, Houghton, 2041

Phone Number: (011) 484-8300

Fax Number: (011) 484-7146

Website: [www.sahrc.org.za](http://www.sahrc.org.za)

E-mail: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

## 4. AUTOMATIC DISCLOSURE

### 4.1 RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC

Bay Labour Solutions has not published a notice in terms of Section 52(2) of the Act; however, it should be noted that the information relating to Bay Labour Solutions and its services is freely available on the website of Bay Labour Solutions. Certain other information relating to Bay Labour Solutions is also made available on such website from time to time.

Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.



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## 5. LEGISLATIVE RECORDS

### 5.1 RECORDS HELD IN ACCORDANCE WITH OTHER LEGISLATION

All records kept and made available in terms of legislation applicable to any of the subjects listed in this Manual, as it applies to the specific environment in which the private body operates, are available in accordance with said legislation.

Certain records of Bay Labour Solutions are available in terms of legislation other than PAIA. The specific records which are available in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons specified in the relevant legislation. The legislation is as follows:

- Basic Conditions of Employment Act, Act No. 75 of 1997
- Companies Act, Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993
- Consumer Protection Act, 2008, Act No 68 of 2008
- Credit Agreements Act, Act No. 75 of 1980
- Employment Equity Act, Act No. 55 of 1998
- Income Tax Act, Act No. 58 of 1962
- Labour Relations Act, Act No 66 of 1995
- Occupational Health and Safety Act, Act No. 85 of 1993
- Promotion of Access of Information Act
- Protection of Personal Information Act
- Skills Development Act, Act No. 97 of 1998
- Skills Development Levies Act, Act No. 9 of 1999
- Unemployment Insurance Act, Act No. 63 of 2001



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- Unemployment Insurance Contributions Act, Act No. 4 of 2002
- Value Added Tax Act, Act No. 89 of 1991

## 6. RECORDS HELD

### 6.1 RECORDS SUBJECT AND CATEGORIES

**Client Records:** A client includes any natural or juristic entity, who receives services from the private body. Client-related information includes the following:

- any records a client has provided to a third party acting for or on behalf of the private body
- any records a third party has provided to the private body
- records generated by or within the private body pertaining to the client, including transactional records.

#### **Companies Act Records**

- Documents of incorporation
- Memorandum and Articles of Association
- Register of a director

#### **Financial Records**

- Annual Financial Statements
- Tax returns
- Accounting records
- Banking records
- Bank statements
- Electronic banking records
- Rental agreements
- Electronic Invoices



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## Income Tax Records

- PAYE records
- Documents issued to employees for income tax purposes.
- Records of payment made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Skills development levies
  - UIF

## Personnel Documents and Records

- Employment contracts
- Training manuals
- General HR policies and procedures
- Payroll records

## Contracts

- Contracts with pension and provident funds
- Contract with auditors
- Contracts with service providers

**Other party records:** The private body may possess records pertaining to other parties, including without Limitation - contractors, suppliers, subsidiary /holding/sister companies, joint venture companies, service providers. Alternatively, such other parties may possess records, which can be said to belong to the private body. The following records fall under this category:

- personnel, client, or private body records which are held by another party as opposed to being held by the private body; and





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- records held by the private body pertaining to other parties, including without limitation financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors/suppliers.

## 7. ACCESS REQUESTS

### 7.1 ACCESS REQUEST PROCEDURE

The requester must complete Form A (Provided in Section 8 of this manual) and submit this form together with a request fee, to the head of the private body.

### 7.2 COMPLETION OF ACCESS TO INFORMATION FORM

The form must:

- provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
- indicate which form of access is required,
- specify a postal address or fax number of the requester in the Republic,
- identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right,
- if in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- if the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the private body.



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## 7.3 SUBMISSION OF ACCESS REQUEST FORM

The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address.

## 7.4 PAYMENT OF FEES

To facilitate our processing of your request, please note the following: As per Government Notice No. R187 of 15 February 2002, the following applies to requests (other than personal requests requesting personal information about the requester):

- A requestor is required, on notice from the private body in compliance with s54 of the ACT, to pay the prescribed fees before a request will be processed
- If the preparation of the record requested requires more than the prescribed hours, a deposit shall be paid
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit
- Records may be withheld until the fees have been paid

The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at <http://www.sahrc.org.za>, or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za> .