

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION
OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000 (The Act)
FOR
TWO OCEANS AQUARIUM TRUST
*Registration Number T2601/94***

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INTRODUCTION

The Promotion of Access to Information Act ("the Act") seeks to promote a culture of transparency, accountability and good governance, by giving effect to a person's constitutional right of access to information.

In furtherance of this objective, Section 51 of the Act requires private bodies to compile a manual, which will assist either private or juristic persons in obtaining information from such a private body.

The Two Oceans Aquarium Trust is a private body carrying on business as a public Aquarium with emphasis on education and entertainment. As such, the details required in order for a requester of information to obtain or apply for information which the Two Oceans Aquarium Trust holds, is contained hereunder:

PARTICULARS IN TERMS OF SECTION 51

1. CONTACT DETAILS (Section 51 (1) (a))

The Trustees of the Two Oceans Aquarium Trust have duly authorised Dr. Patrick Ashworth Garratt to deal with all matters in connection with requests for information in terms of the Promotion of Access to Information Act, 2 of 2000.

Name of Body:	Two Oceans Aquarium
Head of Body:	Dr.. P.A. Garratt
Postal Address:	P O Box 50603 Waterfront 8002
Street Address:	Dock Road Waterfront Cape Town
Telephone:	021 418 3823
Facsimile:	021 418 3952
E-mail:	aquarium@aquarium.co.za
Information Officer:	Ms. H.S. Lockhart
Contact Details of Information Officer:	(a) E-mail hlockhart@aquarium.co.za (b) Phone: 021 418 3823 (c) Fax: 021 418 3952

2. THE GUIDE AS PRESCRIBED IN SECTION 10 (*Section 51(1)(b)*)

In terms of Section 10, The South African Human Rights Commission (SAHRC) must compile a guide containing information that may be required by a person who wishes to exercise a right in terms of the Act. The guide will be available from the Human Rights Commission by no later than August 2003. Please direct enquiries to (p.t.o).

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

3. CATEGORIES OF RECORDS OF THE TWO OCEANS AQUARIUM WHICH ARE AVAILABLE WITHOUT A PERSON HAVING TO REQUEST ACCESS IN TERMS OF THE ACT IN TERMS OF SECTION 52 (2). (*Section 51 (1)(c)*)

In terms of Section 52 of the Act, a private body may submit to the Minister responsible for the administration of justice, a description of records, which it holds that are automatically available from the private body. The Minister may then publish such information by way of notice in the Government Gazette. At the time of drafting this manual, the Two Oceans Aquarium has given no such information to the Minister and no such notice has therefore been published.

4. RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION. (*Section 51(1)(d)*)

- MARINE LIVING RESOURCES ACT 1998
- LABOUR RELATIONS ACT 66 OF 1995 (as amended)
- BASIC CONDITIONS OF EMPLOYMENT ACT 75 OF 1997
- UNEMPLOYMENT INSURANCE ACT 30 OF 1966
- COMPENSATION FOR OCCUPATIONAL INJURIES HEALTH DISEASE ACT 130 OF 1993
- REGIONAL SERVICES COUNCILS ACT 109 OF 1993
- INCOME TAX ACT 95 OF 1967
- VALUE ADDED TAX ACT 89 OF 1997
- SKILLS DEVELOPMENT ACT 9 OF 1999
- EMPLOYMENT EQUITY ACT 55 OF 1998
- OCCUPATIONAL HEALTH AND SAFETY ACT 85 OF 1993
- OCCUPATIONAL HEALTH AND SAFETY ACT (85/1993): DIVING REGULATIONS
- OCCUPATIONAL HEALTH AND SAFETY ACT (85/1993): INCORPORATION OF THE HEALTH AND SAFETY STANDARDS IN THE DIVING REGULATIONS, 2001
- DEED OF TRUST

(Cont...)

- NATURE AND ENVIRONMENTAL CONSERVATION ORDINANCE OF W.C. (ORDINANCE 19 OR 1974) - PERMITS TO IMPORT, EXPORT, MOVE AND HOLD ANIMALS AND PLANTS
- MARINE LIVING RESOURCES ACT (ACT NO. 18 OF 1988) GENERAL EXEMPTION TO COLLECT, HOLD, IMPORT AND EXPORT SPECIMENS
- PERMIT TO HOLD ANIMALS IN TERMS OF THE SEA BIRDS AND SEALS PROTECTION ACT (ACT NO. 46 OF 1973)
- ANIMAL DISEASES AND PARASITES ACT (ACT NO. 13 OF 1956) – PERMIT TO MOVE ANIMALS/ANIMAL OR PLANT PRODUCTS
- AGRICULTURAL PESTS ACT (ACT NO.36 OF 1983) – PERMIT FOR THE IMPORTATION OF CONTROLLED GOODS

5. HOW TO REQUEST A RECORD, A DESCRIPTION OF THE SUBJECTS OF THE RECORDS HELD BY THE TWO OCEANS AQUARIUM AND THE CATEGORIES OF WHICH THESE SUBJECTS ARE CLASSED. (Section 51(1)(e))

5.1 How to request a record (See *pro forma* request form in Section 9)

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the head of the private body, or his duly authorised deputy. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient details on the request form to enable the head of the private body to identify the record and the requester. 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 of 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 then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The head of the private body 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.
- The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

The head of the private body will then make a decision on the request and notify the requester in the required form.

5.2 Categories of records held by the Two Oceans Aquarium

5.2.1 Operational Information

- **Client Information**
- **Company Policies**
- **Minutes of the Board of Trustees meetings**
- **Resolutions**
- **Marketing Material**

(cont..)

- **Contracts with clients and suppliers**
- **Membership database**
- **Minutes of executive meetings**
- **Price lists**
- **Service and maintenance contracts with all service providers**

5.2.2 Movable and Immovable Property

- **Asset registers**

5.2.3 Human Resources

- **Employment contracts**
- **Disciplinary / Performance records**
- **Employee personal details**
- **Curriculum vitae**
- **Organisation Structure**
- **Recruitment and appointment documentation**
- **Employment policy**
- **Employee handbook**
- **Skills Development Plan**
- **Personnel files**
- **Leave, sick leave, maternity and special leave records**
- **PAYE records**
- **Job descriptions**

5.2.4 Financial Records

- **Accounting record books and documentation**
- **Interim and Annual Financial reports**
- **Details of Auditors**
- **Banking details**
- **Bank Statements**
- **Financial commitments**
- **VAT returns**
- **Insurance records**

5.2.5 Information Technology

- **Agreements relating to computer systems and programs**

5.2.6 Risk Management

- **Occupational health and safety records**
- **Incident reports relating to security and safety**

5.2.7 Communication

- **Internal and external correspondence**

6. 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.

7. AVAILABILITY OF THE MANUAL (*Section 51(3)*)

Copies of this manual are available for inspection, free of charge, at the offices of the Two Oceans Aquarium (see details above); copies are also available from the South African Human Rights Commission; from the Government printers.

8. FEES IN RESPECT OF PRIVATE BODIES

1. 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.

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

	R
For every photocopy of an A4-size page or part thereof	1,10
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	0,75
For a copy in a computer-readable form on:	
(i) stiffer disc	7,50
(ii) compact disc	70,00
(i) For a transcription of visual images for an A4 size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
For a copy of an audio record	30,00

3. The requested fee payable by requester, other than a personal requester, referred to in regulation 11(2) is R50,00.

4. The access fees payable by a requester referred to in regulation 11(3) are as follows:

	R
(1) (a) For every photocopy of an A4-size page or part thereof	1,10
(b) For every printed copy of an A4size page or part thereof held on computer or in electronic or machine-readable form	0,75
(c) For a copy in a computer-readable form on	
(i) stiffy disc	7,50
(ii) compact disc	70,00
(d) (i) For a transcription of visual images for an A4-size page or part thereof	40,00
(ii) For a copy of visual images	60,00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	20,00
(ii) For a copy of an audio record	30,00
(f) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such a search and preparation.	
(2) For the purposes of section 54(2) of the Act, the following applies:	
(a) Six hours as the hours to be exceeded before a deposit is payable; and	
(b) one third of the access fee is payable by the requester.	
(3) The actual postage is payable when a copy of a record must be posted to a requester.	

9. PRESCRIBED REQUEST FORM

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY (Section 53(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) Regulation 10)

Particulars of private body

The Two Oceans Aquarium Trust:

Particulars of person requesting access to the record

- (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 and surname:

Identity Number:

Postal address:

Fax number:

E-mail address:

Telephone Number:

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 and surname:
Identity Number:

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. This requester must sign all the additional folios.

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

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 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 exemption from payment 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 the form is required.

Disability:	Form in which record is required
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Mark the appropriate box with an **X**

NOTES:

- (a) Compliance with your request in the specified form may depend on the form with 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 record*		Inspection of record
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2. If record consists of visual images

(This includes photographs, slides, video recordings, computer-generated images, sketches etc.):

	View the images		Copy of the images*		Transcription of the images*
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3. If record consists of recorded words or information which can be reproduced in sound:

	Listen to the sound-track (audio cassette)		Transcription of soundtrack* (written or printed document)
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4. If record is held on computer or in an electronic or machine-readable form:

	Printed copy of record*		Printed copy of information derived from the record*		Copy in computer readable form* (stiffy or compact disc)
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*If you requested a copy or transcription of a record (above), do you wish the copy or 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.

1. Indicate which right is to be exercised or protected;
2. 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 2..._____

SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE