



# CAPE CONSUMERS (PTY) LTD

**Manual in terms of Section 51 of the Promotion of  
Access to Information Act,  
Act No.2 of 2000**

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## **PREAMBLE**

The Promotion of Access to Information Act No. 2 of 2000, (“the Act”) came into operation on 23 November 2001. Section 51 of this Act requires that we as a private body compile a manual to inform the public of the procedure to follow when requesting information from us for the purpose of exercising or protecting rights.

## **INTRODUCTION TO THIS PRIVATE BODY**

Cape Consumers’ main business is to carry on and conduct the business of a buy-aid for and on behalf of members. Cape Consumers assists members to effect economies and savings in regard to their expenditure. Cape Consumers effects this by using the combined purchase power of their members to negotiate discounts from retailers which will form part of the Buyers Reserve Fund from where members’ bonuses will be paid.

Cape Consumers also makes credit products available to members, which include a budget facility, personal loans and hire purchase agreements.

Cape Consumers supports a culture of transparency and accountability in our environment and aims to ensure that members of the public have effective access to information in our possession which will assist them in the exercise and protection of their rights. These will however always be subject to the limitations in terms of the law.

This manual will provide information on the categories of information in our possession. We also explain the process to follow should you require access to any of this information.

A copy of this manual is also available on our website [www.capeconsumers.co.za](http://www.capeconsumers.co.za)

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## SECTION A – OUR DETAILS

Full Name : **Cape Consumers (Pty) Ltd**

Registration Number : 1955 / 003218 / 07

Registered Address : Atlantic Centre  
3<sup>rd</sup> Floor  
14 Christiaan Barnard Street  
Cape Town  
8001

Postal Address : P O Box 2181  
Cape Town  
8000

Telephone Number : 021 409 7600

Managing Director : Mr M J Fourie

Designated Information Officer : Mrs M A Woudberg

Email Address of Information Officer : Linda.Woudberg@capeconsumers.co.za  
capecon@capeconsumers.co.za

Website : [www.capeconsumers.co.za](http://www.capeconsumers.co.za)

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## SECTION B – THE OFFICIAL GUIDE

Section 10 of the Act requires the South African Human Rights Commission (SAHRC) to publish a Guide containing information reasonably required by a person wishing to exercise or protect any right in terms of this Act.

The Guide has been published and is also available at all offices and on the website of the South African Human Rights Commission, ([www.sahrc.org.za](http://www.sahrc.org.za)) and contains the following information:

The objects of the Act;

Particulars of the information officer of every public body;

Particulars of every private body as are practicable;

The manner and form of a request for access to information held by a body;

Assistance available from both the information officers and the Human Rights Commission in terms of this Act;

All remedies in law regarding acts, omissions, rights and duties, including how to lodge an internal appeal and a court application;

Schedules of fees to be paid in relation to requests for access to information;

Regulations made in terms of the Act.

Enquiries regarding the Guide can be addressed to the SAHRC, the contact details of which are as follows:

**Post:** South African Human Rights Commission  
Promotion of Access to Information Act Unit  
Research and Documentation Department  
Private Bag X2700  
Houghton  
2041

**Telephone:** (011) 877 3803

**Contact person:** Lindiwe Dlamini

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

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

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# SECTION C – INFORMATION AVAILABLE IN TERMS OF THE ACT

## 1. CATEGORIES

### 1.1 INFORMATION

We hold the following categories of information in terms of PAIA and POPI:

#### a) Statutory Company Information

- i) Certificate of Incorporation;
- ii) Certificate of Change of Name (if any);
- iii) Memorandum of Incorporation;
- iv) Certificate to Commence Business;
- v) Minute Book, CM25 and CM26, as well as Resolutions passed at general/class meetings;
- vi) Register of Directors' shareholdings;
- vii) Register of Directors and Certain Officers;
- viii) Annual Financial Statements including:
  - Annual accounts;
  - Directors' reports;
  - Auditor's report
- ix) Books of Account regarding financial information required by the Companies Act, 2008.

#### b) Accounting Records

- i) Books of Account including journals and ledgers;
- ii) Statements and receipts.

#### c) Statutory Employee Records

- i) Employees' names and occupations;
- ii) Remuneration paid to each employee;
- iii) Date of birth of each employee;
- iv) Attendance register;
- v) Leave register
- vi) Employment equity plan;
- vii) Salary register;
- viii) Staff records (after date of employment ceases);
- ix) IRP 5 certificates of employees.

#### d) Other Employee Records

- i) Employee contracts;
- ii) Staff loans and hire purchase agreements;
- iii) Maternity leave policy;
- iv) Human Resources Policy and Disciplinary Code of Conduct.

#### e) Pension and Retirement Funding Records

- i) Pension Fund Rules;
- ii) Minutes of Meetings of trustees and members.

#### f) Fixed Property

- i) Leases;
- ii) Building plans

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**g) Movable Property**

- i) Asset register;
- ii) Finance and Lease Agreements

**h) Agreements and Contracts**

- i) Joint venture agreements, partnership agreements, co-marketing, co-promotion or other alliance agreements;
- ii) Agreements with shareholders, officers or directors;
- iii) Agreements with retailers and suppliers of services;
- iv) Agreements with members;
- v) Hire purchase agreements with members.

**i) Taxation**

- i) Copies of all Income Tax Returns and other tax returns and documents.

**j) Insurance**

- i) Insurance policies;
- ii) Claim records

**k) Information Technology**

- i) Hardware;
- ii) Operating Systems;
- iii) Telephone Exchange Equipment;
- iv) Telephone Lines, Leased Lines and Data Lines;
- v) LAN Installations;
- vi) Software Packages;
- vii) Disaster Recovery Procedures;
- viii) Internal Systems Support and Programming / Development;
- ix) Agreements;
- x) Licenses.

**l) Sales and Marketing**

- i) Products;
- ii) Retailer network;
- iii) Brochures, Newsletters and Advertising Materials

**1.2 DATA SUBJECTS AND INFORMATION <sup>1</sup>**

The categories of data subjects and the categories of information that are held and/or processed for each category includes:

**a) Members and prospects:**

- i) name and contact details;
- ii) identity number;
- iii) employment details;
- iv) banking and financial details;
- v) credit history received from the credit bureaus;
- vi) information pertaining to the relationship with us;
- vii) other information not specified and reasonably required to be processed for business operations.

<sup>1</sup> Sec 51(1)(c)(ii)

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**b) Employees and candidates:**

- i) name and contact details;
- ii) identity number;
- iii) employment history and references;
- iv) banking and financial details;
- v) details of payments to third parties (deductions from salary)
- vi) other information not specified and reasonably required to be processed for business operations.

**c) Vendors /retailers /other business relationships:**

- i) name and contact details;
- ii) identity number and/or company information and directors' information (where applicable);
- iii) banking and financial details;
- iv) information pertaining to the relationship with us;
- v) other information not specified and reasonably required to be processed for business operations.

**1.3 RECIPIENTS OF INFORMATION <sup>2</sup>**

- a) any firm, organization or person Cape Consumers uses to collect payments and recover debts or to provide a service on its behalf;
- b) any firm, organization or person who provides Cape Consumers with products or services;
- c) any person who Cape Consumers has reason to believe to be a data subject's/member's parent, carer or helper where he/she is unable to handle his/her own affairs because of mental incapacity or other similar issues;
- d) any payment system Cape Consumers uses;
- e) regulatory and governmental authorities or ombudsmen, or other authorities, including tax authorities, where Cape Consumers have a duty to share information;
- f) credit bureaus;
- g) third parties to whom payments are made on behalf of employees of Cape Consumers;
- h) financial institutions from whom payments are received on behalf of data subjects;
- i) any other operator not specified;
- j) employees, contractors and temporary staff of Cape Consumers;
- k) agents of Cape Consumers.

**2. PURPOSES OF PROCESSING <sup>3</sup>**

The purpose of processing data subjects' personal information will include –

**a) For members (including applicants where applicable):**

- i) performing obligations or exercising rights in pursuance of any agreement with members;
- ii) making, or assist in making, financial and risk decisions about applicants or members and to verify members' details;
- iii) operating and managing members' accounts and manage any application, agreement or correspondence members may have with Cape Consumers;
- iv) corresponding with members by email, SMS, letter, telephone or in any other way about our products and services, unless members inform us that they prefer not to receive such information or marketing;
- v) identifying or preventing fraud, money laundering;

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<sup>2</sup> Sec 51(1)(c)(iii)

<sup>3</sup> Sec 51(1)(c)(i)

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- vi) forming a view of members as an individual and to identify, develop or improve products, that may be of interest to members;
- vii) carrying out market research, business and statistical analysis;
- viii) carrying out audits;
- ix) performing other administrative and operational purposes including the testing of systems;
- x) tracing members' whereabouts;
- xi) recovering any debt members may owe us;
- xii) complying with our regulatory or other obligations;
- xiii) any other reasonably required purpose relating to the Cape Consumers business and relationship.

**b) For prospects:**

- i) verifying and updating information;
- ii) pre-scoring;
- iii) direct marketing to prospects;
- iv) any other reasonably required purpose relating to the processing of a prospect's personal information.

**c) For employee purposes:**

- i) verification of applicant's information during employment application process;
- ii) general matters relating to personnel;
- iii) administration;
- iv) pension fund;
- v) medical aid;
- vi) payroll;
- vii) disciplinary action;
- viii) training;
- ix) any other reasonably required purpose relating to the employment or possible employment relationship.

**d) For vendors /retailers /other business relationships:**

- i) verifying information and performing checks;
- ii) purposes relating to the agreement or business relationship or possible agreement or business relationships between the parties;
- iii) payment;
- iv) complying with our regulatory or other obligations;
- v) reporting;
- vi) any other reasonably required purpose relating to Cape Consumers' business.

### **3. PLANNED TRANS-BORDER FLOWS OF PERSONAL INFORMATION <sup>4</sup>**

Cape Consumers currently foresees the following reasons for possible trans-border flow of personal information, which it undertakes to do in compliance with the Protection of Personal Information Act:

- a) storing information electronically;
- b) making use of third party service providers to fulfil a business function on behalf of the company.

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<sup>4</sup> Sec 51(1)(c)(iv)

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#### **4. INFORMATION SECURITY MEASURES<sup>5</sup>**

Cape Consumers implement the following general processes and procedures as reasonable measures to protect the integrity and confidentiality of personal information:

- a) general awareness and training programs;
- b) retention policy for all information;
- c) secure hard copy filing (where appropriate);
- d) secure systems and devices (where appropriate);
- e) information security policies and processes including access controls and monitoring, BYOD policy etc.;
- f) process for reporting risks identified or security breaches.

#### **5. PROCESS FOR REQUESTING ACCESS TO INFORMATION**

If you wish to request access to any categories of information referred to in 1 above, you are required to complete a request form as set out in annexure "A" hereto. These forms are available from:

- our information officer (whose contact details are in section A of this manual);
- the SAHRC website ([www.sahrc.org.za](http://www.sahrc.org.za));
- the Department of Justice and Constitutional Development website ([www.doj.gov.za](http://www.doj.gov.za)).

There is a prescribed fee (payable in advance) for requesting and accessing information in terms of the Act. Details of these fees are contained in the request form.

You may also be called upon to pay the additional fees prescribed by regulation for searching for and compiling the information which you have requested, including copying charges.

It is important to note that access is not automatic – you must identify the right you are seeking to exercise or protect and explain why the record you request is required for the exercise or protection of that right. You will be notified in the manner indicated by you on the request form whether your request has been approved.

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<sup>5</sup> Sec 51(1)(c)(v)

## **SECTION D – INFORMATION AVAILABLE IN TERMS OF OTHER LEGISLATION**

Where applicable to our operations, information is also available and/or we also retain records and documents in terms of certain provisions of the following statutes:

- Basic Conditions of Employment Act No. 75 of 1997
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act No. 130 of 1993
- National Credit Act No. 34 of 2005
- Employment Equity Act No. 55 of 1998
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Occupational Health and Safety Act No. 85 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Value-added Tax Act No. 89 of 1991
- Magistrates Court Act 32 of 1944
- Protection of Personal Information Act 4 of 2013

## **SECTION E – INFORMATION AUTOMATICALLY AVAILABLE**

The following categories of records are automatically available for inspection, purchase or photocopying. In other words, you do not need to request this information in terms of the Promotion of Access to Information Act.

- Booklets
- Pamphlets / Brochures
- Marketing material

Request forms for these categories of information are also available from our information officer, whose contact details appear in section A of this manual.

*Last updated: February 2017*

<b>Financial Director:</b> MW Stephenson
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**ANNEXURE "A"**

**FORM C**

**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]

**A. Particulars of private body**

The Head:

.....  
.....  
.....

**B. 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: .....

Telephone number:..... E-mail address:.....

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

.....

**C. 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: .....

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**D. 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.**

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

**E. 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 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 exemption from payment of fees: .....

**F. 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: .....

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 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:**

<input type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
--	---

**2. If record consists of visual images**

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

<input type="checkbox"/> view the images	<input type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
--	--	---

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

<input type="checkbox"/> listen to the soundtrack (audio cassette)	<input type="checkbox"/> transcription of soundtrack* (written or printed document)
--	---

**4. If record is held on computer or in an electronic or machine-readable form:**

<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input type="checkbox"/> copy in computer readable form* (stiffy or compact disc)
--	---	---

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? <b>Postage is payable.</b>	YES	NO
---	-----	----

**G. 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: .....

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**H. 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 REQUEST IS MADE

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## **ANNEXURE “B”**

AN EXPLANATORY NOTE ON FEES TO BE CHARGED BY A PRIVATE BODY WHEN GRANTING A REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000.

The fees chargeable by private bodies are contained in Part III of Annexure “A” of the Regulations. A copy of Part III is attached for your convenience. The present charges are as follows:

### **1. Copies of a manual**

Should an individual require a copy of the private body’s manual, a fee of R1,10 is chargeable for every photocopy of an A4 page or part thereof.

### **2. Reproduction fees<sup>6</sup>**

Reproduction fees apply to obtaining copies or transcriptions of information which is automatically available from the private body. The fees are listed in paragraph 2 of Part III of Annexure “A” to the Regulations.

### **3. Access fees<sup>7</sup>**

Access fees are chargeable for copies or transcriptions of information requested under this Act. The fees are listed in paragraph 4 of Part III of Annexure “A” to the Regulations.

### **4. Other fees**

- 4.1 A request fee<sup>8</sup> of R50,00 is payable by a requester who is seeking access to a record containing information which is not personal to the requester. See paragraph 6 of Part 1 of this Work.
- 4.2 A search fee<sup>9</sup> may be charged at a rate of R30,00 per hour or part thereof for searching and preparing the record for disclosure provided such time was reasonably required for that purpose.
- 4.3 If the request is not limited to records containing information which is personal to the requester and if the head of the private body is of the opinion that the time taken to give effect to the request will exceed six hours the requester can be called upon to pay a deposit of not more than one third of an estimate of the access fee which will become payable.<sup>10</sup>
- 4.4 If a copy of a record is posted to a requester, the requester is obliged to pay the actual postage payable.

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6 Section 52(3) and Regulation 1(1).

7 Section 54(7) and Regulation 11(3).

8 Section 54(1) and Regulation 11(2).

9 Annexure “A”, Part III, Item 4(1)(f).

10 Section 54(2).

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PART III  
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
(a) For every photocopy of an A4-size page or part thereof .....	1,10
(b) 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
(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

3. The request fee payable by a 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 A4-size page or part thereof held on a 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 search and preparation.	

(2) For 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 as a deposit by the requester.

(3) The actual postage is payable when a copy of a record must be posted to a requester.

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