

Avnet Kopp (Pty) Ltd

Promotion of Access to Information Act Manual

July 07

PROATIA report 070725 final

Contents

1	The Manual	1
1.1	Introduction	1
1.2	Scope	1
1.3	Availability of the Manual	1
1.4	Access to routinely available information	2
1.5	Policy with regard to confidentiality and Access to Information	2
2	Entry point for requests	2
3	Who may request access to information	3
4	Guidance to requestors	3
5	Records available in terms of other legislation	3
5.1	Unlimited requestors	3
5.2	Limited requestors	3
6	Procedure	4
6.1	Prescribed access form	4
6.2	Proof of identity	4
6.3	Prescribed fees	4
7	Granting or refusal of requests	4
8	Appeal	5
9	Structure and classes of records of Avnet Kopp (Pty) Ltd	5
9.1	Scope	5
9.2	Structure	5
9.3	Categories and subjects of records	6
9.4	Further information and assistance	6
10	Annexure A Prescribed forms for access to a record of Avnet Kopp (Pty) Ltd	7

1 The Manual

1.1 Introduction

The Promotion of Access to Information Act, 2 of 2000 (“the Act”), which came into effect on the 9th of March 2001, seeks to advance the values of transparency and accountability in South Africa.

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 information.

The Act establishes the following statutory rights of requestors to any record of a private body if the following circumstances are met:

- if the record is required for the exercise or protection of any of his or her legal rights;
- the requestor complies with all the procedural requirements; and
- the access is not refused in terms of any ground referred to in the Act.

Section 51 of the Act obliges private bodies to compile a Manual. The purpose of the manual is to assist an individual to obtain access to the records of a private body and the Act stipulates the minimum requirements with which a manual has to comply.

1.2 Scope

This manual (“Manual”) has been prepared by Avnet Kopp (Pty) Ltd and applies to all of the private bodies described in Annexure 1. It is published in accordance with the requirements of section 51 of the Act and is aimed at facilitating access to records held by Avnet Kopp (Pty) Ltd in terms of the Act.

Specifically, the Manual provides information on:

- The contact details of the information officer, who will deal with a person’s request;
- The structure and functions of Avnet Kopp (Pty) Ltd;
- The subjects and categories of records that are held by Avnet Kopp (Pty) Ltd;
- Records that are automatically available, without a person having to request access;
- Records that are available in terms of any other legislation; and
- The procedure that needs to followed to obtain access to a record.

1.3 Availability of the Manual

The Manual is available in both printed and a PDF (Portable Document Format) version.

The printed version of the Manual is also available for consultation or removal, free of charge, from:

The Information Officer

Ms L. Lloyd

Financial Director

Tel: (011) 809-6100

Fax: (011) 448-1591

e-mail: Leigh.Lloyd@avnet.co.za

The Manual is accessible in PDF format from our website **<http://www.avnet.co.za>**

1.4 Access to routinely available information

Avnet Kopp (Pty) Ltd routinely makes available to the public certain information on its functions and activities. This information will continue to be available without having to make a formal request under the Act.

1.4.1 General Information

General Information on Avnet Kopp (Pty) Ltd is available on our website <http://www.avnet.co.za>. Avnet Kopp (Pty) Ltd's website is generally available to anyone who has access to the Internet.

1.4.2 Publications

Brochures are available from our Marketing Department:

Marketing Department

**31 Commerce Crescent
Eastgate Ext 12
Sandton
Tel: (011) 809-6100
Fax: (011) 444-1706**

Or by post from:

Marketing Department

**P O Box 3853
Rivonia
2128**

Avnet Kopp (Pty) Ltd reserves the right to charge a fee in terms of the Act.

1.5 Policy with regard to confidentiality and Access to Information

Avnet Kopp (Pty) Ltd will protect the confidentiality of information provided to it by individuals or others, subject to Avnet Kopp (Pty) Ltd's obligations in terms of any applicable law.

2 Entry point for requests

The CEO of Avnet Kopp (Pty) Ltd has delegated his/her powers in terms of the Act to the Information Officer, who will handle all requests in terms of this Act on his/her behalf. All requests in terms of the Act must be addressed to:

The Information Officer:

Ms L. Lloyd

Physical Address:	31 Commerce Crescent, Eastgate Ext 12, Sandton
Postal Address:	P O Box 3853, Rivonia, 2128
Tel:	(011) 809-6100
Fax:	(011) 444-1591
e-mail:	Leigh.Lloyd@avnet.co.za

3 Who may request access to information

The Act provides that a person may only request information in terms of the Act if the information is required for the protection of a right. Only requests for access, where the requestor can furnish the Information Officer with sufficient particulars as to the right the requestor is seeking to protect, will be considered.

A requestor can request access to information in different capacities. The category under which the request falls will influence the amount to be charged when a request is lodged. Requestors can be classified in accordance with the following different categories:

- A personal requestor, that is a person who requests information about him / herself;
- An agent requestor, that is a person requesting information on behalf of someone else;
- A third party requestor, that is a person requesting information about someone else; or
- A public body, who requests information in the public interest.

4 Guidance to requestors

The Human Rights Commission is required by law to compile a guide (“the Guide”) that will include the following:

- A description of the objectives of the Act;
- The relevant information of every private body as applicable;
- The manner and form in which requests must be lodged;
- The remedies available to requestors should a body not comply with the Act;
- The manner in which an appeal can be lodged;
- The fees payable in relation to requests for access; and
- A reference to any regulations passed.

The Guide will be available from the South African Human Rights Commission by not later than August 2003. You may also request any additional information to assist you in making a request from the South African Human Rights Commission at:

South African Human Rights Commission; at PAIA Unit

**Private Bag 2700
Houghton
2041**

Human Rights Advice Line: (011) 484-8300

Fax: (011) 484 1360

Website: www.sahrc.org.za

5 Records available in terms of other legislation

5.1 Unlimited requestors

Certain legislation mandates Avnet Kopp (Pty) Ltd to allow any person access to specified information, upon request, irrespective of who that person may be. In terms of the Companies Act, No. 61 of 1973 any person may have access to specified financial information.

5.2 Limited requestors

Certain legislation mandates private bodies to allow certain person(s) access to specified information, upon request. Legislation that may be consulted to establish the type of information or record and the person(s) having access thereto is as follows:

- Basic Conditions of Employment Act 75 of 1997;
- Companies Act 61 of 1973;
- Compensation of Occupational Injuries and Diseases Act 130 of 1993;

- Employment Equity Act 55 of 1998;
- Income Tax Act 58 of 1962;
- Labour Relations Act 66 of 1995;
- Occupational Health and Safety Act 85 of 1993;
- Skills Development Act 97 of 1997;
- Skills Development Levies Act 9 of 1999;
- Unemployment Insurance Act 63 of 2001; and
- Value Added Tax Act 89 of 1991.

6 Procedure

6.1 Prescribed access form

In order for us to facilitate your access to a record you need to complete the attached [prescribed access form](#). Please take note that the prescribed access form must be completed in full and that a failure to do so may result in the process being delayed until such additional information is provided.

6.2 Proof of identity

Proof of identity is required to authenticate the request and the requestor. Therefore in addition to the access form, requestors will be required to supply a certified copy of their identification document or any other legally acceptable means of identification.

6.3 Prescribed fees

Please take note that a request will not be processed until the request fee and the deposit (if applicable) have been paid. Requestors are advised that four types of fees are provided for in terms of the Act.

- Reproduction fee: this fee is payable with respect to all records that are automatically available;
- Request fee: this fee is an administration fee that must be paid by all requestors, except personal requestors (a personal requestor is a requestor seeking access containing information about the requestor him / herself), before the request is considered and is not refundable. A request fee of R50.00 (excluding VAT) is payable upfront where a requestor submits a request for access to information on anybody else other than a requestor him / herself .
- Access fee: which is payable once access to a record is granted, this fee is intended to reimburse Avnet Kopp (Pty) Ltd for the costs involved in searching and preparing the record for delivery;
- Deposit: Where Avnet Kopp (Pty) Ltd receives a request for access to information about a person other than the requestor himself / herself and the information officer is of the opinion that the preparation of the required record will take more than six (6) hours, a deposit of one third (1/3) of the amount of the applicable access fee is payable.

7 Granting or refusal of requests

All requests that meet the requirements, as set out above will be processed in accordance with the time limits as set out in the Act.

Requestors should take note that requests may be refused based on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person;
- Mandatory protection of commercial information of a third party;
- Mandatory protection of certain confidential information of a third party;
- Mandatory protection of records privileged from production in legal proceedings;
- Commercial information of the private body; and
- Mandatory protection of research information of a third party and of the private body.

Requestors will be informed within 30 days of a decision to refuse access to the information requested on one of the above grounds. Please take note that in terms of the Act the 30 day period maybe extended for a further 30 day period should more time be required to gather the requested information. The requestor will, however, be notified if the initial 30 day notice period is to be extended for a further 30 days.

8 Appeal

In contrast with the provisions in the Act relating to the establishment of an internal appeal structure in public bodies, the only recourse available to a private body will be to approach a court of law.

9 Structure and classes of records of Avnet Kopp (Pty) Ltd

9.1 Scope

The Information contained in this chapter is intended to identify the main classes of records held within Avnet Kopp (Pty) Ltd and their organisational structure.

Further assistance in identifying records held by Avnet Kopp (Pty) Ltd is obtainable form the Information Officer.

9.2 Structure

9.2.1 Profile

Avnet Kopp (Pty) Ltd is an exciting force in the South African component market. It was "born" in February 1996 with the acquisition of Kopp Electronics Limited and it's wholly owned subsidiary, Advanced Semiconductor Devices, by [Avnet Inc.](#) Avnet Inc. is a US based public company with annual sales in excess of US\$ 10 billion. Avnet employs over 8000 people worldwide, and has component distribution operations in North America, United Kingdom, Europe, Hong Kong, Taiwan, Australia, New Zealand and Africa.

Avnet Kopp (Pty) Ltd is a national South African component distributor, with its head office in Johannesburg, and branches in Cape Town and Durban.

Avnet Kopp (Pty) Ltd operates a quality management system and has been awarded the ISO 9001:2000 certification from DEKRA, the German Testing Authority.

9.2.2 Main Business Activities

Avnet Kopp (Pty) Ltd imports and distributes electronic and electrical components.

9.3 Categories and subjects of records

Administration and internal records:

- Memorandum and Articles of Association
- Statutory records
- Internal policies and procedures
- Minutes of management meetings
- Minutes of staff meetings
- Correspondence
-

Human Resources:

- Employment contracts
- Remuneration records and policies
- Other internal records and correspondence
- SETA documentation

Operations:

- Debtors - Sales records, credit applications, etc.
- Creditors - Purchasing records, clearing documents, supplier agreements, etc.
- Quality control – ISO 9001 : 2000 Dekra certification and related documents

Finances:

- Annual financial statements
- Management reports
- Inventory records
- Fixed Asset register
- Banking correspondence

9.4 Further information and assistance

Further information regarding the subjects and categories or records listed here are available from:

Information Officer

Ms L. Lloyd

Tel: (011) 809-6100

Fax: (011) 448-1591

e-mail: Leigh.Lloyd@avnet.co.za

Annexure A Prescribed forms for access to a record of Avnet Kopp (Pty) Ltd

FORM C

REQUEST FOR ACCESS TO RECORD OF PRIVATE BODY

[Regulation 10]

FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R

Deposit (if any): R

Access fee: R

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

A. Particulars of private body

The Information Officer/Deputy Information Officer: Ms L. Lloyd

B. Particulars of person requesting access to the record

- (a) *The particulars of the person who requests access to the record must be recorded below.*
- (b) *Furnish an address and/or fax number in the Republic to which information must be sent.*
- (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: _____

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 therefore.

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:				
<p><i>Mark the appropriate box with an "X".</i></p> <p>NOTES:</p> <p><i>(a) Your indication as to the required form of access depends on the form in which the record is available.</i></p> <p><i>(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.</i></p> <p><i>(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.</i></p>					
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 -					
	printed copy of record*		printed copy of information derived from the record*	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? A postal fee is payable.				YES	NO
<i>Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.</i>					
In which language would you prefer the record?					

G. Particulars of right to be exercised or protected

<i>If the provided space is inadequate, please continue on a separate folio and attach it to this form.</i>
The requester must sign all the additional folios.

1. Indicate which right to be exercised or protected:

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

H. Notice of decision regarding request for access

<i>You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.</i>

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