

**Manual prepared in accordance with  
Section 51 of the Promotion of Access to Information Act  
(Act No.2 of 2000)  
for Retailability (Pty) Ltd**

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## INTRODUCTION

The Promotion of Access to Information Act of 2000 (herein after referred to as “the Act”) was enacted with the purpose of addressing Section 32 (2) of the Constitution, which provides that any person has a right to gain access to any information held by a public or private body. If the record is requested from a private body the requester must be able to prove that the record is required for the exercise or protection of a right.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, a private body includes any former or existing juristic person.

This document serves as the Information Manual in terms of the above-mentioned Act, to provide a reference as to the records held and the process that needs to be followed to request access to such records.

## COMPANY OVERVIEW

Retailability, with its head office located in Mount Edgecombe Durban, was established in 1984 and has retail stores in South Africa, Namibia, Botswana, Lesotho, Swaziland and Zambia and prides itself in bringing authentic and affordable fashion to its customers with its own brands, “Beaver Canoe”, “Style” and “LEGiT”. The “Beaver Canoe” brand specialises in men’s quality everyday fashion, while “Style” caters for men’s and ladies’ contemporary and formal fashion. The LEGiT brand focuses on aspiration, affordable and authentic ladies fashion.

## INFORMATION REQUIRED UNDER SECTION 51(1) (a) OF THE ACT

The Company Secretary is responsible for dealing with all information requests made in terms of the Act.

Name: Mark Friday  
Postal address: PO Box 1849; Umhlanga Rocks; 4320  
Physical address: 10 Dumat lace, Mount Edgecombe, Durban, 4300  
Phone number: +27 31 539 8200  
Fax number: +27 31 539 1850  
Email: [mark@retailability.co.za](mailto:mark@retailability.co.za)

## DESCRIPTION OF GUIDE REFERRED TO IN SECTION 10: SECTION 51(1)(b)

The South African Human Rights Commission (SAHRC) has compiled a guide, in terms of Section 10 of the Act, to facilitate ease of use of the Act for requesters. This Guide is available, in all 11 official languages, from the South African Human Rights Commission. Contact details for SAHRC are as follows:

Physical address: Braampark Forum 3,  
33 Hoofd Street,  
Braamfontein  
South Africa

Postal address: Private Bag X2700  
Houghton  
2041

Phone: +27 (11) 877 3600  
Fax: +27 (11) 403 0625  
Email: [Section51.PAIA@sahrc.org.za](mailto:Section51.PAIA@sahrc.org.za)  
Website: [www.sahrc.org.za](http://www.sahrc.org.za)

#### **VOLUNTARY DISCLOSURE IN TERMS OF SECTION 51(1)(c):**

Retailability (Pty) Ltd has not published a voluntary notice in terms of Section 52(2) of the Act. However, it should be noted that certain information relating to Group and its services is freely available on its website. Certain other information relating to the Group is also made available on the website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is also published from time to time.

#### **RECORDS AVAILABLE IN ACCORDANCE WITH OTHER LEGISLATION IN TERMS OF SECTION 51(1)(d)**

Where applicable to our operations, information is available in accordance with the following legislation and regulations, including but not limited to:

- Basic Conditions of Employment Act No.75 of 1997 (including Sectoral Determination 9: Wholesale and Retail Sector)
- Board Based Black Economic Empowerment Act, No 53 of 2003
- Companies Act No. 71 of 2008
- Compensation for Occupational Injuries and Diseases Act, No 130 of 1993
- Competition Act No. 89 of 1998
- Constitution of the Republic of South Africa No 108 of 1996
- Consumer Protection Act No 68 of 2008
- Copyright Act No. 98 of 1978
- Counterfeit Goods Act No 37 of 1997
- Currency and Exchanges Act No. 9 of 1933 (and Exchange Control Regulations)
- Customs and Excise Act No. 91 of 1964
- Electronic Communication and Transactions Act No. 25 of 2002
- Employment Equity Act No. 55 of 1998
- Financial Intelligence Centre Act No. 38 of 2001
- Income Tax Act No. 58 of 1962
- Labour Relations Act No. 66 of 1995
- Magistrates Court Act No. 32 of 1944 (Garnishee and Administration orders)
- Merchandise Marks Act No. 17 of 1941
- National Building Regulations and Building Standards Act No. 103 of 1977
- National Credit Act No 34 of 2005
- National Environmental Management Act No 107 of 1998
- National Environmental Management Waste Act No 59 of 2008
- Occupational Health and Safety Act No 85 of 1993
- Patents Act No 57 of 1978
- Pension Funds Act No. 24 of 1956
- Promotion of Equality and Prevention of Unfair Discrimination Act, No 4 of 2000
- Protection of Business Act No. 99 of 1978
- Protection of Personal Information Act No. 4 of 2013
- Securities Transfer Tax Act No 25 of 2007
- Skills Development Act No. 97 of 1998
- Skills Development Levies Act No. 9 of 1999

- South African Revenue Services Act No 34 of 1997
- Tax on Retirement Funds Act No. 38 of 1996
- Trademarks Act No. 194 of 1993
- Unemployment Insurance Act No. 63 of 2001
- Unemployment Insurance Contributions Act No. 4 of 2002
- Value Added Tax Act No. 89 of 1991.

### **RECORDS HELD IN TERMS OF SECTION 51(1)(e)**

The Group maintains records on the following categories and subject matters. However, recording a category or subject matter in this Manual does not imply that a request for access to such records will be granted. All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act.

#### **Company records**

- Documents of Incorporation;
- Memorandum and Articles of Association;
- Necessary certificates in terms of the Companies Act 71 of 2008;
- Share registers and other statutory registers;
- Statutory records;
- Names of directors;
- Minutes of meeting of committees and sub-committees;
- Operational records;
- Company policies and directives;
- Intellectual property;
- Marketing records;
- Legal records;
- Internal policies and procedures.

#### **Financial records**

- Financial and accounting records;
- Register of movable assets
- Audit reports;
- Debtors information;
- Income tax returns;
- Banking records;
- Financial policies and procedures;
- Risk management records;
- Management accounts;
- Purchase and order information;
- General financial correspondence.

#### **Personnel records**

- A database of personnel employed within the Group;
- Personal information provided by its personnel;
- Information provided by a third party about any of its personnel;
- Safety, health and environmental records;
- Conditions of employment;
- Internal evaluation records;
- Leave records;

- Skills plans;
- Disciplinary records;
- Termination payments;
- Employment equity plans;
- Employee tax information;
- Training schedules and manuals;
- Periodic payroll records;
- Pension and provident fund information;
- Internal policies and procedures;
- General employee correspondence.

### **Information technology**

- Computer software;
- IT technology capabilities;
- Support and maintenance agreements;
- Records regarding computer systems;
- Programs including software license agreements;
- IT policies and procedures;
- Network Diagrams;
- Configuration setups;
- Systems and user manuals;
- Register for IT-related equipment;
- System Performance Records;
- General IT correspondence.

### **Occupational Health and Safety**

- Personal injury records;
- Policies and procedures.

### **ACCESS REQUEST PROCEDURE**

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to records held by the Group.

It is important to note that an application for access to information may be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an Access Request Form does not automatically allow the requester access to the requested record.

#### *Note:*

If it is reasonably suspected that the requester has obtained access to the Group's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

#### **Completion of Access Request Form**

To enable the Group to respond to requests in a timely manner, the Access Request Form, attached as Appendix A, should be completed, taking due cognisance of the following instructions:

- The Access Request Form (Appendix A) must be completed in the English Language;
- Proof of identity is required to authenticate the identity of the requester, which is required in the form of

- a copy of the requester's identification document;
- Type or print in BLOCK LETTERS an answer to every question;
- If a question does not apply, state "N/A" in response to that question;
- If there is nothing to disclose in reply to a particular question, state "NIL" in response to that question;
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio;
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question; and
- All additional folios must be signed by the requestor.

### **Submission of Access Request Form**

The completed Access Request Form together with a copy of the requester's identity document must be submitted either via conventional mail, e-mail or fax and must be addressed to the company secretary.

An initial, non-refundable R57.00 (inc VAT) request fee is payable on submission. This fee is not applicable to Personal Requesters, referring to any person seeking access to records that contain their personal information.

Fees are not applicable to requesters referred to in section 54(1) of the Act being any person seeking access to records that contain their personal information (as defined in the Protection of Personal Information Act 2013).

### **Payment of Fees**

Payment details can be obtained from the company secretary and payment can be made either via a direct deposit, by bank guaranteed cheque or by postal order (no credit card payments are accepted). Proof of payment must be supplied.

#### *Note:*

If the request for access is successful, an access fee will be required for the search, reproduction and/or preparation of the record(s) and will be calculated based on the Prescribed, as set out in Appendix B. The access fee must be paid prior to access being given to the requested record.

### **Notification**

Requests will be evaluated and the requester notified within 30 days of receipt of the completed Access Request Form. Notifications may include:

- **Notification of Extension Period** (if required)

The requester may be notified whether an extension period is required for the processing of their requests, including:

- The required extension period, which will not exceed an additional 30-day period;
- Adequate reasons for the extension; and
- Notice that the requester may lodge an application with a court against the extension and the procedure, including the period for lodging the application.

- **Payment of Deposit** (if applicable)

The requester may be notified whether a deposit is required. A deposit will be required

depending on certain factors such as the volume and/or format of the information requested and the time required for search and preparation of the record(s). The notice will state:

- The amount of the deposit payable (if applicable); and
- That the requester may lodge an application with a court against the payment of the deposit and the procedure, including the period, for lodging the application.

*Note:*

In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

- **Decision on Request**

If no extension period or deposit is required, the requester will be notified, within 30 days, of the decision on the request.

If the request for access to a record is **successful**, the requester will be notified of the following:

- The amount of the access fee payable upon gaining access to the record (if any);
- An indication of the form in which the access will be granted;
- Notice that the requester may lodge an application with a court against the payment of the access fee and the procedure, including the period, for lodging the application.

If the request for access to a record is not successful, the requester will be notified of the following:

- Adequate reasons for the refusal (refer to Third Party Information and Grounds for Refusal below); and
- That the requester may lodge an application with a court against the refusal of the request and the procedure, including the period, for lodging the application.

### **Third Party Information**

If access is requested to a record that contains information about a third party, the Group is obliged to attempt to contact this third party to inform them of the request. This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event of the third party furnishing reasons for the support or denial of access, our designated contact person will consider these reasons in determining whether access should be granted, or not.

### **Grounds for Refusal**

The Group may legitimately refuse to grant access to a requested record that falls within a certain category. Grounds on which the Group may refuse access include:

- Protecting personal information that the Group holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Group holds about a third party or the Group (for example trade secrets: financial, commercial, scientific or technical information that may harm the commercial or financial interests of the organisation or the third party);
- If disclosure of the record would result in a breach of a duty of confidence owed to a third party in terms of an agreement;

- If disclosure of the record would endanger the life or physical safety of an individual;
- If disclosure of the record would prejudice or impair the security of property or means of transport;
- If disclosure of the records would prejudice or impair the protection of a person in accordance with a witness protection scheme;
- If disclosure of the record would prejudice or impair the protection of the safety of the public;
- The record is privileged from production in legal proceedings, unless the legal privilege has been waived;
- Disclosure of the record (containing trade secrets, financial, commercial, scientific, or technical information) would harm the commercial or financial interests of the Group;
- Disclosure of the record would put the Group at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer program; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party or the Group.

#### **Records that cannot be found or do not exist**

If the Group has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

#### **Availability of the Manual**

The Manual is available for inspection at the offices of Retailability (Pty) Ltd. A copy is also available at the South African Human Rights Commission.

Chief Executive Officer



## PAIA ACCESS REQUEST FORM

Page 1 of 5	FOR OFFICE USE ONLY	Reference Number:  Received by:
(Section 53(1)(e) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)) [Regulation 10]		
<p><b>1) PARTICULARS OF BODY</b></p> <p>Requests can be submitted either via conventional mail or fax and should be addressed to the relevant contact person as indicated below:</p> <p><b>Contact person:</b> Mr Mark Friday</p> <p><b>Postal address:</b> PO Box 1849 Umhlanga Rocks 4320</p> <p><b>Physical address:</b> 10 Dumat Place Mount Edgecombe 4300</p> <p><b>Telephone number:</b> +27 31 539 8200</p> <p><b>Fax number:</b> +27 31 539 1850</p> <p><b>E – mail:</b> mark@retailability.co.za</p>		

**2a PARTICULARS OF REQUESTER (If Natural Person)**

- (a) 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:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Postal code:** \_\_\_\_\_

**Phone number:** ( \_\_\_\_\_ ) \_\_\_\_\_

**Fax number:** ( \_\_\_\_\_ ) \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

**Capacity in which request is made, when made on behalf of another person:** \_\_\_\_\_  
\_\_\_\_\_

**2b PARTICULARS OF REQUESTER (if a Legal Entity)**

- (a) Particulars of the entity that 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.

**Name of entity:** \_\_\_\_\_  
\_\_\_\_\_

**Registration number:** \_\_\_\_\_

**Postal address:** \_\_\_\_\_  
\_\_\_\_\_

**Postal Code:** \_\_\_\_\_

**Phone number:** ( \_\_\_\_\_ ) \_\_\_\_\_

**Fax number:** ( \_\_\_\_\_ ) \_\_\_\_\_

**3 PARTICULARS OF PERSON ON WHOSE BEHALF REQUEST IS MADE**

*This section must ONLY be completed if an information request is made on behalf of another person.*

**Full names and surname:** \_\_\_\_\_

\_\_\_\_\_

**Identity number:**

**4 PARTICULARS OF RECORD**

- (a) *Provide full particulars of the record to which access is requested, including the reference number if it 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.***

**Description of record or relevant part of the record:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Reference number, if available:** \_\_\_\_\_

**Any further particulars of record:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5 FEES**

- (a) *A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **non-refundable request fee of R57.00** has been paid.*
- (b) *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 the record.*
- (c) *You will be notified of the amount required to be paid as the **access fee**.*
- (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:** \_\_\_\_\_

\_\_\_\_\_

**6a FORM OF ACCESS TO RECORD**

**Form in which record is required**

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 under certain circumstances. In such a case, you will be informed whether 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

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

(including photographs, slides, video recordings, computer-generated images, sketches, etc.)

- View the images                       Copy of the images\*                       Transcription of the images\*

**3. If the record consists of recorded information that can be reproduced in sound:**

- Listen to the soundtrack (audio cassette)                       Transcription of soundtrack\* (written or printed document)

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

(including photographs, slides, video recordings, computer-generated images, sketches, etc)

- Printed copy of record\*                       Printed copy of Information derived from the record\*                       Copy in computer readable form\*

\* 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
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**6b IN THE EVENT OF DISABILITY**

If you are prevented by a disability from reading, viewing or listening to the record in the form of access provided for in 1 to 4 above, state your disability and indicate the form in which the record is required.

**Disability:** \_\_\_\_\_ **Form in which record is required:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7 PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED**

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

1. Indicate the right to be exercised or protected: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**8 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? \_\_\_\_\_  
\_\_\_\_\_

**9 AUTHORISED SIGNATURE**

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF REQUESTER/  
PERSON ON WHOSE BEHALF REQUEST IS MADE

YOU MUST:

SEND WITH THIS APPLICATION:

- 1. Complete all necessary spaces.
- 2. Sign the access request form. .
- 3. Sign additional folios completed.

- 1. R57.00 (if not personal requester) request fee.
- 2. Any additional folios completed.

## PRESCRIBED FEES

(Section 54(7) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 11 (3)]

**PLEASE NOTE THAT ALL PRICES FOR THE ITEMS LISTED BELOW ARE INCLUSIVE OF  
VALUE-ADDED TAX (VAT)**

(a) For every photocopy of an A4-size page or part thereof	R 1.35
(b) For every printed copy of an A4-size page of part thereof held on a computer or in an electronic or machine-readable form.	R 0.95
(c) For a copy in a computer-readable form on compact disc	R88.00
(d) (i) For a transcription of visual images, for an A4-size page or part thereof	R55.00
(ii) For a copy of visual images	R70.00
(e) (i) For a transcription of an audio record, for an A4-size page or part thereof	R25.00
(ii) For a copy of an audio record	R45.00
(f) To search for and prepare the record for disclosure – for each hour or part thereof (as is reasonably required for such search and preparation).	R48.00