



**PROMOTION OF ACCESS TO
INFORMATION
ACT NUMBER 2 OF 2000**

**MIMMOS FRANCHISING CC
MANUAL IN TERMS OF SECTION 51**

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1. PROMOTION OF ACCESS TO INFORMATION ACT (PAIA)

The PAIA Act allows people an opportunity to obtain information and documents from the Government and businesses when this is needed. But this does not mean that all information can be accessed whenever someone wants it.

The PAIA makes it clear that people may only request information for legitimate reasons such as the protection of a right or similar and that a company may refuse to disclose information that is confidential or secret or if the information concerns a third party such as an employee.

The PAIA affects all Government departments, Municipalities and businesses including independent operators, lawyers, doctors and private contractors.

A special form has been designed for people to use when they wish to request information and this is called "Form C". This form is attached to the manual.

Form C must be completed when information is requested.

Form C is not only attached to the manual, but is available from the Government Printer, the South African Human Rights Commission (SAHRC) or can be downloaded from:

http://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

2. INFORMATION REQUIRED UNDER SECTION 51(1) (A) OF THE ACT

Mimmos is a national chain of Italian family restaurants. Individual owners operate the restaurants and the manuals for each franchise will be available from the operator. Mimmos Franchising CC details are listed below.

2.1 REGISTRATION NUMBER OF MIMMOS FRANCHISING CC

1999/010540/23

2.2 HEAD OF MIMMOS FRANCHISING CC:

Mr. G Ttappous

2.3 INFORMATION OFFICER OF MIMMOS FRANCHISING CC

Mr. I Heynike

E-mail address: ian@mimmos.co.za

Telephone Number: 011 394 4522

Facsimile Number: 011 392 4338

2.4 POSTAL ADDRESS OF MIMMOS FRANCHISING CC:

P.O.Box 784960, Sandton, 2146, South Africa

2.5 STREET ADDRESS OF MIMMOS FRANCHISING CC:

#20 Skietlood Street, Isando ext 3, Kempton Park, South Africa

2.6 TELEPHONE NUMBER OF MIMMOS FRANCHISING CC:

011 392 4522

2.7 FACSIMILE NUMBER OF MIMMOS FRANCHISING CC:

011 392 4338

2.8 E-MAIL ADDRESS OF MIMMOS FRANCHISING CC:

info@mimmos.co.za

2.9 WEBSITE OF MIMMOS FRANCHISING CC:

www.mimmos.co.za

3. DESCRIPTION OF THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION (SAHRC) GUIDE REFERED TO IN SECTION 10: 51(1) (B)

Section 10 of the PAIA compels the SAHRC to prepare a guide on how to use the procedures of the PAIA and access information from the Government or Business. This was completed in 2003 and is discussed in the section below.

The guide has been compiled in terms of Section 10 of the PAIA by the South African Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The guide is available for inspection, *inter alia*, at the office of the offices of the South African Commission at

29 Princess of Wales Terrace
Cnr York and St. Andrews Street
Parkton
Johannesburg

The guide can also be requested by writing to:

The South African Human Rights Commission
PAIA Unit
Private Bag 2700
Houghton
2041

Telephone: 011 877 3600
Telefax: 011 403 0625
E-mail: paia@sahrc.org.za

The guide is also available on the SAHRC website www.sahrc.org.za.

4. REQUESTS FOR INFORMATION AND ACCESS TO RECORDS

In order for a request for information or access to Mimmos Franchising CC's records to be processed the requestor is required to complete "Form C" in full. The completed form, together with a certified copy of the requestor's identity book, is to be submitted via registered mail, telefax or e-mail to our Information Officer.

Requests that do not comply with this process will be returned to the requestor.

When the Information Officer receives a properly completed request for information, the requestor will be notified in writing immediately that the request has been received. The company will have 30 days to either disclose the requested information or to notify the requestor that the information will be withheld. In certain cases, especially where the company must search for information, the Information Officer will in writing request an extension of 60 days. If the head of the company is satisfied that the requested information may be disclosed, the requestor will need to pay the costs before the information is supplied.

Mimmos Franchising CC is not in possession of any information that is freely available without a proper and procedurally correct request.

5. THE LATEST NOTICES IN TERMS OF SECTION 52(2) (IF ANY)

At this stage no notices(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

6. COSTS

There are costs for all information disclosed which the requestor must pay for before requested information is handed over.

A schedule of costs that a company or the Government can charge a requestor according to the PAIA is attached to this manual or can be found at the Government Printer, the South African Human Rights Commission or downloaded from <http://www.sahrc.org.za/home/21/files/FEES.pdf>

6. (1) The fees for reproduction referred to in section 52(3) of the act is as follows:

	R
(a) For every photocopy of an A4-size paper or part thereof	1,10
(b) For every printed copy of an A4-size page or part thereof held on a computer or in an 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 the record for disclosure, R30.00 for each hour or part of an hour reasonably required to search.	

(2) The request fee payable by a requestor, other than a personal requestor, referred to in section 54(1) of the Act is R50.00.

(3) When a copy of a record or information must be posted to a requestor a minimal fee of R 9.75 will be charged.

(4) If it is believed by the company that it will take longer than six hours to search for and/or secure the requested information the company will be entitled to charge an advance deposit of one third of the total costs.

(5) For lodging an internal appeal by a requestor against the refusal of his or her request for access, as contemplated in section 75(3) of the Act is R50.00.

(6) Public and private bodies registered under the Value-Added Tax Act, 1991 (Act No. 89 of 1991), as vendors may add value added tax to all fees prescribed in terms of these regulations.

7. RECORDS AND INFORMATION IN THE POSSESSION OF MIMMOS FRANCHISING CC

In terms of Section 51 (1) (e) of the PAIA the following records and information may be accessed through correct requests in terms of the PAIA and this manual

7.1 RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION: SECTION 51(1)(D)

Records available in terms of other legislation are as follows:

- Labour Relations Act 66 of 1995
- Employment Equity Act 55 of 1998
- Basic Conditions of Employment Act 75 of 1997
- Compensation for Occupational Injuries and Disease Act 130 of 1993
- Companies Act 61 of 1973
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991
- Income Tax act 58 of 1962
- Skills Development Act 9 of 1999

7.2 SUBJECTS AND CATEGORIES OF RECORDS HELD: SECTION 51(1)(E)

1. Companies Act Records

- Documents of incorporation
- Memorandum and Articles of Association
- Minutes of Board of directors meetings
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers
- Share register and other statutory registers

2. Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting records
- Banking records
- Bank Statements
- Paid Cheques
- Electronic Banking records
- Asset Register
- Rental Agreements
- Invoices

3. Income Tax Records

- PAYE Records
- Documents issued to employees for tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:

- i. Vat
- ii. Regional Services Levies
- iii. Skills Development Levies
- iv. UIF
- v. Workmen's compensation

4. Personnel Documents and Records

- Employment contracts
- Employment Equity Plan (if applicable)
- Medical Aid records
- Pension Fund records
- Disciplinary records
- Salary Records
- SETA records
- Disciplinary code
- Leave records
- Training Records
- Training Manuals

8. 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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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 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
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 for 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 (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
	view the images		copy of the images"
			transcription of the images*
3. If record consists of recorded words or information which can be reproduced in sound:			
	listen to the soundtrack audio cassette		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? Postage is payable.				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:

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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE