

NAME OF COMPANY: THE CHERRY GOLD GROUP (PTY) LTD T/A PETER GILDER JEWELLERS

Registration Number of Company: 1963/000252 /07

(Hereinafter referred to as the company)

SECTION 51 MANUAL

Prepared in terms of the Promotion of Access to Information Act no 2 of 2000 ("the Act").

Compiled by	Peter Gilder
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Signature	

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1. Introduction

The Promotion of Access to Information Act gives effect to the Constitutional right of access to any information held by the state and any information that is held by another person and that is required for the exercise or protection of any rights.

Specifically, section 51 (1) of “the Act” provides that the head of a private body must compile a manual that must contain information regarding the subjects and categories of records held by such private bodies.

This manual has been compiled in accordance with said provisions and to fulfil the requirements of “the Act”.

In terms of “the Act”, where a request for information is made to a body, there is an obligation to provide the information, except where “the Act” expressly provides that the information may not be released. In this context, Section 9 of the Act recognises that access to information can be limited. The limitation relates to circumstances where such release would pose a threat to the protection of privacy, commercial confidentiality, and the exercising of efficient governance.

Accordingly, this manual provides a reference to the records held by the company and the process that needs to be adopted to access such records.

2. Description of Business

Manufacture fine jewellery. Retail of fine jewellery.

3. Information required under section 51 (1) (a) of Act.

Name of Company:	The Cherry Gold Group (Pty) Ltd
Registration Number:	1963/000252 /07
Managing Director:	AJ van Staden
Board of Directors:	Peter Gilder, AJ van Staden
Postal Address:	P O Box 453 Constantia, 7848
Street Address:	Shop 40 Constantia Shopping Centre Constantia, Cape Town, 7848
Phone number:	021 - 7942116
Electronic Mail:	anene@petergilder.co.za

4. The Act and Description of Guide referred to in Section 10 (Section 51 (1) (b))

The Act grants a requester access to records of a private body, if the record is required for the exercise or protection of any rights. If a public body lodges a request, the public body must be acting in the public interest. Requests in terms of the Act shall be made in accordance with the prescribed procedures at the rates provided. The forms and tariff are dealt with in accordance with paragraphs 6 & 7 of the Act.

Requesters are referred to the guide in terms of Section 10 which has been compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide is available from the SAHRC.

The contact Details of the Commission are:

Postal address: Private Bag 2700, Houghton, 2041

Telephone number: +27 -11-877 3600

Fax number: +27-11-4030625

Website: www.sahrc.org.za

5. Applicable Legislation (Section 51 (1) (c))

No	Ref	Act
1	No 61 of 1973	Companies Act
2	No 30 of 1996	Unemployment Insurance Act
3	No 98 of 1978	Copyright Act
4	No 55 of 1998	Employment Equity Act
5	No 95 of 1967	Income Tax Act
6	No 66 of 1995	Labour Relations Act
7	No 89 of 1991	Value Added Tax Act
8	No 37 of 2002	Financial Advisory and Intermediary Services Act
9	No 75 of 1997	Basic Conditions of Employment Act
10	No 69 of 1984	Close Corporations Act
11	No 25 of 2002	Electronic Communications and Transactions Act
12	No 4 of 2013	Protection of Personal Information Act
13	No 2 of 2000	Promotion of Access of Information Act

6. Schedule of records (Section 51 (1) (d))

Companies Act records

- Documents of Incorporation
- Memorandum and Articles of Association
- Share register
- Share Register and other statutory registers.

Financial records

- Annual Financial Statements
- Tax Records
- Accounting Records

- Banking Records
- Bank Statements
- Asset Register
- Insurance Information
- Internal audit records
- Sales Invoices
- Supplier invoices
- Purchase and order information
- Creditors
- Management Accounts
- Stock Records

Income tax records

- PAYE Records
- Documents issued to employees for income tax purposes.
- Records of payments made to SARS on behalf of employees.
- All other statutory compliances:
 - VAT
 - Skills Development Levies
 - UIF
 - Workmen’s Compensation

Personnel records

- Employment contracts
- Employment Equity Reports
- Disciplinary records
- Salary records
- SETA records
- Disciplinary code
- Leave records.
- Training records

Sales Records

- Customer agreements
- Customer details

Health and Safety records

- Complete safety, health, and environment risk assessment
- Inquiries, inspections, examinations by environmental authorities
- Safety and security meeting minutes Covid19 notices Hygiene and cleaning agreements
- Security agreements
- Fire hydrant service record Security system records

IT Records

- Information technology systems and user manuals
- Information technology and service level agreement

7. Details on how to make a request for Access – Section 51(e)

The requester must complete the prescribed form C (available on the website www.sahrc.org.za) to make the request for access to a record and submit this form together with a request fee, to the head of the company named in Section 2.

The form must provide sufficient particulars to enable the head of the company to identify the records requested and the requester. The requester should also indicate which form of access is required and specify a postal address or fax number of the requester in the Republic.

The requester must identify the right that is sought to be exercised or protected and must provide an explanation of why the requested record is required for the exercise or protection of that right.

If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner.

If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the head of the business.

The prescribed fee must be attached.

The company will respond to requests within 30 days of receiving the request by indicating whether the request has been granted or denied.

Please note that the successful completion and submission of a request for access form does not automatically allow the requester access to the requested record.

Access will be granted to a record only if the following criteria are fulfilled:

- The record is required for the exercise or protection of any right, and
- The requester complies with the procedural requirements set out in “the Act” relating to a request, and
- Access to the record is not refused in terms of any ground for refusal as contemplated in “the Act”.

8. Prescribed Fees– Section 51(f)

The applicable fees are prescribed in terms of the Regulation (Government Gazette 7024) promulgated under “the Act”. The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at www.sahrc.org.za

The following applies to requests other than personal requests:

- A requestor is required to pay the prescribed fees (R50.00) before a request will be processed;
- If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (of not more than one third of the access fee which would be payable if the request were granted);
- A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit.
- Records may be withheld until the fees have been paid.

9. Denial of Access

Access to any record may be refused under certain limited circumstances. These include:

- The protection of personal information concerning a natural person from unreasonable disclosure,
- The protection of commercial information held concerning any third party,
- The protection of commercial, financial, scientific, or technical information that may harm the commercial or financial interests of any third party,
- Disclosures that would result in a breach of a duty of confidence owed to a third party,
- Disclosures that would jeopardise the safety or life of an individual,
- Disclosures that would prejudice or impair the security of property,
- Disclosures that would prejudice or impair the protection of a person in accordance with a witness protection scheme,
- Disclosures that would prejudice or impair the protection of the safety of the public,
- Disclosures that are privileged from production in legal proceedings unless the privilege has been waived,
- Disclosures of details of any computer programs and designs,
- Disclosure that will put the company at disadvantage in contractual or other negotiations or prejudice it is commercial competition,
- Disclosures of any record containing trade secrets. Financial, commercial, scientific, or technical information that would harm the commercial or financial interests of the company, and
- Disclosures of any record containing information about research and development being carried out or about to be carried out by the company.

If access to a record or any relevant information is denied, the company's response will include adequate reasons for the refusal, and notice that you may lodge an application with the court against the refusal and the procedure including details of the period for lodging the application.

10. Manual Availability

This manual is available at the offices of the Human Rights Commission.

The Manual is also available at the premises of the company at Shop 40 Constantia Shopping Centre Constantia, Cape Town, 7848

The Manual is also available on the company website at <https://www.petergilder.co.za>

Managing Director Name: _____ Signature: _____

Witness: _____