

**PROMOTION OF ACCESS TO INFORMATION ACT,
ACT 2 OF 2000 (“The Act”)**

**MANUAL IN TERMS OF SECTION 51 OF THE ACT FOR
MISCHA WINES CC**

INTRODUCTION

The Close Corporation was formed in 2004 as a winery. The appointed members are Messrs JA Barns and GH Barns.

PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

The reference, in this Manual, to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

1. Contact Details [Section 51(1)(a)]

Head	:	JA Barns
Information Officer	:	E Meyer
Email address	:	admin@mischaestate.com
Postal address	:	PO Box 163, Wellington, 7654
Street Address	:	Mischa Estate, Voor-Groenberg, Wellington, 7654
Telephone	:	021 - 864 1020
Fax	:	086 – 514 9819

2. The guide as described in section 10 of the Act [Section 51(1)(b)]

A Guide has been compiled in terms of Section 10 of PAIA by the 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 Human Rights Commission at 29 Princess of Wales Terrace, cnr York and St Andrews Street, Parktown and on its website at www.sahrc.org.za.

3. Categories of records of the Close Corporation which are available without a person having to request access in terms of the Act, ie voluntary disclosure. [Section 51(1)(c)]

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

4. **Records available in terms of other legislation** [Section 51(1)(d)]

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Income Tax Act 58 of 1962

SA Reserve Bank Act 90 of 1989

Close Corporations Act 69 of 1984

Value Added Tax Act 89 of 1991

5. **How to request a record, a description of the subjects on which we hold records, and the categories of records held on each subject** [Section 51(1)(e)]

5.1 How to request a record

Requests for access to records held by the Close Corporation must be made on the request forms that are available from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development website (www.doj.gov.za) (under “regulations”). For the convenience of requestors, copies of these forms are included in the version of this Manual available at our offices and on our website (www.mischaestate.com).

Requests for access to records must be made using the prescribed form, to our Information Officer at the address, fax number or electronic mail address provided.

The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which company within the group the request for access relates to. The requester should also indicate which form of access is required and indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.

It is vital that the requester identifies the right that he or she is seeking to exercise or protect and provides an explanation of why the requested record is required for the exercise or protection of that right.

If a request is made on behalf of another person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of our Information Officer.

If a requestor does not use the standard form, the request may be rejected for lack of procedural compliance, refused (if sufficient information is not provided, or otherwise) or delayed.

Please note that requestors are also required to pay the prescribed fees. The list of prescribed fees in respect of requests, and in respect of access to records (if the request is granted) can be obtained from the SAHRC.

The information officer must notify the requester (other than a personal requester) of the prescribed fee (if any) before further processing the request. The requester

may lodge an internal appeal or an application to Court against the tender or payment of the request fee.

The information officer will then make a decision on the request and notify the requester in the required form.

If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

Kindly note that all requests to the Close Corporation will be evaluated and considered in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by the group does not give rise to any rights to access such information or records, except in terms of the Act.

5.2 Subjects and categories of records held by the Close Corporation

We maintain records on the following categories and subject matters. **However, please note that recording a category or subject matter in this Manual does not imply that a request for access to such records would be honoured.** All requests for access will be evaluated on a case by case basis in accordance with the provisions of the Act. In particular, there may be applicable grounds of refusal of such a request, as set out in the Act.

5.2.1: Internal records

The following are records pertaining to the Close Corporation's own affairs:

- Financial records
- Internal correspondence;
- Statutory records;
- Minutes of meetings; and
- Records held by officials of the Trust.

5.2.2: Personnel records:

For the purposes of this section, "personnel" means any person who works for the Close Corporation and receives or is entitled to receive any remuneration. This includes, without limitation, partners, directors, all permanent, temporary and part-time staff.

Personnel records include the following:

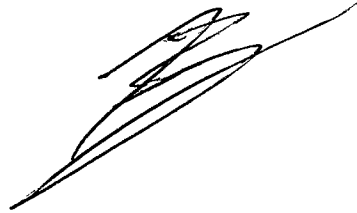
- Any personal records provided to us by our personnel;
- Any records a third party has provided to us about any of their personnel; and
- Other internal records and correspondence.

6. Other information as may be prescribed [Section 51(1)(f)]

No such information has been prescribed.

7. **Availability of the manual.** [Section 51(3)]

This manual is available from the South African Human Rights Commission (see details above), from the Head Office at the registered address (see details above).

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a stylized, somewhat abstract shape. The signature is positioned in the upper right quadrant of the page.

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 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 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		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*		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