



ACCESS TO INFORMATION ACT SECTION 51

MANUAL FOR

Nitric Industries CC

Company registration number CK 99/52692/23

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2 Introduction : About Nitric Industries CC

Nitric Industries is an open-source software development company. Nitric Industries provides the following services to its clients:

- Software development, custom application development
- Consultation and training in open-source technologies
- Web Hosting and system administration services

3 PARTICULARS IN TERMS OF THE SECTION 51 MANUAL

3.1 Contact details [Section 51(1)(a)]

3.1.1 Street Address

Suite 516
The Bandwidth Barn
5th Floor
Buitengracht Centre
125 Buitengracht Street
Cape Town

3.1.2 Postal Address

Box 7207
Roggebaai
8012

3.1.3 Telephone number

+17 21 409 4977

3.1.4 Fax number

+27 21 409 7050

3.1.5 Contact person

Nicholas Spagnoletti
nicholas@nitric.co.za

3.2 The section 10 Guide on how to use the Act [Section 51(1)(b)]

The Guide will be available from the South African Human Rights Commission by not later than 31 August 2005. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit
The Research and Documentation Department
Postal address:
Private Bag 2700
Houghton
2041

Telephone: +27 11 484-8300
Fax: +27 11 484-7146
Website: www.sahrc.org.za
E-mail: PAIA@sahrc.org.za

3.3 Records available in terms of any other legislation [Section 51(1)(d)]

Information is available in terms of the following legislation, if and where applicable:

- a. Basic Conditions of Employment Act No. 75 of 1997
- b. Closed Corporation Act No. 69 of 1984
- c. Companies Act No. 61 of 1973
- d. Compensation of Occupational Injuries and Diseases Act No. 130 of 1993
- e. Consumer Affairs (Unfair Business Practices) Act No. 71 of 1988
- f. Copyright Act No. 98 of 1978
- g. Customs and Excise Act No. 91 of 1964
- h. Electronic Communications and Transactions Act No. 25 of 2002
- i. Employment Equity Act No. 55 of 1998
- j. Financial Intelligence Centre Act 38 of 2001
- k. Income Tax Act No. 58 of 1962
- l. Insolvency Act No. 24 of 1936
- m. Labour Relations Act No. 66 of 1995
- n. Occupational Health and Safety Act No. 85 of 1993
- o. Patents Act No. 57 of 1978
- p. Promotion of Access to Information Act No. 2 of 2000
- q. Skills Development Levies Act No. 9 of 1999
- r. Trademarks Act No. 194 of 1993
- s. Unemployment Insurance Act No. 30 of 1966
- t. Value – Added Tax Act No. 89 of 1991
- u. And another legislation that may directly or indirectly be relevant

3.4 Access to the records held by the private body in question [Sections 51(1)(c) and 51(1)(e)]

3.4.1 Categories of records

The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) [Section 51(1)(c)]

- Website Information: Freely available at <http://www.nitric.co.za/>

3.4.2 Records that may be requested

A description of the subjects of the records held by the body and the categories in which these subjects are classed [Section 51(1)(e)]

- Employment Contracts: Availability to be determined upon receipt of request
- Trade Secrets: Availability to be determined upon receipt of request
- Domain Name Registrations: Available
- Trade name Registrations: Availability to be determined upon receipt of request
- Trademark Registrations: Availability to be determined upon receipt of request
- Company Documentation: Availability to be determined upon receipt of request
- Project Documentation: Availability to be determined upon receipt of request
- Agreements With Suppliers: Availability to be determined upon receipt of request
- Corporate Sales Agreements: Availability to be determined upon receipt of request
- Customer Agreements: Availability to be determined upon receipt of request
- Database Of Customers: Availability to be determined upon receipt of request

3.4.3 Form of request

The requester must use the prescribed form (see section 4) to make the request for access to a record. This must be made to the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned [s 53(1)].

- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if any other manner is to be used to inform the requester and state the necessary particulars to be so informed [s 53(2)(a) and (b) and (c)].
- The requester must identify the right that is sought to be exercised or to be protected and provide an explanation of why the requested record is required for the exercise or protection of that right [s 53(2)(d)].

- 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 the head of the private body [s 53(2)(f)].

3.4.4 Fees

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee.

- The head of the private body must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- The fee that the requester must pay to a private body is R50. The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- After the head of the private body has made a decision on the request, the requester must be notified in the required form.
- If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

Fees levied will be in accordance with the prescribed fees as detailed by the South Africa Human Rights Commission at 'Prescribed fees and forms for private bodies' available from http://www.sahrc.org.za/sahrc_cms/publish/cat_index_30.shtml and as reproduced here as downloaded on August 10 2005.

3.4.5 Availability of the manual [Section 51(3)]

This manual is available for inspection free of charge at the offices of Nitric Industries CC, or can be downloaded from the www.nitric.co.za website. Copies are also available from the SAHRC.

4 Request information – prescribed form

Requests for information must be made using the prescribed form as detailed by the South Africa Human Rights Commission at 'Prescribed fees and forms for private bodies' available from

http://www.sahrc.org.za/sahrc/cms/publish/cat_index_30.shtml and as reproduced here as downloaded on August 10 2005.

END OF MANUAL