



## **MANUAL OF**

**ALF DUNCAN AND ASSOCIATES (PROPRIETARY) LIMITED**  
**Registration Number: CK1970/001930/07**

**(“ALF DUNCAN AND ASSOCIATES” or “THE COMPANY”)**

in terms of

Section 51(1) of the Promotion of Access to  
Information Act 2 of 2000 (“the Act”)

### **THE PURPOSE**

The purpose of this document is to serve as the Manual of Alf Duncan and Associates as required in terms of the Act, and to provide a reference as to the records held and the procedures that need to be followed to request access to such records

## INTRODUCTION

Alf Duncan and Associates are auctioneers of property and various goods on behalf of our clients.

This Manual covers the records held by Alf Duncan and Associates.

### **SECTION I:** **CONTACT PERSON AND ADDRESS DETAILS**

(as required by Section 51(1)(a))

The Managing Director of Alf Duncan and Associates (Pty) Ltd, has duly authorised the contact person below to ensure that the Act is complied with:

Contact Person:	Mrs. AJ Duncan
Physical Address of Company:	23 Langenegger Street Gants Park Strand 7140
Postal Address of Company:	23 Langenegger Street Gants Park Strand 7140
Telephone:	(021) 854-8589
Fax:	(021) 854-8955
e-mail address:	<a href="mailto:roenel@alfduncan.co.za">roenel@alfduncan.co.za</a>
Auditors:	Cecil Kilpin & Co P.O. Box 74 Century City 7446
Tel:	(021)527-4060

## **SECTION II:** **GUIDE ON HOW TO USE THE ACT**

(as required by Section 51(1)(b), as read with Section 10)

The Human Rights Commission has compiled a guide, in terms of Section 10 of the Act, containing information which may reasonably be required by a person who wishes to exercise any right contemplated in the Act. This guide was published in the first half of 2005 and access to it, and to any amended versions thereof can be found on the website of the South African Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za), or a hard copy can be obtained directly from the South African Human Rights Commission.

The Human Rights Commission's contact details are as follows:

Physical Address: The South African Human Rights Commission  
EAIA Unit  
The Research and Documentation Department  
29 Princess of Wales Terrace  
Cnr York and St Andrews Street  
Parktown  
Johannesburg

Postal address: Private Bag 2700  
Houghton  
2041

Telephone: (011) 484 8300

Fax: (011) 484 0582

e-mail address: [PAIA@sahrc.org.za](mailto:PAIA@sahrc.org.za)

Web site: [www.sahrc.org.za](http://www.sahrc.org.za)

## **SECTION III:** **CATEGORIES OF RECORDS AVAILABLE**

(as required by Section 51(1)(c))

The following categories of records are automatically available without a person having to request access in terms of this Act:

- 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

## **SUBJECTS AND CATEGORIES OF RECORDS HELD BY ALF DUNCAN AND ASSOCIATES (PTY) LTD 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 income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:
  - VAT
  - Regional Services Levies
  - Skills Development Levies
  - UIF
  - 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

## **SECTION VI: ACCESS REQUEST PROCEDURE AND PRESCRIBED FEES**

A request for access to records must be made in the prescribed Form C (a copy of which is attached) which should be sent to the address, fax number or electronic mail address.

Please note that an initial, non-refundable request fee of R57,00 (inclusive of VAT) is payable on submission. This fee is not applicable to personal requests, i.e. individual seeking access to records pertaining to those individuals themselves.

In the event that a request for access is successful an access fee will be payable for the search, reproduction and/or preparation of records and will be calculated based on the fee prescribed under the Act. The access fee must be paid prior to access being given to the requested record.

Request for information will be evaluated and the applicant will be notified within 30 days after receipt of the request in the prescribed format of the following:

### *Notification of extension period (if required)*

Applicants must take note that in terms of the Act the 30 (thirty) days period mentioned above may be extended for a further period of not more than 30 (thirty) days under certain circumstances (details will be provided together with the notification of such extension);

### *The access fee and/or deposit*

The applicant will be informed of the access fee (*if any*) which is payable for having access to the records. In addition, a deposit may be requested which is fully refundable in the event that the application is ultimately refused.

### *Decision on request*

The applicant will be informed whether or not the application for access has been denied, or granted. In the event that it is granted the information referred to above pertaining to the access fee, any deposit payable and any other relevant matters will be advised. In the event that the applicant is refused the applicant will be given adequate reasons for the refusal and will be informed that the applicant may lodge an application with a Court against the refusal of the application, as well as the procedure (including the period) for lodging such application.

### *Grounds for refusal*

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

- Protecting personal information that the Company holds about a third person (who is a natural person), including a deceased person, from unreasonable disclosure;
- Protecting commercial information that the Company holds about a third party or the Company (for example trade secrets, financial, commercial, scientific or technical information that may harm the commercial or financial interests of the Company 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 record 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 Company;

- Disclosure of the record would put the Company at a disadvantage in contractual or other negotiations or prejudice it in commercial competition;
- The record is a computer programme; and
- The record contains information about research being carried out or about to be carried out on behalf of a third party of the Company.

*Records that cannot be found or do not exist*

If the Company 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.

*Third party information*

If access is requested to a record that contains information about a third party, the Company 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.

## **SECTION VII:**

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

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

## **SECTION VIII:**

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

*You can just mention very briefly that the manual is also available for inspection at the offices of the relevant private body free of charge; and copies are available with the SAHRC, in the Gazette and on the private body's website (if any).*