



**Freshmark Systems (PTY) LTD**

**2002/023240/07**

**MANUAL**

**In terms of**

**The Promotion of Access to Information Act**

**(PAIA)**

**2/2000**

**(the "ACT")**

Compiled on 27 October 2020

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## 1 INTRODUCTION

Freshmark Systems (FMS) is an independent solutions provider and is the leading Information & Communication Technology (ICT) systems and services provider to the South African fresh produce marketing channel. This is our 'Access To Information Manual'. Its purpose is to help you access our information and any other information that we have. PAIA requires us to make it available to you so that you:

- know what types of information we have; and
- can request access to it.

## 2 COMPANY CONTACT DETAILS

Persons designated/duly authorised persons:

### Freshmark Board of Directors

Mr. Dave Larkan – Managing Director

Ms. Dot Bailey – Director

Mr.

Our details are as follows:

- **Company name:** Freshmark Systems (Pty) Ltd
- **Registration number:** 2002/023240/07
- **Postal address:** P.O. Box 19451, Tecoma, 5214
- **Physical address:** 2<sup>nd</sup> Floor, Infinty Place, 10 St Helena Rd, Beacon Bay, 5241
- **Information officer:** Deon Craytor
- **Information officer email:**
- **Information officer phone number:** 043 721 1121
- **Information officer fax number:** 043 721 1121
- **Contact email:** [info@freshmarksystems.co.za](mailto:info@freshmarksystems.co.za)
- **Website:** [www.freshmarksystems.co.za](http://www.freshmarksystems.co.za)

## 3 THE ACT

3.1 The ACT grants a requester access to records of the COMPANY, 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.

3.1 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 paragraphs 6 and 7.

3.3 Requesters are referred to the Guide to be compiled by the South African Human Rights Commission, which will contain information for the purposes of exercising Constitutional Rights. The Guide will be available in August 2003. The contact details of the Commission are:

Postal Address: Private Bag 2700, Houghton, 2041  
Telephone number: +27-11-877 3600  
Fax number: +27-11-484 0582

## 4 APPLICATION LEGISLATION

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

## 5 ACCESS TO RECORDS AND AVAILABILITY

### i) **Companies Act Records**

- Documents of Incorporation
- Memorandum and Articles of Association
- Minutes of Board of Directors meetings
- Records relating to the appointment of directors / auditors.

Above available on request

### ii) **Financial Records**

- Annual Financial Statements
- Accounting Records
- Financial and Tax Records (Company and Employees)
- Asset Register
- Management Accounts
- Banking records
- Banking Statements (including paid cheques)

- Invoices

Available on request

**iii) Income Tax records**

PAYE records

Documents issued to employees for income tax purpose

Records of payments made to SARS on behalf of employees

All other statutory compliances

VAT

UIF

Workman's Compensation

Available on request.

**iv) Personnel Documents and Records**

Employment Contracts

Medical Aid Records

Disciplinary records

Salary records

Leave records

Training records

Training manuals

Marketing

- Marketing Information
- Public Customer Information:
  - Brochures
  - Annual Reports
  - Information available on web site:
    - Contact Details
    - Our Programmes
    - Our Networks
    - Recent Annual Reports

**6 FORM OF REQUEST**

To facilitate the processing of your request, kindly

6.1 Use the prescribed form, available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za), or the website of the DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at [www.doj.gov.za](http://www.doj.gov.za)

6.1 Address your request to the Company Secretary

6.2 Provide sufficient details to enable the COMPANY to identify:

- (a) The record(s) requested;
- (b) The requester (and if an agent is lodging the request, proof of capacity);
- (c) The form of access required;
- (d) (i) The postal address or fax number of the requester in the Republic:
  - (ii) If the requester wishes to be informed of the decision in any manner (in addition to written) the manner and particulars thereof;
- (e) The right which the requester is seeking to exercise or protect with an explanation of the reason the record is required to exercise or protect the right

## **7 PRESCRIBED FEES**

The following applies to requests (other than personal requests);

- 7.1 A requestor is required to pay the prescribed fees (50.00) before a request will be processed;
- 7.2 If the preparation of the record requested requires more than the prescribed hours (six), a deposit shall be paid (or not more than one third of the access fee which would be payable if the request were granted);
- 7.3 A requestor may lodge an application with a court against the tender/payment of the request fee and/or deposit;
- 7.4 Records may be withheld until the fees have been paid.
- 7.5 The fee structure is available on the website of the SOUTH AFRICAN HUMAN RIGHTS COMMISSION at [www.sahrc.org.za](http://www.sahrc.org.za) or the website of THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (under regulations) at <http://www.doj.gov.za>

## **8 DETAIL ON HOW TO MAKE A REQUEST FOR ACCESS – SECTION 51(E)**

- The requester must complete Form C and submit this form together with a request fee, to the head of the private body
- The form must be submitted to the head of the private body at his/her address, fax number, or electronic mail address
- The form must:
  - (a) Provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
  - (b) Indicate which form of access is required,
  - (c) Specify a postal address or fax number of the requester in the Republic,
  - (d) Identify the right that the requester is seeking to exercise or protect, and provide an explanation of why the requested record is required for the exercise or protection of that right.
  - (e) 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 private body