

Swift Flite

Leaders in Air Charter and Aircraft Management



Promotion of Access to Information Act: Section 51 Manual

Version 1: 29 June 2021

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INTRODUCTION

Swift Flite (Pty) Ltd is committed to protecting the right to privacy, while advocating transparency in all its business activities.

This Manual has been prepared in accordance with section 51 of the Act and aims to facilitate a Request for access to a Record held by a private body that is required for the exercise or protection of any rights.

DEFINITIONS

Unless the context clearly indicates otherwise, the following terms shall have the meanings assigned to them hereunder, namely –

- “Act” means the Promotion of Access to Information Act, Act 2 of 2000, as amended from time to time;
- “Company” means Swift Flite (Pty) Ltd as more fully described in the overview hereunder;
- “Information Officer” means the person acting on behalf of the Company and discharging the duties and responsibilities assigned to the head of the Company by the Act. The Information Officer is duly authorised to act as such and such authorisation has been confirmed by the “head” of the Company in writing;
- “Manual” means this manual published in compliance with Section 51 of the Act;
- “Record” means any recorded information, regardless of form or medium, which is in the Possession or under the control of the Company, irrespective of whether or not it was created by the Company;
- “Request” means a request for access to a Record of the Company;

- “Requester” means any person, including a public body or an official thereof, making a Request for access to a Record of the Company and includes any person acting on behalf of that person; and
- “SAHRC” means the South African Human Rights Commission.
- Unless a contrary intention clearly appears, words signifying:-
 - the singular includes the plural and vice versa;
 - any one gender includes the other genders and vice versa; and
 - natural persons include juristic persons.

Unless otherwise stated, terms defined in the Act shall have the same meaning in this Manual.

COMPANY OVERVIEW & CONTACT DETAILS OF INFORMATION OFFICER (SECTION 51(1)(a))

Swift Flite is a Company incorporated in accordance with the company laws of South Africa.

The Company was created in 1992 as a Closed Corporation with registration number: CK92/16779/23. The entity was changed to a (Pty) Ltd in 2003 with registration number: 2003/006996/07

The Chief Executive of the Company, as head of the private body, has delegated his powers to the Managing Director, as Information Officer, whose details appear here-under for purposes of dealing with all matters in connection with Requests for information on the Company’s behalf and to ensure compliance with the Act.

Managing Director: Linda Naidoo
 Physical address: Hangar 29, Gate 5, Lanseria Airport, LANSERIA, 1748
 Postal address: P O Box 300, LANSERIA, 1748
 Email: linda@swiftflite.com
 Website: www.swiftflite.co.za

GUIDE TO THE ACT (SECTION 51(1)(b) READ WITH SECTION 10)

The SAHRC has compiled a guide which is available on their website, in terms of by Section 10 of the Act, containing such information as may reasonably be required by a person who wishes to exercise any right contemplated in this Act.

The SAHRC contact details are:

Postal Address: Private Bag 2700, Houghton, 2041

Telephone Number: (+27)11 877 3600 Fax Number: (+27)11 403 0625

Website: www.sahrc.org.za

The SAHRC can be contacted directly at:

The South African Human Rights Commission: PAIA Unit

or

via the Department of Justice and Constitutional Development website at www.justice.gov.za at

AUTOMATIC DISCLOSURE - CATEGORIES OF RECORDS AVAILABLE WITHOUT HAVING TO REQUEST ACCESS [SECTION 51(1)(c)]

The following Records are automatically available without a person having to request access in terms of the Act:

- The web page www.swiftlite.co.za is accessible to anyone who has access to the Internet. The Company website hosts the following categories of information:
 - Company info
 - Corporate Profile
 - News and marketing information
 - Other literature intended for public viewing.

RECORDS AVAILABLE IN TERMS OF LEGISLATION [SECTION 51(1)(d)]

Records are kept in accordance with the following legislation

- Basic Conditions of Employment Act 75 of 1997
- Broad Based Black Economic Empowerment Act 53 of 2003
- Civil Aviation Act 13 of 2009
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Consumer Protection Act 68 of 2008
- Electronic Communications and Transactions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Financial Advisory and Intermediary Services Act 37 of 2002
- Income Tax Act 95 of 1967
- Labour Relations Act 66 of 1995
- Occupational Health and Safety Act of 1993
- Promotion of Access to Information Act 2 of 2000
- Protection of Personal Information Act 4 of 2013
- Regulation of Interception of Electronic Communications Act 70 of 2002
- Securities Services Act of 2004
- Skills Development Act 9 of 1998
- Skills Development Levies Act of 1999
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

RECORDS HELD AND SUBJECT TO REQUEST

- statutory records & returns, including incorporation documents, memorandum of incorporation and share register
- contractual and legal agreements

- licenses
- employee Records (employment contracts, leave, sick leave, medical aid, drug testing)
- disciplinary and grievance procedures and hearings, including CCMA Records
- training material and records
- accounting records
- auditors reports
- financial and tax records
- policies & procedures
- asset register
- insurance policies, including coverage, limits & insurers
- client Records (obtained from client and generated by the Company)
- marketing records: brochures, newsletters and advertising materials
- vendor details
- database
- correspondence (internal and external)

ACCESS: PROCEDURE AVAILABLE AND FEES

How to Request a Record (Section 53)

- Requests for access to Records must be made to the Information Officer in the prescribed form, Annexure 1 at the address or electronic mail address referred to on page 3 above. Failure to make use of the prescribed form could result in your Request being refused or delayed.
- A Request for access to a Record must be accompanied by payment of an initial non- refundable Request fee of R57.00 (inclusive of VAT). This fee is not applicable to personal Requests, i.e. individual seeking access to Records pertaining to him/herself.

- The Requester must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requester's identity, which is to be accompanied by positive proof of identification.
- The Requester must indicate which form of access is required and if he/she wishes to be informed on the decision on the Request in any other manner, to state the necessary particulars to be so informed.
- Access is not automatic. They must therefore identify the right Record he/she is seeking to exercise or protect and provide an explanation as to why the requested Record is required for the exercise or protection of that right.
- If a Request is made on behalf of a person, the Requester must then submit proof, to the satisfaction of the Information Officer, of his/her authority to make the Request. Failure to do so will result in the Request being rejected.

Decision on Request (Section 56)

- The Requester will be notified, within 30 days, in the manner indicated by him/her of the outcome of his/her Request, alternatively whether an extension not exceeding 30 days is required to deal with the Request.
- If the Request for access is granted a further access fee must be paid for the reproduction as well as the search and preparation of the Records and for any time that has exceeded the prescribed hours to search and prepare the Record for disclosure. Access will be withheld until the Requester has made payment of the applicable prescribed fee(s).
- In the event that the Request for access is refused, reasons for the refusal will be provided and the Requester will be advised the he/she may lodge an application with a court against the refusal of the Request, as well as the procedure for lodging the application.

- The Requester may lodge an internal appeal or an application to court against the tender or payment of the Request fee.

Prescribed Fees (Section 51 (1) (f))

The fee structure is available on the following websites:

South African Human Rights Commission

www.sahrc.org.za

The Department of Justice

www.justice.gov.za

Availability of Manual

This Manual is available on the company website, www.swiftlite.co.za , alternatively it may be viewed by prior arrangement, at Hangar 29, Gate 5, Lanseria Airport during office hours.

See Annexure

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 <i>for information</i> is made on behalf of <i>another</i> 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
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <ul style="list-style-type: none">(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	copy of 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*	printed copy of information derived from the 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