

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

MANUAL IN TERMS OF SECTION 51 OF THE ACT

FOR



LOVEMORE MUSIC CC
2003/025586/23

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1. INTRODUCTION

This manual is prepared in accordance with section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and/or protection of any right.

The reference 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.

2. 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;
- "**Information Officer**" means the person acting on behalf of **Lovemore Music CC** and discharging the duties and responsibilities assigned to the "head" of **Lovemore Music** by the Act.
- "**Manual**" means this manual published in compliance with Section 51 of the Act;
- "**Lovemore Music**" means **Lovemore Music CC 2003/025586/23**;
- "**Personnel**" means any person who works for or provides services to or on behalf of **Lovemore Music** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **Lovemore Music**. This includes without limitation, directors (both executive and non-executive), all permanent, temporary and part-time staff as well as consultants and contract workers;
- "**Record**" means any recorded information, regardless of form of medium, which is in the possession or under the control of TLOK, irrespective of whether it was created by **Lovemore Music**;
- "**Request** " means a request for access to a record of **Lovemore Music**;

- "**Requestor**" means any person, including a public body or an official thereof, making a request for

access to a record of **Lovemore Music** 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.

3. OVERVIEW OF LOVEMORE MUSIC CC

Lovemore Music CC is a Company incorporated in accordance with the company laws of South Africa. The Founders are Naomi Louise Franklin and Anthony Michael Franklin. Anthony and Naomi Franklin have owned Lovemore Music Centre for twenty-two years.

Anthony heads the management team as CEO of Lovemore Music. Naomi comes from a family with seventy years of experience in the retail music industry. Her family is famous for owning Hesty's Music Shop in Liverpool, the shop that supplied the Beatles with all their equipment. The shop front can now be found in the Beatles museum. Lovemore Music has 3 retail stores in the Gauteng area (Melville, Illovo and Irene) and an online store (www.lovemoremusicshop.co.za).

These stores supply musical instruments to the public and schools in the area. Lovemore Music Centre is the only retail outlet in Gauteng with its own in-house workshop where we undertake maintenance of instruments as well as repairs.

We have a wholesale division which provides musical instruments and sheet music to other retailers across South Africa.

We have a rentals division that rents out instruments to the public.

4. CONTACT DETAILS

[Section 51(1)(a)]

Name of Private Body	Lovemore Music CC
Designated Information Officer	Anthony Franklin
Email address of Information Officer	anthony@lovemoremusic.co.za
Postal Address	Lovemore House 1 5th Avenue Melville Johannesburg 2092
Street Address	Lovemore House 1 5th Avenue Melville Johannesburg 2092
Phone Number	0118372943
Website:	www.lovemoremusicshop.co.za

5. AVAILABILITY OF THIS MANUAL

[Section 51(1)(b)]

A manual has been compiled in terms of Section 10 of PAIA by the Human Right Commission. It contains information required by a person wishing to exercise any right contemplated by PAIA.

A copy of this Manual is available by sending a request for a copy to the Information Officer by email. The Manual is also available for inspection at the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St Andrews Street, Parktown and on it's website at www.sahrc.org.za. This Manual will be updated from time to time, as and when required.

6. HOW TO REQUEST ACCESS TO RECORDS HELD BY LOVEMORE MUSIC

Requests for access to records held by the **Lovemore Music** 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 (www.doj.gov.za) (under "regulations"). You can submit a request without paying the request fee, but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for above [Section 53(1)]

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 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 [Section 53(2)(a), (b) and (c)].

The requester must identify the right that he or she 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 [Section 53(2)(d)].

If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the Information Officer of **Lovemore Music** [Section 53(2)(f)].

The list detailing the prescribed fees in respect of requests and the fees in respect of access to records (if the request is granted) is attached as Annexure 1.

The standard form that must be used for the making of requests is attached as Annexure 2. Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to **Lovemore Music** 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 **Lovemore Music** does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

7. HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The SAHRC has compiled a guide, as required 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 guide is available on the SAHRC website, <https://www.sahrc.org.za/>.

The SAHRC can be contacted directly at: The South African Human Rights Commission: PAIA Unit

The SAHRC website at <https://www.sahrc.org.za/> at this link:
<http://www.sahrc.org.za/home/21/files/Form%20C.doc>; or

The Department of Justice and Constitutional Development website at www.justice.gov.za at this link:
https://www.justice.gov.za/forms/paia/J752_paia_Form%20C.pdf

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 0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

8. 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.lovemoremusicshop.co.za) is accessible to anyone who has access to the Internet. The Company website hosts the following categories of information:

- Brands
- Company info
- Company Profile
- Service offerings
- News and marketing information
- Other literature intended for public viewing.

9. 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, to the persons or entities specified in such legislation:

- Basic Conditions of Employment Act, 1997
- Broad Based Black Economic Empowerment Act, 2003
- Businesses Act, 1991
- Companies Act, 2008
- Consumer Protection Act, 2008
- Compensation for Occupational Injuries and Diseases Act, 1993
- Copyright Act, 1978
- Electronic Communications and Transactions Act, 2002
- Employment Equity Act, 1998

- Harmful Business Practices Act, 1999
- Income Tax Act, 1962
- Labour Relations Act, 1995
- Occupational Health and Safety Act, 1993
- Prevention of Organised Crime Act, 1998;
- Skills Development Act, 1998
- Skills Development Levies Act, 1999
- Unemployment Insurance Act, 2001
- Value Added Tax Act, 1991

9.1 Categories of records held and subject to request

Statutory and Legal

- Statutory registers
- annual reports
- statutory Records & returns, including incorporation documents, memorandum of incorporation and share register
- contractual and legal agreements
- intellectual property: trademarks certificates
- licenses
- copyrights & designs
- health and safety Records

Human Resources

- HR policies & procedures
- Employment equity plan and report
- Skills development plan and report
- Employee Records
- IR disciplinary and grievance procedures and hearings, including CCMA Records
- Incentive scheme rules

Administration, Finance & Accounting:

- Accounting Records
- Auditors reports
- Tax returns
- VAT returns
- Policies & procedures

Insurance

- Policies, including coverage, limits and insurers
- Claim Records

Information technology

- Hardware
- Software packages
- Licences
- IT policies and procedures
- Operating systems

Sales and Marketing

- Customer Records
- Credit application forms
- Statements of account
- Terms & conditions
- Marketing material and media releases: brochures, newsletters and advertising materials

Assets

- Fixed assets register
- Title deeds
- Leases

Operational information

- Company Policies
- Company Procedures

10. RECORDS HELD BY LOVEMORE MUSIC

[Section 51 (1)(c)(e)]

Lovemore Music maintains 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.

Please note further that many of the records held by us are those of third parties, such as customers and employees and we take the protection of third party confidential information very seriously. Please **ensure that requests for such records are carefully motivated to avoid rejection.**

10.1 Internal records

Records 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)].

This information is defined as operational information needed in the day to day running of the company and is of little to no use to persons outside the company. (Examples of such information are company policies, contracts, employee records and general accounting records).

10.2 Personnel Records

Personnel refers to any person who works for or provides services to or on behalf of **Lovemore Music** and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of **Lovemore Music**. This includes, without limitation, directors, executives, non-executives, all permanent, temporary and part-time staff as well as contract workers. 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;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Other internal records and correspondence.

10.3 Customer records

Please be aware that **Lovemore Music** is very concerned about protecting the confidential information of our customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to **Lovemore Music** or a third party acting for or on behalf of **Lovemore Music**;
- Contractual Information;
- Personal records of customers;
- Credit and financial information and other research conducted by **Lovemore Music** in respect of its customers;

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- Confidential, privileged, contractual and quasi-legal records of customers;
 - Records generated by or within **Lovemore Music** pertaining to customers, including transactional records;

10.4 Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to **Lovemore Music**. The following records fall under this category:

- Personnel, customer, or **Lovemore Music** records which are held by another party as opposed to being held by **Lovemore Music**; and
- Records held by **Lovemore Music** pertaining to other parties, including financial records, correspondence, contractual records, records provided by the other party, and records third parties have provided about the contractors or suppliers.

11. ACCESS PROCEDURE AVAILABLE AND FEES

11.1 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 in 1 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 him/herself.
- The Requestor must provide sufficient detail on the Request form to enable the Information Officer to clearly identify the Record as well as the Requestor's identify, which is to be accompanied by positive proof of identification.
- The Requestor 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. The Requestor must therefore identify the right 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 Requestor 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.

11.2 Decision on Request (Section 56)

- The Requestor 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 Requestor has made payment of the applicable fee(s).
- In the event that the Request for access is refused, reasons for the refusal will be provided and the Requestor 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 Requestor may lodge an internal appeal or an application to court against the tender
 - or payment of the Request fee.

11.3 Availability

This Manual is available on the company website, (www.lovemoremusicshop.co.za) , alternatively at 2 Apollo Road, Sundowner, Randburg, Gauteng, 2161 during office hours.

11.4 Fees

The fees payable in respect of access to Records are attached as Annexure 2.

Signed at _____ this _____ day of _____ 20 _____

PRESCRIBED FORM TO BE COMPLETED BY A REQUESTER

REQUEST FOR ACCESS TO RECORDS OF PRIVATE BODY

TO: The Information Officer

(Address)

E-mail address:

--

Fax number:

--

Mark with an "X"

Request is made in my own name

Request is made on behalf of another person.

PERSONAL INFORMATION			
Full Names			
Identity Number			
Capacity in which request is made <i>(when made on behalf of another person)</i>			
Postal Address			
Street Address			
E-mail Address			
Contact Numbers	Tel. (B):		Facsimile:
	Cellular:		
Full names of person on whose behalf request is made <i>(if applicable):</i>			
Identity Number			
Postal Address			

Street Address			
E-mail Address			
Contact Numbers	Tel. (B)		Facsimile
	Cellular		
PARTICULARS OF RECORD REQUESTED			
<i>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. (If the provided space is inadequate, please continue on a separate page and attach it to this form. All additional pages must be signed.)</i>			
Description of record or relevant part of the record:			
Reference number, if available			
Any further particulars of record			
TYPE OF RECORD <i>(Mark the applicable box with an "X")</i>			
Record is in written or printed form			
Record comprises virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>			
Record consists of recorded words or information which can be reproduced in sound			
Record is held on a computer or in an electronic, or machine-readable form			

FORM OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <i>(including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)</i>	
Written or printed transcription of virtual images <i>(this includes photographs, slides, video recordings, computer-generated images, sketches, etc)</i>	
Transcription of soundtrack <i>(written or printed document)</i>	
Copy of record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record at registered address of public/private body <i>(including listening to recorded words, information which can be reproduced in sound, or information held on computer or in an electronic or machine-readable form)</i>	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format <i>(including transcriptions)</i>	
E-mail of information <i>(including soundtracks if possible)</i>	
Cloud share/file transfer	
Preferred language <i>(Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available)</i>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>If the provided space is inadequate, please continue on a separate page and attach it to this Form. The requester must sign all the additional pages.</i>	
Indicate which right is to be exercised or protected	

Explain why the record requested is required for the exercise or protection of the aforementioned right:	

FEES	
a)	<i>A request fee must be paid before the request will be considered.</i>
b)	<i>You will be notified of the amount of the access fee to be paid.</i>
c)	<i>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.</i>
d)	<i>If you qualify for exemption of the payment of any fee, please state the reason for exemption</i>
Reason	

Annexure 1

You will be notified in writing whether your request has been approved or denied and if approved the costs relating to your request, if any. Please indicate your preferred manner of correspondence:

Postal address	Facsimile	Electronic communication <i>(Please specify)</i>

Signed at _____ this _____ day of _____ 20 _____

Signature of Requester / person on whose behalf request is made

FOR OFFICIAL USE

<i>Reference number:</i>	
<i>Request received by: (State Rank, Name And Surname of Information Officer)</i>	
<i>Date received:</i>	
<i>Access fees:</i>	
<i>Deposit (if any):</i>	

Signature of Information Officer

REPRODUCTION FEES

Where an institution has voluntarily provided the Minister with a list of categories of records that will automatically be made available to any person requesting access thereto, the only charge that may be levied for obtaining such records, will be a fee for reproduction of the record in question.

THE APPLICABLE FEES FOR REPRODUCTION AS REFERRED TO ABOVE ARE:

For every photocopy of an A4-size page or part thereof	R2.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
For a copy in a computer-readable form on: -a flash drive (provided by the requester) -a compact disc (CD) if the requester provides the CD to us -a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
A transcription of visual images, for an A4-size page or part thereof	This service will be outsourced. The fee will depend on the quotation from the service provider.
For a copy of visual images	This service will be outsourced. The fee will depend on the quotation from the service provider.
A transcription of an audio record, on a -flash drive (provided by the requester) -For a copy of an audio record on compact disc (CD) if the requester provides the CD to us -For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
For a copy of an audio record	R24.00
Postage, email or any other electronic transfer	Actual expense, if any

Request fees:

Where a requester submits a request for access to information held by an institution on a person other than the requester himself/herself, a request fee in the amount of R140.00 is payable up-front before the institution will further process the request received.

Access fees:

An access fee is payable in all instances where a request for access to information is granted, except in those instances where payment of an access fee is specially excluded in terms of the Act or an exclusion is determined by the Minister in terms of Section 54 (8).

The applicable access fees which will be payable are:

For every photocopy of an A4-size page or part thereof	R2.00
For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine readable form	R0.75
For a copy in a computer-readable form on: -a flash drive (provided by the requester) -a compact disc (CD) if the requester provides the CD to us -a compact disc (CD) if we give the CD to the requester	R40.00 R40.00 R60.00
A transcription of visual images, for an A4-size page or part thereof	This service will be outsourced. The fee will depend on the quotation from the service provider.
For a copy of visual images	This service will be outsourced. The fee

Annexure 2

	will depend on the quotation from the service provider.
A transcription of an audio record, on a -flash drive (provided by the requester)	R40.00
-For a copy of an audio record on compact disc (CD) if the requester provides the CD to us	R40.00
-For a copy of an audio record on compact disc (CD) if we give the CD to the requester	R60.00
For a copy of an audio record	R24.00
Postage, email or any other electronic transfer	Actual expense, if any

Deposits:

Where **LoveMore Music** receives a request for access to information held on a person other than the requester himself/herself and the Information Officer upon receipt of the request is of the opinion that the preparation of the required record of disclosure will take more than 6 (six) hours, a deposit is payable by the requester.

The amount of the deposit is equal to $\frac{1}{3}$ (one third) of the amount of the applicable access fee.

Note: In terms of Regulation 8, Value Added Tax (VAT) must be added to all fees prescribed in terms of the Regulations to the Act.