

SILVERHILL SEEDS AND BOOKS

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

INTRODUCTION

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (“the Act”) and addresses the requirements of Protection of Personal Information Act (POPIA) in South Africa. The Act gives effect to the provisions of Section 32 of the South African Constitution, which provides for the right of access to information held by the State, as well as for 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 which is 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.

OVERVIEW

SILVERHILL SEEDS AND BOOKS is home to a vast repository of seeds across the spectrum of Southern African flora, from which the company provides seeds to clients across the globe via an online shop and from which clients can select and order any seeds in stock. The company also sells a range of specialist books.

SILVERHILL SEEDS AND BOOKS supports the constitutional right of access to information. We are committed to providing the public access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website (www.silverhillseeds.co.za) or by sending an email request for a copy to our Information Officer. The Manual may also be acquired from the South African Human Rights Commission (“SAHRC”) at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.

HOW TO REQUEST ACCESS TO RECORDS HELD BY SILVERHILL SEEDS AND BOOKS

Any request for access to records held by SILVERHILL SEEDS AND BOOKS must be made on the request forms that are available on our website or from headquarters, or from the SAHRC website (www.sahrc.org.za) or the Department of Justice and Constitutional Development (www.doj.gov.za) (under “regulations”).

Any request for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided below.

The petitioner must provide sufficient detail in his or her request form to enable our Information Officer to identify the both record/s and the petitioner. In addition, the petitioner should indicate which form of access is required and indicate whether he or she wishes to be informed in any other manner, clearly stating the necessary particulars that pertain to being so informed.

The petitioner must identify the right that he or she is seeking to exercise, or protect, and so provide us with 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 another person, the petitioner must submit proof of the capacity in which the petitioner is issuing the request, to the satisfaction of SILVERHILLS SEEDS AND BOOKS’ Information Officer. The standard form that must be used for the making of requests can be accessed from www.silverhillseeds/paia_request.pdf

Failure to use this form could result in your request to be refused or otherwise delayed if you do not provide sufficient information.

Kindly note, all requests to SILVERHILL SEEDS AND BOOKS will be evaluated and measured in accordance with the Act. Publication of this Manual and describing the categories and subject matter of information held by SILVERHILL SEEDS AND BOOKS does not give rise to any rights, in contract or otherwise, to access such information or records, except in terms of the Act.

CONTACT DETAILS

Name of Private Body: Silverhill Seeds and Books
Designated Information Officer: Ondine Schrick
Email address of Information Officer: info@silverhillseeds.co.za
Postal address: 38 Hiddingh Road, Bergvliet, 7945, South Africa
Physical address: 38 Hiddingh Road, Bergvliet, 7945, South Africa
Phone number: +27 21 705 4226

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

The Guide described in Section 10 of the Act was published in August 2003. From that date it has been available from the South African Human Rights Commission.

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](tel:+27114848300)
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

VOLUNTARY DISCLOSURE

Certain additional information relating to SILVERHILL SEEDS AND BOOKS is also made available on such website from time to time. Further information in the form of seed or book catalogues, marketing and advertising material and other public communication may be made available from time to time.

RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

- Companies Act 61 of 1973
- Copyright Act No. 98 of 1978
- Basic Conditions of Employment No. 75 of 1997
- Income Tax Act 95 of 1967
- Value Added Tax Act 89 of 1991
- Labour Relations Act 66 of 1995
- Basic Conditions of Employment Act 75 of 1997
- Employment Equity Act 55 of 1998
- Skills Development Levies Act 9 of 1999
- Skills Development Act No. 97 of 1998
- Unemployment Insurance Act No. 63 of 2001

- Unemployment Contributions Act No. 4 of 2002
- Value Added Tax Act No. 89 of 1991
- Electronic Communications and Transactions Act 25 of 2002.
- Promotion of Access to Information Act No. 2 of 2000
- Telecommunications Act No. 103 of 1996
- Electronic Communications Act No. 36 of 2005
- ICASA Act No. 13 of 2000
- Film and Publications Act No. 65 of 1996 Regional Services Councils Act No. 109 of 1985
- Regulation of Interception of Communications and Provision of Communication-related Information Act No. 70 of 2002

RECORDS HELD BY SILVERHILL SEEDS AND BOOKS

SILVERHILL SEEDS AND BOOKS maintains records that fall into the following categories and subject matters. Please note, however, that recording said categories or the subject matter in this Manual does not imply that a request for access to such records will be satisfied. All requests for access will be evaluated on a case-by-case basis, in accordance with the provisions of the Act.

8.1

INTERNAL RECORDS

The following are records pertaining to SILVERHILL SEEDS AND BOOKS own affairs and those of its divisions:

- Memorandum and Articles of Association
- Financial records
- Operational records
- Licenses
- Intellectual property
- Marketing records
- Internal correspondence
- Product records
- Statutory records
- Internal policies and procedures
- Records held by the officials of SILVERHILL SEEDS AND BOOKS

8.2

PERSONNEL RECORDS

The term, 'Personnel', refers to any individual who works for, or provides services to, or on behalf of SILVERHILL SEEDS AND BOOKS and who receives, or is entitled to receive, any remuneration, as well as any other person who assists in carrying out or conducting the business of SILVERHILL SEEDS AND BOOKS. This includes, without limitation, the organisation's directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

- Any personal records provided to SILVERHILL SEEDS AND BOOKS by their personnel;
- Conditions of employment and other personnel-related contractual and quasi-legal records;
- Internal evaluation records;
- Other internal records and correspondence.

8.3

CUSTOMER RECORDS

Please note, SILVERHILL SEEDS AND BOOKS is dedicated to protecting the confidential information of its customers. Therefore, please motivate any request for customer information thoroughly and with care, with regard to Sections 63 to 67 of the Act.

Customer information includes the following:

- Any records a customer has provided to SILVERHILL SEEDS AND BOOKS or a third party acting for or on behalf of SILVERHILL SEEDS AND BOOKS;

- Contractual information;
- Customer needs assessments;
- Personal records of customers;
- Credit information and other research conducted in respect of customers;
- Any records a third party has provided to SILVERHILL SEEDS AND BOOKS about customers;
- Confidential, privileged, contractual and quasi-legal records of customers;
- Customer evaluation records;
- Customer profiling;
- Performance research conducted on behalf of customers or about customers;
- Any records a third party has provided to SILVERHILL SEEDS AND BOOKS either directly or indirectly;
- Records generated by or within SILVERHILL SEEDS AND BOOKS pertaining to customers, including transactional records.

8.4

OTHER PARTIES

Records are retained by SILVERHILL SEEDS AND BOOKS in respect of other parties, including without limitation the organisation's contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to SILVERHILL SEEDS AND BOOKS. The following records fall under this category:

- Personnel, customers or SILVERHILL SEEDS AND BOOKS' records that are held by another party, as opposed to being held by SILVERHILL SEEDS AND BOOKS;
- Records held by SILVERHILL SEEDS AND BOOKS that pertain to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about their contractors/suppliers or customer.

8.5

OTHER RECORDS

Further records that are held include:

- Information relating to SILVERHILL SEEDS AND BOOKS's own commercial activities; and
- Research carried out on behalf of a client by SILVERHILL SEEDS AND BOOKS or commissioned from a third party for a customer;
- Research information belonging to SILVERHILL SEEDS AND BOOKS, whether carried out itself or commissioned from a third party.