

SOUTH AFRICAN MUSIC PERFORMANCE RIGHT

ASSOCIATION NPC

COMPANY REGISTRATION NUMBER:

2000/028009/08

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MANUAL OF SOUTH AFRICAN MUSIC PERFORMANCE ASSOCIATION NPC ("the Company))

REGISTRATION NUMBER: 2000/028009/08

Prepared in accordance with Section 51 of the Promotion of Access to Information Act, No. 2 of 2000 ("the Act")

1. INTRODUCTION

This document serves as the information manual for the Company and provides reference to the records held by SAMPRA and the process to request access to such records.

Those who seek a record of SAMPRA must meet the following requirements before records may be released to them:

- *The record must be required for the exercise or protection of any of the individual's legal rights;*
- *All the procedural requirements in requesting the information must be complied with; and*
- *Access may be refused in terms of any grounds referred to in the Act.*

The manual may be amended from time to time and as soon as any amendments have been finalized, the latest version of the manual will be made public.

A person may request information in terms of the Act only if the information is required for the protection of a right. Therefore, the requestor has to provide the designated person with sufficient particulars to ensure that the designated person is able to assess the right which the requestor is seeking to protect.

The Company is a "private body" as defined in the Act and the manual has been compiled in accordance with the requirements of the Act.

2. SCOPE OF THE MANUAL

This manual has been prepared to assist persons requesting information and provide procedures to be followed to gain access to information and documentation as provided for in the Act.

Nature of Business: collective management organisation of copyright owners of and performers in sound recordings.

The scope of the manual is limited to the records held by the Company.

3. AVAILABILITY OF THE MANUAL

A copy of this manual is available to the public for inspection during office hours at the offices of the Company, and on the Company's website at www.sampra.org.za as well as on request from the designated contact person referred to in this manual.

4. CONTACT DETAILS - SECTION 51(1)(a)

The Chief Executive Officer of the Company, Mr Pfanani Lishivha, as the Chief Information Officer, has duly authorised the person below as the Deputy Information Officer to ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Contact details of the Deputy Information Officer:

Name: Adv Ntsietso Mokitimi-Makhofola
Head of Business: Legal Services
Postal Address: P O Box 793, Randburg, 2125
Physical Address: 20 De Korte Street, Braamfontein, Johannesburg, 2001
Phone Number: (11) 561 9660/789 5784
E-mail: ntsietso@sampra.org.za

5. GUIDE FOR REQUESTERS ON HOW TO USE THE ACT IN TERMS OF SECTION 10 - SECTION 51(1)(b)

A Guide has been compiled in terms of Section 10 of the Act by the Human Rights Commission. It contains information to assist a person wishing to exercise a right, in terms of the Act. The Guide is available for inspection, *inter alia*, as follows:

The South African Human Rights Commission:

PAIA Unit
Forum 3, Braampark Office Park, 33 Hoofd Street, Braamfontein
Website: <http://www.sahrc.org.za>

Kindly direct any queries to:

Postal address: Private Bag 2700,
Houghton, 2041
Phone Numbers:
Head Office: +27 (11) 877 3600
Gauteng Provincial Office: +27 (11) 877 3750
Fax number: +27 (11) 403 0668
E-mail: PAIA@sahrc.org.za
info@sahrc.org.za

6. RECORDS AVAILABLE AND HELD IN ACCORDANCE WITH OTHER LEGISLATION - SECTION 51(1)(d)

Records are held in accordance with the following legislation:

- Basic Conditions of Employment Act, No. 75 of 1997;
- Companies Act No. 71 of 2008;
- Compensation for Occupational Injuries and Diseases Act, No. 130 of 1993;
- Consumer Protection Act, 68 of 2008;
- Currency and Exchanges Act No. 9 of 1933;
- Customs and Excise Act No 91 of 1964;
- Electronic Communication and Transactions Act, No. 2 of 2000;
- Income Tax Act, No. 58 of 1962;
- Labour relations Act, No. 66 of 1995;
- Occupational Health and safety Act, No. 85 of 1993;
- Promotion of Access to Information Act, No. 2 of 2000;
- Skills Development Levy Act, No. 9 of 1999;
- Unemployment Contributions Act, 4 of 2002;
- Unemployment Insurance Act, No. 63 of 2001; and
- Value-added Tax Act, No. 89 of 1991.

7. RECORDS AUTOMATICALLY AVAILABLE TO THE PUBLIC - SECTION 51(1)(c)

The Act provides for the automatic disclosure of certain records. Should records be automatically disclosed, you will not have to formally request these records in terms of the Act.

In terms of the Act, this automatic disclosure by private companies is voluntary. This means that a private company is not obliged to make such disclosure. If a private company chooses to make such voluntary disclosure, it may do so by giving notice thereof in terms of Section 52(2) of the Act.

SAMPRA does not have any documents that are automatically available to the public.

8. CATEGORIES AND TYPES OF RECORDS AND INFORMATION HELD IN TERMS OF THE ACT - SECTION 51(1)(e)

The requester of any record listed below is not automatically allowed access to the records and access may or must be refused in accordance with section 62 to 69 of the Act.

- Employment Contracts;
- Directors information;
- Domain Name registrations;

- Trademark registrations;
- Trade Name registrations;
- Company documentation;
- Agreements With third parties;
- Corporate Sales Agreements;
- Customer agreements;
- Data Bases of customers;
- Clients records;
- Corporate governance;
- Compliance reports;
- Marketing & communication;
- Finance and administration.

9. ACCESS REQUEST PROCEDURE - SECTION 51(1)(e)

It is important to note that the successful completion and submission of an access request form does not automatically allow the requester access to the requested record. An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

A requester must complete the necessary request for that is available at the offices of SAMPRA, or can be accessed on www.sahrc.org.za. The completed request form must be sent to the address provided in this manual, and marked for the attention of the Information Officer.

10. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS

The main grounds for refusal of a request for information are:

- Mandatory protection of the privacy of a third party who is a natural person, which would involve the unreasonable disclosure of personal information of that natural person;
- Mandatory protection of the commercial information of a third party, if the record contains:
 - Trade secrets of that party;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of that party; and
 - Information disclosed in confidence by a third party to SAMPRA if the disclosure could put that third party to a disadvantage in negotiations or commercial competition.
- Mandatory protection of confidential information of third parties if it is protected in terms of any agreement;
- Mandatory protection of the safety of individuals and the protection of property;

- Mandatory protection of records which could be regarded as privileged in legal proceedings;
- The Commercial Activities of SAMPRA which may include:
 - Trade secrets of SAMPRA;
 - Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interests of SAMPRA.

11. FEES

Section 52 (3) states that fees payable for access to records are to be prescribed. The prescribed fees are set out in the Fee Schedule which is available at www.sahrc.org.za.

12. SIGNATORY

We confirm, to the best of our knowledge, and belief, the accuracy and completeness of the information provided.

Information Officer

Signature

Date:

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
Mark the appropriate box with an X.	
NOTES:	
(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**