

## **FELIX UNITE RIVER ADVENTURES CC**

REQUIRED BY SECTION 51 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 IN RESPECT OF **FELIX UNITE RIVER ADVENTURES CC** CARRYING ON BUSINESS IN THE REPUBLIC OF SOUTH AFRICA

### **SECTION A**

#### **INTRODUCTION TO THIS PRIVATE BODY**

Felix Unite River Adventures operates throughout Southern Africa. Our highly qualified (APA) River guides accompany you on each trip and prepare you five star meals on route. From a leisurely paddle through the Breede River Valley of the Cape to the exhilaration of then Orange River Rapids - we cater for leisure and family groups; schools as well as corporate and conference groups. Operating from our two camps on the Breede River "Round the Bend" and "Up the Creek" and our Orange River base camp "Provenance" we have a variety of packages to suit all. Our Breede River rafting experience, Orange River Canoe Adventure, Cunene River Safari Expedition all offer an opportunity to experience the exhilaration of the great outdoors - in the capable hands of a service focused team, who understand the sensitivity and importance of eco adventures.

We as a private body have compiled this manual, not only to comply with the provisions of the Act, but also to foster a culture of transparency and accountability in our environment and to ensure that members of the public have effective access to information in our possession that will assist them in the exercise and protection of their rights.

In Section B of this manual, you will be able to view the categories of information which we possess and be shown the correct procedure to follow should you require access to any of this information.

**A copy of this manual is also available on our website.**

#### **OUR DETAILS**

Full Name	:	Felix Unite River Adventures CC
Registration Number	:	CK 2008/191749/23
Registered Address	:	14 Stibitz Street, Westlake 7945 South Africa
Postal Address	:	PO Box 31180, Tokai 7966 South Africa
Telephone Number	:	021 7029400
Telefax Number	:	021 7029493
Managing Director	:	Mark Kampers
Website	:	<a href="http://www.felixunite.com">www.felixunite.com</a>

## SECTION B

### 1. INTERPRETATION

In this Manual, except where the context clearly indicates a contrary intention

- 1.1. a reference to the singular includes the plural and vice versa, a reference to any particular gender includes the other genders, and the word "person" includes a trust, a company, a close corporation and any other juristic person and a partnership and any other body of persons (whether corporate or un-incorporate);
- 1.2. any word or expression to which a meaning has been assigned in the Act bears that meaning;
- 1.3. where any number of days is to be calculated from a particular day, such number shall be calculated as excluding such particular day and commencing on the next day. If the last day of such number so calculated falls on a day which is not a business day, the last day shall be deemed to be the next succeeding day which is a business day;
- 1.4. the following expressions shall bear the meanings assigned to them hereunder:
  - 1.4.1. "the Act" means the Promotion of Access to Information Act, 2000, as amended from time to time and including the regulations promulgated in terms of the Act;
  - 1.4.2. "business day" means any day other than a Saturday, Sunday or official public holiday in the Republic of South Africa;
  - 1.4.3. "the company" means Felix Unite River Adventures CC or its applicable subsidiary or division, as the context or circumstances may require;
  - 1.4.4. "the formal procedure" means the formal procedure described in clause 4 hereof;
  - 1.4.5. "the informal procedure" means the informal procedure described in clause 3 hereof;
  - 1.4.6. "the information head" means the official of the company duly authorised from time to time by the head (as defined in section 1 of the Act) as contemplated in section 1 of the Act;
  - 1.4.7. "personal requester" means a requester seeking access to a record containing personal information about the requester;
  - 1.4.8. "record" means recorded information in the possession or under the control of the company;
  - 1.4.9. "requester" means a requester as defined in section 1 of the Act;
  - 1.4.10. "the request liaison officer" means the person appointed by the company from time to time to facilitate or assist the information head with any request in terms of the Act.

## 2. PURPOSE

- 2.1. The purpose of this Manual is to facilitate requests for access to records of the company.
- 2.2. This Manual is not exhaustive of, nor does it comprehensively deal with, every procedure provided for in the Act. Requesters are advised to familiarise themselves with the provisions of the Act before making any request to the company in terms of the Act.
- 2.3. Nothing stated in this Manual shall limit, or constitute a waiver of, any of the rights of the requester or of the company in terms of the Act.
- 2.4. The company makes no representation and gives no undertaking or warranty that the information in this Manual or any information provided by the company to a requester therefore is complete or accurate, or that such information is fit for any purpose. All users of any such information shall use such information entirely at their own risk, and the company shall not be liable for any loss, expense, liability or claims, howsoever arising, resulting from any use of this Manual or of any information provided by the company or from any error therein.
- 2.5. All users irrevocably agree to submit exclusively to the law of the Republic of South Africa and to the exclusive jurisdiction of the courts of the Republic of South Africa in respect of any dispute arising out of the use of this Manual or of any information provided by the company.

## 3. INFORMAL PROCEDURE FOR REQUESTING RECORDS AUTOMATICALLY AVAILABLE

- 3.1. Where the record to be requested:
  - 3.1.1. access thereto is likely to be given automatically without having to request access thereto in terms of the Act,  
  
then, so as to avoid unnecessary delay and in the interests of efficiency, the requester should preferably make his or her request directly to the request liaison officer or the information officer as stipulated in 4.2 .
- 3.2. A request described in 3.1 above should preferably be made in the first instance to the Company official or employee who is likely to be authorised to discuss the subject matter thereof and to grant or arrange the grant of access thereto. Such official or employee will either:
  - 3.2.1. refuse to grant access to that record; or
  - 3.2.2. refer the request to higher authority; or
  - 3.2.3. grant or arrange the grant of access thereto if, upon a consideration of all applicable facts and circumstances, it is appropriate to do so and, if appropriate, subject to such conditions as the company may impose.

- 3.3. Categories of records available without having to request access in terms of the Act:
- 3.3.1. The following records are automatically available to all employees and need not be requested in accordance with the procedure outlined in 4.3 below:
    - 3.3.1.1. personnel records are available to the employee whose file it is;
    - 3.3.1.2. records of disciplinary hearings and related matters are available to the employee subject thereto;
    - 3.3.1.3. the company's policies and procedures manuals.
  - 3.3.2. The following records are automatically available to the general public and all employees and need not be requested in accordance with the procedure outlined in 4.3 below:
    - 3.3.2.1. the company's Memorandum and Articles of Association;
    - 3.3.2.2. public relations brochures and publications;
    - 3.3.2.3. media releases;
    - 3.3.2.4. the company's employment equity and skills development plan.

3.4. Informal Procedure Contact Details

For the purposes of the informal procedure, the postal address and phone number as listed in Section A of this manual.

4. **FORMAL PROCEDURE FOR REQUESTING RECORDS NOT AUTOMATICALLY AVAILABLE**

- 4.1. The following records are not, save for 3.3.1 above, automatically available without a request therefore in terms of the Act:
- 4.1.1. **Personnel Records**

These include the following:

    - 4.1.1.1. personnel information, employment histories and health records;
    - 4.1.1.2. personal records provided to the company by its personnel;
    - 4.1.1.3. records which a third party has provided to the company about any of its personnel;
    - 4.1.1.4. training and development;
    - 4.1.1.5. conditions of employment and other personnel-related contractual and legal records;
    - 4.1.1.6. rules of the Company Pension and Retirement Funds;
    - 4.1.1.7. internal evaluation records; and
    - 4.1.1.8. other internal records and correspondence.

#### 4.1.2. **Customer-related Records**

These include the following:

- 4.1.2.1. records which customers have provided to a third party acting for and on behalf of the company;
- 4.1.2.2. records a third party has provided to the company; and
- 4.1.2.3. records generated by or within the company pertaining to customers, including transactional records.

#### 4.1.3. **Supplier-related Records**

These include the following:

- 4.1.3.1. records which suppliers have provided to a third party acting for and on behalf of the company;
- 4.1.3.2. records a third party has provided to the company; and
- 4.1.3.3. records generated by or within the company pertaining to suppliers, including transactional records.

#### 4.1.4. **Company Records**

These include:

- 4.1.4.1. financial records, including but not limited to notarial bonds and loans;
- 4.1.4.2. operational records;
- 4.1.4.3. project management, including building plans and warehousing;
- 4.1.4.4. functions and catering;
- 4.1.4.5. databases;
- 4.1.4.6. patents, registered designs and trademarks;
- 4.1.4.7. technological know-how;
- 4.1.4.8. information technology;
- 4.1.4.9. intranet content and records;
- 4.1.4.10. product records;
- 4.1.4.11. marketing records;
- 4.1.4.12. internal correspondence;
- 4.1.4.13. company secretarial records;
- 4.1.4.14. statutory records;

- 4.1.4.15. statutory compliance records;
- 4.1.4.16. internal policies and procedures;
- 4.1.4.17. treasury-related records;
- 4.1.4.18. insurance policies;
- 4.1.4.19. securities and equities; and
- 4.1.4.20. records held by officials of the company.

**4.1.5. Other Parties**

Records held by the company relating to other parties, including financial records, correspondence, contractual records, records provided by other parties and records third parties have provided about the company's contractors and suppliers in respect of contractors, suppliers, subsidiary or fellow subsidiary companies, joint venture partners and service providers.

**4.2. Contact Details for Formal Procedure**

- 4.2.1. The postal and street address, phone and telefax numbers and electronic mail addresses of the information head are as follows:

Contact Person: Nolene Seale  
Postal Address: PO Box 31180, Tokai 7966 South Africa  
Physical Address: 14 Stibitz Street, Westlake 7945 South Africa  
Telephone: (021) 702 9400  
Email: nolene@felix.co.za

**4.3. Procedure for Requesting a Record not Automatically Available**

- 4.3.1. A request for a record must be made on Form C (Request for Access to Record of Private Body) set out in annexure "B" to Government Notice No. R.187 dated 15 February 2002 ("the request form"). On request, the liaison officer will telefax a copy thereof to a prospective requester for this purpose.
- 4.3.2. The requester must provide sufficient detail on the request form to enable the information head to identify the record and the requester, must also indicate which form of access to the record is required, should also indicate if he or she wishes to be informed of the decision on the request in any other manner (and if so, state that manner and the necessary particulars to be informed), 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, and otherwise complete the request form. If a request is made on behalf of another person, the requester must submit proof of the capacity in which he or she is making the request to the satisfaction of the information head.
- 4.3.3. The requester must submit the prescribed form to the request liaison officer at the address, telefax no. or electronic mail address set out in 4.2.1 above.
- 4.3.4. The following request fees are payable by every requester, other than a personal requester, before the request will be further processed:
- 4.3.4.1. R50-00 (Fifty Rand); and

- 4.3.4.2. if the information head is of the opinion that six hours will be exceeded to search, prepare and/or reproduce the record requested, a deposit is payable equal to one third of the access fee which would be payable if the request is granted.
- 4.3.5. The information head shall, as soon as is reasonably possible, but in any event within thirty days after a proper request has been received, decide whether or not to grant the request and notify the requester thereof.
- 4.3.6. If the request for access is granted, the notice referred to in 4.3.5 above will state the access fee to be paid upon access to the record, and the form in which such access shall be given.
- 4.3.7. After access is granted, actual access to the record requested will be given as soon as reasonably possible.
- 4.3.8. If the request for access is refused, the information head will provide adequate reasons for the refusal and the requester may apply to court for appropriate relief.
- 4.3.9. The attention of requesters is drawn to the following:
  - 4.3.9.1. in certain circumstances the information head is entitled to extend the period of thirty days referred to in 4.3.5 above in terms of the Act;
  - 4.3.9.2. in certain circumstances the information head is obliged to notify a third party of a request for a record to whom or which that record relates, and of the rights of such third party to dispute the decision of the information head;
  - 4.3.9.3. in certain circumstances the information head is obliged to refuse a request for access to certain records in terms of the Act;
  - 4.3.9.4. in certain circumstances the information head has a discretion to refuse a request for access to a record in terms of the Act;
  - 4.3.9.5. the rights of a requester to lodge an internal appeal against certain decisions of the information head and to apply to court for appropriate relief in respect thereof.

**5. RECORDS HELD BY THE COMPANY IN TERMS OF OTHER LEGISLATION AS CONTEMPLATED IN SECTION 51(1)(d) OF THE ACT**

The following records are not automatically available without a request in terms of the Act:

Records are kept in accordance with the following legislation: Income Tax Act, 1962, Value-Added Tax Act, 1991, Compensation for Occupational Injuries and Diseases Act, 1993, Unemployment Insurance Act, 2001, Labour Relations Act, 1995, Basic Conditions of Employment Act, 1997, Employment Equity Act, 1998 and Skills Development Act, 1998.

**6. AVAILABILITY OF THIS MANUAL**

This Manual is available for public inspection during office hours at the registered office of the company (i.e. As listed in Section A).

**7. HUMAN RIGHTS COMMISSION ASSISTANCE GUIDE**

- 7.1. The Human Rights Commission, whose offices are presently located in Johannesburg, is obliged to compile a guide in terms of section 10 of the Act on how to use the Act and containing information reasonably required by persons wishing to exercise their rights in terms of the Act.
- 7.2. This guide shall be available from the Human Rights Commission.

**8. FEES**

- 8.1. The fee to obtain a copy of this Manual is R 1-10 for every photocopy of an A4-size page or part thereof.
- 8.2. The request fee payable by every requester (other than a personal requester) in terms of the formal procedure is R 50-00 (Fifty Rand).
- 8.3. The access fees for reproduction payable by every requester, are as follows:
  - 8.3.1. For every photocopy of an A4-size page or part thereof : R 1-10
  - 8.3.2. For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form: R 0-75
  - 8.3.3. For a copy in a computer-readable form on -
    - 8.3.3.1. stiffer disc R 7-50
    - 8.3.3.2. compact disc R70-00
  - 8.3.4. For a transcription of visual images, for an A4-size page or part thereof: R 40-00
  - 8.3.5. For a copy of visual images: R 60-00
  - 8.3.6. For a transcription of an audio record, for an A4-size page or part thereof: R 20-00
  - 8.3.7. For a copy of an audio record: R 30-00
  - 8.3.8. To search for and prepare the record for disclosure, R 30-00 for each hour or part of an hour reasonably required for such search and preparation.
- 8.4. The actual postage is payable when a copy of a record must be posted to a requester.
- 8.5. The above fees are exclusive of value-added tax, which shall in addition be paid by the requester.

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**

- |  |
|--|
| <p>(a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid.</p> <p>(b) You will be <i>notified</i> of the amount required to be paid as the request fee.</p> <p>(c) The fee payable for access to a record depends <i>on</i> the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record.</p> <p>(d) If you qualify for exemption <i>of</i> the payment <i>of</i> any fee, please state the reason for exemption.</p> |
|--|

Reason for exemption from payment of fees:

**F. Form of access to record**

<p>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.</p>
--

Disability:	Form in which record is required
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <p>(a) Compliance with your request in the specified form may depend on the form in which the record is available.</p> <p>(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.</p> <p>(c) The fee payable for access for the record, if any, will be determined partly by the form in which access is requested.</p>	

<b>1. If the record is in written or printed form:</b>			
<input type="checkbox"/>	copy of record*	<input type="checkbox"/>	inspection of record
<b>2. If record consists of visual images</b> this includes photographs, slides, video recordings, computer-generated images, sketches, etc)			
<input type="checkbox"/>	view the images	<input type="checkbox"/>	copy of the images"
<input type="checkbox"/>		<input type="checkbox"/>	transcription of the images*
<b>3. If record consists of recorded words or information which can be reproduced in sound:</b>			
<input type="checkbox"/>	listen to the soundtrack audio cassette	<input type="checkbox"/>	transcription of soundtrack* written or printed document
<b>4. If record is held on computer or in an electronic or machine-readable form:</b>			
<input type="checkbox"/>	printed copy of record*	<input type="checkbox"/>	printed copy of information derived from the record"
<input type="checkbox"/>		<input type="checkbox"/>	copy in computer readable form* (stiffy or compact disc)
<p>'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.</p>			<p>YES      NO</p>

**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 of .....20

SIGNATURE OF REQUESTER / PERSON ON  
WHOSE BEHALF REQUEST IS MADE