

**MANUAL PREPARED IN ACCORDANCE WITH SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT 2 OF 2000 (the Act)**

For

CENTRAL MEDIA GROUP (PTY) LTD

trading as

OFM

(Registration No. 1996/008441/07)

(the Company)

1. INTRODUCTION

The Promotion of Access to Information Act No 2 of 2000 was enacted to give effect to the constitutional right of access to any information that is held by another person and that is required for the exercise or protection of any rights as well as to provide for matters connected therewith.

This manual is to assist potential requesters as to the procedure to be followed when requesting access to information from OFM in terms of the Act.

This manual may be amended from time to time and any new versions of the manual will be made public.

2. PURPOSE OF THE MANUAL

This manual is intended to foster and proclaim OFM's commitment to fostering a culture of transparency and accountability within the organisation as a whole, by giving effect to the right to access information that is required for the exercise or protection of any right and to actively promote a society in which the people of South Africa have effective access to information to enable them to more fully exercise and protect their rights.

In order to promote the effective governance of all private institutions OFM recognises the fundamental requirement that all the people of South Africa be empowered and educated to understand their rights in terms of this Act in order for them to exercise their rights in relation to all institutions, whether those institutions are of a private or public nature.

In terms of Section 36 of the Constitution of South Africa (Act 108 of 1996), Section 9 of the Act, recognises that such right to access of information cannot be unlimited and should be subject to justifiable limitations.

3. MAIN BUSINESS

The company is trading as a radio station which broadcasts in central South Africa (Free State, North West Province and Northern Cape) and surrounding areas.

4. CONTACT INFORMATION

(Information required in terms of Section 51 (1)(a) of the Act)

- 4.1 Name of the Company : Central Media Group (Pty) Ltd trading as O F M
- 4.2 Head of the Company : Gary Stroebel
- 4.3 Information Officer : Gary Stroebel
- 4.4 Postal Address : P O Box 7117, Bloemfontein, 9300
- 4.5 Street Address : 1st Floor, MTN-Building, Cnr Nelson Mandela Drive & Second Avenue, Westdene, Bloemfontein, 9301.
- 4.6 Telephone No. : 051-5050900
- 4.7 Facsimile No. : 051-5050905
- 4.8 E-mail Address : gary@ofm.co.za
- 4.9 Website Address : www.ofm.co.za

5. GUIDE ON HOW TO USE THE ACT

(Information required in terms of Section 51(1)(b) of the Act)

A guide on how to use the Act will be prepared by the Human Rights Commission in terms of section 10 of the Act and the Human Rights Commission can be contacted at any of the following offices or on their website: <http://www.sahrc.org.za>

- 5.1 **Johannesburg:**
Private Bag 2700, Houghton, 2041
Tel: 011 484 8300
Fax: 011 484 1360
- 5.2 **Bloemfontein:**
PO Box 4245, Bloemfontein, 9300
Tel: 051 447 1130
Fax: 051 447 1128

6. AUTOMATIC AVAILABILITY OF RECORDS

(Information required in terms of Section 51(1)(c) of the Act (as read with Section 52(2) of the Act)

A company may, on a voluntary and periodic basis, submit to the Minister description of categories of records, which are automatically available without a person having to request access in terms of the Act. The Minister must publish any description so submitted by notice in the Government Gazette. OFM has not submitted any such description for publication in the Government Gazette.

7. RECORDS AVAILABLE IN TERMS OF LEGISLATION

(Information required in terms of Section 51(1)(d) of the Act)

The Company keeps information/documents in accordance with the following legislation (please note that this is not an exhaustive list):

- 7.1 Independent Communications Authority of South Africa Act 13 of 2000;
- 7.2 Electronic Communications Act 36 of, 2005;
- 7.3 Companies Act 71 of 2008;
- 7.4 Income Tax Act 58 of 1962;
- 7.5 Value-Added Tax Act 89 of 1991;
- 7.6 Labour Relations Act 66 of 1995;
- 7.7 Consumer Protection Act 68 of 2008;
- 7.8 Employment Equity Act 55 of 1998;
- 7.9 Skills Development Levies Act 97 of 1998;
- 7.10 Occupational Health and Safety Act 85 of 1993;
- 7.11 Compensation for Occupational Injuries and Diseases Act 130 of 1993;
- 7.12 Unemployment Insurance Act 30 of 1966.

8. SUBJECTS AND CATEGORIES OF INFORMATION

(Information required in terms of Section 51(1)(e) of the Act)

The following are the subjects and categories of records held:

8.1 COMPANIES ACT RECORDS

- Documents of incorporation;
- Memorandum and Articles of Association;
- Minutes of Board of Directors meetings;
- Records relating to the appointment of directors / auditor / secretary / public officer and other officers; and
- Share Register and other statutory registers.

8.2 FINANCIAL RECORDS

- Annual Financial Statements;
- Tax Returns;
- Accounting Records;
- Banking Records;
- Bank Statements;
- Paid Cheques;
- Electronic banking records;
- Asset Register;
- Rental Agreements; and
- Invoices.

8.3 INCOME TAX RECORDS

- PAYE Records;
- Documents issued to employees for income tax purposes;
- Records of payments made to SARS on behalf of employees; and
- All other statutory compliances:
 - o VAT;
 - o Skills Development Levies;
 - o UIF; and
 - o Workmen's Compensation;

8.4 INTELLECTUAL PROPERTY:

- Copyright, licenses and licensing agreements.

8.5 INSURANCE

- Insurance arrangements, policies and claims.

8.6 MOVABLE AND IMMOVABLE PROPERTY

- Lease agreements and credit agreements.

8.7 AGREEMENTS

- Agreements with suppliers, customers, bankers and service providers.

8.8 HUMAN RESOURCES

- Employment contracts;
- Employment Equity Plan;
- Medical Aid records;
- Pension Fund records;
- Disciplinary records;

- Salary records;
- SETA records;
- Disciplinary code;
- Leave records; and
- Training records.

8.9 OPERATIONAL

- Procurement;
- Product information;
- Marketing information;
- Customer records;
- Management records;
- Data basis;
- Correspondence;
- Policies and procedures; and
- Legal proceedings.

8.10 INFORMATION TECHNOLOGY

- Procurement, maintenance and data communication arrangements.

9. PROCEDURES FOR REQUESTING ACCESS TO A RECORD

- 9.1 A person who wants access to the records of the Company must complete the prescribed request form (being Form C) which is printed in GN R187 dated 15 February 2002 and which can be accessed on www.sahrc.org.za.
- 9.2 The request form, duly completed, must be sent to the address or fax number set out in paragraph 4 and marked for the attention of the Information Officer. All the pertinent sections in the request form must be completed fully, failing which the process will be delayed while the Information Officer requests such additional information.

The form must:

- 9.2.1 Provide sufficient particulars to enable the Information Officer of OFM to identify the record/s requested and to identify the requester,
- 9.2.2 Indicate which form of access is required,
- 9.2.3 Specify a postal address or fax number of the requester in the Republic,
- 9.2.4 Identify the right that the requester is seeking to exercise or protect,
- 9.2.5 Provide an explanation of why the requested record is required for the exercise or protection of that right,
- 9.2.6 If in addition to a written reply, the requester wishes to be informed of the decision on the request in any other manner, to state that manner and the necessary particulars to be informed in the other manner,
- 9.2.7 If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of the Information Officer of OFM.

10. FEES

A requester who seeks access to a record containing personal information about that requester is not required to pay the request fee. Every other requester, who is not a personal requester, must pay the required request fee:

- 10.1 The Information Officer of OFM must notify the requester (other than a personal requester) by notice, requiring the requester to pay the prescribed fee (if any) before further processing the request [s 54(1)].
- 10.2 The fee that the requester must pay to OFM is R50 (Excluding VAT). The requester may lodge an application to the court against the tender or payment of the request fee [s 54(3)(b)].
- 10.3 After the Information Officer of OFM has made a decision on the request, the requester must be notified in the required form.
- 10.4 If the request is granted then a further access fee must be paid for the search, reproduction, preparation and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure [s 54(6)].

11. REFUSAL OF ACCESS AND PROTECTION OF INFORMATION

In terms of Chapter 4 of the Act, there is provision for mandatory protection of the following information, save in the special circumstances provided for in the Act:

- 11.1 Information for the protection of the privacy of individuals;
- 11.2 Information for the protection of commercial information and confidential information of third parties;
- 11.3 Information privileged from production and legal proceedings;
- 11.4 Commercial information of the company; and
- 11.5 Research information.

12. REMEDIES AVAILABLE TO A REQUESTER OR THIRD PARTY UPON REFUSAL OF ACCESS

12.1 Internal remedies:

OFM does not have any internal appeal procedures that may be followed after a request for access information has been refused. As such, the decision made by the Information Officer is final, and requestors will have to exercise such external remedies at their disposal if the request for information is refused and the requestor is not satisfied with the answer supplied by the Information Officer.

12.2 External remedies:

A requester or a third party that is dissatisfied with an information officer's refusal to disclose information, may within 30 days of notification of the decision, apply to an competent court for relief.

For purposes of the Act, the courts that have jurisdiction over these applications are the Constitutional Court, the High Court or another court with similar status.

13. AVAILABILITY OF MANUAL

A copy of this manual is available for inspection at the offices of OFM and on the Company's website referred to in paragraph 4. Copies are also available from the South African Human Rights Commission.