



**PROMOTION OF ACCESS TO
INFORMATION ACT**

SECTION 51 MANUAL

FOR

RAGING RIVER TRADING (PTY) LTD

**REGISTRATION NUMBER
2011/134505/07**

**VAT NUMBER
4680271303**

RAGING RIVER TRADING (PTY) LTD

ACCESS TO INFORMATION MANUAL PRIVATE BODY

A. PARTICULARS IN TERMS OF SECTION 51 OF THE ACT

1. INTRODUCTION TO THE PROMOTION OF ACCESS TO INFORMATION ACT

On 9 March 2001, the Promotion of Access to Information Act (“the Act”) came into effect. The Act seeks to advance a culture of transparency and accountability in both public and private bodies. The legislation was enacted as a direct response to Section 32(2) of the constitution of South Africa – the right of access to information – which requires that the Government implements laws in an effort to make information pertaining to public and private bodies more accessible to all.

One of the main requirements specified in the Act is the compilation of a manual that provides information on both the types and categories of records held by the public or private body. In terms of the Act, **Raging River Trading (Pty) Ltd** is regarded as a “private body” and therefore the requirements regarding access must be in compliance with the provisions of the Act relevant to private bodies. Adherence to these requirements entails not only compilation of the external manual but also compliance with the general provisions stated in the Act.

The Act gives effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights. Where a request is made in terms of the Act, the body to which the request is made is obliged to release the information, except where the Act expressly provides that the information may or must not be released.

2. INTRODUCTION TO RAGING RIVER TRADING (PTY) LTD

2.1 Raging River Trading (Pty) Ltd is a specialist software development company that holds an online bookmakers and a manufacturer's license issued by the Western Cape Gambling and Racing Board (WCGRB). Raging River Trading (Pty) Ltd is licenced to promote the Betway brand in South Africa and operate under the WCGRB Bookmaker license.

2.2 The following are the Directors of Raging River Trading (Pty) Ltd:

Anthony Prissman
Jason Kramer
Fiona Pop

3. CONTACT DETAILS	
3.1	Name of body: Raging River Trading (Pty) Ltd
3.2	Designated Information Officer: Mario Constantinou
3.3	Physical Address: Waterview Park 1 Waterview Close Century City 7441
3.4	Postal Address: P O Box 122 Century City Cape Town Western Cape 7446
3.5	Telephone Number: +27 21 8790200
3.6	Facsimile Number: n/a
3.7	Email Address: InformationOfficer@ragingriver.co.za
3.8	Website: http://www.ragingriver.co.za/

4. SECTION 10 - GUIDE ON HOW TO USE THE ACT

4.1 Guide of the South African Human Rights Commission

In terms of Section 10 of the Act, the Human Rights Commission must compile a guide which guide is intended to assist users in the interpretation of the Act. The guide contains a description of the objects of the Act, the contact details of information officers of all the public bodies, particulars of the public bodies, the manner of access to the records of those public bodies and the remedies available in law regarding a **breach** of any of the provisions of the Act.

The South African Human Rights Commission
PAIA Unit Research and Documentation Department Private Bag 2700
Houghton
2041

Telephone Number: (011) 484-8300
Fax Number: (011) 484-0582
Email Address: PAIA@SAHRC.org.za
Website: www.sahrc.org.za

4.2 Information Regulator

Any queries where you believe that RAGING RIVER TRADING (PTY) LTD has not adequately dealt with your request, or to lodge a complaint should be directed to:

The Information Regulator (South Africa)
JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
P.O Box 31533, Braamfontein, Johannesburg, 2017

Website: www.justice.gov.za/inforeg/
Email: PAIA.IR@justice.gov.za

5. RECORDS AVAILABLE IN TERMS OF OTHER LEGISLATION

5.1 Basic Conditions of Employment Act, 75 of 1997

5.2 Company's Act, 61 of 1973

5.3 Compensation of Occupational Injuries and Diseases Act, 130 of 1993

5.4 Employment Equity Act, 55 of 1998

5.5 Income Tax Act, 58 of 1962

5.6 Intellectual Property Laws Amendments Act, 38 of 1997

5.7 Labour Relations Act, 66 of 1995

5.8 Medical Schemes Act, 131 of 1998

5.9 Occupational Health and Safety Act, 1993

5.10 Pension Funds Act, 24 of 1956

5.11 Protection of Business Act, 99 of 1978

5.12 Regional Service Council Act, 109 of 1985

5.13 Short Term Insurance Act, 53 of 1998

5.14 Skills Development Act, 97 of 1998

5.15 Skills Development Levies Act, 9 of 1999

5.16 Stamp Duties Act, 77 of 1968

5.17 Trademarks Act, 194 of 1993

5.18 Unemployment Contributions Act, 4 of 2002

5.19 Unemployment Insurance Act, 63 of 2001

5.20 VAT Act, 89 of 1991

6. RECORDS THAT MAY BE REQUESTED

6.1 Accounting Records

6.1.1 Books of account including journals and ledgers

6.1.2 Delivery notes, orders, invoices, statements, receipts, vouchers and bills of exchange

6.2 Financial Records

6.2.1 Banking details

6.2.2 Bank account records

6.3 Company's Secretarial

6.3.1 Company articles of association

6.3.2 Registers

6.3.3 Minutes of meetings

6.4 Statutory Employee Records

6.4.1 Employee's names and occupations

6.4.2 Time worked by each employee

6.4.3 Remuneration paid to each employee

6.4.4 Date of birth of each employee

6.4.5 Salary and wage register

6.4.6 Leave register

6.4.7 Letters of appointment

6.5 Personnel Records

6.5.1 Personal records provided by personnel

6.5.2 Conditions of employment

6.5.3 Payroll records / UIF and Tax returns

6.5.4 Internal evaluation records and other internal records

6.5.5 Correspondence relating to personnel

6.5.6 Training schedules and material and development records

6.5.7 Disciplinary records

6.5.8 Request for leave

6.5.9 Absence record

6.5.10 Personnel file

6.6 Movable Property

6.6.1 Asset register

6.7 Intellectual Property

6.7.1 Patents

6.7.2 Trademarks

6.7.3 Copyrights

6.7.4 Designs

6.7.5 Licensing Agreements

6.8 Taxation

6.8.1 Copies of all income tax returns and other tax returns and documents

6.9 Insurance

6.9.1 Insurance policies

6.9.2 Claim records

6.9.3 Details of insurance coverage limits and insurers

6.10 Information Technology

6.10.1 Hardware

6.10.2 Operating systems

6.10.3 Telephone exchange equipment

6.10.4 Telephone lines

6.10.5 LAN installation

6.10.6 Software packages

6.10.7 Internal systems support

6.11 Marketing Records

6.12 Internal Correspondence

6.13 Internal Policies and Procedures

7. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS IN TERMS OF SECTIONS 62 - 69 OF THE ACT

Access to a record will or may be refused on one or more of the following grounds:

7.1 Mandatory protection of the privacy of a third party who is a natural person, if such disclosure would involve the unreasonable disclosure of personal information about a third party, including a deceased individual, subject to the provisions of section 63 (2).

7.2 Mandatory protection of the commercial information of a third party, if the record contains:

7.2.1 Trade secrets of that party

7.2.2 Financial, commercial, scientific or technical information which disclosure could likely cause harm to the financial or commercial interest of that third party

7.2.3 Information disclosed in confidence by a third party, if the disclosure could put that third party at a disadvantage in negotiations or commercial competition.

7.2.4 Mandatory protection of confidential information of third parties if it is protected in terms of any agreement.

7.3 Mandatory protection of the safety of individuals and the protection of property, where such disclosure could endanger the life or physical safety of an individual, or prejudice or impair the security of:

- (a) a building, structure or any system
- (b) a means of transport, or
- (c) any other property

7.4 Mandatory protection of records, which would be regarded as privileged from production in legal proceedings.

7.5 Commercial information of private body, in that a request for access to a record may be refused if the record contains;

7.5.1 Trade secrets, financial, commercial, scientific or technical information of the institution, which disclosure, could likely cause harm to the financial or commercial interest of the institution.

7.5.2 Information which, if disclosed could prejudice or put the institution at a disadvantage in negotiations or commercial competition.

7.5.3 A computer program which is owned by the institution and which is protected by copyright.

7.6 ***Mandatory protection of research information of the institution.*** A request will be refused if this disclosure would disclose the identity of the institution, the researcher or the subject matter of the research and would place the researcher at a serious disadvantage.

7.7 Requests for information that are clearly frivolous or vexatious or which involved an unreasonable diversion of resources shall be refused.

8. HOW A PERSON MUST GO ABOUT ASKING FOR RECORDS

8.1 Request procedure

A “requester” is any person making a request for access to records of RAGING RIVER TRADING (PTY) LTD hereafter known as “the company”.

The “requester” must comply with all the procedural requirements contained in the Act relating to the request for access to records.

The “requester” must complete the prescribed form enclosed herewith in “Annexure A – Form 2” and submit the same as well as payment of the request fee and a deposit, if applicable, to the Information Officer at the postal or physical, fax or electronic mail address as stated above.

The prescribed form must be filled in with sufficient particulars to at least enable the Information Officer to identify:

8.1.1 The record or records requested

8.1.2 The identity of the “requester”

8.1.3 Which form of access is required, if the request is granted.

8.1.4 The postal address, telephone number and fax number of the “requester”.

8.1.5 The “requester” must state that he/she requires the information to exercise or protect her/his right and clearly state what the nature of the right is to be exercised or protected. In addition, the “requester” must clearly specify why the records are necessary to exercise or protect such a right.

8.1.6 The company will process the request within 30 days after the request has been received.

8.1.7 The “requester” shall be informed whether the access has been granted or denied. If, in addition, the “requester” requires the reasons for the decision in any other manner, he/she must state the manner of the particulars so required. If a request is made on behalf of another person, then the “requester” must submit proof of the capacity in which the “requester” is making a request to the reasonable satisfaction of the Information Officer and also the ground upon which that person is making the request.

8.1.8 If an individual is unable to complete the prescribed form because of illiteracy or disability, such person may make the request orally.

8.1.9 The “requester” must pay the prescribed fee, before any further processing can take place.

9. FEES

9.1 The Act provides for two types of fees, namely:

9.1.1 A request fee, which will be a standard fee and;

9.1.2 An access fee, which must be calculated by taking into account reproduction costs, search and preparation time and costs, as well as postal costs.

9.2 When the request is received by the Information Officer, such officer shall by notice require the “requester” to pay the prescribed request fee before further processing of the request.

9.3 If the search for the record has been made and the preparation of the record for disclosure including arrangements to make it available in the request form, requires more than the hours prescribed in the regulations for this purpose, the Information Officer shall notify the “requester” to pay as a deposit the prescribed portion of the access fee which would be payable if the request is granted.

9.4 The Information Officer shall withhold the record until the “requester” has paid the fees as indicated in “Annexure B – Form 3” hereto.

9.5 A “requester” whose request for access to a record has been granted, must pay an access fee for reproduction and for search and preparation, and for any time reasonably required in excess of the prescribed hours to search for and prepare the records for disclosure including making arrangements to make it available in the request form.

9.6 If a deposit has been paid in respect of a request for access, which is refused, then the Information Officer concerned must repay the deposit to the “requester” with interest at the prescribed rate.

10. REMEDIES AVAILABLE WHEN THE COMPANY REFUSES REQUEST FOR INFORMATION

The company does not have an internal appeal procedure. As such, the decision made by the Information Officer is final and requesters will have to exercise such external remedies at their disposal if the request for information is refused and the requester is not satisfied with the answer supplied by the Information Officer.

Section 59 provides that the Information Officer may sever a record and grant access only to that portion which the law does not prohibit access to.

11. THIRD PARTIES

If the request is for the record pertaining to the third party, the Information Officer must take all reasonable steps to inform the third party of the request. This must be done within 21 days of receipt of the request. The manner in which this is done must be by the fastest means reasonably possible, but if orally, the Information Officer must thereafter give the third party a written confirmation of the notification.

The third party may within 21 days thereafter either make representation to the company as to why the request should be refused; alternatively grant written consent to the disclosure of the record.

The third party must be advised of the decision taken by the Information Officer on whether to grant or to decline the request and must also be advised of his/her right to appeal against the decision by way of application to Court within 30 days after the notice.

12. AVAILABILITY OF THIS MANUAL

This manual is available for inspection at the offices of RAGING RIVER TRADING (PTY) LTD as set out above free of charge.

Copies of the manual may be obtained, subject to payment of the prescribed fee at the offices of RAGING RIVER TRADING (PTY) LTD above.

The manual can also be accessed on the website of RAGING RIVER TRADING (PTY) LTD at <http://www.ragingriver.co.za>.

FORM 2

REQUEST FOR ACCESS TO RECORD

[Regulation 7]

NOTE:

1. Proof of identity must be attached by the requester.
2. If requests made on behalf of another person, proof of such authorisation, must be attached to this form.

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: <input type="text"/>
	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
(Mark the applicable box with an "X")

Printed copy of record (including copies of any virtual images, transcriptions and information held on computer or in an electronic or machine-readable form)	
Written or printed transcription of virtual images (this includes photographs, slides, video recordings, computer-generated images, sketches, etc)	
Transcription of soundtrack (written or printed document)	
Copy of record on flash drive (including virtual images and soundtracks)	
Copy of record on compact disc drive (including virtual images and soundtracks)	
Copy of record saved on cloud storage server	

MANNER OF ACCESS
(Mark the applicable box with an "X")

Personal inspection of record at registered address of public/private body (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)	
Postal services to postal address	
Postal services to street address	
Courier service to street address	
Facsimile of information in written or printed format (including transcriptions)	
E-mail of information (including soundtracks if possible)	
Cloud share/file transfer	
Preferred language (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)	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED

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.

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	

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

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

Signature of Information Officer

FORM 3
OUTCOME OF REQUEST AND OF FEES PAYABLE
 [Regulation 8]

Note:

1. *If your request is granted the—*
 - (a) *amount of the deposit, (if any), is payable before your request is processed; and*
 - (b) *requested record/portion of the record will only be released once proof of full payment is received.*
2. *Please use the reference number hereunder in all future correspondence.*

Reference number: _____

TO: _____

Your request dated _____, refers.

1. You requested:

Personal inspection of information 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>) is free of charge. You are required to make an appointment for the inspection of the information and to bring this Form with you. If you then require any form of reproduction of the information, you will be liable for the fees prescribed in Annexure B.	
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OR

2. You requested:

Printed copies of the information (<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 information on flash drive (<i>including virtual images and soundtracks</i>)	
Copy of information on compact disc drive(<i>including virtual images and soundtracks</i>)	
Copy of record saved on cloud storage server	

3. To be submitted:

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>)	

Kindly note that your request has been:

Approved

Denied, for the following reasons:

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4. Fees payable with regards to your request:

Item	Cost per A4-size page or part thereof/item	Number of pages/items	Total
Photocopy			
Printed copy			
For a copy in a computer-readable form on:			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
For a transcription of visual images per A4-size page	Service to be outsourced. Will depend on the quotation of the service provider		
Copy of visual images			
Transcription of an audio record, per A4-size	R24.00		
Copy of an audio record			
(i) Flash drive	R40.00		
• To be provided by requestor			
(ii) Compact disc	R40.00		
• If provided by requestor			
• If provided to the requestor	R60.00		
Postage, e-mail or any other electronic transfer:	Actual costs		
TOTAL:			

5. Deposit payable (if search exceeds six hours):

Yes

No

Hours of search	Amount of deposit (calculated on one third of total amount per request)

The amount must be paid into the following Bank account:

Name of Bank: _____
 Name of account holder: _____
 Type of account: _____
 Account number: _____
 Branch Code: _____
 Reference Nr: _____
 Submit proof of payment to: _____

Signed at _____ this _____ day of _____ 20 _____

 Information officer