

# PROMOTION OF ACCESS TO INFORMATION ACT MANUAL

In terms of section 14 of the Access to Information Act No 2 of 2000

FOR

FRANKLINS HOMESTEAD ( PTY ) LIMITED  
( Reg No: 1958/002602/07 )

Trading as

“THE CHAPMAN HOTEL”

## Section A

### Contact details in terms of Section 51 of the Act

The designated Information Officer who deals with all matters in connection with requests for information, in terms of the Promotion of Access to Information Act, No. 2 of 2000 is as follows -

Contact person: Mr Ellis Chapman Franklin

Postal address: P.O. Box 20355, Humewood, Port Elizabeth, 6013

Physical address: 1 Lady Bea Crescent, Brookes Hill, Humewood, Port Elizabeth, 6001

Phone number: 041-5840678

Fax number: 041-5840682

E-mail: [emfranklin@tiscali.co.za](mailto:emfranklin@tiscali.co.za)

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## Section B

### Introduction

This manual is published in terms of Section 14 of the Promotion of Access to Information Act No 2 of 2000. The Act gives effect to the provisions of Section 32 of the Constitution. The Constitution of the Republic of South Africa, Act No. 108 of 1996 stipulates that everyone has the right of access to any information held by the State, and any information that is held by another person that is required for the exercise or protection of any rights and that national legislation must be enacted to give effect to this right.

The Promotion of Access to Information Act gives effect to this constitutional right and came into effect on 9 March 2001. The object of the Act is to foster a culture of transparency and accountability in public and private bodies 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 all of their rights.

### South African Human Rights Commission

Section 10 of PAIA provides that the South African Human Rights Commission must compile simple and easily comprehensible guidelines on how to use the Promotion of Access to Information Act. This guide is available for access and viewing in all languages at the South African Human Rights Commission offices Private Bag x2700, Houghton, 2041; Tel – 011 877 3600, Fax – 011 403 0625. or on Website: [www.sahrc.org.za](http://www.sahrc.org.za)

Due to the fact that some private bodies (private bodies other than public companies in terms of section 20 of the Companies Act) have been temporarily exempted from publishing section 51 manuals the South African Human Rights Commission have not included the contact details of the private bodies in this first publication of the Guide. An electronic version of the Guide is kept on the website of the South African Human Rights Commission, [www.sahrc.org.za](http://www.sahrc.org.za) and is updated monthly to keep the public abreast of developments and changes regarding the contact details of information officers of public bodies and general information on PAIA.

## How to make a request for access to information

A request for access to a record is made by completing a request "Form C" for private bodies. Form C is available on request from the offices and website of the South African Human Rights Commission at [www.sahrc.org.za](http://www.sahrc.org.za). The request forms must be completed and submitted to the head of the private body from whom access to a record is sought. The head of a private body must respond to the request within 30 days.

## A copy of this manual is available at :

The registered address of the business – 1 Lady Bea Crescent, Brookes Hill, Humewood, Port Elizabeth, 6001 ;

The South African Human Rights Commission offices – Tel : 011 484 8300 (Private Bag x2700, Houghton, 2041) ;

The website: <http://www.chapman.co.za> (under reconstruction)

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## Section C

### The Business

Type of Entity : Private Company

Type of Business : Hotel and restaurant

Location of Business : 1 Lady Bea Crescent, Brookes Hill, Humewood, Port Elizabeth, 6001

Contact details :

Tel: 041-5840678, Fax: 041-5840682, Website: [www.chapman.co.za](http://www.chapman.co.za), E-mail: [chapmail@iafrica.com](mailto:chapmail@iafrica.com)

### Description of Business

The primary business of Franklins Homestead (Pty) Limited , trading as the Chapman Hotel , is to offer travellers a blend of comfortable accommodation and world-class cuisine in a setting reminiscent of lazy summer days of leisure.

## **The Directors, Owners, Partners & Managers**

### **Owner of the business:**

Name – Franklin Family Property Trust  
Location – 1 Lady Bea Crescent, Brookes Hill, Humewood, Port Elizabeth, 6001

### **Directors of the business:**

Name - Harold Marcus Franklin  
Location - 6 College Drive, Mill Park, Port Elizabeth, 6001

Name - Ellis Chapman Franklin  
Location - 51 Trafford Road, Kingswood, George, 6529

Name - Bevan Chapman Franklin  
Location - 35 Wychwood Avenue, Linkside, Port Elizabeth, 6001

### **Managers of the business:**

Manager of Business - Bevan Chapman Franklin  
Location of Manager - 35 Wychwood Avenue, Linkside, Port Elizabeth, 6001

Manager of Business - Ellis Chapman Franklin  
Location of Manager - 51 Trafford Road, Kingswood, George, 6529

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## **Section D**

### **Information required by section 51(1)(d) of the Act Records are available in accordance with the following legislation -**

Basic Conditions of Employment Act No. 75 of 1997  
Companies Act No. 61 of 1973  
Competition Act No. 89 of 1998  
Consumer Protection Act No. 68 of 2008  
Constitution of the Republic of South Africa 108 of 1996  
Electronic Communications and Transactions Act No. 25 of 2002  
Employment Equity Act No. 55 of 1998  
Financial Intelligence Centre Act No.38 of 2001  
Hospitality Sectoral Determination No 14  
Income Tax Act No.58 of 1962  
Insolvency Act No.24 of 1936  
Labour Relations Act No.66 of 1995  
National Credit Act No.34 of 2005  
Occupational Health and Safety Act No.85 of 199  
Pension Funds Act No.24 of 1956  
Prevention of Organised Crime Act No.121 of 1998  
Promotion of Access to Information Act No.2 of 2000  
Promotion of Equality and Prevention of Unfair Discrimination Act No.4 of 2000  
Protected Disclosures Act No.26 of 2000  
Skills Development Act No.97 of 1998  
Skills Development Levies Act No.9 of 1999  
Transfer Duty Act No.40 of 1949

Unemployment Contributions Act No.4 of 2002  
Unemployment Insurance Act No.63 of 2001  
Value-added Tax Act No.89 of 1991

## **Records that may be requested in terms of Section 51(1)(c)**

The following general information is available in the public domain and does not require an official request in terms of the Act.

The following information is available from the Information Officer or from the website <http://www.chapman.co.za> :

Newsletter  
News  
Brochures  
Rates and prices  
Room configuration  
Function facilities  
Dining facilities  
Menus  
Wine lists  
Photo gallery  
Packages and promotions  
Reservation deposit and cancellation policies  
Booking on line  
Products and services  
Location and directions

## **Records that may be requested in terms of Section 51(1)(e)**

Request forms (Form C) and the fees payable for these categories of information are available on the South African Human Rights Commission website at [www.sahrc.org.za](http://www.sahrc.org.za) .

### **Company Secretarial / Legal**

- General contracts
- Statutory records
- Incorporation documents
- Licences
- Insurance details
- Minutes of meetings
- Title Deeds
- Leases

### **Human Resources**

- Employee records
- Attendance registers
- Employee remuneration
- Contracts of employment
- Pension and Provident Fund details
- Medical Aid details
- Unemployment Insurance

## Financial

- Audited financial statements
- Taxation records
- Debtor records and agreements
- Creditor records and agreements
- Asset register
- Banking details
- Treasury documents
- Insurance documentation

## Front of Hotel

- Guest database
- Guest history
- Guest accounts
- Guest reservation data
- Reservation deposit and cancellation policies
- Statistical data

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## Section E

### Fees payable on request of information from Private Bodies

The fees' structure prescribed under the Act is available from the offices of the South African Human Rights Commission or on their website at [www.sahr.org.za](http://www.sahr.org.za) .

## Section F

### Prescribed request form – how to request a record in terms of Section 53

- Section 53 prescribes that the requester must use the prescribed form to make the request for access to a record. This must be made to the information officer, or the head of the private body. This request must be made to the address, fax number or electronic mail address of the body concerned.
- The requester must provide sufficient detail on the request form to enable the head of the private body to identify the record and the requester. The requester should also indicate which form of access is required. The requester should also indicate if he or she wishes to be informed in any other manner and state the necessary particulars to be so informed.
- The requester 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.
- If a request is made on behalf of a person, the requester must then submit proof of the capacity in which the requester is making the request to the satisfaction of the head of the private body.
- The head of the private body 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. The fee for private bodies is R50. The requester may lodge an internal appeal or an application to the court against the tender or payment of the request fee.
- If the request is granted then a further access fee must be paid for the reproduction and the search and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. The head of the private body will then make a decision on the request and notify the requester in the required form .

The prescribed request form (Form C) is available from the offices of the South African Human Rights Commission or on their website at [www.sahr.org.za](http://www.sahr.org.za)

## Section G

### 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)

#### A. Particulars of private body

Contact person: Mr Ellis Chapman Franklin

Postal address: P.O. Box 20355, Humewood, Port Elizabeth, 6013

Physical address: 1 Lady Bea Crescent, Brookes Hill, Humewood, Port Elizabeth, 6001

Phone number: 041-5840678

Fax number: 041-5840682

E-mail: [emfranklin@tiscali.co.za](mailto:emfranklin@tiscali.co.za)

#### 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 ONLY if a request for information is made on behalf of another 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
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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 to 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
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**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*
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**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)
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**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)
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<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>	YES	NO
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**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

The Manual as described herein is approved at Port Elizabeth on 21 December 2011.

**Information Officer**  
**Ellis Chapman Franklin**