



Company Registration: 2018/355112/07

La La Luxxe (Pty) Ltd
(herein referred to as "LaLaLuxxe")

PROMOTION OF ACCESS TO INFORMATION MANUAL

PREPARED IN ACCORDANCE WITH SECTION 51
OF THE PROMOTION OF ACCESS TO INFORMATION ACT
2/2000
(herein referred to as the "Act")

Introduction

This Manual has been compiled in accordance with the Promotion of Access to Information Act of 2000 (Act No. 2 of 2000) (The Act). The Act prescribes that a public body must provide details of records held by such public body so that any request for information may be accommodated.

The Manual is to serve as a guide on how members of the public can access the information that is being kept in the records of the Department of Labour. The Manual gives effect to the right of access to information as contained in the Constitution of the Republic of South Africa and the Promotion of Access to Information Act 2 of 2000 (PAIA) This provides for the right of access to information held by the State or other public bodies by members of the public.

The Manual also prescribes the manner in which the information must be accessed. Set out below is the procedure with regard to the lodging of a request for access to the Department of Labour's information.

The Manual also contains information of the designated Information Officer and Deputy Information Officer who are responsible for handling all the applications that are made for access to information as well as the name of each Programme and its core function and a list of all records kept by the Department of Labour.

1. Applicability and availability of this Manual

1.1. The Promotion of Access to Information Act, No 2 of 2000 ("the Act") gives effect to the constitutional right of access to any information in records held by public or private bodies that is required for the exercise or protection of any rights. The Act sets out the procedural requirements attached to requests for information, the requirements which requests must meet

as well as the grounds for refusing requests. This Manual informs requesters of procedural and other requirements which a request must meet.

- 1.2. The Act also recognises that the right to access information must be balanced with other rights and should be subject to limitations including, but not limited to, limitations aimed at the reasonable protection of privacy and commercial confidentiality.
- 1.3. This Manual is available for inspection, free of charge, at LaLaLuxxe offices (see details below).

2. Section 51(1)(a)

LaLaLuxxe (Pty) Ltd

LalaLuxxe is an ecommerce platform specifically focusing on promoting South African designer. Our unique offering includes the whole value chain from Boutiques, Blogger and Designers with our affiliate program.

Contact

Frances Robbertse

Postal Address

PO Box 647, Parklands, Gauteng, 2121

Physical Address

2nd Floor Design District Building, cnr Keys and 7th Ave, Rosebank, Gauteng

Telephone Number

+27 11 802 0919

Website

www.lalaluxxe.com

E-mail Address of Information Officer

info@lalaluxxe.com

3. Section 51(1)(b)

South African Human Rights Commission Guide

A Guide has been compiled in terms of Section 10 of PAIA by the Human Rights Commission. It contains information required by a person wishing to exercise any right, contemplated by PAIA. It is available in all of the official languages.

The Guide is available for inspection, inter alia, at the office of the offices of the Human Rights Commission at 29 Princess of Wales Terrace, corner York and St Andrews Street, Parktown and on its website www.sahrc.org.za.

The South African Human Rights Commission ("SAHRC") is required, in terms of the Act, to compile a guide containing information that may reasonably be required by a person who wishes to exercise any right contemplated in the Act. The guide can be obtained from the SAHRC. Enquiries should be directed to:

The South African Human Rights Commission

PAIA Unit

The Research and Documentation Department

Postal address:

Private Bag 2700 Houghton
2041

Telephone Number:

(011) 484 8300

Fax Number:

(011) 484 0582

Website:

www.sahrc.org.za

Email:

PAIA@sahrc.org.za

4. Section 51(1)(c)

At this stage no notice(s) has/have been published on the categories of records that are automatically available without a person having to request access in terms of PAIA.

5. Section 51(1)(d)

Records held in accordance with other legislation

Information is available in terms of the following legislation, if and where applicable:

- a) Basic Conditions of Employment Act No. 75 of 1997
- b) Companies Act 2008 Act No 71 and Companies Amendment Act No 3 of 2011
- c) Electronic Communications and Transactions Act No. 25 of 2002
- d) Employment Equity Act No. 55 of 1998
- e) Income Tax Act 89 of 1991 and amendments
- f) Labour Relations Act No. 66 of 1995
- g) Occupational Health and Safety Act No. 85 of 1993

- h) Promotion of Access to Information Act No. 2 of 2000
- i) Skills development Levies Act No. 9 of 1999
- j) Unemployment Insurance Act 63 of 2001
- k) Value — Added Tax Act No. 89 of 1991

6. Section 51(1)(e)

Subjects and categories of records held by LaLaLuxxe

6.1. The latest notice regarding the categories of records of the body, which are available without a person having to request access in terms of this Act in terms of section 52(2) (Section 51(1)(c).

Not Applicable

6.2. A description of the subjects of the records held and the categories in which these subjects are classed (Section 51(1)(e))

Records, to which the right and manner of access will be provided in accordance with the Act (subject to the restrictions and right of refusal provided for in the Act), are available in respect of the following aspects of the company's business and operations.

6.2.1. 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
- Share Register and other statutory registers

6.2.2. Financial Records

- Annual Financial Statements
- Tax Returns
- Accounting Records
- Banking Records
- Asset Register
- Service Agreements
- Invoices

6.2.3. Income Tax Records

- PAYE Records
- Documents issued to employees for income tax purposes
- Records of payments made to SARS on behalf of employees
- All other statutory compliances:

- VAT
- Skills Development Levies
- UIF
- Workmen's Compensation

6.2.4. Personnel Documents and Records

- Medical Aid records
- Disciplinary records
- Salary records
- Disciplinary code
- Leave records

6.2.5. Customer Records

- records pertaining to services provided by LaLaLuxxe;
- records provided by a customer to a third party acting for or on behalf of LaLaLuxxe;
- records provided by a third party;
- records generated by or within LaLaLuxxe relating to its customers, including transactional data;

Access to the documents listed above may be subject to the grounds of refusal set out in this Manual.

7. Grounds for refusal of access to records

LaLaLuxxe may refuse a request for information on, inter alia, the following basis:

- 7.1. The mandatory protection of the privacy of a third party who is a natural person, in order to avoid the unreasonable disclosure of personal information concerning that natural person (including a deceased individual).
- 7.2. The mandatory protection of the commercial information of a third party, if the record contains:
 - 7.2.1. trade secrets of that third party;
 - 7.2.2. financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
 - 7.2.3. information supplied in confidence by a third party, the disclosure of which could reasonably be expected:
 - a) to put that third party at a disadvantage in contractual or other negotiations; or
 - b) to prejudice that third party in commercial competition.

- 7.3. The mandatory protection of confidential information of third parties if disclosure would constitute an action for breach of a duty of confidence owed to that third party in terms of an agreement.
- 7.4. The mandatory protection of the safety of individuals and the protection of property.
- 7.5. The mandatory protection of records which would be privileged from production in legal proceedings.
- 7.6. The protection of LaLaLuxxe commercial activities including, without limitation, records that contain:
 - 7.6.1. LaLaLuxxe trade secrets;
 - 7.6.2. financial, commercial, customer, scientific or technical information, the disclosure of which would be likely to cause harm to LaLaLuxxe's commercial or financial interests;
 - 7.6.3. information, the disclosure of which could reasonably be expected:
 - a) to put LaLaLuxxe at a disadvantage in contractual or other negotiations; or
 - b) to prejudice LaLaLuxxe in commercial competition.
 - 7.6.4. computer programs owned by LaLaLuxxe.
- 7.7. The mandatory protection of research information of LaLaLuxxe or a third party, if disclosure would expose the identity of LaLaLuxxe or the third party, the researcher or the subject matter of the research to serious disadvantage.
- 7.8. Requests for information that are, in LaLaLuxxe's reasonable opinion, manifestly frivolous or vexatious or which involve an unreasonable diversion of resources.

8. Request procedure

- 8.1. A requester requiring access to information held by LaLaLuxxe must make the request in the prescribed form and submit the request, together with the prescribed fee and deposit;
- 8.2. The form must be submitted to the head of the private body at his/ her address, fax number, or electronic mail address;
- 8.3. The form must:
 - c) provide sufficient particulars to enable the head of the private body to identify the record/s requested and to identify the requester,
 - d) indicate which form of access is required,
 - e) specify a postal address, fax number or email address of the requester in the Republic,

- f) identify the right that the requester is seeking to exercise or protect,
- g) and provide an explanation of why the requested record is required for the exercise or protection of that right,
- h) 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,
- i) 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 head of the private body.

8.4. Subject to LaLaLuxxe's rights relating to extensions in terms of the Act, it will process the request within 30 (thirty) days of receipt unless the requester has submitted special reasons, to LaLaLuxxe's reasonable satisfaction, in support of a request that the above time periods be dispensed with.

8.5. LaLaLuxxe will give the requestor written notice of its decision, including reasons if the request is declined.

8.6. The said 30 day period may be extended for a further period of not more than 30 (thirty) days if the request is for a large number of records, or the request requires a search for information which cannot reasonably be obtained within the original 30 day period. The Information Officer will notify the requester in writing should an extension be sought.

8.7. If a request is made on behalf of another person, the requester must submit proof of the capacity in which the requester is making the request, to the reasonable satisfaction of LaLaLuxxe.

8.8. If an individual is unable to submit the request in the prescribed form because of illiteracy or disability, such a person may make the request orally.

8.9. The requester must pay the prescribed fee, and deposit where applicable, before the request will be considered.

9. Access to records

9.1. A requestor will only be given access to a record(s) held by LaLaLuxxe if:

9.1.1. the record is required for the exercise or protection of a right;

9.1.2. the requestor has complied with all procedural requirements relating to a request for access to a particular record including making the request in the prescribed format; and

9.1.3. access to that record is not refused in terms of any ground for refusal.

10. Remedies available when LaLaLuxxe refuses a request for information

10.1. Internal Remedies

LaLaLuxxe does not have internal appeal procedures.

10.2. External Remedies

A requester or a third party, who is dissatisfied with the decision of LaLaLuxxe in relation to a request for access to a record (including with regard to fees) may, within 30 (thirty) days apply to the High Court, or any other Court having jurisdiction, for relief.

11. Fees

11.1. The Act provides for two types of fees, namely:

11.1.1 a request fee, being a standard fee; and

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

11.2. When a request is received by LaLaLuxxe it will, by written notice, require the requester, other than a personal requester, to pay the prescribed request fee (if any), before further processing the request.

11.3. If the search for the record has been made and the preparation of the record for disclosure would require more than the hours prescribed for this purpose, the Information Officer will notify the requester to pay, as a deposit, the prescribed portion of the access fee which would be payable if the request is granted.

11.4. LaLaLuxxe will withhold a record until the requester has paid the prescribed fees (and deposit where appropriate).

11.5. 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 record for disclosure, including making arrangements to make it available in the requested form.

11.6. If a deposit has been paid in respect of a request for access, which is refused, then LaLaLuxxe will repay the deposit to the requester.

12. Fees in respect of private bodies

12.1. The fee for a copy of the manual as contemplated in regulation 9(2)(c) is R1,10 for every photocopy of an A4-size page or part thereof.

12.2. The fees for reproduction referred to in regulation 12(1) are as follows:

a) For every photocopy of an A4-size page or part thereof R1,10

- b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine in readable form R1,10
- c) For a copy in a computer-readable form on -
 - i) compact disc R70,00
 - ii) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - iii) For a copy of an audio record R30,00

12.3. The request fee payable by a requester, referred to in regulation 12(2) is R50,00.

12.4. The access fees payable by a requester referred to in regulation 12(3) are as follows:

- a) For every photocopy of an A4-size page or part thereof R1,10
- b) For every printed copy of an A4-size page or part thereof held on a computer or in electronic or machine in readable form R1,10
- c) For a copy in a computer-readable form on -
 - i) compact disc R70,00
 - ii) For a transcription of an audio record, for an A4-size page or part thereof R20,00
 - iii) For a copy of an audio record R30,00
- d) To search for and prepare the record for disclosure, R30,00 for each hour or part of an hour reasonably required for such search and preparation.

12.5. For purposes of section 54(2) of the Act, the following applies:

- a) Two hours as the hours to be exceeded before a deposit is payable; and
- b) one third of the access fee is payable as a deposit by the requester.

12.6. In addition to the above fees, the actual postage is payable when a copy of a record must be posted to a requester.

13. 13. Section 51(1)(f)

Other information as may be prescribed

The Minister of Justice and Constitutional Development has not made any regulations in this regard.

14. 14. Section 51(3)

Availability of the manual

The manual is available for inspection at the offices of this private body free of charge. Furthermore copies are available at the SOUTH AFRICAN HUMAN RIGHTS COUNCIL.

FORM FOR APPLICATION OF INFORMATION

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

(company name)

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: _____

Postal address: _____

Fax number: _____

Telephone number: _____

E-mail address: _____

Capacity in which request is made, when made on behalf of another person: _____

D. Particulars of record

- a) *Provide full particulars of the record to which access is requested, including the reference number if it 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 additional folios.*

Description of record or relevant part of the record: _____

Reference number, if available: _____

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 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

2. 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)

3. 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 of _____ 20 _____

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE