



HD Café Pty Ltd t/a Thundercycles

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**MANUAL IN TERMS OF SECTION 51 OF THE PROMOTION OF
ACCESS TO INFORMATION ACT, 2000**

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1. Introduction

HD Café PTY Ltd t/a Thundercycles is a South African operating company. HD Café PTY Ltd t/a Thundercycles is an independent retailer of automobiles, motorcycles, and power equipment.

This manual has been compiled in accordance with the requirements of the Promotion of Access to Information Act, 2000 ("**PAIA**"). HD Café PTY Ltd t/a Thundercycles is a private body as contemplated in PAIA and this manual contains the information specified in section 51(1) of PAIA, which is applicable to private bodies.

2. Contact details

Street Address: 39 York Street
George
6530

Postal Address: 39 York Street
George
6530
South Africa

Telephone: +27 44 874 6788

Email: liezel@thundercycles.co.za

3. The Information Regulator's Guide to PAIA

The Information Regulator (South Africa) has, in terms of section 10 of PAIA, published a guide to assist persons wishing to exercise any rights in terms of PAIA.

Any person wishing to obtain the guide may either access it through the Information Regulator's website at <https://inforegulator.org.za/paia-guidelines/>

or

Contact the Information Regulator at: <https://inforegulator.org.za/contact-us/>

Street Address Woodmead North Office Park
54 Maxwell Drive
Woodmead
Johannesburg
2191

Postal Address: P.O Box 31533
Braamfontein,
Johannesburg,
2017

Email: PAIACompliance@inforegulator.org.za

4. HD Café PTY Ltd t/a Thundercycles: Records available in terms of other legislation

Certain records of HD Café PTY Ltd t/a Thundercycles are available in terms of legislation other than PAIA. The specific records which are held in terms of such legislation are set out therein and these records may in certain instances only be accessed by the persons or in the circumstances specified in the relevant legislation.

The legislation is as follows:

Companies Act, 2008;

Basic Conditions of Employment Act, 1997;

Employment Equity Act, 1998;

Labour Relations Act, 1995;

Compensation for Occupational Injuries and Diseases Act, 1993;

Occupation Health and Safety Act, 1993;

Income Tax Act, 1962;

Value Added Tax Act, 1991;

Customs and Excise Act, 1964;

Electronic Communications and Transactions Act, 2002;

Unemployment Insurance Act, 2001;

Unemployment Insurance Contributions Act, 2002;

Skills Development Act, 1998;

Skills Development Levies Act, 1999; and

National Environmental Management Act, 1998.

5. Subject and categories of records held by HD Café PTY Ltd t/a Thundercycles

HD Café PTY Ltd t/a Thundercycles maintains records on the following subject matters and categories in respect of such subjects. Recording a category or subject matter in this manual does not imply that a request for access to such records would be honoured. All requests for access will be evaluated on a case-by-case basis in accordance with the provisions of PAIA.

Subjects	Description of categories of records
Company Secretarial	Memorandum of incorporation
	Record of directors
	Notice and minutes of the sole shareholders' meetings
	Written communications sent to the sole shareholder
	Minutes of all meetings and resolutions of directors and committees
	Securities register
	Record of auditors
	Share certificates
	Delegations of authority

Subjects	Description of categories of records
Administration and General business	Minutes of management meetings
	General correspondence
	Operational records
	Regulatory approvals, registrations, permits and licenses
	Insurance policies
	Litigation records
Financial and Accounting	Financial statements and management accounts
	Journals and ledgers
	Stock records
	Asset registers
	Debtors' records
	Bank statements
	Invoices
	Tax records
	Audit records and reports
	Credit/debit notes
Human Resources	Employment contracts
	Personnel records including personal details, disciplinary records & performance records
	Employee tax information
	Records of Unemployment Insurance Fund contributions
	Payroll records
	Health and safety records
	Medical aid information
	Provident fund information

Subjects	Description of categories of records
	Disciplinary code and procedure
	Grievance procedure
	Employee policies and procedures
	Work permits
	Training records
	Recruitment records
Services / Operations	Correspondence with customers and dealers
	Dealer agreements
	Pricing lists and pricing information
	Warranty procedures
	Marketing presentations and material
Property	Lease agreements
Supplier and Services Records	Agreements with suppliers
	Agreements with service providers, including security and maintenance services
Information Technology	Business and date information
	IT capabilities
	Systems and user manuals
	Software licenses
	Supplier contracts
	Equipment lease agreements
	Domain and website information
Intellectual Property	Registered trademarks and applications

6. Request procedures

A request for access to records held by HD Café PTY Ltd t/a Thundercycles in terms of section 50 of PAIA must be made on the form contained in the Regulations regarding the

Promotion of Access to Information (Form C). A copy of the form is provided in paragraph 10 below. The request must be made to HD Café PTY Ltd t/a Thundercycles at its address or email address specified in paragraph 2 above.

- 6.1 A person or entity requesting access to records (“**a requester**”) must provide sufficient detail on the prescribed form to allow HD Café PTY Ltd t/a Thundercycles to identify the record or records which have been requested and the identity of the requester. If a request is made on behalf of another person or entity, the requester must submit details and proof of the capacity in which the requester is making the request, which must be reasonably satisfactory to HD Café PTY Ltd t/a Thundercycles. The requester is also required to indicate the form of access to the relevant records that is required, and to provide his, her or its contact details in the Republic of South Africa.
- 6.2 The requester is required to identify the right that he, she or it is seeking to exercise by accessing records held by HD Café PTY Ltd t/a Thundercycles and to explain why the particular record or records requested is required for the exercise or protection of that right.
- 6.3 HD Café PTY Ltd t/a Thundercycles is required to inform a requester in writing of its decision in relation to a request. If the requester wishes to be informed of HD Café PTY Ltd t/a Thundercycles decision in another manner as well, this manner must be set out in the request and the relevant details included, in order to enable HD Café PTY Ltd t/a Thundercycles to inform the requester in the preferred manner.
- 6.4 If the record you have requested exists and allowing access to it does not affect a third party your request will be processed within 30 days.
- 6.5 This period may be extended once for a further 30 days if:
 - 6.5.1 the request is for a large number of records or requires a search through a large number of records and compliance with the original period would unreasonably interfere with the activities of HD Café PTY Ltd t/a Thundercycles

- 6.5.2 consultation among offices of HD Café PTY Ltd t/a Thundercycles or with another private body is necessary or desirable to decide upon the request and this consultation cannot reasonably be completed within the original period;
- 6.5.3 more than one of the circumstances contemplated in paragraphs 7.6.1, 7.6.2 and 7.6.3 exist in respect of the request making compliance with the original period not reasonably possible; or
- 6.5.4 the requester consents in writing to such extension.
- 6.6 There are various grounds upon which a request for access to a record may be refused. These include:
 - 6.6.1 the protection of personal information of a third person (who is a natural person) from unreasonable disclosure;
 - 6.6.2 the protection of commercial information of a third party (for example trade secrets; financial, commercial, scientific or technical information that may harm the commercial or financial interests of a third party);
 - 6.6.3 refusing access to a record if disclosure would result in the breach of a duty of confidence owed to a third party;
 - 6.6.4 refusing access to a record if it would jeopardise the safety of an individual or prejudice or impair certain property rights of a third person;
 - 6.6.5 refusing access to a record that was produced during legal proceedings, unless that legal privilege has been waived;
 - 6.6.6 refusing access to a record containing trade secrets, financial or sensitive information or any information that would put HD Café PTY Ltd t/a Thundercycles at a disadvantage in negotiations or prejudice it in commercial competition; and

- 6.6.7 refusing access to a record containing information about research being carried out or about to be carried out on behalf of a third party or by HD Café PTY Ltd t/a Thundercycles.
- 6.7 In terms of section 70 of PAIA, disclosure is compulsory if it would reveal a substantial contravention of, or failure to comply with the law, or imminent and serious public safety or environmental risk and the public interest in the disclosure of the record clearly outweighs the harm contemplated by its disclosure.
- 6.8 If your request does affect a third party then HD Café PTY Ltd t/a Thundercycles will first need to inform the third party within 21 days of us receiving your request. By this we mean that if the record you request affects any third party in any way, that third party will have to be informed that you are requesting access to the above record.
- 6.9 The third party then has 21 days to make representations and/or submissions regarding the granting of access to the record.
- 6.10 Once the head of HD Café PTY Ltd t/a Thundercycles has heard all the submissions, he or she will decide as to whether or not access to the record will be granted. If the decision is to grant you access to the record, you must then be granted access to the record within 30 days of being informed of the decision, unless an application with a court is lodged against the decision within that period.
- 6.11 If the head of HD Café PTY Ltd t/a Thundercycles does not grant you access to the record, you may apply to a court for appropriate relief in terms of section 82 of PAIA.
- 6.12 If the head of HD Café PTY Ltd t/a Thundercycles does decide to grant you access to the record, the third party that has been affected may lodge an application with a court against the decision of the head within 30 days after notice is given.

7. Prescribed fees

- 7.1 A request fee of R140.00 is payable by a requester, other than a requester who is seeking access to a record containing personal information about him, her or itself. This request fee may be paid at the time a request is made, or the person authorised to deal with such requests on HD Café PTY Ltd t/a Thundercycles behalf

may notify the requester to pay the request fee before processing the request any further. A requester may make an application to court against the payment of the request fee.

7.2 A requester whose request for access to a record or records held by HD Café PTY Ltd t/a Thundercycles is granted is also required to pay an access fee for the reproduction of the record or records, and for the search for and the preparation of the records for disclosure. HD Café PTY Ltd t/a Thundercycles is entitled to withhold a record until the required access fees have been paid. The access fees which are payable are as follows:

Item	Action taken	Fee
1.	Photocopy of an A4-size page or part thereof	R2.00
2.	Printed copy of an A4-size page or part thereof held on a computer or in electronic or machine-readable form	R2.00
3.	For a copy in a computer-readable form on -	
3.1	flash drive (to be provided by requestor)	R40.00
3.2	compact disc (if provided by requestor)	R40.00
3.3	compact disc (if not provided by requestor)	R60.00
4.	Transcription of visual images, for an A4-size page or part thereof	R40.00
5.	Copy of visual images	R60.00
6.	Transcription of an audio record, for an A4-size page or part thereof	R24.00
7.	Copy of an audio record	R40.00
8.	Postage, e-mail or any other electronic transfer	Actual expense, if any

7.3 In addition, if the search for and preparation of the record or records requested takes more than one hour, HD Café PTY Ltd t/a Thundercycles may charge R145.00 for each hour or part thereof which is required for the search for and preparation of the records. HD Café PTY Ltd t/a Thundercycles may require a one third deposit in advance.

8. Other information

No other information has been prescribed to be contained in this manual as contemplated in section 51(1)(f) of PAIA.

9. Prescribed form

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	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 2px;">Tel. (B):</td> <td style="width: 40%; padding: 2px;"></td> <td style="width: 20%; padding: 2px;">Facsimile:</td> <td style="width: 20%; padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Cellular:</td> <td colspan="3" style="padding: 2px;"></td> </tr> </table>	Tel. (B):		Facsimile:		Cellular:			
Tel. (B):		Facsimile:							
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 <i>(Mark the applicable box with an "X")</i>	
Printed copy of record <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 record on flash drive <i>(including virtual images and soundtracks)</i>	
Copy of record on compact disc drive <i>(including virtual images and soundtracks)</i>	
Copy of record saved on cloud storage server	

MANNER OF ACCESS <i>(Mark the applicable box with an "X")</i>	
Personal inspection of record 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>	
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>	

PARTICULARS OF RIGHT TO BE EXERCISED OR PROTECTED	
<i>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.</i>	
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