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ELVEY GROUP

(A Private Body)

Manual prepared in accordance with section 51 of the Promotion of Access to Information act 2 of 2000 in respect of Elvey Group



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1. RIGHT OF ACCESS TO INFORMATION

1.1 Introduction

The 1996 South African Constitution, by providing a statutory right of access on request to any record held by the state as well as access to records held by private bodies, entrenches the fundamental right to access to information.

The Promotion of Access to Information Act 2 of 2000 (“the Act”), which came into effect on 9 March 2001, seeks to advance the values of transparency and accountability in South Africa and provides the mechanism for requesters to exercise and protect their constitutional right to request access to a record.

The Act establishes the following statutory rights of requesters to any record of a private body if:

- That record is required for the exercise or protection of any of his or her legal rights.
- That requester complies with all the procedural requirements; and
- Access is not refused in terms of any ground referred to in the Act.

In terms of the Act private bodies are required to publish a manual to assist requesters who wish to request access to a record.

1.2 Definitions

- “Elvey” means Elvey Group, a division of Hudaco Trading (Pty) Ltd (1984/005432/07), and includes the subsidiaries, Pentagon, Elvey Security, Commercial ICT, Global Comms and SS Telecomms.
- “Customer” means a natural or juristic person who or which receives services and / or products from Elvey
- “Correspondence” means any written and / or electronic communication exchange between two or more parties.
- “Data Subject” means the natural or juristic person to whom Personal Information relates
- “Employee” means any person who works for, or provides services to, or on behalf of Elvey, and receive or is entitled to receive remuneration
- “Information Officer” means Elvey’s designated Information Officer described in Paragraph # of this manual
- “Deputy Information Officer(s)” means Elvey’s designated Deputy Information Officer(s) described in paragraph # of this manual
- “Manual” means this manual, together with all annexures thereto as amended and made available on the website, www.elvey.co.za, and the offices of Elvey from time to time
- “PAIA” means the Promotion of Access to Information Act No. 2 of 2000, together with any regulations published thereunder
- “POPIA” means the Protection of Personal Information Act No. 4 of 2013, together with any regulations published thereunder
- “Personal Information” has the meaning ascribed thereto under POPIA, and shall be deemed to mean any information relating to an identified or identifiable natural person

- I. “Processing” means any operation or activity or any set of operations, whether by automatic means, concerning Personal Information, including
 - i. The collection, receipt, recording, organisation, collation, storage, updating or modification, retrieval, alteration, consultation, or use
 - ii. Dissemination by means of transmission, distribution or making available in any other form by electronic communications or other means, or
 - iii. Merging, linking, blocking, degradation, erasure, or destruction. For the purposes of this definition, “Process” has a corresponding meaning
- m. “Requester” means any person or entity (including any data subject) requesting access to a record that is under the control of Elvey, and
- n. “Third-Party” means any independent contractor agent, consultant, sub-contractor, or other representative of Elvey

1.3 Availability of the Elvey PAIA Manual and entry point for requests

This document serves as the Elvey PAIA Manual (“the Manual”) in accordance with the requirements of section 51 of the Act to facilitate access to records held by Elvey.

A copy of this Manual is available to any person of the public in a PDF (“Portable Document Format”) version on the website of Elvey at www.elvey.co.za or on request from the Information Officer referred to in this Manual.

Elvey endorses the spirit of the Act and believes that this Manual will assist requesters in exercising their rights.

In summary the Manual provides information on the:

- Contact details of the Information Officer.
- Structure and functions of Elvey.
- Subjects and categories of records that are held by Elvey; and
- Procedure that needs to be followed and criteria that must be met by a requester to request access to a record

1.4 Who may request access to information

The Act provides that a requester is only entitled to access to a record if the record is required for the exercise or protection of a right. Only requests for access to a record, where the requester has satisfied the Information Officer that the record is required to exercise or protect a right, will be considered. A requester may act in different capacities in making a request for a record.

This will influence the amount to be charged when a request has been lodged.

Requesters may make a request as:

- A personal requester who requests a record about him/herself.
- An agent requester who requests a record on behalf of someone else with that person’s consent and where it is required for the protection of that person’s legal right.

- A third-party requester who requests a record about someone else with that person's consent and where it is required for the protection of that person's legal right; and
- A public body who may request a record if:
 - It fulfils the requirements of procedural compliance.
 - The record is required for the exercise or protection of a right; and
 - No grounds for refusal exist.

1.5 Contact details for Elvey Information Officer Sec 51(1) a

The Chief Executive Officer of Elvey has delegated his powers to the Information Officer below in terms of the Act to handle all requests on Elvey behalf and ensure that the requirements of the Act are administered in a fair, objective and unbiased manner.

Elvey contact details

Information Officer:	Jaco Moolman	CEO
Deputy Information Officers:	Carlos Esteves	Financial Department
	Michelle Willemse	Debtors Department
	Riaan Louw	Creditors Department
	Neill Soden	Information Technology
	Salome Beytell	HR and Payroll Department
	Shane Rheeder	Commercial ICT
	Tasha Smith	Marketing Department
	Valerie Bingham	Procurement Department
	Zane Greeff	Technical Department

Physical Address: 27 Greenstone Place, Greenstone Hill, Edenvale
 Tel: 011 401 6700
 E-mail: compliance@elveygroup.com

1.6 Confidentiality and Access to Information Policy

Elvey will protect the confidentiality of information provided to it by third parties, subject to Elvey obligations to disclose information in terms of any applicable law or a court order requiring disclosure of the information. If access is requested to a record that contains information about a third party, Elvey is obliged to attempt to contact this third party to inform them of the request.

This enables the third party the opportunity of responding by either consenting to the access or by providing reasons why the access should be denied. In the event that the third-party furnishing reasons for the support or denial of access, the Information Officer will consider these reasons in determining whether access should be granted, or not.

1.7

- a. Access to Information using PAIA (Information provided in terms of Section 51(1) of PAIA
 - i. PAIA grants a Requester access to records of a private body if the record is required for the exercise or protection of any rights. If a

- public body lodges a request in terms of PAI, the public body must be acting in the public interest
- ii. Requests in terms of PAIA shall be made in accordance with the prescribed procedures, and the prescribed fees.
 - iii. A guide on how to use PAIA is required to be compiled by the Information Regulator and when available, will be accessible (in various official languages) on the Information Regulator's website. All queries should be directed to:
 1. The Information Regulator of South Africa
 2. Physical Address: JD House, 27 Stiemens Street, Braamfontein, Johannesburg, 2001
 3. Postal Address: PO Box 31533, Braamfontein, Johannesburg, 2017
 4. E-mail: inforeg@justice.gov.za / complaints.IR@justice.gov.za
 5. Tel: + 27 12 406 4818
 6. Fax: +27 86 500 3351

2. ELVEY STRUCTURE

2.1 Scope

This Manual has been prepared in respect of the Elvey Group

2.2 Elvey Profile and Structure

Elvey purpose is to: The Elvey Group aims to offer an end-to-end security and ICT solution through an extensive branch network, supported by the highest levels of service, support and training. A cluster of businesses within the JSE listed Hudaco Industries, the group distributes local and global brands of intrusion detection, surveillance, access control, and fire detection equipment and seamlessly integrates systems over IP in combination with building management systems. Two-way radios and satellite communications as well as outsourced IT, wireless networking, cloud, mobile and VOIP services and hardware complete the offering. These solutions are designed with the end-user in mind and distributed through trade partners to the residential, commercial, industrial and mining sectors in southern Africa.

3. CLASSES OF RECORDS

3.1 Automatic Disclosure: Sec 51 (1)(b)(ii) Records automatically available to the Public
The following records are automatically available at the registered office of Elvey on payment of the prescribed fee for reproduction.

- Documentation and information relating to Elvey which is held by the Companies and Intellectual Properties Commission in accordance with the requirements set out in set out in section 25 of the Companies Act 71 of 2008.
- Product and Promotional Brochures

- News and other Marketing Information

3.2 Legislative requirements: Sec 51 (1)(b)(iii) Records available in accordance with other legislation.

Records are kept in accordance with such other legislation as applicable to the Elvey, which includes, but is not limited to:

- Banks Act 94 of 1990
- Basic Conditions of Employment Act 75 of 1997
- Broad-Based Black Economic Empowerment Act 53 of 2003
- Companies Act 71 of 2008
- Compensation for Occupational Injuries and Diseases Act 130 of 1993
- Competition Act 89 of 1998
- Constitution of South Africa Act 108 of 1996
- Copyright Act 98 of 1987
- Consumer Protection Act 68 of 2008
- Debt Collectors Act 114 of 1998
- Electronic Communications and Trans-actions Act 25 of 2002
- Employment Equity Act 55 of 1998
- Finance Act 2 of 2007
- Income Tax Act 58 of 1962
- Labour Relations Act 66 of 1995
- Long Term Insurance Act 52 of 1998
- Occupational Health and Safety Act 85 of 1993
- Pension Funds Act 24 of 1956
- Protection of Information Act, No. 84 of 1982
- Skills Development Act 97 of 1998
- Skills Development Levies Act 97 of 1999
- South African Revenue Service Act 34 of 1997
- Unemployment Insurance Act 63 of 2001
- Value Added Tax Act 89 of 1991

Although Elvey has supplied you with a list of applicable legislation to the best of our ability it is possible that the above list may be incomplete.

Whenever it comes to our attention that existing or new legislation allows a requester to access on a basis other than that set out in the Act, we shall update the list accordingly.

3.3 Records held by Elvey Group: Sec 51 (1)(b)(iv) Records Subjects and Categories, not automatically disclosed:

3.3.1 Corporate Affairs and Communications

- Newsletters and Publications
- Public Corporate Records

3.3.2 Corporate Secretariat and Governance

- Applicable Statutory Documents
- Codes of Conduct
- Legal Compliance Records
- Policies and Procedures
- Statutory Returns to Relevant Authorities

3.3.3 Finance and Taxation

- Policies and Procedures
- Accounting Records
- Annual Financial Statements
- Audit Reports
- Capital Expenditure Records
- Investment Records
- Invoices and Statements
- Management Reports
- Purchasing Records
- Sale and Supply Records
- Tax Records and Returns
- Transactional Records

3.3.4 Human Resources

- Education and Training Records
- Employment Contracts
- Employee Information
- Policies and Procedures
- Leave Records
- Medical Records
- Tax Returns of employees
- UIF Returns

3.3.5 Information Technology

- Agreements
- Disaster Recovery
- Hardware and Software Packages
- Policies and Procedures
- Internal Systems Support and Programming
- Licenses
- Operating Systems

3.3.6 Legal

- Material licenses, permits and authorizations

3.3.9 Sales, Marketing and Communication

- Brochures, Newsletters and Advertising Material
- Client Information
- Marketing Brochures
- Product Brochures
- Policies and Procedures

4. PROCESSING OF PERSONAL INFORMATION IN TERMS OF THE POPI ACT

4.1 Processing of personal information of data subjects: Sec 51 (1)(c)(i)

Elvey processes personal information of data subjects for the following purposes:

- Fulfilling its statutory obligations in terms of applicable legislation.
- Verifying information provided to Elvey.
- Obtaining information necessary to provide agreed services to a customer.
- Monitoring, maintaining, and managing contractual obligations to customers, clients, suppliers, service providers, employees, directors and other third parties.
- Marketing and advertising.
- Resolving and tracking complaints.
- Monitoring and securing the assets, employees, and visitors to the premises of the company.
- Historical record keeping, research and recording statistics necessary for fulfilling our business objectives.

4.2 Categories of personal information processed: Sec 51 (1)(c)(ii)

Elvey may process the personal information of the following categories of data subjects.

This includes current, past and prospective data subjects:

- Customer and employees, representatives, agents, contractors, and service providers of such customers.
- Suppliers, service providers to and vendors of Elvey and employees, representatives, agents, contractors and service providers of such suppliers and service providers.
- Complaints, correspondents, and enquiries.

4.3 Recipients to which information may be supplied: Sec 51 (1)(c)(iii)

Elvey may supply personal information to the following recipients:

- Regulatory, statutory and government bodies.
- Suppliers, service providers, vendors, clients, agents, and representatives of Elvey.
- Employees of Elvey.
- Third party verification agencies and credit bureau.

- Collection agencies.
- Banks and other financial institutions.

4.4 Planned or prospective transborder flow of personal information: Sec 51 (1)(c)(iv)
In Carrying out any cross-border transfers of a data subject's personal information, Elvey shall adhere to the provisions of the Protection of Personal information Act.

4.5 Security measures to ensure confidentiality, integrity and availability of personal information: Sec 51 (1)(c)(v)

Elvey continuously establishes and maintains appropriate, reasonable technical and organizational measures to ensure that the integrity of the personal information in its possession or under its control is secure and that such information is protected against unauthorized or unlawful processing, accidental loss, destruction or damage, alteration or access by having regard to the requirements set forth in law, in industry practice and generally accepted information security practices and procedures which apply.

4.6 Specific policies relating to the protection of personal information

The following policies can be obtained from Elvey, pertaining to the protection of personal information as contemplated in the Protection of Personal Information Act no.4 of 2013.:

- Protection of Personal Information Policy
- Personal Information Retention Policy
- Data Breach Policy
- Data Subject Access Request Policy

5. ACCESS PROCEDURES AND REQUESTS

The purpose of this section is to provide requesters with sufficient guidelines and procedures to facilitate a request for access to a record held by Elvey.

NB. Requests for access to personal information as contemplated in the Protection for Personal Information Act no. 4 of 2013 is dealt with and prescribed in terms of the company's Data Subject Access Request Policy, which can be obtain from compliance@elveygroup.com

It is important to note that an application for access to information can be refused in the event that the application does not comply with the procedural requirements of the Act. In addition, the successful completion and submission of an access request form does not automatically allow the requester access to the requested record.

An application for access to a record is subject to certain limitations if the requested record falls within a certain category as specified within Part 3 Chapter 4 of the Act.

If it is reasonably suspected that the requester has obtained access to Elvey 's records through the submission of materially false or misleading information, legal proceedings may be instituted against such requester.

5.1 Guidance on prescribed Request for Access Form: Sec 51 (1)(b)(iv)

In order for Elvey to facilitate access to a record a requester will need to complete the prescribed Request to Access a Record Form attached as Annexure A. The prescribed

form must be completed in full. Failure to do so will result in the process being delayed until all information is provided.

Elvey will not be held liable for delays due to receipt of incomplete forms. Due cognizance should be taken of the following instructions when completing the form because the Information Officer shall not process any request for access to a record until satisfied that all requirements have been met.

Proof of identity is required to authenticate the requesters identify. If the requester acts as an agent requester, the requester shall provide proof of the identity of the person on whose behalf the request is made, the authority or mandate given to the requester by such person and proof of the identity of the requester as provided above.

- Type or print in BLOCK LETTERS an answer to every question.
- If a question does not apply, state "N/A" in response to that question.
- If there is nothing to disclose in reply to a particular question, state "nil" in response to that question.
- If there is insufficient space on a printed form in which to answer a question, additional information may be provided on an additional folio attached to the form.
- When the use of an additional folio is required, precede each answer thereon with the title applicable to that question.

5.2 Submission of prescribed Request for Access to a Record Form

The completed Request for Access to a Record Form must be submitted either via conventional mail, e-mail and must be addressed to the Information Officer.

5.3 Payment of prescribed Fees

Payment details can be obtained from the Information Officer and payment can be made either via a direct deposit (no credit card payments are accepted). Proof of payment must be supplied. Four types of fees are provided for in terms of the Act:

- Request fee: An initial, non-refundable R57.00 (incl. VAT) is payable on submission. This fee is not applicable to personal requesters, referring to any person seeking access to records that contain their personal information.
- Reproduction fee: This fee is payable with respect to all records that are automatically available.
- Access fee: If the request for access is successful an access fee may be required to reimburse Elvey for the costs involved in the search, reproduction and/or preparation of the record and will be calculated based on the Prescribed Fees.
- Deposit: A deposit of one third (1/3) of the amount of the applicable access fee, is payable if Elvey receives a request for access to information held on a person other than the requester himself/herself and the preparation for the record will take more than six (6) hours. In the event that access is refused to the requested record, the full deposit will be refunded to the requester.

5.4 Notification

Elvey will within thirty (30) days of receipt of the request decide whether to grant or decline the request and give notice with reasons (if required) to that effect.

The thirty (30) day period within which Elvey has to decide whether to grant or refuse the request, may be extended for a further period of not more than thirty (30) days, if the request is for a large volume of information, or the request requires a search for information held at another office of Elvey and the information cannot be reasonably obtained within the original thirty (30) day period. Elvey will notify the requester in writer should an extension be sought.

5.5 Records that cannot be found or do not exist

If Elvey has searched for a record and it is believed that the record either does not exist or cannot be found, the requester will be notified by way of an affidavit or affirmation. This will include the steps that were taken to try to locate the record.

6. GROUNDS FOR REFUSAL OF ACCESS TO RECORDS AND APPEAL

6.1 Grounds for refusal: Chapter 4

The thirty (30) day period within which the Information Officer is required to reply to a request, as stipulated in the Act, shall commence only once a requester has complied with all the requirements of the Act in requesting access to a record, to the satisfaction of the Information Officer.

Requests may be refused on the following grounds, as set out in the Act:

- Mandatory protection of privacy of a third party who is a natural person, including a deceased person, which would involve the unreasonable disclosure of personal information of that natural person.
- Mandatory protection of commercial information of a third party or Elvey, if the record contains:
 - Trade secrets of the third party or Elvey.
 - Financial, commercial, scientific, or technical information which disclosure could likely cause harm to the financial or commercial interests of the third party or Elvey; and Information disclosed in confidence by a third party to Elvey if the
 - disclosure could put that third party to a disadvantage or commercial competition.
 - Mandatory protection of certain confidential information of a third party if disclosure of the record would result in a breach of a duty of confidence owed to that party in terms of an agreement.
- Mandatory protection of the safety of individuals, and the protection of property.
- Mandatory protection of records privileged from production in legal proceedings, unless the legal privilege has been waived; and
- Mandatory protection of research information of a third party and of Elvey.

6.2 Appeal

If a requester is aggrieved by the refusal of the Information Officer to grant a request for a record, the requester may, within thirty (30) days of notification of the Information Officer's decision, apply to court for appropriate relief.

7. PRESCRIBED FEES: SEC 92

7.1 Reproduction Fees

The applicable fees (excluding VAT) for reproduction as referred to above are:

- For every photocopy of an A4–size page or part thereof R3.90
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic form R4.80
- For a copy in a computer readable form: Compact disc R56.00
- A transcription of an audio record, for an A4-size page or part thereof – dependent on quotation from service provider

7.2 Request Fee

A request fee of R50.00 (excluding VAT) is payable upfront where a requester submits a request for access to information on anybody else other than a requestor.

7.3 Access Fees

The applicable fees (excluding VAT) which will be payable are:

- For every photocopy of an A4–size page or part thereof R3.90
- For every printed copy of an A4-size page or part thereof held on a computer or in electronic form R4.80
- For a copy in a computer readable form: Compact disc R56.00
- A transcription of an audio record, for an A4-size page or part thereof – dependent on quotation from service provider

7.4 Postage Fees

Where a copy of the record needs to be posted the actual postal fee is payable in addition to the applicable fees.

8. ANNEXURE A: REQUEST FOR ACCESS FORM - PAIA

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)

[Regulation 10]

A. Particulars of private body

The Head:

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 <i>ONLY</i> if a request <i>for information</i> is made on behalf of <i>another</i> 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

- | |
|---|
| <ul style="list-style-type: none"> (a) A request for access to a record, other <i>than</i> a record containing personal information about yourself, will be processed only after a request fee has been paid. (b) You will be <i>notified of</i> the amount required to be paid as the request fee. (c) The fee payable for access to a record depends on the form <i>in which</i> access is required and the reasonable time <i>required</i> to search for and prepare a record. (d) If you qualify for exemption <i>of</i> the payment of any fee, please state the reason for exemption. |
|---|

Reason for exemption from payment of fees:

F. Form of access to record

<p>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.</p>

Disability:	Form in which record is required
Form in which record is required:	
<p>Mark the appropriate box with an X.</p> <p>NOTES:</p> <ul style="list-style-type: none"> (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 for 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 visual images this includes photographs, slides, video recordings, computer-generated images, sketches, etc)					
	view the images		copy of the images"		
			transcription of the images*		
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		
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)		
<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>			<table border="1"> <tr> <td style="width: 50%;">YES</td> <td style="width: 50%;">NO</td> </tr> </table>	YES	NO
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 of20

SIGNATURE OF REQUESTER / PERSON ON
WHOSE BEHALF REQUEST IS MADE

Begin typing here...