

PETER FINCHAM
Sole Proprietor
Trademark number: 2009/05237

PROMOTION OF ACCESS TO INFORMATION ACT SECTION 51 MANUAL

Introduction

This Manual is published in terms of Section 51 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("the Act"). The Act gives effect to the provisions of Section 32 of the Constitution, which provides for the right of access to information held by the State and to information held by another person that is required for the exercise and / or protection of any right. The reference to any information in addition to that specifically required in terms of Section 51 of the Act does not create any right or entitlement (contractual or otherwise) to receive such information, other than in terms of the Act.

PETER FINCHAM OVERVIEW

PETER FINCHAM creates original fine art paintings. These fine art paintings are sold via art galleries and directly to customers. Sales are to both corporate and private collectors. His fine art paintings have also been sold and exported to international clients.

PETER FINCHAM supports the constitutional right of access to information and we are committed to provide you access to our records in accordance with the provisions of the Act, the confidentiality we owe third parties and the principles of South African law.

AVAILABILITY OF THIS MANUAL

A copy of this Manual is available on our website <http://www.peterfincham.co.za> or by sending a request for a copy to the Information Officer by e-mail. The Manual may also be obtained from our head office, the South African Human Rights Commission ("SAHRC") at the addresses set out below or from the Government Printers. This Manual will be updated from time to time, as and when required.

HOW TO REQUEST ACCESS TO RECORDS HELD BY PETER FINCHAM

Requests for access to records held by PETER FINCHAM. must be made on the request forms that are available from our website and office, from the SAHRC website <http://www.sahrc.org.za> www.sahrc.org.za or the Department of Justice and Constitutional Development <http://www.doj.gov.za> www.doj.gov.za (under "regulations").

A request fee may be payable. Annexure D can be accessed on the SAHRC website <http://www.sahrc.org.za> www.sahrc.org.za or the Department of Justice and Constitutional Development <http://www.doj.gov.za> www.doj.gov.za (under "regulations").

You can submit a request without paying the request fee but please note that payment of the prescribed fees must be made before the request will be processed.

Requests for access to records must be made to our Information Officer at the address, fax number or electronic mail address provided for below. The requester must provide sufficient detail on the request form to enable the Information Officer to identify the record and the requester. The requester should also indicate which form of access is required and 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 Information Officer of PETER FINCHAM.

The standard form, Annexure_C_Form_C_Request_Form, that must be used for the making of requests can be accessed on the SAHRC website <http://www.sahrc.org.za> www.sahrc.org.za or the Department of Justice and Constitutional Development <http://www.doj.gov.za> www.doj.gov.za (under "regulations"). Not using this form could cause your request to be refused (if you do not provide sufficient information or otherwise) or delayed.

Kindly note that all requests to PETER FINCHAM will be evaluated and considered in accordance with the Act. Publication of this manual and describing the categories and subject matter of information held by PETER FINCHAM does not give rise to any rights (in contract or otherwise) to access such information or records except in terms of the Act.

CONTACT DETAILS: PETER FINCHAM

Designated Information Officer: PETER FINCHAM
Email address of Information Officer: peter@peterfincham.co.za
Website: <http://www.peterfincham.co.za>
Postal address: P O Box 7022 Ansfreere 1711 South Africa.
Phone number: +27 11 763 4114
Fax number: +27 11 763 4114

HOW TO ACCESS THE GUIDE AS DESCRIBED IN SECTION 10 OF THE ACT

The Guide described in Section 10 of the Act is due in August 2003. From that date it will be available from the South African Human Rights Commission. Please direct any queries to:

The South African Human Rights Commission:

PAIA Unit The Research and Documentation Department

Postal address: Private Bag 2700 Houghton 2041
Telephone: +27 11 484-8300
Fax: +27 11 484-0582
Website: www.sahrc.org.za
E-mail: paia@sahrc.org.za

VOLUNTARY DISCLOSURE

PETER FINCHAM has not published a notice in terms of Section 52(2) of the Act, however, it should be noted that the information relating to PETER FINCHAM and its services is freely available on the website of PETER FINCHAM <http://www.peterfincham.co.za>. Certain other information relating to PETER FINCHAM is also made available on such website from time to time. Further information in the form of marketing brochures, advertising material and other public communication is made available from time to time.

RECORDS AVAILABLE IN TERMS OF ANY OTHER LEGISLATION

Information is available in terms of the following legislation to the persons or entities specified in such legislation:

Companies Act 61 of 1973
Income Tax Act 58 of 1962
Value Added Tax Act 89 of 1991
Labour Relations Act 66 of 1995
Basic Conditions of Employment Act 75 of 1997
Employment Equity Act 55 of 1998
Skills Development Levies Act 9 of 1999
Unemployment Insurance Act 30 of 1966
Electronic Communications and Transactions Act 25 of 2002.
Telecommunications Act 103 of 1996

RECORDS HELD BY PETER FINCHAM

PETER FINCHAM maintains records on the following categories and subject matters.

Income Tax Act 58 of 1962
Value Added Tax Act 89 of 1991

However, please note that 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 the Act.

Internal records

The following are records pertaining to the own affairs of PETER FINCHAM and those of its divisions, subsidiary and associated companies:

Memorandum and Articles of Association;
Financial records;
Software Licences;
Intellectual property;
Marketing records;
Internal correspondence;
Product records;
Statutory records;
Internal policies and procedures;
Trademark registrations;

Records held by officials of PETER FINCHAM.

Personnel records

Personnel refers to any person who works for or provides services to or on behalf of PETER FINCHAM and receives or is entitled to receive any remuneration and any other person who assists in carrying out or conducting the business of PETER FINCHAM. This includes, without limitation, directors, executive directors, non-executive directors, all permanent, temporary and part-time staff as well as contract workers. Personnel records include the following:

Any personal records provided to PETER FINCHAM by their personnel;
Any records a third party has provided to PETER FINCHAM about any of their personnel;
Conditions of employment and other personnel-related contractual and quasi-legal records;
Other internal records and correspondence.

Customer records

Please be aware that PETER FINCHAM is very concerned about protecting the confidential information of its customers. Please motivate any request for customer information very carefully, having regard to Sections 63 to 67 of the Act.

Customer information includes the following: Any records a customer has provided to PETER FINCHAM or a third party acting for or on behalf of PETER FINCHAM;

Contractual information;
Personal records of clients;
Confidential, privileged, contractual and quasi-legal records of clients;
Any records a third party has provided to PETER FINCHAM either directly or indirectly; and
Records generated by or within PETER FINCHAM pertaining to customers, including transactional records.
Technical records;
Will be available, if applicable, on specified request.

Other Parties

Records are kept in respect of other parties, including without limitation contractors, suppliers, joint ventures, service providers and general market conditions. In addition, such other parties may possess records, which can be said to belong to PETER FINCHAM. The following records fall under this category:

Personnel, customer or PETER FINCHAM records which are held by another party as opposed to being held by PETER FINCHAM; and
Records held by PETER FINCHAM pertaining to other parties, including financial records, correspondence, contractual records, electronic mail, logs, cached information, records provided by the other party, and records third parties have provided about the contractors/suppliers or customer.

Other Records

Further records are held including:-

Information relating to own commercial activities of PETER FINCHAM; and
Research carried out on behalf of a client by PETER FINCHAM or commissioned from a third party for a customer;
Research information belonging to PETER FINCHAM, whether carried out itself or commissioned from a third party.